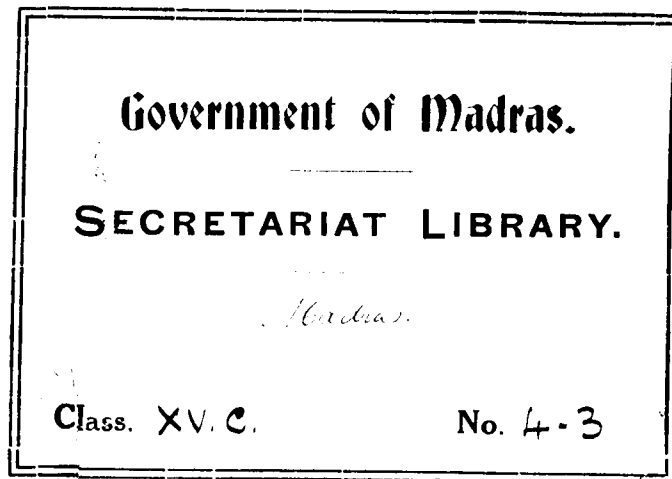


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THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, Part III



(13th March, 1924 to 25th March, 1924)

FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



DELHI
GOVERNMENT CENTRAL PRESS
1924

Legislative Assembly.

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THE HONOURABLE SIR FREDERICK WHITE, KT.

Deputy President :

DIWAN BAHADUR T. RANGACHARIAR, M.L.A.

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MR. S. C. GUPTA, BAR -AT LAW.

MR. G. H. SPENCE, I.C.S.

Marshal :

CAPTAIN SURAJ SINGH, BAHADUR, I.O.M.

Committee on Public Petitions :

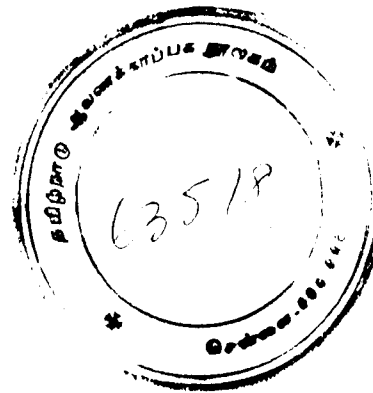
DIWAN BAHADUR T. RANGACHARIAR, M.L.A., *Chairman of the Committee*

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HAJI WAHUDDIN, M.L.A.

RAJA RAGHUNANDAN PRASAD SINGH, M.L.A.

MR. HARCHANDRAI VISHINDAS, C.I.E., M.L.A.



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LEGISLATIVE ASSEMBLY.

Thursday, 13th March, 1924.



The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President in the Chair.

MEMBER SWORN:

Professor Laurence Frederic Rushbrook-Williams, C.B.E., M.L.A.
(Director of Public Information).

QUESTIONS AND ANSWERS.

RAILWAY CONNECTION BETWEEN GAYA AND SHERGHATI.

754. ***Rai Hari Prasad Lal:** (a) With reference to the reply given to my unstarred Question No. 121, dated the 18th February, 1924, will the Government be pleased to state the nature of the information available to the Government on the subject?

(b) Will it be pleased to lay a copy of the information referred to in answer 121 (b) unstarred on the table?

RAILWAY CONNECTION BETWEEN GAYA AND SHERGHATI.

755. ***Rai Hari Prasad Lal:** (a) With reference to the answer given to my unstarred Question No. 121, dated the 18th February, 1924, will the Government be pleased to state the sources of their information on which the answer is based?

(b) If so, will the Government be pleased to state when the information on which the answer is based was collected?

The Honourable Sir Charles Innes: I propose, to answer these two questions together. The reply was based on traffic reports and estimates prepared by the Railway authorities in 1913. It is impossible to reproduce the information in a form suitable for placing on the table, but the Honourable Member can see the documents, if he so desires, in my office.

RAILWAY CONNECTION BETWEEN GAYA AND SHERGHATI.

756. ***Rai Hari Prasad Lal:** (a) With reference to my unstarred Question No. 121, dated the 18th February, 1924, will the Government be pleased to state if the

- (1) Gaya District Board,
- (2) Sherghati Union Committee,
- (3) Gaya Municipality,
- (4) Imamganj (Gaya) Union Committee,

(1607)



- (5) The District Officer of Gaya,
- (6) The S. D. O., Sadar, Gaya,
- (7) The Head of Police, Sherghati,
- (8) The District Traffic Superintendent, E. I. R., Gaya,

any, or each or none, of them were asked their opinion on the subject matter of the question?

(b) Will the Government be pleased to state if it has only relied on old dates and expert knowledge?

The Honourable Sir Charles Innes: The officer who prepared the survey was in close touch with the local authorities, but they have not been recently consulted. If the local authorities consider that the new line is urgently required, their proper course is to address the Local Government, and the Local Government, if it thinks fit, will no doubt make representations to the Railway Board.

CONVERSION OF THE MARDAN SUB-DIVISION OF THE PESHAWAR DISTRICT INTO A SEPARATE DISTRICT.

757. ***Nawab Sir Sahibzada Abdul Qaiyum:** (a) Will the Government be pleased to state if they have had under consideration a scheme for converting the Mardan Sub-division of the Peshawar District into a separate district?

(b) If so, how far that scheme has progressed?

(c) If not, do the Government propose to consider, at an early date, the advisability of forming a separate district of that Sub-division on account of the very large increase of the judicial and administrative work in that Sub-division, since the opening of the Upper Swat Canal?

(d) In case, the Government cannot at present see their way to the formation of Mardan into a district, are they prepared to consider the question of removing the congestion of work at Mardan by appointing an Extra Assistant Commissioner and a Munsiff at Swabi for the relief of the Swabi people, who have to attend the Mardan courts from a distance of 30 to 40 miles and more?

Mr. E. B. Howell: (a) No scheme for converting the Mardan Sub-division of the Peshawar District into a separate district is at present under the consideration of the Government of India.

(b) A scheme to form the Mardan Sub-division into a separate district was, it is understood, recently considered by the Chief Commissioner, North-West Frontier Province, but, in view of financial stringency and the expense involved, was not forwarded to the Government of India.

(c) The Government of India do not at present propose to consider the question of forming a separate District of the Mardan Sub-division owing to the extra cost involved, but it is possible that the subject may again come up for consideration in connection with the re-settlement of the Peshawar District, which has recently been undertaken.

(d) The appointment of an Extra Assistant Commissioner and a Munsiff at Swabi would involve considerable extra expenditure for buildings and residences, and the Government of India are not at present satisfied that the expenditure would be justified, seeing that Swabi is only 26 miles from Mardan with which it is connected by a good metalled road.

Nawab Sir Sahibzada Abdul Qaiyum: Is it not a fact that the Assistant Commissioner, Mardan, has been invested with all the powers of a District Magistrate or Deputy Commissioner and does not this fact justify the conversion of that appointment into a Deputy Commissionership?

Mr. E. B. Howell: As regards the point of fact, Sir, it is so. The second matter has several times been under the consideration of Government and the decision so far is as I have stated.

JUDICIAL WORK IN THE NORTH-WEST FRONTIER PROVINCE.

758. ***Nawab Sir Sahibzada Abdul Qaiyum:** (a) Is it a fact that for the purposes of judicial work, the N. W. F. Province has been divided into two divisions, (1) the Peshawar Division, comprising the districts of Hazara and Peshawar; (2) the Derajat Division, comprising the districts of Dera Ismail Khan, Bannu and Kohat; each division being under one permanent Sessions and Divisional Judge?

(b) Is it a fact that in view of the very large increase in the judicial work in these divisions a temporary Additional Sessions and Divisional Judge has been working in the Peshawar Division for the past few years, and a temporary Additional Sessions Judge has recently been appointed to assist the Sessions and Divisional Judge of the Derajat Division?

(c) Are the Government prepared, in the interest of the improvement of the judicial work, which has immensely increased owing to the irrigation and other developments in the N. W. F. Province, to consider the advisability of bringing these temporary appointments upon the permanent cadre, and readjust the territorial limits of the jurisdiction of these officers, with due regard to the conveniences of all concerned?

Mr. E. B. Howell: (a) The Judicial Divisions are as stated in the question, but there is also an Additional Divisional Judge in the Peshawar Division.

(b) and (c). The appointment of Additional Divisional Judge, Peshawar, is permanent and is already on the Political Department cadre. The appointment of Additional Divisional Judge, Derajat, was sanctioned by the Chief Commissioner under his own powers for a period of 2 months from 1st January 1924. This was necessary owing to severe congestion of Sessions cases in the Derajat court due to the heavy rate of committal during the preceding five months. The whole question of revising the existing judicial arrangements in the North-West Frontier Province is under consideration.

Nawab Sir Sahibzada Abdul Qaiyum: Will the Honourable Member in charge please state what the heavy rate of committal was due to?

Mr. E. B. Howell: I understand, Sir, it was due to the large number of outlaws who had been captured during the preceding period and were to be tried for their offences.

PAY OF EXTRA ASSISTANT COMMISSIONERS AND MUNSIFFS IN THE N. W. F. PROVINCE.

759. ***Nawab Sir Sahibzada Abdul Qaiyum:** (a) Will the Government be pleased to state if the Extra Assistant Commissioners and Munsiffs in the N. W. F. Province are in receipt of the same grades of pay and increments as are enjoyed by officers of the same status and position in the neighbouring province of the Punjab?

(b) If not, will they be pleased to remove the grievances of these services in the N. W. F. Province arising out of this differential treatment?

Mr. E. B. Howell: (a) Extra Assistant Commissioners in the North-West Frontier Province are in receipt of the same scale of pay as members of the Provincial Civil Service in the Punjab. Munsiffs are not.

(b) The question of applying the same scale of pay to Munsiffs and of insisting on the same qualifications is under consideration.

Sir P. S. Sivaswamy Aiyer: Is the standard of qualifications the same in the two provinces in theory and in practice?

Mr. E. B. Howell: The Honourable Member's question, Sir, involves a certain amount of explanation before it can be answered.

It has always been a principle in the North-West Frontier Province that members of the Provincial Service and of the ministerial service should receive the same rates of pay as officers of the same classes in the Punjab. About two years ago the Punjab revised their qualifications for Munsiffs and also raised their pay. The Chief Commissioner applied for the Munsiffs in the North-West Frontier Province to receive the same rates of pay and stated that he would be willing then to introduce the same rules with regard to qualifications. I may explain that the Munsiffs in the two provinces enter for the same Departmental examination, but their papers are not examined by the same examiners. It is therefore not possible to say that exactly the same standard obtains for the two provinces although the papers are the same. The new qualifications introduced in the Punjab were in some respects different from those previously in force in the two provinces. When the Chief Commissioner's application for the enhanced rate of pay came before the Government of India it was referred to the Standing Finance Committee here who recorded their opinion that the Punjab rates of pay were excessive and they did not favour the introduction of these rates in the North-West Frontier Province. The matter therefore remains at that and the whole question, as I say, is still under consideration.

Dr. H. S. Gour: May I inquire, Sir, if apart from departmental examinations, the academic qualifications of the judicial officers in the North-West Frontier Province are the same as in the Punjab?

Mr. E. B. Howell: By academic qualifications the Honourable Member means exactly what?

Dr. H. S. Gour: University qualifications.

Mr. E. B. Howell: Until 1921 they were the same, Sir, but the rules in force in the Punjab have not, I understand, so far been applied to the North-West Frontier Province.

RAILWAY RATES AND FARES ON THE KALABAGH AND BANNU BRANCH OF THE N.-W. RAILWAY.

760. ***Nawab Sir Sahibzada Abdul Qaiyum:** (a) Is it a fact that the railway rates and fares over the Kalabagh and Bannu branch of the N. W. R. have been lately enhanced by 50 per cent.?

(b) If so, will the Government be pleased to state the reasons for this abnormal increase on this particular branch line?

(c) Is this a commercial or a strategical railway and do the Government expect it to be a self-supporting or a paying concern?

(d) Is it not a fact that the disturbed conditions on the Bannu border during the last few years had frequently interfered with the smooth working of this branch line and that the public could not freely avail themselves of the use of the same with the consequent decrease in its earnings?

(e) Have the Railway Board received any representation on the subject from the Bannu Citizens' Association and will the Government be pleased to see the advisability of relieving the Bannu and the other public of these extraordinary charges over a railway, which cannot be expected to be maintained entirely at their expense?

The Honourable Sir Charles Innes: (a) Yes.

(b) The increase was unavoidable as the line was being worked at a heavy loss.

(c) The Kalabagh-Bannu branch is classed as a commercial line and Government expect it to be self-supporting.

(d) During the years 1919—22 the line was used almost entirely for military traffic, but that did not decrease its earnings as charges were levied on all traffic.

(e) The Railway Board have received representations from the Bannu Citizens' Association. No reduction in rates and fares is feasible at present but the effect of the enhancements will be carefully watched and every effort is being made by the railway administration to enforce economy in working.

Nawab Sir Sahibzada Abdul Qaiyum: Are there any other lines on which the same rates have been brought into force, in that neighbourhood?

The Honourable Sir Charles Innes: I must ask for notice of that question, I am afraid.

PROTECTION OF DERA ISMAIL KHAN FROM THE EROSION OF THE INDUS.

761. ***Nawab Sir Sahibzada Abdul Qaiyum:** Will the Government be pleased to state what progress, if any, has been made with the embankment project for the protection of Dera Ismail Khan (N. W. F.) from the erosion of the Indus?

The Honourable Mr. A. C. Chatterjee: The earth work of the bund has been completed in 58 chains out of a total ultimate length of 120 chains. and in 12 chains the stone apron and slope have been finished.

IDENTITY OF THE TWO JUDGES WHO EXAMINED THE CASES OF STATE PRISONERS IN BENGAL.

762. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred Question No. 404 of the 19th February 1924, regarding the arrests in Bengal under Regulation III of 1818, will the Government be pleased to state if they have inquired from the Bengal Government whether the latter have any objection to divulge the names of the two Sessions Judges, before whom papers in connection with the State prisoners were placed? And if so, will the Government be pleased to give the names of the two Judges?

(b) If the answer to the above be in the negative, will the Government kindly state the nationality of the Judges; and also if they are members of the Indian Civil Service?

(c) In view of the fact that the Judges were merely Sessions Judges, will the Government be pleased to state if they are prepared to place the papers relating to the State prisoners before two Judges of the High Court for consideration? And if so, when is it likely to be done?

The Honourable Sir Malcolm Hailey: (a) and (b). Government are not prepared to give further details regarding the identity of the Judges.

(c) No. On the occasion of the opening of the Central Legislature His Excellency the Viceroy said that he would himself scrutinise the cases of these prisoners and the report of the two Judges thereon. This is being done.

Mr. Gaya Prasad Singh: May I take it, Sir, that the information now wanted has never been imparted to the public?

The Honourable Sir Malcolm Hailey: The Honourable Member may take it that we have given to the public all the information which we considered it advisable to give.

Mr. Gaya Prasad Singh: I should like to know what is the significance of His Excellency the Viceroy's statement in this House on the 31st January last, when His Excellency said, "after the arrests in Bengal were made, as you are aware, all the documents and evidence relating to each individual have been placed before two Judges". What is the significance of the words, "as you are all aware"?

The Honourable Sir Malcolm Hailey: The significance of those words was limited to the fact that, as many people were aware, the papers had been placed before two Judges.

Mr. Gaya Prasad Singh: Will Government kindly refer to the announcement which has been made by Government on the subject from which the public could draw this conclusion?

The Honourable Sir Malcolm Hailey: My impression is that the fact was referred to in the Bengal newspapers. That is the probable reason why His Excellency used the words, "as you are aware".

Mr. Gaya Prasad Singh: There has been no announcement by the Government on the subject then,—may I take it?

The Honourable Sir Malcolm Hailey: I believe that there was an official announcement in the Bengal Council in the course of the debate.

Mr. Gaya Prasad Singh: Will the Honourable Member kindly give a reference to that?

The Honourable Sir Malcolm Hailey: I will look it up;—I have spoken to the best of my recollection.

Mr. Gaya Prasad Singh: I should like to have it placed on the table.

Mr. Chaman Lal: When will Government make known the results of the decision arrived at by His Excellency?

The Honourable Sir Malcolm Hailey: I am afraid I can give no information as to that, Sir.

Mr. Chaman Lal: Is it a fact, Sir, that another gentleman in Bengal has been arrested?

The Honourable Sir Malcolm Hailey: I believe that one additional arrest has been made.

BERAR REVENUE.

763. ***Mr. Gaya Prasad Singh:** Will Government kindly state what is the yearly revenue derived out of Berar, and how is it administered at present?

The Honourable Sir Malcolm Hailey: The average total annual revenue of Berar for the last 3 years for which actual figures are available was rupees one crore ninety-five lakhs and thirty-five thousand. Berar was leased in perpetuity to the British Government in 1902. It is administered as part of the Central Provinces by the Governor in Council as regards reserved subjects and by the Governor acting with his Ministers as regards transferred subjects. They administer Berar under Foreign Jurisdiction powers conferred by the Governor General in Council by a notification issued on the 17th December 1920, under the Indian (Foreign Jurisdiction) Order in Council, 1902. The Home Department will supply the Honourable Member with a copy of the notification if he wishes to receive one.

Mr. K. Ahmed: With regard to the administration of Berar, will Government be pleased to lay on the table the terms and conditions under which in 1902 Berar was leased out to the Government?

The Honourable Sir Malcolm Hailey: My impression is that they have already been made public.

Mr. K. Ahmed: Are Government aware that His Exalted Highness the Nizam of Hyderabad asks for the restoration of the province of Berar as it was leased out to the British Government for a certain period owing to pressure, undue influence and coercion and without his consent, implied or expressed?

The Honourable Sir Malcolm Hailey: Government have of course received a copy of the memorial which has been so widely published in the newspapers.

Mr. K. Ahmed: But are Government going to restore it as Government are having a bad reputation, and the position of the Government is becoming very precarious, inasmuch as there is involved the question of coercion, and undue influence and pressure being used by them. The matter is now under the consideration of the Government for some time and it has gone so far as across the Mediterranean and Europe?

The Honourable Sir Malcolm Hailey: I think the Honourable Member is taking us much further than the question really warrants.

Dr. H. S. Gour: May I just ask the Home Member if it is not a fact that a Treaty was entered into by the British Government with His Exalted Highness the Nizam in 1902, that it finds a place in the collections of treaties and *sanads* known as Aitchison's Treaties and that for a period of 24 years no protest of any kind was received regarding coercion and the rest of the allegations which have been made for the first time in the memorial published in the newspapers and submitted to the Government of India?

The Honourable Sir Malcolm Hailey: I am quite willing to take the facts from my Honourable friend.

Mr. K. Ahmed: What is the amount that the Government of India pay to His Exalted Highness the Nizam of Hyderabad for keeping the country of Berar in their possession by way of lease?

Mr. President: Order, order. I recommend the Honourable Member to read Rule 8 of the Indian Legislative Rules.

Mr. Chaman Lal: Will Government, Sir, before coming to a final decision on this matter place all the facts before the Assembly for the decision of the Assembly?

The Honourable Sir Malcolm Hailey: In my own capacity I am unable, Sir, to give any undertaking to that effect. I would add, equally in my own capacity, that I do not think it is at all likely.

POLICE FORCE EMPLOYED ON STRATEGIC RAILWAYS IN THE N. W. F. PROVINCE.

764. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state what are the strategic railways in the North-Western Frontier Province, and whether any police force is employed in the defence of such railways; and what is its annual cost?

(b) Is it not a fact that this police force came to be entertained during the great war, and that its cost was borne by His Majesty's Government up to April 1922? If the answer to the above be in the affirmative, will the Government be pleased to say why the cost has now been debited to the Indian Civil estimates?

(c) If the strategic railways in the N. W. F. Province are mainly intended for military purposes, will Government state the reason why the cost of protecting them is not debited to the military estimates?

(d) Do the Government propose to consider the desirability of withdrawing the force, or at least reducing its strength to the minimum point of requirement?

The Honourable Sir Malcolm Hailey: (a) The following railways classified as strategic lie in the N. W. F. Province:

- (1) Khushalgarh-Kohat-Thal.
- (2) Nowshera-Dargai.
- (3) Peshawar-Jamrud.
- (4) Khyber (under construction).
- (5) Tank-Kaur-Khirgi.

A police force of 102 men is employed for their protection. The annual cost of the force is Rs. 41,410.

(b) The answer to the first part of the question is in the affirmative. As the police force in question is under the control of the civil authorities the charge has, in accordance with the principles governing the classification of expenditure in public accounts, been treated as "Civil" with effect from 1st April, 1922.

(c) The railways in the N. W. F. P. above referred to are intended mainly but not entirely for military purposes, but the force employed for the protection of the line is doing police duty and is under the control of the civil authorities. The charge has therefore to be treated as "civil" in accordance with the rule of account that expenditure is debited to the department which incurs it irrespective of the object.

(d) The question has already been very recently considered by the Government of India and the conclusion reached is that the entertainment of a special police force for the defence of the railways is an absolute

necessity. Certain reduction in the force employed is, however, under contemplation, but the present situation on the Frontier does not justify its being given effect to before the end of June, 1924, when the position will be reconsidered.

Nawab Sir Sahibzada Abdul Qaiyum: May I know why the Mari-Kalabagh-Bannu section should not be considered as a strategic line, because it goes straight to the Tonk and Waziristan border and the line conveys troops for operations on that border?

The Honourable Sir Charles Innes: The reason is that the line was originally constructed on account of its commercial possibilities.

MALPRACTICES OF CERTAIN EMPLOYEES ON THE EAST INDIAN RAILWAY.

765. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the "Lakshman" newspaper of 23rd July, and 23rd September, 1923 and the "Bharat Jivan" of the 26th November, 1923, giving an account of the circumstances relating to the malpractices of certain Railway employees of the E. I. Ry.?

(b) Will the Government kindly state if it is a fact that third class tickets No. 92, No. 93 and No. 94 from Kyalahat to Raghunathpore were re-sold?

The Honourable Sir Charles Innes: If the Honourable Member will supply me with copies of the articles he refers to, I will pass them on to the Agent.

Mr. Gaya Prasad Singh: Why is it that the Honourable Member does not keep himself posted with facts of public importance?

The Honourable Sir Charles Innes: In the first place, the Railway Board have not taken these papers and, in the second place, we could not obtain them from the Director of Public Information. That is what I understand, Sir.

*CASE OF PANNA LAL GOPI, LATE ASSISTANT STATION MASTER OF KARBIHWAN STATION ON THE E. I. RAILWAY.

766. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state the circumstances which led to the discharge of Panna Lal Gopi, who was employed as an Assistant Station Master of Karbihwan station on the E. I. Ry.?

(b) Are the Government aware that this man's gratuity has also been forfeited along with his order of discharge?

The Honourable Sir Charles Innes: (a) and (b). Government have no information on the subject.

Mr. Gaya Prasad Singh: What objection has the Honourable Member to ask the Agent for the true facts of this case?

The Honourable Sir Charles Innes: Because I am not prepared to enlarge my responsibility in regard to the staff of Company Railways.

Mr. K. Ahmed: Do Government propose to bring the Agent to confront the Members of the Assembly?

**DEMobilISATION OF MILITARY ASSISTANT AND SUB-ASSISTANT
SURGEONS.**

767. ***Mr. K. G. Lohokare:** Will the Government be pleased to state:

- (a) If they have issued any orders or circular for demobilisation of the Military I. M. D. class?
- (b) If so, what is the scale of retiring pension, and the amount allowed in consideration of the unexpected discontinuance of the remaining term of service to the class?
- (c) On what principle, is the scale laid down for the Sub-Assistant Surgeons and Assistant Surgeons of the Class?
- (d) What was the scale allowed to covenanted service officers desiring to retire before full term of service on introduction of reforms?
- (e) Was the scale based on the same considerations as the one now laid down for the I. M. D.? If it differs in ratio, what considerations led Government to make this difference?

Mr. E. Burdon: (a), (b), (c) and (e). Final orders have not yet been issued for the demobilization of any members of the Indian Medical Department. Certain terms of discharge have been provisionally communicated but the terms to be actually given have not yet received the final approval of the Government of India and the Secretary of State.

(d) The attention of the Honourable Member is invited to the Gazette of India of the 1st March, 1924, in which the rules regarding premature retirement on proportionate pensions have been published.

HISTORICAL MONUMENTS IN THE VICINITY OF DELHI.

768. ***Maulvi Miyan Asjad-ul-lah:** (a) Will the Government be pleased to state:

- (i) the total area of lands originally attached to (1) Humayun's Tomb, (2) Safdar Jang, (3) Babar Tomb, (4) Kutab Minar;
- (ii) the total area of land now attached as Wakf property?
- (b) Will the Government be pleased to state the amount annually spent in order to maintain the buildings and tombs mentioned above?
- (c) Will the Government be pleased to state the income if any from the wakf properties attached to each of the said memorials?
- (d) Will the Government be pleased to state whether Moulvi Abul Kasem's Wakf Property Act has been enforced in Delhi?
- (e) Will the Government be pleased to state whether there are any Mutwalis appointed for each of the said properties? If not, will the Government be pleased to state how the properties are managed?

The Honourable Sir Malcolm Hailey: (a) (i). There is nothing on record to show what lands, if any, were ever attached to Humayun's Tomb, Safdar Jang or the Kutab Minar, outside the enclosures in which they stand. It is presumed that by "Babar Tomb" is meant the building known as "the tomb of the Barber" in the enclosure of Humayun's Tomb.

(ii). There is no waqf property attached to these historical monuments.

(b) The annual expenditure varies with requirements, but in 1922-23 the amounts spent on upkeep and maintenance of gardens was:

	Annual and special repairs.	Garden.
	Rs.	Rs.
Humayun's Tomb	968	14,351
Safdar Jang	3,323	5,958
Kutab Minar	1,306	12,240
Total	5,597	32,549

(c) Nil.

(d) Not as yet.

(e) There are no mutwalis or any property for them to manage. The buildings and grounds were Royal property and now belong to the State. They are maintained by the Archæological and Public Works Departments.

ENTITLED PASSAGES TO THE UNITED KINGDOM.

769. ***Mr. Bhabendra Chandra Roy:** Will the Government be pleased to state the names of the different ranks of officers and men of the British troops in India who are granted entitled passages to the U. K. by private steamers?

Mr. E. Burdon: When free passages to the United Kingdom are admissible under rule, such passages are provided by private steamer as follows:

- (a) Officers holding substantive rank higher than that of Colonel are always despatched by private steamer irrespective of whether they leave India during the trooping or non-trooping season.
- (b) In the case of all other ranks, Government vessels are utilised to the utmost extent possible, passage by private steamer being only permissible during the non-trooping season, or, during a trooping season, when special circumstances, e.g., reasons of health, lack of accommodation in transports, etc., necessitate despatch by private steamer.

The relevant rules on the subject will be found in paragraph 12 of Army Regulations, India, Volume X.

SUPPLY TO THE ASSEMBLY LIBRARY OF CERTAIN ARMY PUBLICATIONS.

770. ***Mr. Bhabendra Chandra Roy:** Will the Government be pleased to state whether they have any objection in placing copies of the Army Instructions, Army Orders and Army Regulations in the Members' Library?

Mr. E. Burdon: Arrangements will be made for the supply in future to the Library of copies of all Army Instructions (India) and Indian Army Orders. A set of "Army Regulations, India" will also be placed in the Library.

VARIOUS ALLOWANCES OF MARRIED AND UNMARRIED BRITISH OFFICERS AND SOLDIERS.

771. ***Mr. Bhabendra Chandra Roy:** Will the Government be pleased to state the different kinds of allowances an officer or an ordinary soldier of the British troops is entitled to, (a) when a bachelor; (b) when married?

Mr. E. Burdon: The only allowances admissible to married officers and other ranks of the British Service that are not also admissible to unmarried officers and other ranks are:

- (1) the marriage allowance admissible to certain subaltern officers under the conditions prescribed in Army Instruction (India), No. 919 of 1923, and
- (2) the marriage allowance admissible to British soldiers under Army Order No. 357 of 1920, which was published as an appendix to Army Instruction (India), No. 1 of 1922.

For information regarding other allowances admissible to officers and other ranks of the British Service, I would refer the Honourable Member to the publication entitled "Pay and Allowance Regulations of the Army in India."

COST OF CONSTRUCTION OF DIFFERENT CLASSES OF RAILWAY CARRIAGES.

772. ***Mr. Bhabendra Chandra Roy:** With reference to the reply given to my starred Question No. 392 on the 18th February, will the Government be pleased to state the total amount spent in the construction of 111 class and inter class carriages taken together inclusive of composites and the total cost for the construction of 1st and 2nd class carriages taken together inclusive of composites in the year 1922-23?

Mr. C. D. M. Hindley: The information asked for is not available. The stock includes units embodying many different combinations of compartments 1st, 2nd, 3rd, intermediate and luggage, and it would be a matter of great difficulty to divide even approximately the expenditure in the manner asked. Moreover programmes overlap from year to year so that the information for a single year would be misleading.

SPEECH OF MR. P. C. MITTER.

773. ***Mr. Bipin Chandra Pal:** (a) Has the attention of the Government been drawn to the speech of Mr. P. C. Mitter, Member, Bengal Legislative Council, who held the position of Minister in the last Council on the Bengal Budget, in course of which he said "so long as the Finance Minister was to look to Parliament for guidance, it was his duty to convey to Parliament that this kind of thing would not do. If they (Government) went on in this way hardly any co-operator would be left. If this state

of things continued it would lead to only one result, namely, obstruction. If there be obstruction followed by a revolution, the responsibility would be the responsibility of the Secretary of State."

(b) Have the Government of India considered the implications of this speech and do the Government intend to take any steps in connection therewith?

The Honourable Sir Malcolm Hailey: (a) Government have seen a newspaper report of the speech referred to by the Honourable Member.

(b) They have taken due note of the contents of the speech, but do not propose to take any special action in connection with it. The Honourable Member will recollect that Mr. Mitter continued as follows: "You have pinned your faith in obstruction. You ignore the logical consequence of obstruction, namely, revolution, and I cannot possibly join you."

Mr. K. Ahmed: Is it not a fact that Mr. P. C. Mitter had tried his level best to get a nomination from Lord Lytton as a Minister of the Province of Bengal and, being disappointed, he is trying now to bite the Government?

Mr. President: The Government of India are not concerned with that matter.

EMPLOYMENT OF INDIANS IN THE FOREST RESEARCH INSTITUTE AND COLLEGE.

774. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state:

- (i) the present strength of the gazetted staff of the Forest Research Institute and College, of (1) research section, and (2) educational section;
- (ii) the number of Indians in the Imperial Service in the research section and the educational sections, respectively.

(b) Will Government be pleased to state how many research sections including sub-sections, are there at the Forest Research Institute and how many of them are in charge of Indians?

(c) Will Government be pleased to state how many officers are serving at the Forest Research Institute on "short term contracts;" and what steps are being taken by Government for training suitable Indians to take up their positions after the present contracts expire? If no steps have been taken in all the sections, will Government be pleased to make a statement as to what steps they propose to take in the matter?

Mr. M. S. D. Butler: (a) (i) and (ii) and (b). Statements giving the information required are laid on the table. There is no Indian at present in charge of any of the research branches or sections of the Institute. In so far as these are posts which are filled by officers of the Indian Forest Service it should be noted that it is only in comparatively recent years that Indians have been recruited to that service. The Government of India are anxious to find opportunities for duly qualified Indians and such officers will get their chance as they attain the necessary seniority and experience.

(c) There are seven such officers including one Indian. Two Indians have already been appointed to understudy the Paper Pulp Expert and

the Wood Preservation Expert, respectively, and arrangements are being made to appoint an Indian Assistant to understudy the Timber Testing Expert.

STATEMENT I.

	Posts sanctioned	Filled.	Indians.	Others.
<i>Research (excluding President, Forest Research Institute).</i>				
Indian Forest Service (deputation from provinces)	11	6	...	6
Special (permanent)	6	3	2	1
Special (temporary), mostly from abroad	10	7	1	6
Provincial Forest Service	...	...	...	...
Upper Grade Assistants	11	7	7	...
TOTAL	38	23	10	18
<i>Instructional.</i>				
Indian Forest Service (deputation from provinces)	5	5	...	5
Provincial Forest Service (deputation from Provinces)	4	4	3	1
TOTAL	9	9	3	6
GRAND TOTAL	47	32	13	19

STATEMENT II.

1. Botanical Branch.
2. Economic Branch. Under the Economic Branch are the following sections:

1. Minor Forest Produce Section.
2. Wood Technological Section.
3. Paper Pulp Section.
4. Seasoning Section.
5. Timber Testing Section.
6. Wood Preservation Section.
7. Workshops.
3. Sylvicultural Branch.
4. Entomological Branch.
5. Chemical Branch.

APPOINTMENT OF INDIANS IN LEAVE VACANCIES IN THE FOREST RESEARCH INSTITUTE.

775. *Mr. N. M. Joshi: Will Government be pleased to state whether they are aware that at the Forest Research Institute, when an Imperial officer of one section goes away on leave, an Imperial officer of any other section, not necessarily technically qualified, is given the charge and allowance of that post of that section, although fully qualified Indian assistants can and do carry on the work of the section? If so, do they propose to stop this practice and allow qualified Indians to officiate during the absence of their superiors? If not, why not?

Mr. M. S. D. Butler: The work in a section of the Forest Research Institute is of two kinds—research and administrative. When the officer in charge goes on leave it sometimes happens that there is no other officer available who is fitted to carry on his research work. In that case it is the practice to hold the research work in abeyance and to entrust the administrative duties to the head of another section who performs them in addition to his own. Such an arrangement is both efficient and economical and the Government of India do not propose to make any change.

APPOINTMENT OF AN INDIAN TO BE IN CHARGE OF THE WOOD WORKSHOPS OF THE FOREST RESEARCH INSTITUTE.

776. *Mr. N. M. Joshi: (a) Will Government be pleased to state what is the nature of the work turned out in the wood workshops of the Forest Research Institute so as to justify the maintenance of one European Superintendent on Rs. 750—50—850 plus free house, and one European carpenter on Rs. 450—50—550 plus free house? (b) Do Government propose to take necessary steps to place the workshops under a suitable Indian after the expiry of the present contract of the present incumbent? If not, why not?

Mr. M. S. D. Butler: The duties of Superintendent of the Wood Workshops include supervision of complicated machinery and high technical knowledge of specialised uses of timber and necessitate the employment of an officer with lifelong experience of the work. No Indian with the requisite qualifications was available and it was necessary to import an officer from Europe on a contract. By the time his contract expires it is hoped that a suitable Indian will be forthcoming to take his place. The appointment of a European Carpenter terminates in November next, and he will be replaced by an Indian who is now under training. As I have already stated in answer to another question, the Government of India are anxious to give Indians every opportunity of qualifying for posts at the Institute, and it is their policy to understudy the specialist posts now held by imported experts on short term contracts with Indians.

APPOINTMENT OF INDIANS TO THE NEWLY SANCTIONED IMPERIAL POSTS IN THE FOREST RESEARCH INSTITUTE.

777. *Mr. N. M. Joshi: Are Government prepared to consider the question of filling up all the new Imperial posts at the Forest Research Institute which have been newly sanctioned but which remain to be filled up yet, by (i) promoting qualified Indians of the provincial grades and (ii) by direct recruitment of suitable Indians?

Mr. M. S. D. Butler: Ten new posts were sanctioned of which three have been filled, in each case by an Indian. The others will be filled as money becomes available. The claims of duly qualified Indians will in every case be considered when appointments are made.

RELEASE OF SARDAR KHARAK SINGH.

778. ***Sardar Kartar Singh:** With reference to the Resolution *re* the release of Sardar Kharak Singh passed by the Assembly on 26th February, 1924, will the Government be pleased to state what action they have taken on that recommendation?

The Honourable Sir Malcolm Hailey: I have had a letter sent to the Punjab Government in the terms of the undertaking that I gave in the Assembly on the 26th February last.

Sardar Kartar Singh: How long will it take to receive a reply?

The Honourable Sir Malcolm Hailey: That I cannot say, Sir.

MOTIONS FOR ADJOURNMENT.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I beg to move the adjournment of the business of this Assembly in order that a matter of urgent public importance may be discussed. The House is aware, Sir, that on 21st February 500 Akalis were going to a Gurdwara at Gangsar and that on that day, owing to the occurrences that took place, according to the statement of Government 14 of these men were killed and 34 wounded, 5 of whom have subsequently died. Another Akali *Jatha* of 500 started on the 28th February from Amritsar after having taken a vow before the Akal Takht, which is the most sacred place for the Sikhs at Amritsar, that they would proceed to the same Gurdwara at Gangsar, and they are due to arrive there to-morrow, the 14th instant. On the last occasion it was said that the officers of Government there had informed the *Jatha* that they were free to go to the Gurdwara in the number of 50 and that they must promise to return after they had completed their reading of the Holy Granth. The *Jatha* before starting from Amritsar, from which place they walked on foot to Jaito, had taken a vow that they would all go to the Gurdwara to read the Granth Sahib. But, owing to the conflict between the views of the authorities and the *Jatha*, the deplorable occurrences of the 21st February took place. Again the same situation has arisen. The *Jatha* after having taken a similar vow of going to the Gurdwara at Gangsar for the purpose of reading the Granth Sahib has started and is now approaching the place. I do not know that the Government have withdrawn the order restricting the *Jatha* to go to the Gurdwara in fifties and also the order requiring them to leave the place as soon as their recitation was finished. If the Government have withdrawn that order, the House will be very grateful to be informed about it. If the Government have not withdrawn the order, it is necessary that the House should draw the attention of the Government to the seriousness of the situation. I am sure no one, neither on the Government side nor on the unofficial side, would for a moment wish that there should be a repetition of the most deplorable occurrences of the 21st February. (*The Honourable Sir Malcolm Hailey:* "Hear, hear.") The situation then is that the Sikhs having started from their place in Amritsar are proceeding to the Gurdwara.

They have started under a vow that they would go to the Gurdwara which is their place of religious worship and they have made it quite clear that their object is nothing except to recite the reading of the Granth Sahib and to complete it. In a pamphlet which was published on behalf of the Shiromani Gurdwara Prabandhak Committee and a copy of which has been sent to me I find it is stated that the *Jathadar*, the leader of the *Jatha* of 500 men, has stated in the clearest terms that their object is nothing except to read the Granth Sahib. On page 4 of the pamphlet I find the following statement:

"Your sole aim is to keep yourselves perfectly non-violent. Your sole aim is to pay homage to the Gurdwara of Gangsar and resume the recitation of the Akhand Path. From the moment of your departure from Akal Takht and on the way feed your body, mind and soul on the life-giving words of the Guru and do not harbour ill against any person in thought, word and in deed."

With this declaration they have shut out any possibility of it being urged that they had any other object in going to the Gurdwara than the one they have proclaimed. It is well known, Sir, that the Sikhs are very strongly devoted to their religion. Even in the matter of this trouble about the *Jaito* Gurdwara from the 15th of September up to this date they have gone in batches of 25, but no one has alleged that a single member of the *Jatha* has made any political speech or has joined any public demonstration.

Mr. President: The Honourable Member is now embarking on the merits of the question. I shall be obliged if he will make a definite statement of the precise subject on which he desires the adjournment of the House.

Pandit Madan Mohan Malaviya: The definite point on which I desire the House to ask for an assurance on behalf of the Government is that the order which has been issued to the *Jatha* that they shall not enter the Gurdwara in the numbers in which they have started should be withdrawn, and also the other order which requires that they should leave the place as soon as they have finished the reading of the Granth Sahib. I submit, Sir, that it being recognised that the Gurdwara is a religious place to which the Sikhs are entitled to go and it being recognised by the Government that there is no objection to their going in the number of 50, there is no reason to keep up a quarrel with the Sikhs on this question and to make it possible that there may be a conflict which may lead to a loss of life or of suffering. This object can only be gained if the Government will be pleased to consider the matter now and assure the House that the orders would be withdrawn. I am afraid that, if this is not done, the position is so delicate that we may very well apprehend a repetition of some at least, if not all, of the horrors that took place or the evil acts which took place on the 21st February last. I was only endeavouring to point out the attitude of the Sikhs themselves and I want to make that very clear, because the only thing that I have heard said against the permission being granted to the Sikhs to go to the Gurdwara in the numbers in which they are going has been that they might make political speeches or make political demonstrations. Now, on that point I submit that the assurance contained in their declaration is quite ample and I hope it will be accepted as such by the Government.

Mr. President: Order, order. I have given the Honourable Member a good deal of latitude which he is now proceeding to abuse. The Honourable Member desires to move an adjournment of the business of the Assembly to discuss a matter of urgent public importance, namely, the situation which has arisen owing to the departure of the Akali *Jatha* from

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Amritsar and its imminent arrival at Jaito Gurdwara. I consider that nothing which he has laid before me in any way alters the ruling which I gave on the last occasion and I must hold that this matter is not one which can be discussed.

Pandit Madan Mohan Malaviya: Will you allow me, Sir, to make another statement for your consideration? Of course, I must bow to your ruling, but may I make another statement now on this question?

Mr. President: If I allow the Honourable Member to make a statement, he must make it in terms which can be addressed to me and not in terms of the merits of the case to which he would address himself, were the opportunity of debate this afternoon provided. I have ruled in principle that, failing further considerations which he may be able to supply and which I doubt his ability to supply I must rule the matter out of order.

Pandit Madan Mohan Malaviya: Sir, I will address myself strictly to that question. Now, Sir, the question is whether I can or cannot refer to a matter which relates to the administration of the territory of an Indian Prince. It is on that point that you have been pleased to repeat your ruling. Now, I submit, Sir, that a similar case, a case of the deposition of a Maharaja, arose in 1896. The Maharaja of Jhullawar was deposed and Lord Sinha, then Mr. S. P. Sinha, speaking on that subject at a meeting of the Indian National Congress, observed as follows:

"It might seem at first sight that the subject of this Resolution is somewhat beyond the scope, the sphere, the limits which this Congress has hitherto set to itself. But I venture to think that upon closer inspection it will be found that this view rests upon a misconception."

He said, if the relationship of the Indian States either is that of subjection or of equality, in any event every British subject has a right to discuss this matter because it affects him and his fellowmen and it affects him in British India also. He says:

"If, on the other hand, the relationship is one of friendship and subordinate union, then I ask who are more interested than ourselves in the preservation of good relationship and good feeling, and above all for the preservation of that peace which is vital for the welfare and prosperity of our country?"

The forces and troops of the Government of India are to be used on an occasion like this. That will cost money, Sir, and that will cause responsibility. And Mr. Sinha urged and I urge the same, that every British subject of His Majesty is interested in having the question raised and there is no other place in British India except this place where a question like this can be raised and particularly when it affects the lives of His Majesty's subjects living in the Punjab. I hope, Sir, that you will be pleased to reconsider the matter and to give us the opportunity which I have sought for the second time now of ventilating this matter in the only place where it is possible to ventilate it, namely, in this House. I beg you to consider the consequences. If this question is not considered to-day in this House, there is no other place where it can be. Over 42 Members of this Assembly sent a letter to the Home Member some time ago requesting that an inquiry might be made. We have not been favoured with a reply. The incident of the visit is going to repeat itself. I request your permission to-day, 24 hours before that occurrence, to have the whole matter considered by this House in order that the Government might give us some assurance in order that something might be done to avert this

calamity which we apprehend. If you shut me out, Sir, of course I must bow to your ruling, but I have done my duty in bringing the matter before this House. I should add, Sir, that at present they are in British territory.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I should like to add a few words to what has fallen from my friend, Pandit Madan Mohan Malaviya. On the last occasion, Sir, when you ruled the question as beyond the jurisdiction of this House, you ruled it because it related to an incident which took place in Nabha territory, which is an independent Indian State in alliance with the British Government. But at the present moment we are dealing with a question which affects British territory. A party of men have started from Amritsar and my friend the Pandit regards this as a question of sufficient public importance to be discussed in this House. They have not yet reached the territory of Nabha. They are still in British territory. And I think, Sir, that there is nothing in the rules that we should contravene if the situation as it exists to-day is permitted to be discussed. As I have submitted, if these people had gone to Nabha and then my friend the Pandit had raised the question, there would have been the same objection to his motion as you raised, Sir, on the last occasion. But here we are dealing with a matter entirely concerning the British administration in British territory. And I submit, therefore, Sir, we are not contravening any rule of business contained in the Standing Orders and I therefore submit, Sir, that you will reconsider your ruling.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, may I draw your attention to May's book in Parliamentary Practice which I understand is very often followed in this Assembly. On page 310 of May's Parliamentary Practice, we find:

"In ordinary cases the breach of order is obvious and is immediately checked by the Speaker; in other cases, if his attention is directed to a point of order at the proper moment, namely, the moment when the alleged violation of order occurred, he at once gives his decision and calls upon the member in fault to conform to the rule as explained from the Chair. Doubtful cases may arise, upon which the rules of the House are indistinct or obsolete, or do not apply directly to the point at issue; when the Speaker, being left without specific directions, refers the matter to the judgment of the House."

Now, Sir, my submission is that on the first occasion when the Honourable Pandit Madan Mohan Malaviya raised this question, you yourself said that, as you were in some doubt about the admissibility of this question, you allowed discussion to go on. To-day also, Sir, from the trend of opinion as expressed this morning, it can be seen that some doubt exists in the minds of Members as well as yourself. Now, may I, Sir, ask you to follow this practice which is mentioned at page 310 of May's book on Parliamentary Practice, which you have very often followed, and, following this, to refer the matter to the decision of the House?

Mr. President: That Honourable Member does not seem to be aware that in the House of Commons the maintenance of order rests on the close association between the House and the Chair and that the House has certain duties and the Chair has certain duties. Under our Rules and Standing Orders, the entire responsibility of maintaining order and interpreting the Rules and Standing Orders unfortunately rests with the Chair. I advise the Honourable Member to read the book he is looking at.

I address myself now to the point raised by Dr. Gour. In so far as he informs the Assembly that a matter is now proceeding in British territory.

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he is drawing attention to something which has not arisen, and, if the departure of the *Jatha* from Amritsar were a matter on which public opinion was likely to attach great importance and to anticipate results, the place in which, in the first instance, it should have been raised was the Punjab Legislative Council. For the Government of the Punjab is in the first instance responsible for law and order within the limits of the province.

On the major point to which both Dr. Gour and the Pandit addressed themselves, I fear that they have not supplied me with any sufficient reason for holding that the ruling I gave on the previous occasion is not applicable now. The opinion given by (the then) Mr. S. P. Sinha was given, as he pointed out, in the Indian National Congress and not in any official capacity.

Pandit Madan Mohan Malaviya: It was given in a non-official capacity.

Mr. President: The Honourable Member will himself acknowledge that a public man may make a speech in a non-official capacity which he would hesitate to endorse in an official capacity. I hope the day is not too far off when the Honourable Member himself may experience that change of mind!

Mr. M. A. Jinnah (Bombay City; Muhammadan Urban): I wish to move an adjournment of the House. I entirely accept your ruling with regard to the previous proposals. I wish to move an adjournment, and I want to give a definite statement within the terms of our rules. Rule 40 says:

"The right to move an adjournment for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions."

Sir, the statement that I wish to place before the House is this. The matter is definite and urgent. We desire that the Government do take immediate steps with regard to the Sikh *Jatha* now on its way to Jaito so as to prevent the recurrence of deplorable results such as those that ensued on the 21st February 1924. I submit, Sir, that we are entirely in order in asking the Government of India to take steps with regard to this *Jatha* which is now proceeding, and which is within British India.

The Honourable Sir Malcolm Hailey (Home Member): As the Honourable Member has kindly yielded his place to me, I make one remark on the question of fact; otherwise I do not wish to take any part at all in this discussion. I assured the House the other day that we are not averse to discussing the matter at all. But when the Honourable Member says that the *Jatha* is within British India, I can only say that, if they observe their programme, they would be to-day in Faridkot State.

Mr. M. A. Jinnah: Sir, is the Honourable the Home Member in a position to make a definite statement that this *Jatha* of 500 Sikhs is no more within British territory? I am entitled to move for an adjournment on that definite ground that I have stated, and I should like the Honourable the Home Member therefore to state as a fact if the *Jatha* is no longer in British India.

Sardar Kartar Singh (East Punjab; Sikh): They are in British India to-day, Sir. They are at Banabia Bhai in British India.

Mr. President: That matter is entirely irrelevant to the Chair. They have been, I understand, in British India moving across a certain province for the last ten days, and it was the business of those who anticipated

trouble to endeavour to raise the matter in the Punjab Legislative Council. I do not know whether they have done so or not; I have no official cognisance of it. So long as they are in British territory, the matter must, in the first instance, be raised in the Punjab Legislative Council.

What Mr. Jinnah has added to the discussion I am afraid does not in any way move me to relax the ruling which I have given. The matter is one which is definitely ruled out by the rules governing Resolutions, and as the rules governing Resolutions govern also motions for adjournment, I am afraid I must rule it out of order.

Pandit Madan Mohan Malaviya: On a matter of fact, Sir, I am informed that the Members of the Punjab Legislative Council sought an adjournment of the House there and it was not allowed. 42 of us sent a letter, as I have said, to the Home Member asking for an inquiry and we have received no answer and this was our last attempt to ask for some action being taken by the Government of India, having found that none was taken so far. We thought that this was the moment when the matter should be brought before this House.

The Honourable Sir Malcolm Hailey: I think that the motion in the Punjab Legislative Council was, if I may correct my Honourable friend, on another matter. It related purely to the incidents which had taken place at Jaito.

Pandit Madan Mohan Malaviya: It related to the death of His Majesty's subjects at Jaito. That was how it was taken up.

The Honourable Sir Malcolm Hailey: Again I wish to assure the House that when I said that according to the best of my knowledge they would be in Faridkot State now, I was referring to their programme. They may be still in British territory. I am not prepared to make a definite statement on the point.

Pandit Madan Mohan Malaviya: Will the Honourable Member tell us whether he is not receiving instructions regarding the approach of this *Jatha* to Jaito and whether he is not even now issuing instructions on the subject from Delhi?

Mr. B. Venkatapatiraju (Ganjam cum Vizagapatam; Non-Muhammadan Rural): Can we raise this question under General Administration to-day? Can we discuss this question under General Administration?

Mr. President: If the Honourable Member raises the point later, I will tell him.

Before we proceed to resume the debate on the Demands for Grants, I wish to draw the attention of the Assembly to the fact that a day allotted for debate on non-official Resolutions is Thursday, the 20th March. As the following day is a holiday, I have a little doubt as to whether it is a convenient day. Members of the Government of India, so far as I know, have left it open to the Assembly whether we keep to that day or not. I want to warn Members as to the programme for next week, but Thursday the 20th March will be devoted to non-official Resolutions as already announced, and unless representations are made to me at once, I propose to adhere to that day.

There is a further matter to which I should like to draw the attention of the House. As those who were present yesterday will realise, the debate on the Post Office vote profited largely by the experience of the somewhat disorganised debate that we had on the Railway Board the previous day and I would like to throw out a suggestion, while the matter is fresh in the minds of Members, that on large votes such as the Railway and the

[Mr. President.]

Post Office,—and here I ask for the co-operation of the Governor General in Council—we should begin the debate by discussing, in the case of the Railways, for instance, a reduction of, say, Rs. 100 on the establishment of the Railway Board, it being understood that the discussion be devoted to large questions of railway policy. Speeches should be restricted to such subjects of large import and that part of the debate will close with the reply of Government to these speeches. I put this suggestion in the following form:

SKETCH OF COURSE OF BUSINESS DURING DISCUSSION ON DEMANDS FOR GRANTS.

Railways:

- (1) Reduction of Rs. 100 on Establishment of Railway Board.

Discussion of policy of the Board with a number of non-official speeches followed by the Government reply.

- (2) If a big reduction is to be moved, it should be moved immediately after this general discussion is over; but it is to be hoped that the finances of India will shortly assume a normal aspect, in which case the discussions on the Budget should proceed on the assumption that the Demands for Grants present the Legislative Assembly with its annual opportunity for criticising and reviewing the administrative action of the Government of India, and not for effecting large economies in the Budget for the forthcoming year.

- (3) Reduction of Rs. 100 under General Administration of the Railways;

Subject of debate: "Indianization".

- (4) Reduction of Rs. 100 on Stores.

(Subject of debate: Stores Purchase.)

- (5) Reduction of Rs. 100 on Traffic Department;

(Subject of debate: "Grievances of users of railways.")

- (6) Reduction of Rs. 100 under some appropriate heading;

(Subject of debate: "Labour questions on Railways.")

A similar course should be pursued on the Post Office vote.

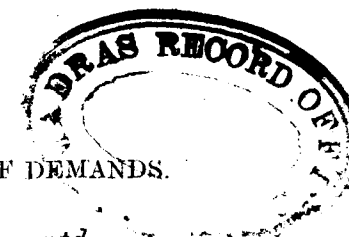
The General Administration vote does not seem to me to be so clearly susceptible of the same treatment; for it seems more advisable to treat each Department of the Government of India as a separate Demand, taking, for instance, a general discussion on the policy of the Home Department on the first reduction moved, and thereafter dealing with other matters, e.g., Staff Selection Board, or Bureau of Central Intelligence, under subsequent motions for reduction.

I need hardly add that these suggestions, which are by no means exhaustive, are merely thrown out for consideration by the Government of India and by the House, in the hope that their consideration may lead to more effective Budget debates in the future.

STATEMENT OF BUSINESS.

Mr. President: Is the Honourable the Home Member in a position to give us a statement of business for next week?

The Honourable Sir Malcolm Hailey (Home Member): If you will allow me to do so, I will make it after Lunch.



THE BUDGET—LIST OF DEMANDS.

SECOND STAGE—contd

Expenditure from Revenue—contd.

DEMAND NO. 12—INDO-EUROPEAN TELEGRAPH DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 33,58,000 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, 1925, in respect of the 'Indo-European Telegraph Department'."

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): I rise to move:

"That the provision for Working Expenses under the head 'Indo-European Telegraph Department' be reduced by Rs. 100."

This motion is made by me particularly with a view to raise a general discussion on the administration of the Indo-European Telegraph Department. Under the Budget head, the Department comes under Post Office and we had a very full discussion on the Post Office generally yesterday; but this has been treated for all practical purposes as a separate department though under the Post Office. I wish to point out and touch upon a few important aspects of the administration of this Department, and I hope that what I say here will meet with the approval of the House.

In the first place, it will be useful to point out that the control of this Department is being exercised not from India and not by the Director General of Posts and Telegraphs, here, but from London directly by the Secretary of State. Page 40 of the Detailed Estimates and Demands for Grants shows that the working expenses which total Rs. 28,13,000 are divided somewhat as under:

	Rs.
India	27,70,000
England	30,000
Exchange	13,000

This shows that of the working expenses a little over one per cent. is being spent in England. The bulk, therefore, of it is all being spent in India. In spite of the bulk of the working expenses being spent in India the whole control of the Department at present has been vested in the Secretary of State's Office in London. The headquarters, Sir, of this Department have been in England ever since 1888. Two reasons have been given for this. One is that:

"questions arising under the agreements with the Persian Government coming through His Majesty's Minister at Teheran involve discussion and decision through the Foreign Office with the Treasury,"

[Sir Purshotamdas Thakurdas.]

and it is contended that "such questions are regarded as most conveniently conducted by means of the India Office machinery." There are also questions arising in connection with what is known as the Joint Purse, matters which are said to be very conveniently handled from London. I feel that questions of the nature that I have mentioned and which apparently appear to be the reason for retaining control of this Department in London can be very conveniently handled from India now; but my main reason is that, in view of the fact that the bulk, the largest bulk, of the working expenses is being spent in India, in the interest of efficient management and better control over expenditure the control of the Department should be transferred to India. I do not know if the Honourable Member in charge of the Department is satisfied with the Budget that may be sent out from the Secretary of State's office in London in this connection. But I, at any rate, working on the Inchcape Committee, found that we had to rest satisfied with the statements supplied presumably, of course, in reply to the first questionnaire which we sent out but any further information and explanations which we wanted could only have been obtainable by means of the more costly method of communication, namely, telegraph, and even at that it can be neither as full nor as detailed as one would have liked it to be. I hope that the Honourable Member will be able to make available in reply to the points I raise the detailed information that I want. But, if he is not able to do so, I do not propose in the slightest degree to criticise him for it. I can fully sympathise with the reasons which would disable him from giving the information which should be necessary to this House before passing the vote for Rs. 27 or 28 lakhs.

There are certain liabilities which have been incurred by that Department during the war period and even before that. The cost of upkeep of the Meshed-Seistan-Duzdap telegraph line was in 1921-22 Rs. 1,12,000 and in 1922-23 Rs. 1,22,000. It was a section which was made over to the Indian Post Office and Telegraph Department after the armistice and, so far as I am aware, it has proved to be unremunerative. The House would like to know what the cost is estimated at of the upkeep of that section of the line in Persia, and how long the Government of India propose to continue to work this section which has proved at any rate till 1922-23 to be absolutely unremunerative. There are also three wireless stations at Bahrein, Bushire and Henjam half the cost of which is shared with the British Government. The Department I understand also continue to pay for these. Naturally these wireless stations have still to be there for long, before they become remunerative. I should like to know whether they have turned the corner and are now already remunerative at all, or whether there are any other special reasons why the Indian tax-payer should pay for these wireless stations. I feel, Sir, that, if the Indian tax-payer is to pay the cost of this section of the Indo-European Telegraph Department, it is very necessary that every detailed item should be gone into, for it is an open secret that in Persia the allocation of expenditure between His Majesty's Treasury and the Indian Treasury is more or less an elastic matter. I think this Assembly would hardly be unreasonable if they wanted to have complete figures before they sanction any further expenditure in that part of the world. I have a recollection that there are certain agreements regarding the

Joint Purse which entail some extension or restriction on the activities of the Department in Persia. Is the Honourable Member in charge of the Department in a position to tell us as to whether any further extensions are intended, or indeed have been made, in connection with this Department since the Budget was submitted to the Assembly last year, or whether there have been any restrictions put on the activities of the Department especially in connection with the unremunerative section of this Department in Persia?

There is also, as the House knows, a suggestion that this Department as it is known should be leased or sold outright to some British company. The majority of the Inchcape Committee made this recommendation. Unfortunately, I could not agree with them and I am still confirmed in the opinion which I then expressed by a note of dissent from the majority report of the Committee. I wonder if the Government of India have now come to some decision in connection with this difference of opinion that was submitted to them well over a year ago. I would not be surprised if I was told that the matter is still under consideration, because that is the general reply one does get. . . . (The Honourable Mr. A. C. Chatterjee: "I have already told you so.") I am now expecting something more which would compel the Honourable Member to be more definite. I would like to point to paragraph 18 of the Inchcape Committee report on page 120. After making a recommendation (that is, the majority report) that any sort of avenue of good bargain by sale or lease may be inquired into, they go on to say:

"We recommend that until a decision has been arrived at on this proposal, no expenditure of a capital nature should be incurred."

May I ask the Honourable Member if the Government of India have rejected this majority recommendation of the Inchcape Committee? If they have, may I be favoured with the Government of India's reason for its rejection? If they have not, may I ask the Honourable Member why a capital outlay of Rs. 5,45,000 has been budgeted for? I feel, Sir, that, irrespective of the minor details of retrenchment or cut in this department which perhaps may be dealt with under my Honourable friend, Mr. Raju's amendment which follows mine, this amendment of mine for a reduction of Rs. 100 has been put on paper particularly with a view to getting information on the various points that I have mentioned, and I hope that the Honourable Member will be able to give a reply which will satisfy the House.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Before the Honourable Member replies, I would like to refer to Sir Purshotamdas Thakurdas' remarks about the spending of additional capital before a decision has been reached on the Inchcape Committee's report. I find on page 2 of the Government's statement showing "the recommendations of the Indian Retrenchment Committee which have not been accepted or are still under consideration," page 2, item 3, column "action taken":

"It has been ascertained that the only cable company which has a steamer near is the Eastern Telegraph Company whose steamer cannot be spared for the maintenance of the cables of the Persian Gulf. The Standing Finance Committee has agreed to the inclusion of 7,50,000 in the next year's budget for the replacement of the existing steamer of the Indo-European Telegraph Department, Volume III, No. 4, page 91."

[Mr. W. S. J. Willson.]

I should like the Honourable Member to deal with the question as to why this expense of Rs. 7,50,000 is contemplated until a decision has been reached? I would further like to ask his kind attention to page 72 of the Postal Budget in which I find that the expenses on the steamer "Patrick Stewart" for next year are budgeted at the amount of Rs. 2,57,000. It seems to me, Sir, that that is a very large amount of money to spend on running a steamer for that department. I have looked carefully through the estimate. There are no items there which I can reasonably take exception to, but my fear is that they are likely to be a great deal more, because running steamers is a most costly business. It having been the view of the Incheape Committee that the steamer herself should not be replaced and that Rs. 1,00,000 should be cut in the budget, I should like to ask the Honourable Member whether these are the only possibilities that have been explored? I should like to know whether the Eastern Telegraph Company is the only Company with a steamer? I should like to know whether Government have explored the possibility of offering some contribution to the Eastern Telegraph or any other Company; that they might build another steamer, that they may own it and that they might let it out to Government when they want it?

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): I gave notice of a motion similar to that which has been moved by my friend Sir Purshotamdas Thakurdas. Mr. Willson has referred to the Standing Finance Committee as having agreed to expenditure on the steamer which has been referred to by him. Sir, the Standing Finance Committee are under considerable disadvantage in that we know nothing practically of the reasons for which expenditure under this department is being asked for. The headquarters of this department are in London and, when I raised this question in the Standing Finance Committee, we were informed, to the best of my recollection,—I am speaking subject to correction by Mr. Clarke—that estimates of expenditure are received from the India Office and placed before us. The Government of India have no more materials before them than the estimate forwarded by the India Office at the instance of the Indo-European Telegraph Company. All these difficulties arise from the fact that the headquarters of this company are in London for the reason stated by Sir Purshotamdas Thakurdas and we in this House are asked year after year to vote expenditure about which we know absolutely nothing except the statement forwarded by the India Office. We are not in a position to criticise the details of that expenditure or to offer any useful suggestions for cutting down the expenditure of this department. The only conclusion that can be come to on these facts is either that we exercise control here and exercise it effectively by having the headquarters of this department removed to India or we do not do so; but to ask us to vote year after year funds for the maintenance of this department without scrutiny, which must inevitably be undertaken either by the Standing Finance Committee or this House, is a position which is absolutely untenable, and that is where the whole question now stands. These are the difficulties that we are now feeling in regard to this department. It has been pointed out in the Incheape Committee's report that only one per cent. of the expenditure on this department is incurred in London and the rest of it is incurred either in Persia or in India. Under these circumstances the

whole question of the control of this department is one on which we must have a definite assurance from my Honourable friend Mr. Chatterjee. Either the House is responsible for its votable expenditure or it is not and, so long as we are asked to give our approval to expenditure under this head, it seems to me that the only thing to do is to remove this department as early as possible to Delhi and to put it under the control of the officers of the Government of India and under the Standing Finance Committee and this House.

Mr. Darcy Lindsay (Bengal: European): As a member of the Standing Finance Committee I should like to tell my Honourable friend Mr. Willson that very full information was accorded to us with reference to the proposed purchase of a steamer to replace that ancient relic the "Patrick Stewart", 45 years old. It was explained to us that attempts have been made to enter into an arrangement with the Eastern Telegraph Company. They could not spare their cable steamer and even if they were able to do so the cost would be very heavy. Attempts were made to hire a steamer. They did hire a steamer, the S.S. "Gallia", which was not a very great success. It was further pointed out that, if a steamer were now purchased and if at a later stage the whole system were handed over to a company,—why my Honourable friend Sir Purshotamdas Thakurdas should desire a British company and not an Indian company to purchase this line I do not know. We are all out for Indianisation and to obtain as much capital as we can in India for concerns that relate to India—however as I say it was pointed out that the steamer could be sold without loss to the purchaser of this line, further that a steamer is absolutely necessary for the work and by a substantial majority the Committee decided to pass this demand. The only one point I would like to suggest to the department as regards the purchase of a steamer is that they might go to the United States of America. I noticed in the papers recently that the United States having found that a mercantile marine was not quite as successful a venture as some of us would like to believe have decided to dispose of their whole fleet and therefore steamers are doubtless available at a low rate.

There is one small matter on which I should like elucidation from the department that is referred to on page 60 of Appendix A, capital outlay on the Indo-European Telegraph Department. There are two *minus* figures one of 56,300 "Adjustment in recoupment of the cost of the Central Persian Telegraph Line" and the other 1,00,000 for "Adjustment on account of the amount written off by system of amortization from capital account on account of the cost of Telegraph lines in Persia." I must admit that I do not quite understand what these items refer to and any information which the department can give me on the subject I should be very grateful for.

Mr. W. S. J. Willson: On a point of order, Sir. Is the Honourable Member who is a member of the Standing Finance Committee justified in asking questions of the Member across the House? Should he not have asked these questions in the Standing Finance Committee?

Mr. Darcy Lindsay: The matter was not before us in the Standing Finance Committee.

Mr. R. K. Shanmukham Ohetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, the Indo-European Telegraph is a concern in which the Government of India have invested very nearly two crores of rupees. The Standing Finance Committee was asked to give their approval to the expenditure of 7½ lakhs of rupees referred to by my Honourable friend Mr. Willson. As my Honourable friend Diwan Bahadur Ramachandra Rao pointed out, we wanted some information from the Department concerned about the actual working of this Indo-European Telegraph Department, not merely in connection with this capital expenditure of 7½ lakhs of rupees but with regard also to certain other items, such as compensation given to certain officers employed in this Department. We were told that the officers of the Secretariat here were practically unable to give us any information beyond what they had got from the head office in London. One of the reasons why we were asked to grant this 7½ lakhs for capital expenditure was on the ground that after all this Department is a very paying concern; so much so that in one year, 1913-14, it yielded to the Government of India a return of nearly 14½ per cent. So we were told that to maintain a Department like this it was absolutely essential to incur some capital expenditure. It was such consideration which induced the Finance Committee finally to agree to sanction this amount. But, Sir, as Honourable Members are aware, the Retrenchment Committee in their majority report have recommended that Government should explore the possibilities of selling this concern to some private company. I do not know under what circumstances this huge capital outlay on this Department came to be incurred by the Government of India. I have absolutely no information on that point. Nor do I know what the considerations were which induced the majority of the Retrenchment Committee to recommend to Government to explore the possibilities of getting rid of this concern. If the figures that we find mentioned in the Retrenchment Committee's report are correct, this Department still seems to be a very paying concern, and my Honourable friend Sir Purshotamdas Thakurdas in his dissenting note has pointed out that he at least is not satisfied that this concern should be taken out of the hands of the Government of India. Well, Sir, I do not know what practical difficulties there are for the transfer of the control of this Department from London to the Government of India here in Delhi. We are asked to vote an expenditure of very nearly 30 lakhs of rupees without our being in a position to understand how this money is being spent, and with the officers of the Government of India here on the spot absolutely unable to give us the information that we are in need of. If it is in contemplation to sell this concern to a private company, may I ask, Sir, whether it is due to the fact that owing to practical difficulties it is not possible to transfer the control from London to Delhi and therefore it has been decided to get rid of the concern? Is that the reason on which this plea for selling off the concern is maintained? I would like to have some information from the Honourable Member in charge as to the action which Government propose to take on the majority recommendation of the Income Committee, and, if they propose to sell this Department, what are the considerations which induced them to come to that conclusion?

Mr. K. Rama Aiyangar (Madurai and Ramanad *cum* Tinnevely: Non-Muhammadan Rural): Sir, I would only point out one or two passages in the Retrenchment Committee's report which show how this management

from England must affect the position. At page 119, we have the statement made:

"We have also examined the log of the 'Patrick Stewart' for the period from September 1918 to July 1922 inclusive and found that during these 47 months the vessel was lying at her moorings in Karachi harbour for no less than 968 days, and that, apart from the time spent going to and from the various places where repairs were required, the actual time spent on repairs was only 115 days. We consider that the possibility of coming to a favourable arrangement with some commercial cable company which has a steamer near at hand for the repair of the Department's cables should be explored before any steps are taken to replace the existing steamer."

I only place before the Assembly the idea underlying that criticism. Of course this change of the place of the controlling authority necessarily effects the required improvement. There will be a real good outturn of work and less expenditure.

The Honourable Mr. A. C. Chatterjee (Industries Member): Sir, the main question in connection with the Budget of this Department is a recommendation which was made by the Retrenchment Committee about the future of the Department. As my Honourable friend Sir Purshotamdas Thakurdas has mentioned, the Retrenchment Committee were divided in their views in the matter, and since we received the report we have been ourselves exploring the various possibilities. The majority of the Retrenchment Committee were guided by certain considerations; but very weighty considerations on the other side were put forward in the minority report by Sir Purshotamdas Thakurdas. As a matter of fact it is very doubtful from the inquiries that we have hitherto been able to make whether we could persuade any company to take over this Department. The operations of this Department will practically cease in 1945 under the terms of our agreements and treaties with the Government of Persia, and in these days of trade depression and difficulties in finding money, I doubt whether any company would undertake to finance this business on any terms which would be really profitable to the Government of India. At the same time, as has been evident during the discussion this morning in this House, there are very serious difficulties in managing this concern either from the India Office in London or from Delhi. Yes, there are such difficulties although my Honourable friend (Sir Purshotamdas Thakurdas) may shake his head. As a matter of fact we did try to manage the Indo-European Telegraph Department from India many years ago and we found, at least the Government of that time found, that the difficulties were very great. The Government of India have no officers of their own to deal direct with the Persian Government and we have to go through the British Foreign Office in many matters. There are other difficulties also which I am not in a position now to lay before the Assembly. At the same time I fully sympathise with the House in their view that management from the India Office places both the Government of India and the Assembly in a very difficult position. It is not quite true that we know nothing about the items which are included in the Budget this year. At any rate we have had very full information given to us from the office in England. Also we had an officer of the Indo-European Telegraph Department up from Karachi to explain to us the various items. I shall try later on to enlighten the House on the various points that were raised by Sir Purshotamdas Thakurdas. What I want to say is that we fully realise that the present position is not satisfactory, and we are exploring other methods of management; I am sorry I am not in a position at this moment to give further particulars to the House. As I said in answer to a question, as soon as we come to a decision on that point, I shall certainly lay the facts before the House.

Sir Purshotamdas Thakurdas: After the decision is taken, is it?

The Honourable Mr. A. C. Chatterjee: Yes. You will have an opportunity of criticising the decision after it has been taken.

Sir Purshotamdas Thakurdas: Would you welcome criticism after the step is taken, without being able to remedy it, I take it?

The Honourable Mr. A. C. Chatterjee: Next, the Honourable Member asked for information regarding the Meshed-Seistan line. As regards that line, I gave some information in answer to a question; this line has now been made over to the Persian Government. The only question that was pending was with regard to the apportionment of the cost of maintenance of this line, whether it should be debited against the Posts and Telegraphs Department or against the Indo-European Telegraph Department. The Retrenchment Committee had been misinformed on the subject, and they were under the impression that this cost should be borne by the Posts and Telegraphs Department. We went into the matter very carefully, and we found that the cost was really bearable by the Indo-European Telegraph Department and it has accordingly been debited against that Department. As a matter of fact that makes no difference because in any case the cost had to be borne by the Government of India. We have at the same time pursued the suggestion that was made that we should try and obtain a portion of the cost of maintenance from the British Government. The matter is now under consideration, and I regret that, I cannot give the House at present the decision on the point. Sir Purshotamdas Thakurdas also wanted to know why the Indo-European Telegraph Department maintained three wireless stations. Well, so far as two are concerned, Bushire and Bahrein, the reason is that we would have absolutely no communication with Bahrein, an island in which the Government of India are very greatly interested, unless we had this wireless system. As regards the third place, Henjam, I regret very much that I have no personal information, but I shall try to ascertain the information and furnish it to the Honourable gentleman.

Sir Purshotamdas Thakurdas: I suppose the Honourable Member means that his Department here has no information?

The Honourable Mr. A. C. Chatterjee: No, I have no personal information. I have not had an opportunity of consulting my Department, because Mr. Clarke is not in charge of this Department and the other officers of the Department are not Members of this House. Sir Purshotamdas Thakurdas further asked whether any extensions of the activities of the Department had been undertaken since the Retrenchment Committee's Report. I can give him an assurance on that point. No extensions whatever have been undertaken. Now we come to the question of the "Patrick-Stewart".

Sir Purshotamdas Thakurdas: Before the Honourable Member leaves the question, will he kindly say whether he has been able to curtail any of the activities in connection with unremunerative lines?

The Honourable Mr. A. C. Chatterjee: As I said before, we have made over the unremunerative section, the Meshed-Seistan line, to the Persian Government. The rest of the lines, so far as my information goes, are remunerative. Now, as I was going to say, my Honourable friend, Mr. Darcy Lindsay, who is a member of the Finance Committee, has tried to

explain the facts with regard to the replacement of the "Patrick-Stewart". I am very much indebted to him, but perhaps Honourable Members would like to have some more detailed information. As Mr. Darcy Lindsay said, this ship is about 44 years old now, and the Director of the Royal Indian Marine reported as far back as two years ago that she would be serviceable only for a further period of two years.

Mr. W. S. J. Willson: I quite accept the fact that she is only fit for the scrap-heap, but I would like the Honourable Member to deal with the advisability or otherwise of building another ship.

The Honourable Mr. A. C. Chatterjee: As we explained to the Standing Finance Committee, we explored the possibility of getting some other shipping company to lend us a ship for this particular period, and those efforts, I can assure my Honourable friend, have been fruitless. We have not been able to get hold of any ship from any Company which will be of any practical use for the purposes of cable-laying or cable-repairing. Now the question is whether this ship should be replaced at once, or whether we should stop all work. I think Honourable Members will acknowledge the fact that the Department is a very paying concern, and it would be a very mistaken policy to let the Department be handicapped for want of a ship; as has already been explained, the replacement is absolutely imperative because we have had reports that it is very doubtful whether this ship will last till the next monsoon.

Mr. Darcy Lindsay: I think, Sir, it was pointed out that the loss to Government or to the Department would be Rs. 2,000 per day if a broken cable was not repaired.

The Honourable Mr. A. C. Chatterjee: Yes.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): What is the reason for disposing of it to a private Company?

The Honourable Mr. A. C. Chatterjee: I have already, I think, stated that there was no likelihood of a Company taking it.

Mr. R. K. Shanmukham Chetty: What is the reason for disposing of this concern? Why was it contemplated to dispose of it?

The Honourable Mr. A. C. Chatterjee: I believe it was the Retrenchment Committee who suggested it.

Mr. R. K. Shanmukham Chetty: You must have laid some facts before them to enable them to come to such a conclusion?

The Honourable Mr. A. C. Chatterjee: I did not place any facts before the Retrenchment Committee with regard to this matter, Sir. I think perhaps Sir Purshotamdas Thakurdas will be in a better position to answer the Honourable Mr. Chetty's question.

Sir Purshotamdas Thakurdas: I am afraid the lead came from the Government of India, Sir.

The Honourable Mr. A. C. Chatterjee: At any rate, Sir, all I can say is that I was not concerned in the proposal. As I have explained, it is very difficult for the Government of India to be concerned in a commercial business carried on within the territories of another Government. That is really at the root of the whole difficulty.

Sir Purshotamdas Thakurdas: Since what year has the Department existed, Sir?

The Honourable Mr. A. C. Chatterjee: I cannot say.

Mr. G. R. Clarke: Since 1874.

The Honourable Mr. A. C. Chatterjee: 50 years. Well, it has always been a source of trouble. Only, the trouble was not so acute in the old days when questions were not asked in this House. (Laughter.) I think the House will decide that it is good business to replace the ship because, if we in any way dispose of this concern, lock, stock and barrel, we shall get a good price for any ship which we may have to purchase now; if we do not purchase a ship, we shall have to close down this business. I do hope, in view of the explanations given by me, that my Honourable friend will not press his proposal.

Mr. President: The question is:

"That the provision for Working Expenses under the head 'Indo-European Telegraph Department' be reduced by Rs. 100."

Sir Purshotamdas Thakurdas: Sir, I am not anxious to press the motion if the Honourable Member will explore further avenues of economy and see that the ship he is now getting is not laid up as often as the "Patrick-Stewart".

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

Mr. President: The question is:

"That a sum not exceeding Rs. 33,58,000 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, 1925, in respect of the 'Indo-European Telegraph Department'."

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): There is my amendment, Sir.

Mr. President: What does the Honourable Member want to discuss? The Honourable Member does not seem to have borne in mind what I said to-day and yesterday.

Mr. B. Venkatapatiraju: Sir, I understood that the Honourable Sir Purshotamdas Thakurdas referred to a particular branch of the administration in moving his motion. I just wanted to ask the Honourable Member in charge as to how far the Government were able to accept the recommendations of the Retrenchment Committee in the matter of economising expenditure.

Mr. President: Order, order. We had a discussion of the Incheape Committee. The Honourable Member ought to have risen on the reduction by Rs. 100.

Mr. B. Venkatapatiraju: I want to invite the attention of the Member in charge to the fact that though, as he stated, it is a paying concern, giving us a profit of Rs. 6,12,000, still I do not find sufficient explanation of the cryptic statements made in this House as to how they are unable to carry out the recommendations with reference to reducing expenditure. With reference to the suggestion to reduce one lakh of rupees expenditure on cables, they are able to reduce only Rs. 4,000. Next with reference to the

suggestion to reduce Rs. 66,000 in cable repairs, they are able to reduce only Rs. 4,000, and in conclusion they have stated that the provision of the current year has been reduced to Rs. 39,29,000, though the recommendation was that Rs. 7,34,000 be reduced and it has not been found practicable to reduce it further to the limit proposed by the Committee as originally intended, and that they have only reduced Rs. 4,12,000 and have not reduced the balance. I find, Sir, again that for next year their estimated expenditure has increased from what was reduced previously. In page 58 of the General Abstract, you will find, Sir, that in 1923-24 the total is Rs. 29 lakhs. For the next year it is Rs. 39 lakhs, which includes also about Rs. 5,45,000 wanted in order to purchase a steamer which they propose to do for about Rs. 7,18,000 mentioned in page 80. My submission is that when they have stated that they originally intended it to be met from Capital expenditure, which was necessitated, whether there is any difficulty in adhering to the recommendations suggested by the Retrenchment Committee with reference to current expenditure. I suggest to the Member in charge whether it is not possible to economise the expenditure, because, I am sure, they are not anxious to spend a pie more than what is absolutely necessary. If so, what is the difficulty in reducing it as recommended by the Committee? And they themselves admit that they once agreed to reduce. I, therefore, move the motion standing in my name which runs as follows:

"That the demand under the head 'Indo-European Telegraph Department' be reduced by rupees one lakh."

The Honourable Mr. A. C. Chatterjee: Sir, the Honourable Member has asked what the difficulty is in effecting the retrenchments that were recommended by the Retrenchment Committee. As a matter of fact, Sir, there is no difficulty whatever. We have effected a bigger retrenchment than the Retrenchment Committee recommended. As a matter of fact in the actuals of 1922-23, the revenue was Rs. 46 lakhs and the working expenses a little over 31 lakhs, and the surplus in that year was Rs. 14,79,000. In the Budget of 1923-24 the revenue was estimated to be Rs. 40,84,000 and the working expenses Rs. 29,87,000; and in the Budget for 1924-25 the revenue is Rs. 46,00,000, and the working expenses Rs. 33,63,000. The account dealt with by the Retrenchment Committee was found to be on a different basis from the above, as items shown as deductions from revenue were transferred by the Committee to the expenditure side. On the same basis of accounting, as I mentioned above, the Budget estimate for 1922-23, on which they worked, was Rs. 36,35,000. On this they recommended a net reduction of Rs. 6,12,000. The Budget for the current year showed a somewhat larger saving in working expenses. The revised Budget of Rs. 33,68,000 shows an increase of 8.8 lakhs compared with the Budget of the current year. But of this Rs. 1,92,000 is due to the final adjustment under this head of the cost of the maintenance of the Meshed-Seistan line, and Rs. 50,000 is due to the inclusion for the first time of the pensions under this head. The balance of the excess is due to the provision for urgent repairs to cables and to restoration of provision for certain allowances due to the continued high prices and compensation for the appreciation of the kran. Therefore, I have shown that as a matter of fact we have carried out a larger reduction than was recommended by the Retrenchment Committee.

Mr. B. Venkatapatiraju: May I take it, then, that the statement made in this House is not correct?

The Honourable Mr. A. C. Chatterjee: Which statement? I have given the facts.

(At this stage Mr. President vacated the Chair which was occupied by Colonel Sir Henry Stanyon.)

Mr. Darcy Lindsay: Sir, there are certain matters on which I desired the department to give information. Not having received the same, I ask the Honourable Member in charge to let me have that information.

Mr. G. R. Clarke (Director General of Posts and Telegraphs): Sir, the Honourable Member has asked for an explanation of the two items, Rs. 56,300 and Rs. 1,00,000, mentioned on page 60. The explanation is this, that for the Central Persian Line which goes from Karachi to Teheran, we pay the Persian Government a rent of Rs. 56,300 a year. Now, there are certain debts due from the Persian Government to the Government of India and our method of recovery of these debts is by withholding the rent and crediting it to the accounts of the Government of India shown as *minus* account in the capital. As for the Rs. 1 lakh, there are certain lines concerning which there are special treaties between the British Government and the Persian Government. These lines will have to be restored to Persia in 1945 in perfect working condition and the value of these lines is estimated at Rs. 25 lakhs. They have to be restored without any *quid pro quo* to Persia. The way in which the department arranges for that is by amortisation, that is, they put aside Rs. 1 lakh per annum for the payment, for the amortisation of the capital value of these lines.

Mr. Chairman: Against Demand No. 12, Rs. 33,58,000, the Indo-European Telegraph Department

Mr. B. Venkatapatiraju: Sir, I do not press my amendment.

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

Mr. Chairman: I take it that the debate has already covered the other three amendments before the House for the reduction of the Demand by Rs. 100. Therefore the question I have to put to the House is:

"That a sum not exceeding Rs. 33,58,000 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, 1925, in respect of the 'Indo-European Telegraph Department'."

The motion was adopted.

DEMAND NO. 13—INTEREST ON ORDINARY DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 21,06,000 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, 1925, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

Diwan Bahadur M. Ramachandra Rao: Sir, I beg to move:

"That the provision for Annuities in Purchase of Railways be omitted."

* "That the demand under the head 'Indo-European Telegraph Department' be reduced by rupees one lakh."

This demand relates to the annuities in purchase of railways. I should like my Honourable friend Sir Basil Blackett to give a clear statement of the position in regard to the spending of these annuities in view of what has taken place already. Sir, I understand that the purchase of railways is done in three ways. The first method is by the payment of cash. The second method is known as purchase by payment of India stock and the third is by means of terminable annuities payable to the companies for a certain number of years. I understand from what I could gather that the first course, namely, purchase by the payment of cash, was adopted in the case of certain railways in India. As an instance, I may give the case of the Nilgiri railway. Even in that case I gather from the previous statements on this subject that the amount was debited to capital. In the case of those companies which were purchased by the issue of India stocks, the amount covered by the India stock was debited to capital in the past years. That was the case in the case of a number of Railways, for example, the Bombay Baroda and Central India Railway. In the case of those railways the second method was adopted, namely, the system of issuing the India stock, but at the same time the amount was debited to the head of capital. As I have already said, the third method is the method of issuing terminable annuities payable for a certain number of years. Now, Sir, in this third case, I understand that the Honourable the Finance Member wishes the amount covered to be debited to revenues. I ask him why he proposes to debit the amount covered by these annuities to the head of revenue and why does he not propose to debit it, as has been done in the case of the other two methods of purchase, to the capital account. Sir, I am aware that this is a matter which has formed the subject of discussion in the past and the Honourable Sir Malcolm Hailey, who was then Finance Member, referred to this matter in the proceedings of the Assembly on the 15th of March 1922 in the following words:

"The sum provided annually for redemption of the capital payable is, we hold, in the nature of a sinking fund and according to all commercial practice would be rightly discharged by revenue. I think any commercial man here will agree that as a pure matter of accounting it is rightly charged to revenue and could not rightly be charged to capital. I admit of course at the same time that, in view of our money difficulties, we might consider whether another course could not be taken with this particular sum but I hold that as a matter of accounts it has been rightly charged to revenue."

This statement shows, Sir, that the answer to my question is that in the case of purchases of these railways by annuities the Finance Member in the past regarded it as a legitimate charge against revenue. But my point is that, when you debit the amount to the capital account when you purchase railways by cash payment, as has been done in the case of the Nilgiri Railway, why in this particular matter should railway annuities be debited to the revenue account. That point has not been answered. On the other hand, the Honourable the Finance Member said that, in view of the peculiar difficulties of that year, he might have to consider whether another course could not be taken with regard to this particular item. I think in the peculiar circumstances of this year my Honourable friend Sir Basil Plackett ought to take a different course with regard to these railway annuities. Here we are faced with the difficulty of satisfying, at least to some extent, the claims of the provinces. If my Honourable friend thinks that even in a year such as this, when the amount of discontent has been swelling year after year, this method which is capable of being applied should not be adopted, then I consider that he is not meeting our wishes in a way in which we desire him to meet them. Anyhow, I do not see

[Diwan Bahadur M. Ramachandra Rao.]

any other explanation except some occult reason why this amount covered by the annuities payable every year should be debited to revenue and not to capital. Sir, this year we are committed to a policy of borrowing of 30 crores of rupees every year for capital expenditure. I suggest, Sir, that this amount and the annuities should be debited to the head of capital so that we may relieve to some extent the tension in the provinces. I know that the amount that will thus be available is not very much, because I see it is only Rs. 21,06,000 under this head. But I think if the Honourable the Finance Member applies this principle and saves some amount which will be available for distribution to the provinces, it would be a satisfactory way of meeting our wishes.

There is another matter and that is that some portion of these railway annuities are non-votable. I should like to know why a portion of the same head is placed under the heading 'non-votable' and another under the heading 'votable'.

Sir P. S. Sivaswamy Aiyer: Is not there a decision of the High Court about this?

The Honourable Sir Basil Blackett (Finance Member): I am quite ready to answer in due course.

Mr. Chairman: Amendment moved:

"That the provision for Annuities in Purchase of Railways be omitted."

The Honourable Sir Basil Blackett: I rise on a point of order, Sir. The provision for Annuities is a non-votable item. I did not understand the Honourable Member to move that amendment because I think it would be out of order. I am quite willing to answer on the subject but I should like to have your ruling, Sir, whether the amendment itself is not out of order. It relates to a non-votable item and it exceeds the total amount of the vote.

Mr. Chairman: That is a point which I think I must reserve for the President to decide.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): But we cannot proceed with the debate without a ruling from the Chair.

Mr. Chairman: Then I will assume that the amendment is in order.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural): Sir, the interest which we have to pay every year in respect of loans and other commitments and liabilities is regarded as a matter of course and most of it falls under the head 'non-votable'. Nevertheless, Sir, the insidious and baneful effect of the tremendous figure of interest which is charged on the finances of this country is very burdensome. I say, Sir, that the administration of our loans and interest services is not such as inflicts the minimum burden on the tax-payer but is, on the contrary, managed with more or less laxity that should be avoided. First of all, I will take these recent loans for railways. I do not want to deal at length with this question as the Railway Budget is not before us; I would simply make some passing observations on this 30 crores annual railway loan. Sir, the Legislature was, it seems to me now, in a great hurry in committing itself to give 30 crores annually for railway purposes. It seems to me that, when a person or a body of persons has got more money in hand than he or they can spend, there is

found to be a waste which could very well be avoided; and we find that the railway administration is incapable of spending these 30 crores of rupees annually in spite of the best possible efforts to do so. And naturally, under such circumstances, they will spend as much as they can, in as much of a hurry as they can, and therefore not as well as they ought; with the result that, while the interest is charged to the tax-payer, the tax-payer does not get the best advantage out of the expenditure. We are told by way of explanation "Oh we cannot spend these 30 crores of rupees because you do not give us some 12 crores every year simultaneously to spend on renewals." That, I think, Sir, is an after thought and was never brought in a pointed manner before the Railway Finance Committee on whose recommendation we granted these 30 crores annually. Sir, I am not referring here to that matter because it pertains mainly to the Railways. But I do want to point out that this manner of voting money, which cannot be spent by those who are being given it unless you guarantee a further expenditure of 2 crores for every 5 crores voted, is extremely undesirable and not very satisfactory. There is an Indian proverb, Sir, that the one thing that does not sleep is interest. People sleep at night, but interest sleeps neither by day nor by night, and we find that, while we pay interest, we do not get interest for the money which we lend. The other day I had tabled a question about the amount which we lent to the War Office—money during the war and thereafter—and I asked for information regarding the interest which the War Office paid to us. My Honourable friend, Mr. Burdon, told us in reply that day that this country had spent as much as 510 crores of rupees on behalf of the War Office and it received that money back from time to time but that no interest was being paid as there was no arrangement to that effect. Why was there no arrangement? Why was so much money of the Indian tax-payer granted to the War Office? Was it because India is so rich that it could afford to pay 510 crores of rupees without any interest? I do not know. But it seems to me that, even now, there are certain moneys which we are spending on behalf of the British Government, which are being recovered in due course but on which no interest is charged. We pay money to the Iraq Government on which no interest is charged. Why is it that the Indian moneys are given so cheap? While we have to pay interest to the tune of 7 per cent. on some of our loans, we get no interest on crores upon crores of rupees which are lying invested with other people from year's end to year's end.

The Honourable Sir Basil Blackett: Would the Honourable Member tell me where to find these crores, because I should like them?

Mr. Jamnadas M. Mehta: I refer my Honourable friend to page 664, Volume IV of the Legislative Assembly Debates, No. 13. The answer given by my Honourable friend, Mr. Burdon, was that the total disbursements made by the Government of India, on behalf of the War Office, (I am referring to past history, and I am not referring to the present year) were £342 million, which come to 510 crores of rupees. Well, Sir I think we are entitled to demand an explanation as to why no interest was charged. Even now the thing is being done. The Iraq Government is receiving our moneys; we are paying in India and we are receiving in London. What the arrangement is I do not know, but the fact remains that we are receiving no interest. Then, Sir, there is another mischievous and pernicious practice which is that of sending money from here to England far too early in anticipation of requirements there.

The Honourable Sir Basil Blackett: Sir, on a point of order, this vote has nothing to do with the question of remittances.

Mr. Jamnadas M. Mehta: Interest is lost.

The Honourable Sir Basil Blackett: This vote has nothing to do with the question of remittance of money to England. I suggest, Sir, that the Honourable Member's remarks are entirely out of order.

Mr. Jamnadas M. Mehta: Will you hear me, Sir? I am now considering the question of interest in connection with the grant for which this Demand is made, and I say, Sir, we are losing interest as a result of making remittances too early.

Mr. Chairman: The particular instance of this remittance does not seem to me to be relevant and open to discussion.

Mr. Jamnadas M. Mehta: Then I need not pursue the matter at all. All that I can see is that we are sending crores on which we get no interest and, although this is an important question, it is a pity we cannot discuss it and I only want the Finance Member to enlighten me as to when we can discuss it.

The Honourable Sir Basil Blackett: Under "General Administration," I think.

Mr. Jamnadas M. Mehta: Does that refer to Interest? I am quite at a loss. I obey your ruling, Sir, that the loss of interest which this country is suffering cannot be discussed under this head,—I am discussing the main motion, Sir. Where then can it be discussed? I get no answer.

Mr. Chairman: You have already had it once.

Mr. Jamnadas M. Mehta: You mean from the Honourable the Finance Member, Sir. Very well, Sir, then there is another thing about Interest, namely, that we are further losing interest on—I do not know whether again that would be outside this motion, but I will mention it for the purpose of information. I tabled another question to the Honourable the Finance Member on the 3rd March 1924, from the answer to which we find that there was in England a sum of nearly 15 lakhs of pounds in the month of December last year, lying without interest. (*The Honourable Sir Basil Blackett:* "No, Sir.") Yes, Sir, it is your own answer. Here is the answer on page 1136 of the Legislative Assembly Debates this year. The total amount of 129 lakhs of pounds during 9 months lying idle.

Then, Sir, there is one thing further. We are paying interest of 2 crores and 30 lakhs on the Treasury Bills which are issued to the Indian Paper Currency Reserve; for that amount really we cannot take credit to revenue. This interest is shown as paid to the credit of our revenue. Why? Is it earned by the Government from any of their revenue-earning departments? Not at all. These 2 crores and 30 lakhs of rupees is interest for the security of those who own the Paper Currency of this country. It is their money. This amount of interest does not belong to the revenue of the Government. This does not belong to the Finance Member's ordinary expenditure. This 2.30 crores belongs to the holders of the Paper Currency to whose reserve it should be credited.

Mr. Darcy Lindsay: Sir, I rise to a point of order. Did I understand you to rule that we could have a general discussion on the whole question of Interest on Ordinary Debt, etc.

Mr. Chairman: My ruling only had reference to one particular instance. I do not think that a general discussion on this Demand, which is a Demand for Interest on Ordinary Debt, is out of order where the object of the debate is to question policy.

Mr. Darcy Lindsay: But I point out, Sir, that the amendment before the House is that the provision of Annuities in Purchase of Railways be omitted—Annuities only.

The Honourable Sir Basil Blackett: Sir, I did not rise to a point of order before because it seemed to me that so little of the Honourable Member's speech was in order that he might as well make it. But there is a heading "Currency" under which some of the points he has raised would be in order. Others of them would be in order under "General Administration." I cannot see that the interest that we do not receive has very much to do, Sir, with the question of a vote for interest which we desire to pay.

Mr. Jamnadas M. Mehta: Well, Sir, if I am to follow the Honourable the Finance Member, I must discuss part of the question of interest under currency and part under another head and not the question as a whole. That is the effect of the ruling which the Honourable the Finance Member has given. Then, I was going to discuss the arrangements which the Honourable the Finance Member has suggested in his Budget speech about the Reduction and Avoidance of Debt. I do agree with him that in a country like India, the amount of unproductive Debt, as it is to-day, is too large, although my Honourable friend has tried to show as small a figure as possible for unproductive debt; he has put it at 228 crores but he forgets to add 49 crores Treasury Bill and the strategic railway lines. In fact, if the total amount of unproductive debt on which we pay interest were taken into account, it would come to nearly 400 crores and not 228 crores as the Honourable the Finance Member has said. We are to-day naturally confronted with the great necessity of avoiding and reducing this debt. If we can, Sir, I agree with the Honourable the Finance Member that it is necessary to hit upon some plan of an early reduction by the process he has suggested. But there again, while I agree with him as to the principle, I say that until that principle is worked out, and we have reduced the total amount of our unproductive debt to a negligible quantity, the annual burden on the taxpayer will continue to be extremely heavy for practically a generation,—a very heavy burden indeed.

(At this stage Mr. President resumed the Chair.)

Then, Sir, I come to the 18 crores 97 lakhs of interest that we have annually to pay on the unproductive debt of the country and which is in fact the result of the military policy under which India is governed. I do not want to deal with this question to-day because the military policy is not under discussion now. But at the same time I cannot forget the fact that this 18 crores 97 lakhs which is the annual burden of unproductive debt, is the result of the military policy,—the result of the deficits due to the military policy and the Afghan war and the Waziristan war and many other wars and the great war. This heavy interest burden of 18 crores and 97 lakhs is entirely and exclusively and wholly due to the military

[Mr. Jamnadas M. Mehta.]

policy of the Government of India for which the Indian tax-payer has to pay without murmur. Therefore, it was, Sir, that I added this 18 crores 97 lakhs to the military expenditure in addition to the 63 crores shown in the Budget estimates for the next year. I am sorry I was not here when the Honourable the Finance Member replied. He said that the idea that this military expenditure could be reduced was an "opium dream." I do not know whether it is an opium dream or a Utopian dream. I read in the newspapers that he said that it was "an opium dream." Naturally the opium revenue is so much on his head. But whether it is an opium dream or a Utopian dream, the fact is that we must reduce this extravagant burden of 18 crores 97 lakhs as soon as possible by economics—not by fresh loans, not by fresh taxation, not by taxing the people in one direction and reducing it in another direction—but by real economy and by real retrenchment. It is not right to say that you must have fresh taxation for this purpose. That is not the kind of finance which I would welcome. Any reduction of debt must be the result of a deliberate policy of retrenchment and economy, not of fresh taxation in other directions or fresh borrowings of a suspicious nature. That is all, Sir, I have to say, and, according to my Honourable friend, I will have to discuss the rest of my points when the other sub-heads come up for discussion.

The Honourable Sir Basil Blackett: Might I now raise a point of order? Might I ask you if you would now give us a ruling on a point which I understand was left to the Chair by Sir Henry Stanyon when he was temporarily occupying your seat. The original motion before the House was that a sum not exceeding Rs. 21,06,000 be granted to the Governor General in Council to defray the charge in respect of Interest on Debt. Mr. Ramachandra Rao got up and made a speech. I was not quite sure whether he moved the motion that the provision for Annuities in Purchase of Railways be omitted.

Diwan Bahadur M. Ramachandra Rao: Yes.

The Honourable Sir Basil Blackett: The question that I asked your predecessor was whether that amendment could be regarded in order. It refers to a non-voted amount which exceeds the total of the sub-head.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): I question whether it is non-votable.

Mr. President: A motion for reduction cannot be made in respect of a non-voted item. I may explain the matter a little further especially for the benefit of Honourable Members who were not here last year. When the Governor General issues his Order in Council throwing open for discussion certain subjects during the debate on the Budget, the agreement arrived at between the Chair and the Governor General in Council last year was that that meant that the non-voted items were open for discussion but that it is not in the power of the Chair to permit motions for reduction in relation to non-voted items. The distinction therefore is between the discussion of these things and the voting upon them. If the vote upon an item is not open to the Assembly, it is not open to the Assembly to move reductions in that item. It is not clear to me from the way in which it is printed that this is a non-votable item and if this is a printer's error, the Honourable Member from Madras and the Chair suffer in common.

The Honourable Sir Basil Blackett: In defence of the printer and of the Department I would point out that practically the whole of this grant is non-votable. We have therefore put in a note A against the four items in the vote which are votable.

Mr. President: The only course open to the Honourable Member is to move a reduction, in order to raise the question, on the portions which fall under the voted portion, and not on that portion which is not open to actual reduction by the vote of the Assembly. I presume the Honourable Member appreciates that.

Diwan Bahadur M. Ramachandra Rao: That is exactly what I did.

Mr. Jamnadas M. Mehta: Do I take your ruling, Sir, to be that, while amendments cannot be moved, the discussion can range over the whole field of Interest administration?

Mr. President: Yes.

Mr. Jamnadas M. Mehta: Thank you, Sir.

Mr. A. Rangaswami Iyengar: Mr. President, your ruling has quite clarified the position so far as the figures entered in the estimates are concerned. But although it may be that not having this figure of Rs. 1½ crores under the votable head we cannot vote on it, I desire, Sir, to draw attention to the fact that, as a matter of fact, this sum of 1½ crores ought to be made votable. You will find, Sir, that this item of 1½ crores is for Annuities in Purchase of Railways. The capital portion of it is 1 crore and 25 lakhs. In the Railway estimates also we find that there is another sum put down for Annuities in Purchase of Railways in respect of the interest portion thereof, of about 2 crores and 97 lakhs. Under the rules which have been framed under section 67-A of the Government of India Act, it is not within the power of the Governor General to make non-votable charges out of revenues which do not come under any of the heads excepted in clause (3) of section 67-A.

Section 67-A (3) says:

"The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion."

In other respects, as section 67-A (1) says:

"The estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year."

Moreover, sub-section (2) of the same section says:

"No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor General."

Therefore, this has to be laid before us and the vote of this House has got to be obtained. The clause under which this is sought to be excepted is "(i) interest and sinking fund charges on loans"

The Honourable Sir Basil Blackett: On a point of explanation, Sir, as it might save a little time—I would point out that though it is a possibly debatable question whether this is interest and sinking fund charges on loans, it comes clearly under the second head "expenditure of which the amount is prescribed by or under any law." The point was raised a year ago and a full explanation was given. I think that if the House will accept that as a statement we should save the trouble of discussing it.

Mr. A. Rangaswami Iyengar: I would certainly like to peruse that debate, but I am not prepared to accept the conclusion that the debate has exhausted the question beyond the possibility of decision again. My desire to raise this question and to make it votable in this House is based on the fact that this payment of annuities out of the ordinary revenues of this country is certainly a procedure in finance which is unsound in principle. I think that these appropriations of revenues towards the capital account have been made repeatedly in these estimates this year with a view to swell the revenue expenditure head of the Budget so as to arrive at a deficit which will make it possible to maintain the salt duty at Rs. 2; and to allow remissions in provincial contributions to be made only on that basis, that is, so as not to enable this House to vote a reduced salt duty and also to make provision for a remission of Provincial Contributions. I had occasion to point out yesterday that two items of such expenditure under the Railway Budget were so included under the expenditure side which ought to have been put down under the capital side. This is also a sum which has been similarly treated and I object to the whole procedure by which such large slices of the revenues of the country are appropriated towards the re-payment of capital. That is all I have to say on this point.

The Honourable Sir Basil Blackett: Sir, I might perhaps begin by dealing with the question whether this ought or ought not to be voted. I am delighted to find my Honourable friends taking such an interest in the question whether a sum is voted or non-voted. On Monday, as far as I understood, their view was that it did not matter.

Mr. A. Rangaswami Iyengar: It did certainly. If all the items are made votable, we are here.

The Honourable Sir Basil Blackett: As I understood the discussion on Monday, the Honourable Member said that Parliament made a mistake in passing the Act of 1919 and in thinking that he was a fit person to be responsible for voting on any item and that it did not matter whether a thing was voted or not. But I am very much delighted to find that he is taking a different view to-day. The answer as to whether it is votable or non-votable is quite simple. It is an amount "prescribed by or under any law." There are Acts of Parliament in connection with the purchase of these railways. So that one need not enter into the other question whether it is an interest or sinking fund charge on loans which would be debateable, though it might finally be decided under clause 67-A (4) which says that the decision of the Governor General in Council in such matter is final. So much for the question whether this ought to be voted or not.

The Honourable Members from Madras who are taking an interest in this subject are clearly moved by the interests of Madras with which I sympathise. They are trying to find some means of both eating their cake and having it too, or having their salt and eating it too. The Honourable Member who first spoke made a plea that in the peculiar circumstances of this year we should raid the sinking fund, that is what it amounts to. I have now attended something over 20 Budget debates in different parts of the world and I have never heard one in which the peculiar circumstances of the year were not mentioned as an excuse for doing something that ought not to be done. (A Voice: "On both sides.") Possibly on both sides. I do not quite know what the peculiar circumstances of this year are. I understand the peculiar position of some Madras Members. (Mr. A. Rangaswami Iyengar: "The position in which we have been placed by

you.") I am in full sympathy with them in their claim, but that is not what is now in question. Last year this sum was provided under the head of Railways and we had a considerable discussion on the question whether it was properly chargeable to revenue or properly chargeable to capital. At the time, if Honourable Members will look at the debate, they will find that I said that in my opinion it was in the nature of a provision for reduction of debt. Whether you should provide a sinking fund or not was a question which you might discuss. Whether this was a capital charge or a revenue charge was not really a debateable question. It is a provision for paying off capital. You can pay off capital either by re-borrowing or by providing money out of revenue. So that you cannot really usefully argue whether or not it is properly chargeable to capital or properly chargeable to revenue. It is a provision for reduction of debt which you may or may not re-borrow. But last year I went on to say that in a year in which for the first time for some years we were struggling to balance our Budget we should not make a good impression throughout the world if we did it by deciding arbitrarily to borrow for a purpose for which we had hitherto provided money out of revenue. In view of that discussion, during the year I devoted and the Finance Department devoted quite a considerable time to the question of our total debt and the proper way of dealing with it. Some of the results of that consideration were given in paragraphs 27 to about 38 of my Budget Speech in which I tried to suggest principles which should govern our provision for debt redemption and the application of those principles. Now, the principles there laid down, when applied to our existing debt, suggested that something like Rs. 4 crores was a reasonable provision to make in the current year for reduction of debt. If I am to believe the Honourable Member from Bombay the amount of our unproductive debt is very much larger and therefore the provision ought to be very much larger, but I do not believe him. The view that I suggested there was that something like Rs. 4 crores was a suitable sum to charge this year to revenue for debt reduction and it is on that basis that our estimates are prepared. If we were to accept the Honourable Member's suggestion that instead of providing the capital portion of this annuity out of revenue we should provide it out of capital, it would make a reduction of over one crore and 25 lakhs, to take the annuities only, and reduce the total provision to something like 2½ crores of rupees. The view that I take is that 2½ crores is an insufficient provision to make in this year or at the present time for reduction or avoidance of debt.

Mr. A. Rangaswami Iyengar: You have a windfall, Sir.

The Honourable Sir Basil Blackett: Regard being had to the size of our total debt. So far as concerns the windfall, that part of it which becomes available will serve slightly to reduce the aggregate of the accumulated deficits of the previous five years.

Mr. A. Rangaswami Iyengar: You have brought down the floating debt enormously.

The Honourable Sir Basil Blackett: It has been brought down, but the debt itself has not been extinguished. The floating debt which has become a long term debt still remains an obligation. The view that I hold is simply that we shall not be justified in providing less than 4 crores this year.

Diwan Bahadur M. Ramachandra Rao: Why this year, Sir?

The Honourable Sir Basil Blackett: I have answered that in four pages of print and I do not think the Honourable Member wishes me to repeat that. I say the circumstances of this year are not peculiar or, if they are peculiar to any particular extent, the peculiarities point in the direction of making it desirable that our provision for avoidance of debt should be rather larger than smaller, in view of the additions which we have been making to our debts in recent years. So I am not willing therefore to accept the view that we should charge these annuities to capital if it means that we should reduce our total sinking fund by that amount. I do not think the Honourable Member is really interested in suggesting that we should charge these annuities to capital but include in this vote a provision for reduction or avoidance of debt of an equivalent amount. That would not help Madras or anybody else as far as I can see. I would like just to add that, even if we did decide this year to reduce our sinking fund, I do not think it would really serve Madras purposes because it would be a suitable thing to have a surplus in hand this year with a view to dealing with the deficit which would face us on present indications were we to reduce the salt tax to 1-4-0. That is the double argument with which I have to meet the Honourable Member.

Mr. A. Rangaswami Iyengar: That is where the shoe pinches.

The Honourable Sir Basil Blackett: Mr. Mehta raised a good many points. I am always interested in his speeches. My reply to his last one was evidently not correctly reported in the papers. What I said was that it was his speech that suggested the opium dream, because it was such a beautiful dream. We were going to have an army which would cost us at most a crore if not *minus* a crore and no taxation for anybody and a gift was to be made to Bombay in place of our present Provincial contribution from Bombay. He went on to deal with a good many points which I am afraid are not strictly in order on this vote. I should like to attempt to answer one of them, so that it may be cleared out of the way.

Mr. Jamnadas M. Mehta: I ask your ruling, Sir, and you gave it in my favour. Still the Honourable Member says that I was irrelevant. You did rule that, although the whole item may not be votable, the discussion can range over the whole debt administration.

Mr. President: The point put to me was what was open for discussion in a demand some items of which were votable and some were non-votable. Everything that is included in Demand No. 13, "Interest on Ordinary Debt and Reduction or Avoidance of Debt" is open for discussion, but is not open for vote except in the four points mentioned under footnote A.

The Honourable Sir Basil Blackett: That was my point. The Honourable Member will presumably have another opportunity on the Finance Bill for covering wider ground. But, if I am now allowed to travel with him a little beyond this vote, I shall be very glad to do so. He suggested that crores of rupees were left in the hands of the British War Office without interest. There is a good deal of misconception on that subject. During the war large payments were being made by the British Government on behalf of India and large payments were being made by the Indian Government on behalf of the United Kingdom and, large sums sometimes on one side and sometimes on another became due each way. As a matter of fact an arrangement was made for monthly payments in

advance which still continue under certain circumstances. I went very carefully into this matter last year in view of a statement which had been made that we ought to have made a claim for interest against the British War Office and I came to the conclusion that had we made such a claim we should have had a counter claim for a very much larger amount which we could not have resisted, so that in weal or in woe we have had rather more in the interest which we have saved by not raising that question, than we should have gained had we asked the British War Office to pay interest on the sums that were lying from time to time at the credit of India with the War Office. The subject of exchange and remittance into which the Honourable Member entered would raise such a long discussion and we should so clearly differ that I think I must be excused from following Mr. Mehta into that. The difference between his views and mine is fairly well known and the House would I think rightly be unwilling to listen to a debate between us on that subject which might last for a very large part of the afternoon.

Sir P. S. Sivaswami Aiyer: About the explanation which has been given by the Honourable the Finance Member with regard to the capital portion of the annuities on purchase of railways under the head of interest, I do not feel very much enlightened by the explanation which he has been good enough to offer us. It is expressly put down capital portion. Why is it entered under the head of interest?

The Honourable Sir Basil Blackett: Will the Honourable Member read the whole of the title—Interest on Ordinary Debt and Reduction or Avoidance of Debt?

Diwan Bahadur M. Ramachandra Rao: The Honourable the Finance Member has not really given me any satisfactory explanation to my remark as to why a particular portion of these railway purchases should be paid for by cash. For example the Nilgiri Railway was purchased by cash and the expenditure involved was debited to capital account. Then in the case of those railways which are purchased by payment of India stock they were debited to the capital account of the railways. Now I ask why in regard to these annuities payable on various productive public works the amount involved should not be debited to the capital account under the railways. That was the question which I raised. It is not a question of payment of interest on these annuities. It is a question of that portion of the capital which, as my Honourable friend himself suggested, has to be paid by borrowing again for a productive public work. That is the point that I want to raise under this vote and if my Honourable friend proposes to do this this year, it means there will be a saving under revenue of 1½ crores which would certainly meet his wishes and our wishes. My Honourable friend of course made some remarks about the peculiar circumstances. He seems to be also in the peculiar position of avoiding what I may call a deficit by putting us into the dilemma of consenting to a most unpopular tax. I give him a chance here of taking this out of the revenues of this year, and I am frankly of opinion that this amount which will have to be paid year after year for productive public works will have to be paid out of the capital account of the railways; and the annuities will have to be included in the annual account of the year for productive public works. I would ask why that policy should not be pursued. On that matter I regret that my friend has not given a satisfactory answer, because it was followed in the case of railways which were purchased by the issue of India Stock and by the payment of stock. Why has he introduced this new policy of

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adding to railway revenue expenditure under the head of Avoidance of Debt? That is the question which I have raised by this motion and there is no answer to me in regard to that matter. I should like my Honourable friend to think over it, and I would ask you, Sir, to adjourn the House for lunch now to give my Honourable friend a chance of thinking over it.

The Honourable Sir Basil Blackett: I think I can answer that point which I did not before answer in full in a few minutes. The Honourable Member is quite right in saying that we have purchased and paid for railways in three different ways. But he is not right in saying that when we have purchased a railway by means of an annuity we have not included in the capital charge on railways the total capital value of annuities. What we have not done—and this is the only point in which there has been any difference this year—is that we have not hitherto included in our statement of total debt the outstanding capital which has not yet been repaid by the annuities. This year in order to get a complete statement of our debt I have included the capital value of liabilities undergoing reduction by way of terminable railway annuities at a total of about 90 crores. The only difference therefore is that hitherto, so far as our public statements have been concerned, there has been an understatement of our total debt by 90 crores. But there is no change in the policy of charging year by year the annuity in repayment of that sum to revenue. No change has been made at all except that it is being charged now under the head where I think it does properly come “Appropriation for Reduction or Avoidance of Debt” instead of under the head “Railways.” The provision for reduction or avoidance of debt in this year’s Budget is as a matter of fact some 60 lakhs less than it was last year, because we have omitted the special provision of 80 lakhs for additional depreciation fund for the reasons explained in my Budget speech. What is now suggested by Madras is that having already reduced our sinking fund by 65 lakhs, we should reduce it further by something like a crore and a quarter, and that is what I suggest we ought not to do.

Mr. A. Rangaswami Iyengar: Sir, may I know whether this payment towards the repayment of capital in the form of annuities comes from railway revenues or general revenues?

The Honourable Sir Basil Blackett: One cannot earmark the particular rupee which pays a particular sum. It possibly comes out of the Honourable Member’s pocket, but we propose to charge it in future on the general revenues. It is only a method of showing your accounts, whether you show it as chargeable to railway revenues or general revenues.

Mr. A. Rangaswami Iyengar: May I ask one more question? The difference between charging the repayment of capital on the railway revenues or on the general revenues, I think, is patent, and I am sure the Finance Member does not mean to say that there is no difference. What we want to know from him is this. Why should he put down as a liability against the general revenues and as a part of the general revenue expenditure the capital that is repayable on account of the purchase of railway property, which ought to be met not merely by finding the interest for it from the railway revenues, but also by finding the payment of that share of the capital which is represented by the annuity? Why should that policy be departed from and this item now be entered under the head of Interest, under what is now a non-voted item. I say, Sir, as regards that, we are entitled to know why this amount has been shifted to this new head.

The Honourable Sir Basil Blackett: It has always been non-voted and as for the reasons for shifting this charge from the Railway to the general Budget, if the Honourable Member will look at paragraph 31 and the succeeding explanation in my Budget speech, he will find them stated in full.

Diwan Bahadur M. Ramachandra Rao: In view of the fact that a portion of this demand is non-votable, I trust that my Honourable friend will consider all we have said to-day and will be able to meet our wishes.

Mr. President: I must point out to the Honourable Member that there is no motion before the House except the original motion, as the motion he proposed to move is *ultra vires*.

Diwan Bahadur M. Ramachandra Rao: It is so.

Mr. President: The point is that the Honourable Member attempted to move a motion which was *ultra vires*. As that motion could not be moved it therefore does not exist.

The question is:

“That a sum not exceeding Rs. 21,06,000 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, 1925, in respect of ‘Interest on Ordinary Debt and Reduction or Avoidance of Debt’.”

The motion was adopted.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Sir Chimanlal Setalvad in the Chair.

DEMAND NO. 14—INTEREST ON MISCELLANEOUS OBLIGATIONS.

Mr. Chairman: The question is:

“That a sum not exceeding Rs. 3,62,92,000 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, 1925, in respect of ‘Interest on Miscellaneous Obligations’.”

Mr. B. Venkatapatiraju: Sir, I just wanted to get information about “Interest on undrawn balances of capital deposited by Railway Companies” (*vide* item No. 35, page 43). I should like to know whether any railway company deposited any capital with Government, and whether any interest was paid.

Mr. A. V. V. Aiyar (Finance Department: Nominated Official): Sir, I would first explain that this particular entry is a more or less obsolete one. No figures in any of these years relate to this particular entry which has been carried on from the previous years’ volumes, and the last year in which this item occurred was in 1919-20. The nature of the item is this. The Secretary of State at times raises funds through railway companies. The particular company which raises a certain amount does not use the whole of that sum for capital expenditure; there is a surplus left, and interest on that surplus is paid by charging the amount to this head and crediting a corresponding amount to the earnings of railways. That is what the transaction represents.

The motion was adopted.

DEMAND No. 15—GENERAL ADMINISTRATION.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 72,05,000 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, 1925, in respect of 'General Administration'."

Diwan Bahadur M. Ramachandra Rao: Sir, in the first place I should like to ask you as to the limited scope of the discussion under this Grant. So far as I understood the President, he said that there might be a general discussion of the whole of the Grant on a Rs. 100 motion. I should like to know, in view of that statement, whether I should move the motion standing in my name under the head of Foreign and Political Department and whether the discussion would range over the whole subject of the Departments under this grant. I should like to know whether I should have to confine myself to this particular item covered by the affairs administered by the Foreign and Political Department.

The Honourable Sir Malcolm Hailey (Home Member): Sir, without derogation from any ruling which you may give, might I suggest that, as the question of order was put to the President himself by Mr. Ramachandra Rao, it might be convenient to pass on to some of the succeeding items and allow the President himself on his return to answer the somewhat difficult question which Mr. Ramachandra Rao put.

Diwan Bahadur M. Ramachandra Rao: Then, Sir, in view of what the Leader of the House has stated, I would confine myself to the Department whose vote I wish to reduce to Rs. 100. I take it, Sir . . .

Mr. Chairman: You are moving No. 74?

Diwan Bahadur M. Ramachandra Rao: Yes.

Mr. Chairman: If you are moving No. 74, inasmuch as it relates to the subject of the Foreign and Political Department, you must confine your remarks to that part of the General Administration.

Diwan Bahadur M. Ramachandra Rao: I take it, Sir, subject to your ruling, that there would be an opportunity of making general observations on the whole of the Grant No. 15 when it comes under discussion?

The Honourable Sir Malcolm Hailey: It might be convenient to the House, if Mr. Ramachandra Rao would move No. 75 and defer No. 74 till the return of the Honourable the President? That is my suggestion.

Mr. B. Venkatapatiraju: May I request, Sir, as the President has stated that in raising this discussion which would roam over the whole subject instead of being confined to a single subject, that you might find it possible to permit Dr. Gour to move his motion under the head General Administration so that all these general observations might be made under that head, and that that would facilitate matters, as otherwise we would find it difficult to decide where to stop with reference to our general observations?

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I rise to a point of order. Only a few hours ago the President ruled that under each head there might be a general discussion, and after that general discussion on that head the subsequent motions dealing with the reductions of specific amounts might be directed to particular issues. Now

in that view I think Mr. Venkatapatiraju is right that there should be a general discussion on the policy and character of the General Administration under this head covered by my Amendment No. 86; and then I submit it will be open to the other Members to draw the attention of Government to particular heads and sub-heads and criticize the policy of those Departments. I therefore suggest that you should order, Sir, that the general criticism of the Administration covered by my amendment be taken up first.

The Honourable Sir Malcolm Hailey: It will be within the recollection of the House that in making that observation the President was making a suggestion to the House and not a ruling. The President expressly excluded General Administration, which he said was a head providing for a considerable number of departments, and he specifically suggested that criticisms relating to the work of each Department should be taken up separately.

Dr. H. S. Gour: But, Sir, if we are dissatisfied with the General Administration, including all the Departments,—the main underlying policy of the Administration?

The Honourable Sir Malcolm Hailey: That is quite unthinkable!

Dr. H. S. Gour: I submit I am entitled to press, Sir, for pre-audience under my amendment No. 86.

Mr. Chairman: I think the Assembly will be quite in order, and also it would be convenient to my mind to proceed to No. 75.

Diwan Bahadur M. Ramachandra Rao: Sir, I beg to move:

"That the demand under sub-head 'Home Department' be reduced by Rs. 100."

Sir, I should like to make a few preliminary observations in regard to the points that I wish to raise for discussion under this head.

3 P.M. I take it, Sir, that the question of a discussion of the events which happened at Jaito appertain to the department which is now under consideration.

The Honourable Sir Malcolm Hailey: They have no reference to the Home Department at all.

Diwan Bahadur M. Ramachandra Rao: I was in doubt myself.

The Honourable Sir Malcolm Hailey: If they refer to any department, it would be the Political Department. No orders proceed from the Home Department at all.

Mr. Chairman: We are now concerned with the Home Department.

Diwan Bahadur M. Ramachandra Rao: The point that I wish to raise under this amendment is the position in regard to the recommendations of the Lee Commission. Sir, it has been said that this Assembly possesses considerable financial powers. One of the things that has happened during the last three years is that scheme after scheme which imposed financial burdens on this country was accepted by the Secretary of State. Schemes relating to the pensions, allowances, salaries, compensation on premature retirement, and various schemes of a like character have been discussed on the initiative of the Secretary of State by the Government and between the Government of India and the Secretary of State and

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between the Government of India and the Local Governments. All these schemes, Sir, have imposed considerable financial burdens on this country, the non-effective charges have been increased, salaries of certain of the officials have been raised, the allowances have been revised; and in every way it is a matter for extreme regret, so far as this Assembly is concerned, that these schemes have not been considered in this House. We have been told that we have a parliamentary system in this country. We ask the Honourable the Home Member whether any Parliament would tolerate the imposition of burdens on the country to which it is responsible from a body which is outside the country and which is itself not responsible to the Legislature of that country? That is the position which we are in at the present day, and I ask, therefore, for a definite assurance whether, in view of the appointment of a Commission, namely, the Lee Commission, which has been appointed against the express wishes of this House, we in this House will have an opportunity of discussing the financial and administrative proposals with which that Commission is now dealing. We have been told, Sir, that the report of this Commission, being a Royal Commission, is likely to be presented, either to the Secretary of State or to the Houses of Parliament, and that the activities of that Commission are likely to come to an end by the end of this month. Now, I should like first of all to suggest to the Honourable Member that this report should be simultaneously published in this country and in England. The second suggestion that I should like to make is that no orders should be passed by the Secretary of State without the whole of the report in all its aspects being examined by this House. (Dr. H. S. Gour: "That has been promised last year.") My friend says that it has been promised last year. I do not wish to charge the Government with breaking their promises.

Mr. Jamnadas M. Mehta: With what will you charge it then?

Diwan Bahadur M. Ramachandra Rao: I do not wish to charge it with anything at present. I shall wait and see. But I would ask the Honourable the Finance Member and the Honourable the Home Member to take steps for its simultaneous publication and to make arrangements for its discussion as early as possible before the Government of India and before the Secretary of State proceed to pass orders on this matter. It is a matter of common experience, Sir, in these Councils that the Executive which is not responsible to the Legislature proceeds to deal with these large questions without any reference to the Legislature and after it once takes up this position, it generally sticks to it and says that the matter is now too late and there can be no further reconsideration of the subject in view of any remarks which the Legislature might make on the proposals. Therefore, with a view to avoid this contingency, I ask the Honourable the Home Member to arrange either at the May meeting or at the September meeting for the definite consideration of the recommendations of the Lee Commission and to get an expression of opinion of this House on those recommendations before either of these two authorities or the Local Governments, who are also concerned in this question, proceed to deal with them. The control of the all-India services is now a central subject and it is for that reason, Sir, that I am making this request. There have been difficulties during the last three years in regard to the control of the all-India services. Honourable Members are aware that each of the Provincial Governments had appointed Retrenchment

Committees. Those Retrenchment Committees had definitely recommended the abolition of some of the appointments which are in the cadre of the all-India services, which are under the control of the Central Government and the Secretary of State. I will mention one class of appointments—the Executive Councillorships. The Madras Legislative Council, I believe to the best of my recollection, discussed this matter more than once and it recommended that the number of Executive Councillors should be reduced from 4 to 3. My predecessor in office, the gentleman who represented the constituency which I represent here to-day, asked in this House about 18 months ago as to what became of that recommendation. The matter was then said to be under consideration. I believe the matter is still under consideration, because the four Members of the Executive Council are still holding office in Madras. Then, in regard to Bengal, I have a recollection also that the Legislature recommended that the Executive Councillors should be reduced from 4 to 2. I do not think that recommendation has been given effect to as yet and the Bengal Retrenchment Committee said definitely that the expansion of the Executive Council administration from 3 Members to 7, including the 3 Ministers, was a great anomaly. Then, again in the Central Provinces, the Retrenchment Committee suggested the reduction of one of the Members of the Executive Council, and transfer of his duties to one of the Ministers. I am sure my friends from the Central Provinces will support me in that statement. (The Honourable Sir Malcolm Hailey: "Are there still Ministers there?") Of course the Honourable Member is referring to recent events in the Central Provinces. I dare say he will say something on that matter also during the course of this discussion. Then, there are various other recommendations as regards the provincial executive officers. These recommendations have been under consideration during the last two or three years, and whatever may be the justification for the expansion of the Executive Government at the time when the reforms were introduced, the consideration being at that time that there were gentlemen who were then in service whom it would be hard to turn out of office at that time, I think, Sir, that this expansion of the provincial Executive Government to undesirable lengths has created the most unsatisfactory impression throughout the country, namely, that the reformed Governments do not care for economy, that the Governments are top-heavy; and no attempt made by any Legislature has succeeded on account of the impression that the services would lose these highly paid appointments. Sir, for this reason, I think that the whole question of the organisation of the all-India services has to be thoroughly threshed out in this House; and if the reference to the Lee Commission covers the whole ground, I think it is absolutely essential that, before adding any further burdens on the tax-payer in this country, we should have an opportunity of testing by discussion in this House the results of the efforts of the Lee Commission. Therefore I would ask for a definite assurance on this score and I would suggest that the Honourable Member should definitely announce either to-day or before the end of the session that an opportunity will be provided for the discussion of this subject. That is one matter on which I should like to ask for an assurance.

Sir, there is another matter about which I am not quite sure whether it comes under the department which I am discussing. That is the question of the Moplah prisoners of the Madras Presidency. In answer to an interpellation by me at the beginning of this session the Honourable the Home Member stated that there are 204 men in the Andamans at the

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present day. I should like to ask the Honourable Member to consider whether, in view of the fact that this Moplah rebellion is now more than three years old, it is still necessary to pursue this policy of keeping out men who undoubtedly did commit breaches of the peace and order, whether a more humane policy should not now be undertaken and whether the Government of India, in virtue of their powers of supervision and control, would reconsider the whole policy of releasing as many men as possible who are now under detention in regard to this Moplah rebellion. The matter has been discussed very many times in the Madras Council and also during the course of the sittings of the last Assembly. The question as to whether all these persons should be released irrespective of the offences committed by them is certainly not my suggestion. But there are many men who are under detention, whom it is no longer necessary to detain in custody, and that is a matter which requires consideration.

Sir, on the subject of political prisoners which has also been so often discussed in this House I will ask the Honourable Member to make up his mind to pursue a different policy from that which has been pursued in the past. During the last three years several men have been sent to jail and it has been the complaint of my Honourable friend Mr. Patel that, since the introduction of the reforms, 40,000 to 50,000 men have been sent to jail. I can say from my personal experience that several young men, who would not plead guilty and who would not certainly recognise the courts before whom they were brought up, went to jail for want of defence. It is true that at that time this attitude was taken up but I should like to know whether it is still necessary for the Government of India or even for the Provincial Governments to pursue a policy of locking up persons who I do not think are the persons who disturbed the peace in any substantial manner. I should like to know whether it is necessary, as is being still done in Madras, to detain under custody persons who have been engaged in what they call peaceful picketting of liquor shops. I should like to know whether in these circumstances, when the political conditions in India have changed, the Government will revise the instructions, if any, that they have issued, to the Local Governments in this respect. These are the three matters on which I would ask the Honourable the Home Member to make a statement to this House.

(At this stage Mr. President resumed the Chair.)

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural): Sir, the sweet reasonableness with which the Honourable Mr. Ramachandra Rao has put forth the grievances with respect to the organisation of the services, and so on, ought to be a matter of congratulation, I dare say, to all of us. If sweet reasonableness is a virtue, sometimes a frank candour in the statement of what we feel becomes no less a virtue, when we have to state once in a year what we do feel, or rather what those whom we represent here feel. Sir, in dealing with this almost all-powerful department, the Home Department, I would draw the attention of the Government to the great discontent which is prevailing in the country not merely on account of the manner in which the services are manned, and to other definite items in the administration, but to what may be called the general policy of that administration. I do most ardently desire to take this opportunity of putting before this House as the feeling of the great mass of the people in this country that the time has come when the Government ought to initiate a more humane policy.

a more sympathetic policy, by which people will be drawn in larger numbers to co-operate with the Government, as the Government say they do desire us to co-operate. I hope that the officers of the department concerned, and the officer in charge of the Home Department here would issue instructions to the provinces and make it clear to them that a new line of policy should be adopted in regard to matters which are put down in vague terms to-day as the maintenance of law and order, of peace and tranquillity. In those matters a much more careful policy ought to be pursued in the future and that is the chief point which I desire, with all the earnestness at my command, to lay before this House and the Home Department.

Looking into the figures of the Home Department, I find, for instance, that there is one big branch of it which is called the Central Intelligence Department. It takes away probably about one-half of the total Demand under that particular head, about 6 lakhs and odd. I do not know if this Central Intelligence Department is a twin brother of the old Criminal Intelligence Department. I will be the last person to deny that the Government should not have its own officers who will keep Government fully conversant with what is going on in the country. But, I want to know, how that department is administered at the present time. I want to know, whether it is administered in the best interests of the people concerned and, whether all the intelligence that is being conveyed by the Central Intelligence Department to the officers of the Home Department happens to be intelligence which is well based, which is reliable and on which the verdict of the people will be a verdict of confidence. These points ought to be carefully taken into account, for we believe that in many cases the right intelligence is not placed before the highest officers of the Government, who in their turn do not take care to sift all the information that is placed before them. Often it happens that these officers either do not possess the time or they do not possess the necessary facilities for sifting the intelligence which is placed before them, before they issue orders to the various subordinate officers.

Take, for instance, the case for the reference of which permission has, I think, been given, namely, the Jaito affair. I would like the Honourable the Home Member to inform himself as to what exactly is taking place not only through the departmental sources but, if possible, through other sources. Departmental reports, as we all know, are mostly written after the events have taken place in order to keep up the prestige of the department. And what is written to keep up the prestige of the department is not always what is absolutely true as matters of fact. Therefore, Sir, though I am keenly alive to the fact that more Indians should be employed and retrenchment should take place in the top services and so on; yet, that aspect is a subordinate consideration in respect of many of us. We would rather like—whether the administration is, as we commonly put it, by the Brown Bureaucracy or the White Bureaucracy—we would rather like that the administration and policy of the Department—whether manned by Indians or by Europeans,—should be guided by considerations of equity and justice; for indeed the great work for which His Excellency the Viceroy came to India was to administer the country, as he himself said, in accordance with the principles of justice and equity. He came, he said, to heal the wounded heart of India. But here I feel bound to say that as yet the wounded heart of India has not been healed. Rather the wounds have been made more sore than they were before His Excellency came. I do not deny that His Excellency is taking every trouble

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that he can possibly take, that he has got the energy and probably the will—I shall say doubtless he has the will—to heal our wounded hearts; but as yet the fact is there and I should be failing in my duty if I did not say it with all the bluntness that I am capable of—the fact is there that the wounded heart of India has not yet been healed. May I hope that His Excellency the Viceroy and the Governor General, with the help of the distinguished officer who now presides over the Home Department, who is going to have his well-deserved promotion to a higher place, and with the help of other distinguished officers who will come in his place will, at least during the remaining tenure of his office, do all that he possibly can, to keep the pledge that he made not only to India but to the whole of the civilised world? The pledge is still unredeemed. May we hope that he will not leave these shores without that pledge being fulfilled; that he will not add to the many pledges that have been broken in this land? But His Excellency is a distinguished statesman, though I suppose, while he happens to be the Viceroy and Governor General of India, he has to adjust himself to the Liberal or Conservative or other politicians in England! Although, therefore, His Excellency's policy in India might have departmentally changed with the changing Governments in England, I trust that he is still a Liberal at heart; and that with respect to India he will do his best not simply to maintain peace and order—for we are a peaceful and law-abiding people, Sir; and indeed I would take up the gauntlet thrown down by anybody who says that in his opinion we are either lawless or wanting in the capacity to be peaceful and law-abiding. Therefore, in this law-abiding country, it is unfortunate that the lacerated and wounded heart of India bleeds so woefully to-day; and that is what draws the tears from the eyes of my Honourable friend, Pandit Madan Mohan Malaviya, and of everyone of us, when we contemplate that the most liberal Viceroy and the most liberal and experienced Home Member are yet unable to find out a cure for this Akali affair which has been going on for the past six months and is probably going to be repeated. God forbid it, within the next few hours perhaps! Therefore, Sir, I appeal to the Honourable the Home Member, I appeal to His Excellency the Viceroy, who, I dare say, has more to do with the Home Department perhaps than with any other Department, and I would appeal to all those who are in charge of the Foreign and Political Department which specifically I hear had something to do with the deposition of the Maharaja of Nabha.

Mr. President: The Honourable Member is getting out of order now.

Mr. M. K. Acharya: I thank you, Sir. I appeal to them to do all that they can to see that the Akali grief is righted as soon as possible so that we may have the fullest chance of congratulating the Home Department upon having found a proper and satisfactory solution to this great, pressing, urgent wound of ours. I have very few more remarks to make and I would once more press this point that the general policy in the administration of this General Administration Department is a matter which requires to be overhauled root and branch, and a more humane and more just and more righteous policy requires to be adumbrated by the officers concerned.

Dr. H. S. Gour: Sir, may I inquire whether under your ruling we shall be allowed to criticise the general policy of the administration under Amendment No. 86, the general amendment for the reduction of Rs. 100 from the grant for General Administration, or whether we have to confine

ourselves in dealing with each item and each head separately? I wish really to know, Sir, because, when you were absent, during the incumbency of my friend, Sir Chimanlal Setalvad, I raised this question, but no decision has been come to. I understood you to mean that in dealing with this question, first of all you would permit one general discussion traversing all the ground of General Administration, and afterwards a certain number of amendments will be allowed to deal with detailed criticism of the different Departments comprised under the general head of Administration. If that is so, I ask for leave that I should be allowed to move my motion first which deals with the whole question of General Administration. But if it is permissible to Members to criticise the policy of the General Administration while dealing with this particular motion of my friend, Mr. Ramachandra Rao, then I submit there will be no object, Sir, in moving amendment No. 86 at all, which deals with the whole question of Administration. I want your ruling, Sir, on this question.

Mr. President: The motion before the House is that the Demand under sub-head Home Department be reduced by Rs. 100, by Mr. Ramachandra Rao. Once that motion is moved, the discussion is restricted to the subjects under the direct administration of the Home Member and his Department. What Dr. Gour has said is quite true that a general discussion of policy is ruled out under that head and could only come under a general reduction under the head General Administration.

Dr. H. S. Gour: Yes, Sir, that was exactly my view and I therefore insisted upon a general discussion on amendment No. 86, and, if I mistake not, the Honourable Mr. Ramachandra Rao acquiesced in that decision. If it is not too late, I would still ask you, Sir, that the general discussion should proceed on that motion and we should take up the other Departments afterwards.

Mr. President: Well, the motion standing in the name of Diwan Bahadur M. Ramachandra Rao having been moved, the debate must proceed within the limits of the subjects entrusted to the control of the Home Department.

The Honourable Sir Malcolm Hailey: Sir, I only wish to obtain your orders in order that we may know what we have to deal with. I am quite prepared at this stage or any other stage for a general discussion on those aspects of the General Administration which affect my Department. But, if the discussion which Dr. Gour wishes to initiate is to range not only over General Administration as affecting my Department but over those in the charge of my Honourable Colleagues, in fact over the whole sphere of Government work, we should like to know in advance, because it is necessary for me to give my Colleagues some intimation in order that they may be able to take up those subjects of the discussion which refer to their Departments. And perhaps I might suggest that, were the discussion to range over such a wide field as that, it might become so wide as to become a little infructuous; and I would merely as a matter of advice suggest that general discussions of this nature be taken departmentally; then we shall all know exactly where we all stand.

Dr. H. S. Gour: Sir, I think it is within the recollection both of yourself and the Honourable the Home Member that during the last three years we have been directing our attack upon the policy of the General Administration and during the last two years not without effect. The Honourable

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Member will remember that we made cuts on the ground of General Administration which we disapproved of and I do not think my Honourable friend the Home Member can say that he will be taken by surprise if we launch a general attack upon the policy of the General Administration covered by the amendment of which I am the author.

The Honourable Sir Malcolm Hailey: No, Sir, nothing would surprise me; but I wish our discussions to be fruitful, and I merely suggest that they would be more fruitful if the method I propose were adopted. Indeed, Honourable Members opposite would find that they will then be able to make their remarks more pointed and their attacks if they so desire, more severe. For instance, if my Honourable friend, Dr. Gour, were to range over the whole subject of our administration, then other Members of the House, speaking in their turn, will attack no doubt different aspects of it, and the general result will be that it will be almost impossible to distinguish the particular points which are of the greatest importance. It is purely a matter of convenience and advice that I spoke; nothing else.

Mr. President: The Honourable Member is aware that we have already had one discussion—as a matter of fact, we have had two,—on the general policy of the Government of India, one on the Budget debate and one by agreement on the motion to omit the Demand under Customs. He is also aware that a further opportunity of criticising the policy of Government arises on the motion that the Finance Bill be taken into consideration. It seems to me appropriate to continue as we have begun with this motion on the Home Department for the reasons advanced by the Honourable the Home Member, namely, that by taking each Department *seriatim*, the opportunity for criticising the Department is thereby made more effective.

Dr. H. S. Gour: Sir, I wish to crystallize my remarks against the Home Department in the following words. You are aware, Sir, that, during the last three years, this House has been asking for a reshuffling of the portfolios and that during the last session, we pointed out how the Honourable the Home Member was growing thin and my friend the Honourable Mr. Chatterjee was getting stout. One was over-worked, the other was in charge of subjects like Mycology, Museums, Fisheries, and Ancient Monuments, and a few allied subjects of that character. Now, Sir, the progressive realisation of self-government in this country is only possible if an honest and sincere effort is made to educate the people in the art of government. When we met here during the last session, we asked the Government of India to appoint Standing Committees attached to the various Departments, such as Home, Education, Finance and the rest. During the early days of this Session I interpellated the Government as to how many sittings these Committees had and what work they performed. The reply is the most illuminating document. It was said that the Home Department convened so many meetings merely to consult Members as to whether the Government should support or oppose certain private Bills. I beg to ask if this is the sole function of a Standing Committee appointed by this House for the purpose of studying the arcana of the Home Department. We had hoped that when this Committee was put on foot, as we did put it on foot, in spite of the opposition of the Treasury Benches, the Government would take this Committee into complete confidence and the Members thereof would be let into the secrets of the working of that most important of all Departments of the Government of India. At the time when we

debated this Resolution, we were told that the Home Department had to deal with matters of great confidence. We were told that we could not instal such Committees because these Committees would have to meet much too often and it would be a waste of the time of the Members of the House if they were called into service from time to time. Well, Sir, Members of this House overcame all these objections and they decided that it was absolutely necessary in order to fulfil the pledge made in 1917 as to the progressive realisation of self-government in this country and the greater association of the representatives of the people with the Government of India, that these Committees should be appointed. Now, Sir, I have already depicted to you the tale of last year when these Committees were functioning, and I think I need not labour this point, because I am sure there is no one on this side of the House who will be satisfied with the work that has been entrusted to these Committees, work of a most mechanical and subordinate character while other work has been withheld from the cognisance of these Committees. I have said that the Home Department is one of the most important Departments of the Government of India dealing, as it does, with the whole question and policy of the internal administration of this country. This important portfolio might undergo a change, and as we have got three Indian Colleagues adorning the Treasury Benches, I should have expected that, out of deference to the almost unanimous wish from the non-official benches in the late Assembly, the Government of India might have given an Indian Member a trial as Home Member. It would not have been an unprecedented trial. In my own province, the office of Home Member is held by an Indian, a fellow member of my Bar, and I ask the occupants of the Treasury Benches whether he has not given entire and complete satisfaction. I have no doubt that the Home Members in other provinces are also Indians. If this is so, I beg to ask why it is that the Governor General in Council has not thought fit to placate public opinion, as voiced by the representatives of the people in this Assembly, by making a start and inviting one of my three fellow-countrymen who adorn the Treasury Benches to apply his mind to the department of internal administration. I speak, Sir, with absolutely no reference to the distinguished occupant of the Treasury Bench, your present Home Member, whose elevation to the Governorship of the Punjab we all approve and applaud. But what I do say is that when there is a vacancy and an opportunity is offered to the Governor General in Council, a trial should have been made by giving an Indian Member a chance to work in that Department.

The Honourable Sir Malcolm Hailey: The Governor General in Council?

Dr. H. S. Gour: Well, Sir, we know all these fictions. We are getting accustomed to them. I do not think the Honourable the Home Member need seriously detain us over the difference between the Governor General and the Governor General in Council.

The Honourable Sir Malcolm Hailey: There is in this case a very real difference.

Dr. H. S. Gour: I pass on to the next question. The Honourable the Home Member is in charge, as I have said, of the internal administration of the country. Consequently, the question of reforms is in his own portfolio. During the last session of the Legislative Assembly we passed two Resolutions, one after the other, for further reforms. I do not know, Sir, how far Sir William Vincent, who was then Home Member, was responsible for the unanimous vote recorded by this House in favour of further

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reforms before 1929. That question has been debated on several occasions in this House and we have contended, on the strength of the official debates, that the amendment was moved, or at least approved by the Government, and unanimously passed. I wish to ask what effect the Home Department have given to that amendment which was unanimously passed for further reforms by the late Assembly, and if the recommendations of the Government of India have been thrown into the waste paper basket, what action the Government of India have taken to vindicate their own action and their recommendation. Only the other day we passed a similar Resolution for the third time and I was hoping that the Government of India have used all their pressure in support of this Assembly and recommended an advance towards self-government. But if the newspaper report be correct, Honourable Members will be disillusioned, for I read in the papers to hand this extremely pessimistic dialogue in the House of Commons. Mr. Craik asked:

"Do the Government intend to adhere to the provision of the Act of 1919 for deferring the constitution of the Committee for a decade?"

Mr. Richards: "That is exactly the position."

Well, Sir, if that is exactly the position, then I think the Honourable the Home Member need have no doubt as to what would be the position of the occupants of the non-official benches on this side of the House.

Mr. Devaki Prasad Sinha: May I ask the Honourable Member if his contention is that the response made by the Government at home is unsatisfactory?

Dr. H. S. Gour: I am making a speech and not answering questions. Now, Sir, I wish emphatically to state for the information of the Honourable the Home Member that, he will have over-ried the patience of Members on this side of the House if he ever thinks that we shall complacently submit to the position enunciated in the House of Commons. (A Voice: "You want to remain neutral.")

Mr. President: Order, order. I cannot allow the Honourable Member to turn this debate on Administration into a constitutional debate. As I have pointed out, we have already had two debates on the subject and a further opportunity will arise on the Finance Bill.

Dr. H. S. Gour: I was coming nearer home. I was referring to the position of the Honourable the Home Member as in charge of law and order. You, Sir, have heard the plea of my esteemed friend Pandit Madan Mohan Malaviya this morning. He pleaded in eloquent terms for the intervention of the Home Department in the interests of law and order. He pointed out that a procession of pilgrims was on its way from Amritsar at . . .

Diwan Bahadur M. Ramachandra Rao: On a point of order, Sir. I may point out that item No. 74 in the agenda relating to Foreign and Political Department has been passed over. I intended to raise this question of Jaito under that issue. I am trying to protect myself by asking for a ruling from you if I would be in order in discussing this matter under the item which has been passed over.

The Honourable Sir Malcolm Hailey: This is not a matter for the Home Department. The orders which are issued to the Administrator in Nabha are not issued in my Department but in the Political Department.

Diwan Bahadur M. Ramachandra Rao: What I am troubled about is this that my Honourable friend is discussing Jaito under this head and I may be prevented from bringing it up under item No. 74.

Mr. President: I may at once say that Dr. Gour is not in order in discussing Jaito here.

Dr. H. S. Gour: Nor am I discussing it. I am discussing the question of law and order in British India for which the Honourable the Home Member is primarily and directly responsible not only to the Government of India but to this Assembly. Therefore I am entitled to ask this House that the Honourable the Home Member should preserve law and order within the limits of British India.

The Honourable Sir Malcolm Hailey: I am trying to do it.

Dr. H. S. Gour: That is the question with which we are concerned. We are not concerned with the administration of any Foreign State. We are here concerned with the administration and strict enforcement of law and order within the territories ruled by His Majesty and his representative, the Government of India. Now, Sir, I say, when you find a body of men collecting together and marching in a procession, and in this case, a peaceful procession, and when you find, as the Government of India know from past experience, that there is likely to be collision and bloodshed (A Voice: "Elsewhere.") and that the lives of these peaceful pilgrims are imperilled, are we not entitled to ask the Honourable the Home Member what precaution he has taken, what action he proposes to take for the purpose of preserving the lives of these people? That, Sir, is a question which does not concern any administration, foreign or otherwise. It deals directly with the Home Department and it is the primary duty of the Honourable the Home Member to assure this House as to the means and measures which he has adopted or proposes to adopt for the purpose of protecting the lives of our fellow-countrymen. If we are satisfied, the motion will be withdrawn. If we are not satisfied, the motion will be pressed to a vote and if possible, to a division. I submit, Sir, that that is a question which cannot be over-looked.

Then, Sir, my Honourable friend Mr. Ramachandra Rao raised certain questions dealing with the Indian Services and the Lee Commission. If I remember aright, we raised this question last year and we were assured by the Honourable the Home Member that the report of the Lee Commission would be placed before this House and that without an expression of opinion of this House no further action would be taken. I can only think that my Honourable friend, Mr. Ramachandra Rao, wants a re-statement from the Honourable the Home Member to that effect. I have no doubt that the Lee Commission, when it submits its report, will recommend certain changes involving the country in financial liability. I have been told by persons well versed in provincial finance that orders have already been issued to the different Local Governments that they should set apart several lakhs of rupees for the purpose of meeting the pay that might be increased in consequence of the recommendations of the Lee Commission.

The Honourable Sir Malcolm Hailey: Does the Honourable Member suggest that orders have issued from us to that effect, or from the Provincial Governments?

Dr. H. S. Gour: I did not issue the orders, nor am I a Local Government.

The Honourable Sir Malcolm Hailey: Are you making a suggestion that we have issued these orders?

Dr. H. S. Gour: I make this statement that Provincial Governments have been asked to make

The Honourable Sir Malcolm Hailey: By whom?

Dr. H. S. Gour: That is the question which I ask the Honourable the Home Member to answer.

The Honourable Sir Malcolm Hailey: Excuse me. Let us have plain dealing in a matter like this. The Honourable Member makes a suggestion that orders have been issued to Local Governments that a certain sum should be set apart in order to give effect to the recommendations that may be made by the Lee Commission. Now, those orders, if issued at all, can only have been issued by us. I ask him definitely, does he state that orders have been issued by us? Let us have no insinuations. Does the Honourable Member suggest that those orders have been issued by us?

Dr. H. S. Gour: I ask the Honourable the Home Member categorically to deny that fact. Is it a fact?

The Honourable Sir Malcolm Hailey: If you make that suggestion yourself I will give an answer. I want you, if I may put it in so many words, to take the responsibility of making that suggestion.

Dr. H. S. Gour: I have been assured that the various Local Governments have been asked to hold themselves in readiness in order to meet the demand that might be made upon them in consequence of increased salary to be recommended or that might be recommended by the Lee Commission.

The Honourable Sir Malcolm Hailey: Will you take the responsibilities, Sir, I ask you again, of fathering that statement? You say you have been assured. Who has assured you? I ask you if you will put that suggestion forward as your own, instead of taking shelter behind a vague suggestion made by somebody else.

Dr. H. S. Gour: I have absolutely no authority to say that the Government of India have passed the orders. I have no authority to say that the Local Governments have passed the orders. I will therefore say that nobody has passed the orders.

The Honourable Sir Malcolm Hailey: In that case the Honourable Member is perfectly correct. I do not wish to have any difference with the Honourable Member, nor to allow any heat to come into our discussion. I merely wish to enter a protest against a vague suggestion being made on the floor of this House which might be very embarrassing to us and which might, if I had passed it unnoticed at the time, be construed as having been assented to by us. I can say very definitely, and I know the Honourable Member will accept my assurance on the matter, that no such orders have issued from the Government of India at all.

Dr. H. S. Gour: I am very glad to hear that no orders had been issued at all. Now, Sir, I wish to ask what opportunity the Honourable the Home Member proposes to give to this House to discuss the financial and other proposals that may be made by the Lee Commission and does he

propose to await the decision of this House before formulating the views of the Government of India as to their own recommendations upon the report of the Commission? I suggest, Sir, we suggested it last year, that the Government of India should first consult this House, take it into confidence and afterwards formulate its own views and send up recommendations after due deference to the recommendations of this House. I want the Honourable the Home Member to assure the House that this will be done. If I understood him aright last year we had an assurance that this House would be consulted and the report would be laid before it.

Another point dealing with this particular department is this. The Inchcape Committee had made certain cuts. I want the Honourable the Home Member to inform this House how far the cuts recommended by the Inchcape Committee have been given effect to and, if they have not all been given effect to, what is the reason for it. On this point I invite the attention of the Honourable the Home Member to the recommendations of the Inchcape Committee and the small pamphlet issued dealing with the cuts that have been given effect to and I want the Honourable the Home Member to inform the House as to what was the total amount of the cuts recommended by the Inchcape Committee and what is the amount of the cut that the Home Department have not been able to give effect to. These are the points upon which I should like information from the Honourable the Home Member and I may say in passing that when I tabled my Resolution under head 86 I intended to address these remarks in connection with that amendment and I shall withdraw that amendment if I get a satisfactory reply upon my friend Mr. Ramachandra Rao's motion.

Sir P. S. Sivaswamy Aiyer: I wish to ask the Home Member whether he would give us some information about the large anticipated increase in Secret Service charges by 50 per cent. The Budget estimate for the current year is 1,70,000 and for the next year 2,60,000.

Mr. R. K. Shanmukham Chetty: Sir, my Honourable friend Mr. Ramachandra Rao in the course of his speech drew the attention of the Honourable the Home Member to the way in which political prisoners are being treated in jails. I need not remind this House that for the last three years both the Government of India and the Provincial Governments have been reminded of the fact that the way in which political prisoners are being treated in jails was not worthy of any Government which might be called a civilised Government. I must frankly confess that I for one have not yet been able exactly to find out a definition of the term "political prisoner." I must confess that; but I can at the same time say that, though I cannot define what a political prisoner is, I can recognise one when I see him. That is all I can say about the political prisoner. Judging from that category I say that during the last three years especially the great number of prisoners that come under this category have been treated very inhumanly in the jails. I might draw the attention of this House particularly to one case which occurred in Madras quite recently. It was some seven or eight months back that a well known public worker of South India, Dr. Varadarajulu Naidu, was to preside over a provincial Conference in one of the districts. An order was issued upon him that he ought not to preside over that Conference. He honestly thought that such an order was absolutely unjustifiable. But despite

Mr. President: Will the Honourable Member tell me who issued the order?

Mr. R. K. Shanmukham Chetty: Some Magistrate, I suppose.

Mr. President: Under whose authority?

Mr. R. K. Shanmukham Chetty: I do not exactly know under whose authority.

Mr. President: Does the Honourable Member suggest that it was under the authority of the Government of Madras?

Mr. R. K. Shanmukham Chetty: It might be under the authority of of the Local Government. My point was not to argue whether that order was unjust or unjustifiable. That was not the point of my argument. What I was driving at was that for this technical offence he was convicted for six months' rigorous imprisonment and the treatment that he was accorded in the jail during the last six months was something of which any civilised Government must be ashamed of. I know, Sir, that the management of prisons is purely under the province of the Local Governments but I am also aware of the fact that the management of prisons is one of those subjects which are under the control of provincial Governments subject to the authority of this Assembly and the Government of India, and therefore, I think we are perfectly in order if we draw the attention of the Government of India to the fact that they have not taken any steps to see that the political prisoners of India are treated in a better manner than they are treated at present. It might be asked what exactly is the kind of treatment that we want political prisoners should get. In this connection I might refer to the way in which such prisoners are being treated in the English prisons. Persons who are convicted of sedition are classified as prisoners of the 1st division and the English prison regulation prescribes the precise manner in which such prisoners ought to be treated:

"They must be kept separate from convicted persons and from each other and may be allowed by the visiting committees on payment of a small sum to occupy a special room furnished with private furniture. They may be relieved of domestic work and may be allowed to exercise apart or with selected untried prisoners. A prisoner of this nature may have note books, papers, documents or other articles in his possession when arrested that are not to be used as evidence against him and are not connected with his case or incompatible with prison discipline. They also have such books, newspapers and other means of occupation as are not considered objectionable. They may provide themselves with food, clothing, bedding and other necessities. If they do not provide their own food they receive the diet provided for prisoners awaiting trial. They are not required to have their hair cut except in the interests of cleanliness and hygiene."

That is the English prison regulation which prescribes the treatment meted out to what might be called political prisoners. Comparing that with the treatment meted out to the same class of prisoners in India, I ask, Sir, whether the Government consider themselves justified in continuing the miserable treatment meted out to them. To add insult to injury, some of the imputations made against these political prisoners by high responsible officers are indeed very deplorable. In the case of the gentleman about whom I spoke just now, Dr. Varadarajulu Naidu, when a question was asked about him in the Madras Legislative Council the reply was that the Government had ample evidence that this gentleman invited the Japanese Government to come and invade India. Now I say, Sir, that for any Government official, be he a Provincial Government official or an official of the Government of India, to make such a statement is nothing short of cowardice. If really the treatment that was meted out to him can be explained on this ground, then I would not wish to comment any further. If Government have in their possession any evidence against their political prisoners to charge them with such high treason, the proper thing for them to do is to put the prisoners on their trial on those charges

and then give them proper treatment. But instead of doing that, to prosecute them for technical offences and then give them the treatment which you ought not to give even to some of the most heinous criminals is, I think, very deplorable indeed. I might say that one of the tests for judging whether a Government is civilised or not is the way in which the prisons of that Government are administered. It is now recognized on all hands that prisons are meant to be reforming institutions, to turn the thoughts of criminals from violence and crime and make them better citizens of the State. Instead of fulfilling that function, for the State to shut up in its prisons most respectable citizens who have the courage of their convictions and have the boldness to expose some of the actions of Government, and to treat them like criminals is not, I say, worthy of a civilized Government. If I were to judge the Government of India by that standard, the standard which they maintain in their prisons, I would unhesitatingly say that they deserve to be called only a semi-civilized Government.

Bureau of Public Information.

Dr. S. K. Datta (Nominated: Indian Christians): Sir, with your permission, I shall withdraw my motion* No. 77 and ask permission to speak on the Bureau of Central Information on this motion No. 75.

Sir, the Budget estimate for this Department this year is Rs. 1,37,900. I notice that last year the Budget estimate was Rs. 1,49,200 and the Incheape Committee recommended a cut of Rs. 42,000. In other words, on the recommendation of the Incheape Committee, a reduction of Rs. 42,000 was effected and the Budget ought to have stood at Rs. 1,07,200. As a matter of fact it stood at Rs. 1,13,660. I would ask for information as to why the estimate has gone up again to Rs. 1,37,900.

In the second place, Sir, there are certain items which I feel I ought to criticise, or rather about which I should like to ask for information. I see a substantial amount of money, a sum of Rs. 2,000, is placed to the credit of 'cables.' May I ask, Sir, for what purpose these cables are sent; are they for purposes of the administration of the Department, or is the money meant for purposes of propaganda or for sending information to other countries with regard to events here? I see also a further charge of Rs. 9,000 for publicity purposes. We should all be grateful in this House for information as to how this money is spent.

There is one further point, Sir, with regard to this Department. The public are not yet clear whether this Department is actually a department of publicity or whether, as it arose out of the war, it is a department of propaganda. I think most Governments will recognize that, during peace time at least, no Government ought to have anything to do with propaganda. If it is purely publicity, we should desire to have information. Some little time ago I was in the United States and in Canada, and I was told by a number of friends whom I met that there was an agent of the Indian Government in the United States and Canada who was speaking on Indian administration and on the Indian Government. I was told by a very high political personage in the Canadian Government that he had gone to hear this gentleman speak, and the lecturer so applauded the Indian administration that he said to himself, "I believe this man must be really a paid agent of the Government of India." I would like to know if any money of this Department goes to the upkeep of people of this kind. So much for the Bureau of Public Information.

* "That the provision for 'Bureau of Public Information' under the sub-head 'Home Department' (page 48) be reduced by Rs. 40,000."

[Dr. S. K. Datta.]

There is another point which I would raise here. I take it that the police regulations relating to the entry of people into India are under the control of the Home Department. It is amazing to me the treatment which Indians leaving India for Ceylon or returning from Ceylon to India get from the police officials. I was returning the other day from Ceylon—I had arrived as a matter of fact on a boat from Australia with a large number of Australians and New Zealanders which landed us at Colombo. They also travelled across to India and as we passed the Indian police officials, the Australians and New Zealanders were allowed in without further inquiry; but I was an Indian and the police official signalled to me and asked me where I had been, what I had been doing and my address in Melbourne, which I told him was that of a hotel. He asked me, which one, and I am afraid I had to fabricate the name because I did not remember it. Further than that he went on to ask me various questions, until finally I said, "you did not ask those other people about these things." "No," he said, "our instructions are to make close inquiries about foreigners and Indians entering India. I have been classed as a foreigner in many other countries, but this was the first time I had had that term applied to me in India. These are the small things, Sir, which in the working out of police regulations help to irritate a very large number of Indians. A little imagination would immediately set them right. When you are entering England every one is given a form and asked to fill it up, but not so here. We are selected for differential treatment in our own country.

Well, Sir, with these words and my requests for information, I beg to support the motion which was presented to this House by Diwan Bahadur Ramachandra Rao.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I support the motion that the Demand under the head General Administration be reduced by Rs. 100. Enough has been said by the speakers who have preceded me to justify that proposal. But if further arguments are needed, there is no difficulty in furnishing them abundantly. In view of the shortness of time and of the fact referred to by you, Sir, that there will be another occasion to discuss some of the larger questions when the Taxation Bill comes up, I will confine myself to those matters strictly appertaining to General Administration; and under this heading I will first draw attention to the necessity for a reconstitution of the Governor General's Council. That reconstitution is desirable from two points of view, firstly, from the point of view of political advantage, and secondly, from the point of view of the financial advantage which under my proposals will accrue. I will first take up the latter. So far as the financial advantage is concerned, it is a well-known fact that salaries in India are excessively high. (*A Voice*: "No.") I hear somebody saying "No;" I do not agree with him. Probably if he compares salaries in this country with those in England and other civilized countries, he would not so lightly say "No." Well, the Governor General of India I find gets a salary of Rs. 2,50,800 a year. Now, Sir, I suggest that the salary of the Governor General should be reduced to Rs. 15,000 a month. I find on the next page that the salary of a Member of his Executive Council is Rs. 6,666-10-8 per month. I suggest that the salary here should be reduced to Rs. 4,000 a month. (*Laughter*.) There is laughter on the Government Benches, there might well be. Without

those salaries perhaps the state of things would have been different. But, Sir, while there are those who can laugh, there are others who weep; I do not know whether there is more occasion even for Government Members 'to weep than there is for laughter when the salaries are at Rs. 6,666-10-8 a month for each. I suggest that the salaries be reduced to Rs. 4,000 a month. That is the salary which has been given to Judges of the High Court serving under His Majesty's commissions in the various High Courts of India for nearly 70 years, and there is no man who dare suggest that the Judges of the High Courts, Indian as well as European, have not been men of absolutely honourable character, men above any suggestion of corruption. That being so, if in the most important department of the administration of justice, in the High Courts, Englishmen and high-class Indians have been found willing to serve and serve honourably for years together on a salary of Rs. 4,000 a month, I fail to understand why Members of the Executive Council of the Governor General of India should not be able to do the same on that salary. (*Mr. Darcy Lindsay*: "They are paid for the amount of work they do.") I think Mr. Darcy Lindsay is not sufficiently familiar with matters legal, otherwise he would know that it is recognized that a Judge has to put in more hard work than any other public servant, and that for that reason he is permitted to retire on a pension after 12 years' service, which cannot be said of executive officers. Now, Sir, that I submit is one direction in which reform is needed. That is the financial aspect of it.

I now come to the political aspect. The present system of the Executive Council of India has failed, Sir. I am grieved to say that it has failed miserably. So far as His Excellency the Governor General of India is concerned, he represents His Majesty the King as Viceroy, and he is also the head of the administration as Governor General in Council. I leave him alone. He comes more near to presiding over the Cabinet, over the deliberations of the Cabinet. He ought to play the part of the King in adjusting different conflicting interests and in seeing that justice is done to the demands of the people, to the requirements of the people, over whom the King rules and by whose existence by virtue of being the King-Emperor he is called the Emperor of India. Then, Sir, there is His Excellency the Commander-in-Chief. So far as the administration of the Army is concerned, he must be left to guide and control the operations of the Army. But we want an Indian Member who will be available not on the same salary or a similar salary—for an Indian must be prepared to serve his country on 25 per cent. less than what a fellow-Englishman gets in the service of this country, and I think therefore that if we appoint a Member for Home Defence, that will be a political advantage, and will enable us to begin to build up our national defence. The third Member who is most urgently needed in this re-arrangement is the Home Member. It is an anomaly, something worse than an anomaly, to appoint my friend, the Honourable Sir Malcolm Hailey, to be the Home Member for India. It would be more in keeping with things, with the reality of things, if an Indian were appointed to be the Home Member for India; and I suggest this because the responsibilities of the Home Member are great. I support the remarks of my friend, Dr. Gour, that the most difficult Departments should be entrusted to Indians in this present state of transition. You have got three Indian Members in the Executive Council of the Viceroy. There is absolutely no reason why the Home Department should not be handed over to an Indian. Do not let anybody be under a misapprehension. We are not making any personal comments against any Honourable Member.

[Pandit Madan Mohan Malaviya.]

We know that, so far as representing the views of Government is concerned, so far as standing fast with the Government is concerned, the Honourable Mr. Chatterjee would not allow it to be said that he yielded to any one in his zeal for supporting Government or for standing together with Government. So also is the case with the Honourable Sir Narasimha Sarma; so also is the case with Sir Muhammad Shafi. It is not a personal question, but I suggest this that, because this is a matter in which the closest interests of the people are concerned, the Home Member ought to be an Indian. I say this because the administration of the Home Department under several preceding Home Members, without meaning any disrespect to any particular Member, has not been satisfactory. For years together we have had the administration of law and order in the hands of the Home Department. For years together, from 1897 onwards, we have had numerous complaints of the maladministration of law and order. My friend has referred to some of it in recent times. I shall draw, very briefly, attention to what has happened during the last three years. During the last three years, when there should have been peace after the war, when there should have been harmony after the war, repressive laws have been kept in force and put into use in various parts of the country which have meant a great deal of want of peace, a great deal of suffering, a great deal of tension between the people and Government. It is true, Sir, that such acts of repression have been carried out in practice by the Local Governments, but the policy has been dictated or has been approved by the Government of India. I will refer first to that lawless Act, the Indian Criminal Law Amendment Act, Part II. The House will remember that the Repressive Laws Committee which sat recommended that the repeal of this Act should be taken into consideration at an early date. It was suggested that the Government were thinking of introducing a Bill and that they would repeal the Indian Criminal Law Amendment Act. That Act has not been repealed; it has been put into force in several provinces on the flimsiest of excuses. I submit, Sir, that there is no justification for this law having been put into force in many of the provinces. It is under the operation of this law that it is left to the Governor of a Province to declare any association to be an unlawful association. He is not asked to assign any reason for the declaration he makes. There is no appeal from that declaration; there is no court in which the matter can be tested or tried. He is left free to condemn unheard any association against which he forms an opinion. Under that law, the Congress volunteers were declared unlawful associations, and under that law recently the Shiromani Gurdwara Prabandhak Committee of Lahore has been declared to be an unlawful association, and this is a Committee which the Government itself recognised, not very much before the time that it was declared to be unlawful, to be a representative of the large body of Sikh public opinion. Under the operation of that law a number of gentlemen have been tried and have been sentenced, without any other evidence of any criminality, without any evidence of any unlawfulness, merely, solely, on the ground that they belonged to an association which the Governor of a province had taken it into his head to declare an unlawful association. I ask, Sir, I ask any Member of this House to say whether the continuation of such a law can be justified under any pretext in the present circumstances of the country. If you want to strike down an opponent, if you want to punish a man for having done anything which is really a violation of law, proceed against him according to the law of

the land. There are numerous provisions in the laws of the land. There are many enactments under which the Government can proceed against anybody who may indulge in real sedition or who may be guilty of a real unlawful act. But certainly it does not behove the Government to take shelter under this Act, which should have been repealed when the other repressive laws were repealed, which it was promised would be repealed after no long time, and which cannot be justified under any circumstances. Perhaps the House is aware, Sir, that this Act was passed in 1908 when bombs were flying about in Bengal, when there had been a number of unfortunate murders committed in Bengal by the anarchists during those days, when associations had been created in order to fight the Government, in order to carry out a rebellion against the Government. That state of things is long past now, and this Act was considered to be an obsolete enactment. When it was revived in 1921, and under the evil operation of this Act, under the misguided operation of this Act, many an honourable man among Indians was put in jail and made to undergo imprisonment. Several of these gentlemen to whom this injustice was done are sitting here to-day as the Colleagues of all of us, men as honourable as any Member of this House, and yet they were subjected to this hardship, to this wrong, for no other reason than that such a law exists which permits a Governor of a province to declare an association unlawful without having to assign any reason for such a declaration.

The second maladministration of law that I will refer to is the use of section 144 of the Code of Criminal Procedure. Under that section, Sir, notices have been issued to men of known position, of known antecedents, not to deliver speeches, not to hold public meetings, not to proceed with meetings. I challenge any lawyer to say that section 144 was meant to be used as the Government of India have used, or sanctioned the use of it during the last three years. I challenge anybody to say that that section was meant to be misused as it has been misused during the last three years. Under the operation of that section a Magistrate, a Joint Magistrate, an Assistant Magistrate, takes it into his head to issue an order that a certain person should not deliver a speech. Every sensible man should have disregarded such silly orders. The Commission on the Penal Code, on which Lord Macaulay was a member, said that every order of a Magistrate, every idle order, was not to be obeyed. But people have obeyed them, my friends the non-co-operators particularly obeyed them because they wanted to show how far the Government could go, or allow their officers to go, in maladministering a law. Several times, Sir, more than once, more than half a dozen times, orders were issued against me under that section, and every time, except one, I defied them, and I defy them again to-day. I reach Gorakhpur on a certain day and a young Magistrate writes to tell me that I should not address a public meeting, because there would be danger to public tranquillity. Perhaps the gentleman was not older than my son. Perhaps he had not come to this country when I entered public life, and yet he took it upon himself to say that my speeches, after many years of public life, were calculated to disturb public tranquillity, and therefore I should not address a public meeting. I defied the order, and he had the sense to understand that he could not proceed against me. Similar cases have occurred in other places, but the majority of the men against whom such silly orders were issued obeyed them in order to show, as I have said, that the Government could go so far as that. Now, I submit, Sir, that there is absolutely no justification for action being taken under section 144 in the manner in which

[Pandit Madan Mohan Malaviya.]

it has been, and it is a sad thing to reflect, Sir, that such action has been sanctioned by the Government of India when it has been presided over by a most eminent jurist and when there are several Members in it who are members of the Bar, who had practised at the Bar and who are familiar with law. It is a deplorable thing, but I say now, Sir, let the dead past bury its dead. Let the Government of India now take the correct course and recall these laws by issuing orders or instructions to Local Governments that no further prosecutions shall be instituted under any of these enactments and that those persons undergoing imprisonment should be set free, that their sentences should be remitted, as early as possible. I cannot imagine, Sir, that anybody can justify the misuse of section 144 and I should like to hear—I shall be very happy to hear—that the Home Member has recognised the justice of these sections ceasing to be put into operation and that the sentences which people are undergoing will be remitted.

Another matter, Sir, to which I would draw the attention of the Home Department is the question of the Indianisation of the services. The Home Department is supposed to represent more intimately than any other department the wishes and the aspirations of the people of India. One of my friends who spoke before me has already drawn attention to the need of the Indianisation of the services. Now, Sir, I should like to know what the Home Department has done in this direction. It is high time that the Home Department recognised its responsibility to the Legislature. This Legislature, Sir, is asked to vote taxation. Without the vote of this Legislature no fresh taxation can be imposed, unless it be by certification by His Excellency the Viceroy. When this Legislature is asked to find the money, to vote the money, for expenses, even though the law does not require that every item should be voted upon, every Honourable Member of the Government ought to recognise the moral responsibility of carrying this Legislature with them in the administration of the country's affairs, and one of these affairs is the widespread, almost universal, desire among Indians that more careers should be found for Indians and less for Europeans.

Now, Sir, when responsible Government was declared to be the goal of British policy in India, even though it was stated that it was to be attained stage by stage, every sensible man should be expected to make up his mind that the Government of this country would in the near future be carried on by Indians; and one of the first things which Indians have suggested is that the recruitment for the Indian Civil Service and for the higher civil services should stop in England. That is a measure we have expected the Government to consider. It will mean a natural gratification of the rightful desire of Indians that they should be trained and qualified for rendering all the higher services to their country. It would also mean a large measure of economy, because, though it does not require to be repeated, Europeans are being paid much higher salaries in this country than they would be paid in their own country, and Indians will be willing to serve in their country on much smaller salaries than are being paid to Europeans. Therefore, Sir, if the Government do honestly desire to give effect to the widespread desire of Indians for the Indianisation of the services, it is high time that the Government decided, with the help of this Assembly, not with the help of the Lee Commission or any other Commission like that, but with the help of this Assembly that the

recruitment for the Indian Civil Service shall cease outside India. Not only that, it should also decide to ask the Local Governments to give greater facilities to the Universities to give the necessary training to the young men who are going through the Universities and colleges. I do not know whether Government have given sufficient facilities to any University at this moment with the object of enabling them to give that higher education, that particular kind of education, to its graduates which will be needed to fit them for service in the various departments of the Government of India. It is time, Sir, that the Government take up that question and decide upon a policy which, as I have said, will be in entire keeping with the wishes of this Assembly for the Indianisation of the services. That will mean both economy and national well-being. I hope, Sir, that what I have said is sufficient to show that we are dissatisfied with the general administration of the Government of India. I will not take up further time of the Assembly, but I do hope that the Government will recognise that there are valid reasons for the dissatisfaction which is felt with the administration of the Government of India in the Home Department and that the Government should take the earliest opportunity that may offer itself to remove the defects of administration. It is an opportunity which will arise very soon and I hope His Excellency the Governor General will consider the question and, if possible, appoint an Indian as Home Member in the readjustment of the portfolios that will take place.

I will come now to the question of the Finance Department.

The Honourable Sir Malcolm Hailey: Perhaps a separate discussion on the item relating to that Department will be more useful.

Pandit Madan Mohan Malaviya: I have no objection to that course. I wanted to touch upon it simply because the salaries are included under the heading which I am discussing.

Mr. President: They are not included under the Home Department.

Pandit Madan Mohan Malaviya: They are included under 'General Administration', Sir.

Mr. President: The motion for reduction is 'Home Department'.

Pandit Madan Mohan Malaviya: Then I will stop here, Sir.

Sardar Kariat Singh (East Punjab: Sikh): Sir, under the guise of law and order many innocent and respectable persons have been sent to jail during the last three years. Some people have been sent to jail because they had the courage of their convictions. I submit, Sir, that the Government recently declared the Shiromani Gurdwara Prabandhak Committee as an unlawful association. They also declared the Shiromani Akali Dal as an unlawful association. Now, Sir, by doing so they have practically declared all the Sikhs as unlawful, they have declared, Sir, that any body who helps the Shiromani Committee or the Akali Dal will be prosecuted (*Sardar Bahadur Captain Hira Singh*: "Not all the Sikhs.") It is known, Sir, that Shiromani Gurdwara Prabandhak Committee is in charge of all the important Gurdwaras and it is the duty of every Sikh, whenever he goes to visit a Gurdwara, to offer to Guru Granth Sahib some money. That money goes to the Gurdwara Committee which has been declared unlawful. Therefore, if a strict letter of the declaration were to be

[Sardar Kartar Singh.]

followed, all the Sikhs who go to Gurdwaras under charge of the Gurdwara Committee and make offerings to the Granth Sahib can now be prosecuted under that law. I submit that Government have no right to make such declarations and to make such unlawful laws. Sir, they have made a law and it has been interpreted by courts as such that anybody who offers tea to any of the Sikh *Jathas* allied to, or forming part of, the Shiromani Akali Dal will be prosecuted. I have seen people being prosecuted in my own district because they offered tea to these Akali *Jathas* who were going to Jaito. They have been convicted and they are undergoing imprisonment in jail. If any one were to offer tea to these Sikhs, whatever may be his position, he will be prosecuted. Then, Sir, I have myself seen cases in which people have been convicted because they gave fuel to the kitchen of the Guru at Muktsar Gurdwara. I submit, Sir, and I am sure my Honourable friend Sardar Hira Singh will not deny this, that it is the fundamental duty of every Sikh to give fuel to the kitchen of the Guru and I submit that a person should not be prosecuted simply because he has given fuel to the kitchen of the Guru. I can cite the names of persons who have been so prosecuted. I ask how long this state of things will go on. (Interruption by Sardar Hira Singh) Sir, my friend does not know what he is talking about. I can give the name of a man who is undergoing imprisonment. He comes from my own district and his name is Sardar Jhanda Singh. He is a lambardar of Akal Ghar village in Ferozepore District. He has been sentenced to six months' imprisonment because he gave a cart load of fuel for the kitchen to the Gurdwara at Muktsar. I think my Honourable friend should know better. I think he will take care not to give a cart load of fuel to the kitchen of the Gurdwara at Muktsar, otherwise he too will run the risk of being prosecuted. I submit, Sir, that this state of things should not go on. There is one thing to which I should take strong exception and that is this. Lord Olivier in his statement in the House of Lords has said that the Shiromani Gurdwara Prabandhak Committee is a revolutionary Committee. I submit that wrong information was given to him and the Government are responsible for giving that wrong information. The Sikhs strongly resent it.

Then, Sir, as regards the Criminal Law Amendment Act I would like to say a few words. This law was meant simply for anarchical and revolutionary societies and it was never meant to be applied to valid associations. The Government, I maintain, had no business to apply this law to religious associations. The Shiromani Gurdwara Prabandhak Committee is an association which is a representative religious body. It is an elected body. It is a body which is elected by all the Sikhs. It has been recognised by the Government not only in the Gurdwara Act but in the statement made by Sir John Maynard in the Punjab Legislative Council. He said that the Government have now come to know that the Prabandhak Committee is a representative and a religious body and that he will issue instructions to all the officials that they should consult this Committee in all important religious matters. I submit now it does not lie in their mouth to change that position. They cannot say that a Committee which was religious and which is still religious has become unlawful simply because they have passed a Resolution that they sympathise with the Maharaja of Nabha who happened to be their co-religionist. I submit that, simply because they extended their sympathies to the Maharaja, the Government ought not to have declared that religious

Committee an unlawful association. I would like to draw the attention of the House to an article in the "*Manchester Guardian*" in which it is stated that the Sikhs are well-known for their loyalty to the British Government. I submit that by the methods which are being followed by the Government they are simply alienating the Sikhs. The Sikhs are a most religious people and the Government should not interfere with their religious rights. That is the thing which exasperates them. They have served Government most loyally and in return they expect that the Government should have respect for their religious feelings.

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadan Urban): May I, Sir, begin in the usual way by saying that I did not intend to intervene in this debate? But, as I do not come from Madras, that is not necessarily a prologue to a four hours' speech. Being one of those misguided persons who have assumed an attitude of indifference to this Budget and coming suddenly into this Assembly, I find there is an opportunity of letting loose a little gas. Speaking of unlawful things and unlawful assemblies, I am reminded of what an M. P., a Member of the House of Commons, once said about the Government of India. He said: "The Government of India is an unlawful assembly." (Laughter.) Well, I take it that the Government of India have by this time got quite used to epithets. I think they are unmoved by epithets. I think they have become sufficiently thick-skinned. All sorts of epithets have been used in this House against the Government of India during the last two months and I shall not invent new epithets.

Pandit Madan Mohan Malaviya raised the question of extravagance in the General Administration. He says that the pay of Members of the Executive Council should be reduced from Rs. 8,000 to Rs. 4,000. He said Rs. 4,000 was enough for an honest man; what then is the balance, 2,000, for? (Laughter.) The fact is that the poorest country in the world maintains the most expensive civil service and the most magnificent Proconsulates, upon a scale of reckless extravagance. Talk of retrenchment? I think, if we studied the Budget, if we carefully analysed the figures, we should see what little real retrenchment has been effected by the Government of India. I have been asking some questions and I have been getting answers from Government, and I hope by the time I have spent my three years in this Assembly, I shall have elicited sufficient information about the increasingly expensive tendencies of the Government of India.

Law and Order—you hear that phrase trotted out very often. I think there is no more striking example of the prostitution of a phrase than this as it is used in India. If order does not make for progress, it is a worthless thing; it loses its sanction. With the Government of India "law and order" is the cloak for the most lawless acts of the Government.

I was reassured to find that Dr. Gour has at last regarded, or at any rate begun to regard, the declaration of the Secretary of State as unsatisfactory. We had Gour's Commentary on Lord Olivier's statement. Recently Mr. Richards in the House of Commons has given his commentary on Lord Olivier's statement, and that commentary, which is somewhat different from his own, was quoted by Dr. Gour this afternoon. Well, I am beginning to hope that the case of Dr. Gour and other Members of the Assembly in his position is not altogether hopeless.

The Honourable Sir Malcolm Hailey: I suggest that I gave good advice to the Assembly when Dr. Gour made his motion. I suggested that it would be well to take each Department separately instead of ranging over the whole sphere of our administration. Now, suppose, that to-day's debate had embraced the whole sphere of our six Departments; it would not have terminated here; sometime, to-morrow afternoon, a tired House would be listening to the apologies or the counter-charges of my Honourable Colleagues and myself; and what variety of topics there would be! Look at the number and variety of topics with which I have to deal in regard to my own Department alone. I feel that what I say to the House must resemble what that somewhat unlettered man said after reading a dictionary. Somebody asked him how he liked it; he replied "Very interesting, but just a little disconnected."

I begin on finance for, after all, this is a Budget debate. Dr. Gour asked me several questions regarding the expenditure of my Department, particularly in regard to the recommendations for reduction made by the Incheape Committee. They proposed a reduction of Rs. 97,000. We have actually effected a reduction of 87,000; but it will perhaps be best to compare our Budget figures as a whole with those of previous years. Our total expenditure, voted and non-voted, for 1924-25 is estimated at Rs. 13,18,200 as compared with the revised estimate for 1923-24 of Rs. 12,22,100. Now, therefore, there is an increase of Rs. 96,100 on the revised estimates for 1923-24. That is almost entirely accounted for by the increase in the figure to which Sir Sivaswami Aiyar referred, namely, Rs. 90,000 for Secret Services. That is a large item and I am aware it looks to the Assembly a suspicious and even a horrible item. But chary as I always am of saying anything about this fund, I may tell the House that the real purpose for which it has been increased is in connection mainly with the importation of arms and other undesirable material from outside India, and it has been necessary to make an increase in our Secret Service Contingencies mainly for that purpose. That, however, does actually account for the increase over the revised Budget. Now, if you take the Department proper, under the head of the Pay of Officers, there is a reduction of approximately Rs. 35,000; under the Pay of Establishment and Allowances, a reduction of something like Rs. 5,000; under Supplies and Contingencies there is, however, an increase over the revised estimate for 1923-24 of some Rs. 23,000. There is a curious explanation for this. At one time the Public Works Department paid for all the electric light current in the Secretariat, but some *pandit* in high place decided that the Home Department should pay for it all. (*The Honourable Mr. A. C. Chatterjee:* "Not for all, for itself.") No, Sir, my Department pays for the whole of the electric current supplied to the Secretariat;—it is no doubt intended as a recognition of the fact that my Department is the sole source of light. Now, if that charge were omitted, the Home Department Demand for this year would be Rs. 5,52,000 as compared with the Budget estimate after the Incheape Committee's Report, for 1923-24 of Rs. 5,68,000. Therefore, it is Rs. 16,000 down on that and the revised estimate for 1923-24 of Rs. 5,57,000 was itself down Rs. 5,000 on that. The actual for 1922-23 was Rs. 6,22,000. I hope I have satisfied Dr. Gour that, as far as my Department is concerned, we really have observed economy.

A further financial question was raised with regard to our Information Bureau. Dr. Datta asked for certain explanations in that respect. The figures on page 48, I regret to say by one of those mistakes

which I need hardly say never happened when I was in charge of the Finance Department, show a transposition in the printing. The reduction recommended by the Retrenchment Committee, was Rs. 33,000 and not Rs. 42,000. Therefore, you should compare the Budget figure of Rs. 1,16,000 with Rs. 1,13,000 (the revised estimates of 1923-24) and the figure of Rs. 1,37,900 for the Budget estimate of 1924-25. It will be seen that the main increase there—for it is a very small one indeed—is due to the inclusion of travelling and other allowances. By some ruling of our audit masters we have for the first time to pay for the bus fares of those clerks who come from Raisina. The Rs. 9,000 regarding which also Dr. Datta directed an inquiry to me is simply the payment we make to Local Governments for certain publications they issue on our behalf. If there are any further details in regard to that branch of our department, I should be glad to ask Mr. Rushbrook Williams to supply them to the Assembly. But after all, Sir, the sum is very small; and as for our alleged propaganda, we have appointed an Advisory Committee of this Assembly which should be in full possession of the facts of our operations. It met frequently last year. It was of the greatest assistance to us. I see many Members here who belonged to that Advisory Committee, and I would ask them to satisfy the House that our operations are as innocuous as the operations of any publicity department can be.

Now, let me go to graver issues. For, after all, there are graver issues than the spending of a few thousand rupees here or a few thousand rupees there. I shall take, as far as I can, the questions of major importance that have been directed to me in the order in which they were raised. I am told by Pandit Malaviya that the general conduct of the whole Department for some years now has been unsatisfactory. Mr. Chetty said much the same thing. He suggested . . .

Mr. R. K. Shanmukham Chetty: I did not say that the general administration was unsatisfactory.

The Honourable Sir Malcolm Hailey: You can be quite sure of one thing, that, if the general administration of the Government of India is unsatisfactory, the administration of the Home Department must be more than unsatisfactory. The Honourable Pandit suggested that affairs would have been better had the Governor General made the choice of an Indian to fill my post. He regrets that the opportunity of my departing from this (as he thinks) extravagantly paid post was not taken advantage of by the Governor General; one of my Indian Colleagues should have been invited to take my place. For myself, I say frankly that it would make little difference to me, were I a member of the Government of India in any other Department, whether the Home Department was filled by an Indian or an European. I do not myself recognise so great a difference between the Members of a composite Government such as ours. Let me take some of the points which the Honourable Pandit put before us. He said that had the administration of the Home Department been better directed, we should never have seen some of the evils that have befallen India during the last few years. He refers, for instance, to the use of section 144 of the Criminal Procedure Code. But whose name did the Honourable Pandit himself attack in connection with the use of that section? Not, Sir, one of my European Colleagues. Then, again, it was suggested that the Criminal Law Amendment Act, had our ways been better guided, would have been by this time repealed. I do not think that his reference to what is known as our Repressive Laws Committee is quite correct.

[Sir Malcolm Hailey.]

That Committee, I may state, was presided over by one of my Indian colleagues. This is what it said regarding the Criminal Law Amendment Act:

"We regret that we cannot at this juncture recommend the immediate repeal of Part II of this Act. There are too evident indications that its application might be necessary to prevent the formation of secret societies. We were informed that the result of the application of the Act in each case has been that sober-minded people approved the action taken by Government, and that the application of the Act was of the greatest value in preserving public tranquillity."

Dr. H. S. Gour: Will the Honourable Member read a later passage where they say that they hope that during the next Delhi session the Criminal Law Amendment Act and the other Acts will be repealed?

The Honourable Sir Malcolm Hailey:

"In view of the grave situation which exists and which may become more serious, we also think that it would be prudent to defer actual repeal of these Acts . . ."

That does not refer to the Criminal Law Amendment Act.

Dr. H. S. Gour: It says "these Acts".

The Honourable Sir Malcolm Hailey:

" . . . until such time as the situation improves. Many of us hope that it may be possible for the Government to undertake the necessary legislation during the Delhi Session. We can make no definite recommendation on this point at present. We trust that the repeal of these Acts may be expedited by a healthy change in the political situation. The duration of retention rests in other hands than ours."

I honestly believe that under any guidance, whoever was in charge of the Home Department, that Act would still be on the Statute book. Again, we have of course, in our Department all to do with the services, and the Honourable Pandit suggested . . .

Pandit Madan Mohan Malaviya: May I ask the Honourable Member to say whether it is the Law Member who deals with questions of law and order which are referred to the provinces by the Government of India or the Member for the Home Department?

The Honourable Sir Malcolm Hailey: The Home Department, Sir. But then it was the Honourable Pandit himself who referred to my late Colleague's name in connection with section 144.

Pandit Madan Mohan Malaviya: But the responsibility for law and order rests with the Home Department. I always understood it to be so.

The Honourable Sir Malcolm Hailey: That is correct. We consult and take advice; and the action is that of Government as a whole. I continue. It is part of the charge against us that we have not done enough for the Indianisation of the services.

Pandit Madan Mohan Malaviya: Will the Honourable Member tell me whether the Honourable Dr. Tej Bahadur Sapru was not ill at the time when the Provincial Governments introduced the Indian Criminal Law Amendment Act in three provinces, and whether they had the approval of the Government of India with his sanction at the time?

The Honourable Sir Malcolm Hailey: If Sir Tej Bahadur Sapru was ill at the time, it makes it all the more cruel of the Pandit to have mentioned his name in this connection.

Pandit Madan Mohan Malaviya: I know it for a fact.

The Honourable Sir Malcolm Hailey: He himself made in his speech a note of regret that during the time that this section was brought into operation, Sir Tej Bahadur Sapru was our Law Member, and it was to that, Sir, that I referred and nothing else. My point is that action in such matters is the action of Government as a whole. With regard to the Indianisation of the services the Honourable Pandit claims that all recruitment of Europeans should have ceased forthwith after the passing of the

Government of India Act. That, of course, is a claim far in advance of that which he himself put before us in the old Imperial Legislative Council when we debated the report of the Public Services Commission.

Pandit Madan Mohan Malaviya: How many years ago?

The Honourable Sir Malcolm Hailey: That was debated to the best of my recollection in 1917. It goes far beyond what was asked for even a very few years before; but no matter for that—what are its implications? We are told, and we are told repeatedly and, I think with all sincerity, that India would be prepared to see Europeans employed in the services; that she desires to see them employed in different ways, in different aspects and perhaps in a different atmosphere, but that India does not desire to see the total disappearance of all Europeans from her services. Yet it would inevitably follow, if you stopped recruitment of Europeans entirely, that you would not be able to recover the position. You would simply have no more Europeans in your services. Stop the regular avenue of recruitment, and you at once break up all the traditions that have previously secured you your recruitment, and the House may decide for itself whether those traditions have served to secure for India worthy and trustworthy recruits or not.

Pandit Madan Mohan Malaviya: We shall select experts.

The Honourable Sir Malcolm Hailey: There are no such things as experts in ordinary administration.

Pandit Madan Mohan Malaviya: We do not want the Civil Service, but permanent officials for the future.

The Honourable Sir Malcolm Hailey: I do not think you would even get your experts. Occasionally you might get a man of high attainments and great reputation in England such as my Honourable Colleague Sir Basil Blackett, who might come out for one or two of the posts at the head of Government. But if India thinks that she can depend on taking up a man here or a man there, and thereby secure a European element in her services, then that hope will be vain. There are many posts in India for which a long training and a long experience are necessary, and you cannot pick up experts on a five-year contract for posts such as those. If you did, they would be of very little use to you. Supposing that our opinions differ on that point, nevertheless this remains certain, that the reason why we have been unable to contemplate any such step as the immediate cessation of recruitment was that we in our minds did not come to the conclusion and we did not believe that India in her mind had come to the conclusion, that she needed no more Europeans in her services. What we have done is progressively to recruit more Indians. I would remind Honourable Members of the report of the Public Services Commission and the standards, the comparatively small standards, of Indian recruitment laid down by them.

[Sir Malcolm Hailey.]

They were greatly increased by the Montagu-Chelmsford Report. They have again in many cases been increased since then. That is the line we have taken, and by that line we hope to have gained for India an increasing number of young men who will, in a short time, make a real appearance in the higher posts of these services. I know that there is a complaint that we have not gone fast enough. Let that be. At all events, do not bring against us the charge that we have done nothing at all. I ask any one to look at the civil services of the provinces now, and see the large number of young men who are gradually mounting the ladder and think of what the appearance of the service will be ten or fifteen years hence. You will find by that time that you have in every province in posts of the highest distinction Indians, and Indians in numbers; and I have myself no doubt that by proceeding on a method cautious and gradual such as ours you will find these posts occupied by men who will add distinction to them, and give to India service of which she will have reason to be proud.

Now, let me turn to my most recent critic, Sardar Kartar Singh. He told us that law and order in our hands had become law-breaking and disorder. Sir, was it in our hands that this has become the case? Was it in our hands? I ask him to be honest. I ask him whether his own community has preserved the standards of good citizenship. I have been very loath to make any attack on that community. I have tried in addressing the Assembly to put my justification of Government on the lowest terms. But, when one thinks of the innumerable occasions in which they have refused, under what I claim to be a mistaken notion of religious duty, to obey the simplest requirements of law and order, then I think that he should hesitate before he charges us with converting law and order in India into law-breaking and disorder. I look for better days, when they realise that both their political future and their religious rights can be maintained without a disregard of the rights of other communities and other people. If there have been cases in which men have been prosecuted on such charges as the Honourable Member alleges I should regret it; but I cannot think that a man can really have been prosecuted on the simple facts which he puts before us. I am open to correction; but, even if that is the case, that can hardly be laid at the door of the Home Department; for such actions cannot be taken in pursuance of any general policy laid down by the Government of India. Our magistracy, splendid as their services are to the community, may make its mistakes; but individual mistakes cannot to be brought against the administrative departments of the Government of India which are responsible only for policy.

Sardar Kartar Singh: There have been many cases of this nature.

The Honourable Sir Malcolm Hailey: The Honourable Member may know cases and I cannot of my own knowledge controvert what he says about them. I would only ask that he should not bring it as a charge against our general administration that such cases occur.

Mr. Chaman Lal (West Punjab: Non-Muhammadian): May I ask, Sir, if the Honourable Member justifies the brutal beatings at Guru-Ka-Bagh under the plea of "law and order"?

The Honourable Sir Malcolm Hailey: That is not one of the charges that have hitherto been laid against our Department. But the House will perhaps excuse me from entering in answer to a question of that kind into

a justification of the Punjab Government, in regard to any incident which we all deplore, but which is long past. I should be willing to do so, but the story is a long one.

There were definite matters of detail raised on which I must detain the House for a few minutes. One was that raised by Mr. Chetty about the treatment of political prisoners. Now he stated that to his knowledge there were political prisoners, to use his term, who had been subjected to inhuman treatment. I should be sorry to think that. I assume that it took place in Madras. I had always understood that the Madras Government was one in which the administration was conducted with the utmost regard to the demands of humanity and I should be sorry to think that there has been any case of inhuman treatment of a political prisoner.

Mr. R. K. Shanmukham Chetty: One case in Madras resulted in the death of a person called Mr. Vajpai—one of the most tragic cases connected with your treatment of political prisoners.

The Honourable Sir Malcolm Hailey: In order to bring a charge home to us it must be clear that it is our regulations or our supervision which has been at fault. I do not desire to place any responsibility on any local Government but there are defined spheres of work. Ours is the administration of the Act and of the Regulations thereunder and to a certain extent general supervision under the Government of India Act. Now, what have we done in regard to "political prisoners"? I adopt his own term. He was incorrect in his statement that all political prisoners in England are treated in a particular way. It is true that the law of 1877 laid down that persons convicted of seditious libel should be first division prisoners, but that law has long gone. It is no longer on the Statute Book.

Mr. R. K. Shanmukham Chetty: What I quoted from is the latest edition of Halsbury in which he says that persons convicted of sedition and seditious libel are treated as prisoners of the first class.

The Honourable Sir Malcolm Hailey: If the Honourable Member will look at the Prisons Act of 1898, he will see that what I am stating is correct. The English law now lays down three classes of imprisonment and it rests with the courts to decide to which class persons convicted shall be assigned. It is no longer prescribed by law, though it may be a matter of practice till, that persons who are charged with seditious libel (which after all is only one class of political offence), shall be placed in the first division. What have we done? I will not detain the House by going through the recommendations of the Jail Committee's report and subsequent history. It will be sufficient to state the bare facts. In August 1922 we attempted to make uniform and to liberalise the rules made by various Local Governments for the creation of a special division. We succeeded in doing so and we came to an agreement with Local Governments regarding the class of prisoners who should be admitted to that special division. It was left to the Local Government in each case to decide who should be assigned to that division and should receive the special treatment to which special division prisoners were entitled. I have with me here the Bengal Rules which I think are the most compendious. I should be very glad to hand them to any Honourable Member who is interested in the subject, and he will see that prisoners of the special division receive treatment very like that which was described to us by the Honourable Member when referring to political prisoners in England.

Diwan Bahadur M. Ramachandra Rao: May I suggest, with your permission, that it would be more appropriate in regard to Mr. Chetty's case to refer to the Madras rules?

The Honourable Sir Malcolm Hailey: I think I can refer to the Madras rules also. I had hoped to explain the whole case to the House in regard to a Resolution which unfortunately never came on. It would take me some time to do so, but I still hope that we will have an opportunity before the session ends to go into this subject at large. I feel that I could justify to the House our action in the matter, and show what great improvements have taken place since 1922. I shall go further and say that it is our intention steadily to pursue this course. Unfortunately (I will not say it is our fault) large numbers of men have sought imprisonment on political grounds; I will put it on the best grounds; they go for conscience's sake, because they believe that they could do good to their country by taking such action. Where such men have not been concerned with acts of violence or have not advocated violence, we have no desire to treat them with hardship. You will find that, as time goes on, the tendency will always be to place such men in the special division, and we are steadily pursuing our efforts to ameliorate the condition of prisoners of that type. I should be unwilling to detain the House longer by a detailed examination of the rules; I can only say that when Mr. Chetty was just now reading the English rules I thought he was reading our own rules regarding special prisoners.

Mr. R. K. Shanmukham Chetty: Is any attempt being made to have a better and uniform system of treatment throughout all the provinces for this class of prisoners?

The Honourable Sir Malcolm Hailey: Certainly. That has been the case. I fear time is passing and I must come to what is an old friend of ours, the Lee Commission. I hope Mr. Ramachandra Rao will excuse me if I come to him late in the day in spite of the fact that the discussion on the Demand was started by him. He asked that we should arrange for simultaneous publication of the report both in England and in India. Reports of this importance are generally published simultaneously both in England and in India and certainly we shall endeavour to see that, when publication takes place, it should be simultaneous in both countries. That of course is a minor point. He really desires that we should consult the Assembly before any action is taken on the report, that being a point with which Dr. Gour dealt and to which both speakers attached great importance. I think the Assembly will agree with me when I say that of late years we have always endeavoured to consult the Assembly before we took action on any of the more important of our reports. I will instance, for example, the Fiscal Commission or the Railway Report or the Racial Discrimination Report or again that on the North-West Frontier or the Bar Committee on all of which the Assembly either has been or will be given an opportunity of discussion. There are some limitations that I must attach to a similar declaration as applied to the Lee Commission report. In July last I said:

"We cannot here, either as an Assembly or as a Government of India, limit the constitutional and statutory powers of the Secretary of State in this respect and, if there are matters pressed upon him by the Royal Commission which require immediate orders, then it will be necessary to recognise his power to take a decision in advance of any discussion by the Assembly. For the rest we shall be quite prepared to allow the Assembly an opportunity of discussing the main recommendations of the Royal Commission; we shall meet any views it may advance in discussion in the usual way and shall forward its recommendations to the Secretary of State."

That was a formal declaration made in recognition of the constitutional powers of the Secretary of State. We cannot tie his hands but I have no doubt that he will endeavour to allow full discussion here before any action is taken on the main recommendations of the Commission. I do not know whether the Honourable Member makes a serious charge against us that so far very little has been done in regard to the recommendations of the various Provincial Retrenchment Committee's reports in respect of high posts. As the Honourable Member knows (he knows as much or more about the Government of India Act and its genesis than I do, though I have studied it somewhat carefully) the question of the strength of the Executive Councils in the provinces is one directly for the Secretary of State and the Local Government concerned. I am well aware of the recommendations that have been put forward by the Local Governments. It is, as he says, the case that both the Bengal and Madras Legislative Councils have suggested reductions. But he is also well aware of the convention established by the Joint Parliamentary Committee, and I think that the difficulty in reduction has occurred mainly owing to that convention. (Mr. Rangaswami Iyengar: "May we know what that convention is?") The convention regarding the composition. (Mr. Rangaswami Iyengar: "The number of Indians and Europeans?") Yes, or rather I would say the number of men with service knowledge. As regards the recommendations of the Central Provinces Committee, the Honourable Member will agree with me that it would be at this moment of very little advantage to abolish a Member and transfer his work to a Minister! (Laughter.) As regards the Moplahs, I do not know whether he desires that we ourselves should do anything towards an amnesty. The Local Government have as a matter of fact, and as he I think will remember, gone through a large number of these cases and reduced the sentences. We have now

Diwan Bahadur M. Ramachandra Rao: I would like to mention the point that several of these prisoners have been sent to the Andamans and their womenkind had to be sent also along with them and considerable trouble has been caused in this matter for one reason or another. I would like that matter to be examined.

The Honourable Sir Malcolm Hailey: I think I can satisfy the Honourable Member. There are 1,219 Moplahs in the Andamans and some advances were given to a certain number of wives to join their husbands which I think were taken up by some 20 or 30 women. I know the Local Government is taking up the question of the necessity of keeping these men in the Andamans; the sentences of a large number of them are about to expire. Advances were given because we hoped that these men might be inclined to settle down and help us in our scheme for colonising the Andamans. But I will ascertain what further facts I can for the Honourable Member.

And now it only remains for me to notice one point, a point to which the House is by this time somewhat accustomed, the unsatisfactory nature of our conduct as a Department in regard to the constitutional Resolutions which have been passed by this House. My department is the mouthpiece of that response; I do not wish to transfer responsibility, I should not like to suggest that the obstinate character of the Government of India is due to my friend Sir Narasimha Sarma or to Mr. Chatterjee or Sir Muhammad Shafi. But it has always been my claim that we have not taken an attitude that could be charged either as reactionary or even

[Sir Malcolm Hailey.]

that we propose to stand still. With regard to the last reply of the Under Secretary of State, to which Dr. Gour referred, I have wired Home, as I knew that the House would ask me about it, to know whether it was correctly reported to us. I think it is possible that the reply has come out in a somewhat abbreviated form, and when I have further information on the subject I will communicate it to the House. But in the meanwhile I would suggest to Honourable Members not to draw any implications until they know the exact nature of that reply. (Mr. R. K. Sanmukham Chetty: "Do I then understand that even Sir Malcolm Hailey is dissatisfied with that reply?") The Honourable Member must not try to look so far into my mind. (Laughter.) I give this information only in courtesy to the House. I say again that you cannot fairly condemn the attitude we have taken up. If we had really attempted to go back, if we had really intended to put a serious check on the progress of India, then we might have come under the stigma of condemnation; but I put it to the House that it should blame no man for his caution so long as his intentions are good.

Diwan Bahadur M. Ramachandra Rao: Sir, I only wish to say one word with your permission before I withdraw this motion. We have had considerable information on many of the points that have been raised in the debate and, as I do not consider that it is advisable to make any further revision, I propose to withdraw my motion. I am perfectly aware, Sir, of the constitutional position of the Secretary of State in regard to the sanctioning of expenditure. It is for that identical reason that I had to raise this question to-day with a view to seeing that the Government of India informed the Secretary of State that before he exercises any financial power with reference to the Lee Commission we should have an opportunity to place our views before him. On that matter I would again ask the Honourable Member to make a representation to the Secretary of State not to stand on his powers. We should like to have our say on the matter. That is the great difficulty that we always feel with reference to these financial proposals. Certainly he has the last word in regard to this matter and he can exercise it either by consulting the Government of India or without. He may exercise it without consulting this Assembly. I have already pointed out that many of these proposals with reference to pay, pensions, and salaries have been sanctioned in the last three years without, much to our regret, our having any say at all in the matter. That is just the basis of our complaint and I trust the Honourable Member will take steps to inform the Secretary of State of our wishes.

The Honourable Sir Malcolm Hailey: I will convey that view to the Secretary of State.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadian Rural): Sir I should like to have information on one or two items. At page 45 there are two items of Rs. 4,000 and Rs. 6,000 under the heading "Presents and Charities". And again on page 46 "Payments and presents for services rendered, Rs. 24,000". May I know what these items are and whose charities they are?

The Honourable Sir Malcolm Hailey: Those represent charities to which His Excellency the Viceroy subscribes. Some fall within the office of the Military Secretary, who transacts certain parts of His Excellency's business, and some within the office of the Private Secretary who transacts other parts of His Excellency's business.

Mr. C. Duraiswami Aiyangar: And at page 44 there is an item of Rs. 40,000 for Sumptuary Allowance of the Governor General, Expenditure from Contract Allowance Rs. 1,41,600; State Conveyances and motors, while in Delhi, Rs. 80,200. May I know whether such items are allowed to the Governor General of Canada or Australia.

The Honourable Sir Malcolm Hailey: I can explain the reason why the item of State Conveyances and Motors now appears for the first time. The Contract Allowance used to be Rs. 1,56,000. It now stands at Rs. 1,41,000 plus Rs. 30,000 for State Conveyances and Motors. Therefore, both items together stand at Rs. 1,71,000, against the previous figure of Rs. 1,56,000. This is well below the actuals of 1922-23 where the totals came to Rs. 2,22,000. Equivalent reductions were made, when that new item of State Conveyances and Motors was introduced, in the Staff and Household expenditure of the Governor General, and there were further compensating reductions made under the orders of the Governor General under other items which do not appear in our figures here, namely, in those portions of the expenditure which fall on the military Budget. Altogether, though it appears on the face of it that contract allowances have gone up as against last year, there have been equivalent, and I think I am correct in saying much more than equivalent, reductions made elsewhere.

Mr. C. Duraiswami Aiyangar: May I make a further request for information, Sir? We find under the head of Contingencies there is a total sum of Rs. 2,91,180, varying from about Rs. 16,000 to Rs. 66,000 after making detailed provision under postage expenditure, and after every possible provision for details has been made. Why is such a large expenditure shown without any details? You will find them illustrated on pages 45, 46, 47, 48, 49, 50, 54 and 55.

The Honourable Sir Basil Blackett: May I suggest to the Honourable Member that I should be glad to attempt to answer questions of this sort if they are raised in connection with the Finance Department; it is hardly fair on the Home Member that, in connection with the Home Department vote which he is defending he should be suddenly asked questions with which he has nothing to do.

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

The Jaito Incident.

Diwan Bahadur M. Ramachandra Rao: Sir, I beg to move:

"That the Demand under sub-head 'Foreign and Political Department' be reduced by Rs. 100."

Sir, the object of my moving for this reduction is to bring to the notice of the Assembly several facts in connection with what is known as the Jaito incident in regard to which

Mr. E. B. Howell (Foreign Secretary): I rise, to a point of order. I submit, Sir, that the subject matter which the Honourable Member proposes to introduce is a matter relating to the administration of the territory of a Prince under the suzerainty of His Majesty and as such is excluded from the purview of this House.

Mr. President: I cannot tell the Honourable Member that yet; I must let the Honourable Member proceed a little further. The Assembly will

[Mr. President.]

have noticed that what is commonly called the Jaito incident has been referred to several times in the course of this debate but in terms which were permissible. The Honourable Member's point regarding the administration of an Indian State is properly taken, and he may rely on the Chair to prevent a debate arising on that subject.

Diwan Bahadur M. Ramachandra Rao: If I may point out to Mr. Howell, the broad facts of this incident have already been referred to in connection with the motion which came up last week in connection with the grievances of the Sikhs. Sir, at that time both the Honourable the Home Member and several other Honourable Members referred in terms to that incident and the latter elicited some information from the Honourable the Home Member, who referred to the reports which had been received from the Administrator and from the military officers on the subject. Sir, under these circumstances it seems to me that the objection of my Honourable friend is one which cannot be entertained. Sir, if I am bringing up this incident to-day, it is not for the purpose of accentuating the already difficult situation which has arisen in the Punjab. I have no desire in any way to say things which would make it difficult for him to bring about a peaceful solution of this very complicated question. I am therefore anxious to inform Honourable Members that my sole desire is to persuade my Honourable friend, Sir Malcolm Hailey, to undertake this task of conciliation which is absolutely necessary at this stage. Sir, if I may say so, I think, Sir, that the Honourable Sir Malcolm Hailey has established in this House a parliamentary tradition; and it would have been quite in keeping with things if, instead of raising objections to the discussion of this matter which undoubtedly he was entitled to raise under the rules, he had followed up his objection by making as full a statement as he could on the whole subject which has attracted universal attention throughout India. Now, Sir, from the accounts which I see in the newspapers it appears that garbled correspondence is appearing with regard to the Jaito affair giving an account, it may be according to their own lights, of this incident to places outside India.

(At this stage Mr. President vacated the Chair which was taken by Sir Chimanlal Setalvad.)

This incident has attracted a good deal of attention throughout India and anybody who reads the papers will see what effect it has on the political situation in this country at the present time. Therefore, Sir, if the Honourable Member had introduced a new practice of making a statement on his own initiative without either being subjected to questions, or without even being subjected to the rules for the discussion of matters of urgent public importance, I think my Honourable friend would have done very well indeed if, during the sittings of the Assembly, he had communicated to the House anything that was worth communicating on this important question. I trust, Sir, that, when the Central Legislature of India is sitting here from day to-day, any information available will be furnished to the House, as otherwise, Sir, it is certain it must lead to considerable dissatisfaction. I am only mentioning this, Sir, because I have some limited knowledge; I think such procedure is sometimes adopted in the House of Commons. I am therefore to-day asking you to establish a precedent; and, though I am moving a motion under this head, I trust that hereafter at least we shall have the fullest possible information on important events such as this, at any rate during the sittings of this Assembly.

Well, having said that, I will now invite his attention to a few facts. Since the event which took place some two weeks ago, I think, Sir, a considerable amount of criticism has appeared in the Press; conflicting reports have also appeared in the Press about this matter and in a pamphlet issued by the Shiromani Gurdwara Prabandhak Committee, it is stated that the Government have taken over the administration of the Nabha State and have openly identified themselves with the policy of repression ruthlessly carried on by the administrator; this punctilious sheltering behind the letter of the law and refusing to discuss the Jaito affair in the Punjab and in the Indian Legislative Council is highly unfair and unreasonable. There is no doubt that there is irritation throughout the length and breadth of the land that an opportunity for discussing this matter either in the Punjab Council or in this Assembly has not as yet been conceded. And, if I am raising this subject to-day, it is for the purpose of eliciting information partly and getting an assurance from the Honourable Member that all that is necessary is being done in this matter. The broad facts of the situation are well known to all of us. In this pamphlet allegations are made to which I would invite the attention of the Honourable the Home Member. One of these is that the casualties are about 300 and the deaths are 90. The Honourable Member told us that the number of deaths was 34. May I ask him in the first place whether this statement at page 170 is correct?

The Honourable Sir Malcolm Hailey: May I interrupt the Honourable Member for one moment, Sir? We are still waiting for the ruling, which we have not received yet, whether this discussion is in order or not. The point is whether a discussion regarding this affair is in order on a motion for reduction of the Foreign and Political Department Grant.

Diwan Bahadur M. Ramachandra Rao: May I point out, Sir, that this objection has been raised by Mr. Howell, and I understood from the way in which Mr. President gave his ruling that he ruled . . .

Mr. Chairman: I do not think he gave any ruling. I think the Honourable Member will not be in order in discussing what happened at Jaito, the territory of a Native State. But the Honourable Member will be in order in discussing anything that happened in British India with regard to this affair.

Mr. Jamnadas M. Mehta: May I ask whether it is not a fact that the Governor General has permitted that during the Budget discussion these subjects, namely, military, political, etc., may be fully discussed? That is the notification, I think, which was read to the House on the 7th or 5th of last month.

The Honourable Sir Malcolm Hailey: The permission refers, if I may suggest,—I am not attempting to put views to the Chairman—to allowing during the Budget proceedings discussion on certain matters which are reserved from voting, namely, all expenditure classified as ecclesiastical and political and the like. If there were any item of expenditure referring to this matter, no doubt it could be discussed. But that is not, as far as I am aware, the case.

Mr. Jamnadas M. Mehta: The subject matter for which expenditure is required automatically lends itself to discussion. Is the discussion to be confined to the sum and not to the subject? Is that the meaning to be attached to the notification?

Mr. Chairman: I have already ruled that the Honourable Member will not be in order in discussing what happened at Jaito within the territories of Nabha. Anything done in British India in regard to Jaito may be discussed.

Mr. M. S. Aney (Berar Representative): May I know whether Berar administration is permitted to be discussed under this head or not, because, last year it was permitted and a motion for reduction under this head was availed of as an opportunity for discussion of certain matters affecting Berar?

Mr. Chairman: We are not concerned with Berar at present. We are dealing with Mr. Ramachandra Rao's motion on the Foreign and Political Department. It has nothing to do with Berar.

The Honourable Sir Malcolm Hailey: If you desire, I can hand you the previous discussion about Berar. Berar is an administered territory, not a Native State at all.

(At this stage Mr. President resumed the Chair.)

Diwan Bahadur M. Ramachandra Rao: Sir, we were discussing, in your absence, whether you have or have not given a ruling. May I raise that controversy? During your absence the Chairman said that I would not be in order in referring to the incident at Jaito and discussing it under this vote. I think I understood from your general remarks, in answer to Mr. Howell, that the subject has already been opened up in one or two discussions and that I would be in order in proceeding with this matter and making a few remarks in regard to this incident and eliciting information from the Honourable Member.

Mr. President: There are two points which arise from what the Honourable Member has put to me. Let me deal first of all with the ruling given by the Chairman. I shall make it plain to the Assembly, first, that the Deputy President or the Chairman occupying the Chair in the absence of his superior officers possesses all the powers of the Chair and, second, that the President cannot make himself a court of appeal from, or offer explanation for, or make reference to, rulings given by those who were the occupants of the Chair, at any time, in his absence.

As regards the point which the Honourable Member has raised, he did put it to me before. The discussion of, what I call in a loose way, "the Jaito incident" cannot cover matters referring to the administration of the territory of a Native State. As Honourable Members will have noticed, while Pandit Madan Mohan Malaviya was speaking, and I think while one other Member was speaking, references were made to the manner in which that incident arose and therefore to what had occurred on British territory, and in view of the general powers of supervision and control possessed by the Governor General in Council, I ruled that that was in order, but to refer to matters actually taking place in the territory of any Native State is not in order.

Diwan Bahadur M. Ramachandra Rao: In view of your ruling, I would confine myself to a few specific matters about which I should like to ask the Honourable Member to furnish this House with information. May I ask him whether it is a fact that, in regard to those who have taken part in that incident and who have returned to British territory, any warrants have been issued or any instructions have been given to British

officers either to arrest them or send them under custody to Nabha? This is a matter which is entirely within the jurisdiction of the British officials. I wish to know whether, as a matter of fact, any instructions have been issued to send those who have taken part in the Jaito incident and who have returned to British territory, back to Nabha for trial. That certainly does not refer to a matter relating to the administration of a Native State, but what is actually taking place in British territory. Sir, I understand that another *Jatha* of 500 Akalis has already started for Jaito, and as the Honourable Member has stated that it is in the jurisdiction of another Native State, which fact seems to me another version of it, I should like to know whether any instructions have been issued to stop incidents, such as that which has occurred between the Akalis who have started for Jaito and the authorities either in any intermediate place or in Nabha. Sir, this incident has attracted a great deal of attention throughout India. At any rate some of us here in this Assembly and several outside it are anxious that any conflict which might be avoided should be avoided and the Government of India should take steps to see that no such conflict takes place in the future. In this matter, whatever may be said, the Honourable the Home Member will see that the present situation will be greatly ceased if we know that attempts are being made to bring about a satisfactory settlement of this question. It has already been brought to the notice of the Honourable Sir Malcolm Hailey that a representation has been made by several Members of this House that an inquiry should be undertaken into this matter. That is a thing which has certainly happened in British India. Representations have been addressed either to the Honourable the Home Member or to the Viceroy. May I ask whether those representations have received any, and if so what, consideration. That is another matter which arises with reference to this incident. Sir, if I may say so, whatever may be the rights and wrongs of this question, I should think that we shall all be grateful if the Honourable the Home Member will find a solution to ease the situation in the Punjab. This matter has attracted considerable attention and there is no doubt that it would add to the difficulties of the situation throughout the country. In these circumstances, I should like to have a statement of what is being done by the Government of India in this matter in the directions which I have indicated.

The Honourable Sir Malcolm Hailey: I should like to say, as I had to say before, that if I refer to a point of order of my friend on my right it is merely a question of principle. I have not been anxious in any way to avoid giving information on this subject. I published at once everything that we had. If we have had to point out what the rules of the House are it was only on the question of principle. Now, in reply to Mr. Ramachandra Rao, I will try to go as far as I can to satisfy him. I have not myself heard of any one who was concerned in the late affair and who has been sent for from British India for a trial in Nabha. Some 700 people were held in custody and the most careful orders have been issued that no steps should be taken without the fullest investigation into their cases. We have every desire to avoid long prosecutions, as far as may be possible. We do not desire to see all over again the bitterness of these big prosecutions and a large number of prisoners in our Jails. I cannot remember any instance of a man who has been brought from the British territory for a trial in Nabha; but I will ascertain. Then as regards the efforts that have been made to prevent the recurrence of the incidents of last month during the march of the *Jatha* to Jaito. Mr. Crerar informed

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the Secretary of State lately that, when the first *Jatha* started, it started under a vow of non-violence and to perform, as it said, its religious duty. We feared the result at the time. But we thought it wrong to place any hindrance in its way during its march. We wished to give it the fullest credit of being non-violent and the fullest credit of being actuated only by religious motives. It would have been wrong on our part to have attempted to interfere with it on its march to Jaito. Unfortunately we did not foresee the fact that on the last stage of its march and almost at the last minute it would be joined by large numbers of villagers from our territory. It was largely the persons of these villages which caused the trouble. On this occasion we are determined that no such incident should take place. We have, in the first place, sent a certain number of police with the *Jatha* in order that they may warn the villagers not to join the *Jatha* and accompany it to Nabha territory. We have used all our influence with the local notables and have asked them to persuade the villagers not to join them, because they are not under the same close control as members of the *Jatha* might be; incidentally, we have closed all the liquor shops in the vicinity. At one period of its march in our territory some 20,000 people accompanied it, fortunately only for a day and then they went back. At another place over 2,000 accompanied them; but they were also persuaded to come back. The reason why we have taken this step is simply to reduce the possibility of trouble at the other end. Clearly we can come to a settlement on this question much more easily if we only have to deal with the *Jatha*, than with a large, a very excited, crowd of some thousands of persons, many of whom are actuated by something very different indeed from religious motives. We are anxious to end the conflict. We deplore what happened last month. We should deplore in double measure the recurrence of that incident and we have taken every precaution in our power to prevent the necessity of using force either on the *Jatha* itself or on crowds which accompany it. One of these steps I have mentioned to the House. Others I need not perhaps mention at present; but the one thing we have not done, and cannot do, is to depart from what we regard as not unreasonable conditions that we have announced to the *Jatha*. With regard to the representation for an inquiry, it is not the case that it has received no consideration. I regret to find that it has received no answer. For that omission, I am afraid, perhaps I may myself be responsible; but we have been somewhat busy in the House for the last four or five days. Our difficulty on the subject has been enhanced by the fact that a second *Jatha* was on its way to Jaito. I shall be glad to give more definite information on this subject when, as I hope will be the case, in a day or two that *Jatha* will have arrived at Jaito and returned without trouble.

Pandit Madan Mohan Malaviya: Sir, the Honourable Member has said that he has not been able to withdraw the conditions, which he regards as reasonable, which have been imposed upon the *Jatha*. I understand that these conditions are that only 50 persons out of the *Jatha* should go at a time to the Gurdwara. Will the Honourable Member tell us why that condition is imposed? Twenty-five persons used to go to the Gurdwara from the 15th of September.

They were all returned forcibly, got hold of and taken to a long distance and there left in the jungle. This process has gone on up to this time. The Government decided when the *Jatha* of 500 was

to start, to limit the number to 50. What was it which led the Government to refuse, which still leads them to refuse, to allow the 25 men to go to the Gurdwara, men who have gone there in batches of 25 up to this day, when the Government themselves declared that they would have no objection if 50 men would go up to Jaito at a time? Secondly, why should this limitation be placed up to the number 50? The Government are aware that a *Jatha* of 500 have started for the Gurdwara. The Government are aware that they have started in the number of 500 after they had gone daily in numbers of 25 for several months together, when the Government refuse them permission to go to the Gurdwara in the number of 25 . . .

The Honourable Sir Malcolm Hailey: No, no.

Pandit Madan Mohan Malaviya: Yes, I should like the Honourable the Home Member to tell me how he says: "No".

The Honourable Sir Malcolm Hailey: I say "No" very simply, Sir. Those men, when they went there, were asked a simple question: "Will you refrain from any political demonstration and will you return when you have finished your religious observance?" Not one of them would give that undertaking; and until they are prepared to give that undertaking, I say, the Administrator of Nabha is fully justified in restraining them. As a mere matter of fact, they could not themselves perform the religious service which they proposed to have in view; they came without a priest or a sacred book; their mission was a sheer pretence.

Pandit Madan Mohan Malaviya: I put it to this House if the Honourable the Home Member is right in saying that the Administrator was right. A certain number of persons go from a long distance, from Amritsar to Jaito, which I think is over a hundred miles. It takes 10 days for a man to walk from Amritsar to Jaito. These men take a vow before they are called up, which vow is published in the papers. The fact is made known as widely as possible that these 25 men have started for the Gurdwara with the definite and declared object of reading the Granth Sahib and carrying on the *Path* and with no other object. When the Government are aware of that, when these men reached there, can anybody say that the Government had any honest doubt in their mind that the men went there with any other object than the object which they had declared, namely, to read the Granth Sahib? Was it not insulting to the men then for the Government to insist that the men should say they had gone there for delivering political speeches or making political demonstrations? The fact was there and the fact remains that not one of these men, who have gone in the number of 25 for the last seven months, made any political speech or any other speech, or made any other demonstration. Even on their way, all this distance that they travelled, I ask the Honourable Member to say that there is any suggestion that they made any speeches even on the way. My friend behind me tells me that they did not. In these circumstances, the officer of Government on the spot goes and meets these people with the question: "Will you promise that you will make no political speeches and that you will go back when you have finished the reading of the Granth Sahib?" I say, Sir, that it was a very great mistake, a very unjustifiable act, to put that question to the *Jatha*. It was insulting to them. They went there, they had declared that they were going there, with only one object. And I now ask my Honourable friend, the Home Member, to tell me under what law could such an order be issued? So long as these men were entitled to go to the Gurdwara, I assert that they

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were entitled to go there in such numbers as they chose to. So long as there was room in the Gurdwara, they would be entitled to go into the Gurdwara. So long as they did not commit any act of violence, any illegal or unjudicious act, nobody, neither the Administrator of Nabha, nor anyone else, could interfere with them. For the Government to insist upon a promise or upon an assurance from the *Jatha* that they would not make political speeches was in these circumstances an unjustifiable act, and for the Government to insist upon getting such an assurance from them before they would remove those restrictions, is, I submit with great regret, an unjustifiable step to take. They may refuse. They go with the avowed object of reading the Granth Sahib and nothing else. I would refer the Honourable the Home Member to the declaration which they make that their sole object is to read the Granth Sahib and nothing else. At page 4 of the pamphlet, the Leader of the *Jatha* says:

"Keep yourself perfectly non-violent. Your sole aim is to pay homage to the Gurdwara of Gangsar and resume the recitation of the *Akhand Path*."

In these circumstances it does not become a Government, powerful as the British Government are, to insist upon these men swearing that they go there with no other object than their declared object. It is an unnecessary insult to them, causing unnecessary hurt to their religious feelings, to make such a declaration, and I submit, Sir, that the Government are very wrong in insisting upon such an assurance. If the Government will insist upon such an assurance, these 500 men are not going to give it. That is absolutely clear. They have started with a declaration in the presence of God, they have made public to everybody that they are going there with one object, and I do not think, Sir, my Honourable friend, the Home Member, knows as well as I do, that when the Sikhs have taken the vow, they will try to go to that Gurdwara and that, if the Government will insist upon that, the Government will insist upon bringing about a conflict between the officers of Government and the Sikhs. I do not want this conflict, and I request the Government to withdraw the conditions and to let these men go. If they are once allowed to go freely, the whole trouble will cease. They will read the Granth Sahib to their satisfaction, stay there such time as they like and they will go away, and the going of these *Jatha* will stop. If the Government will not remove these conditions, I ask the Government to consider what is likely to happen? Taking the facts as they are, what is likely to happen? I have no wish that there should be any conflict; I have no desire that there should be any conflict between the Sikhs and the Government. There were 500 Sikhs who went on the 21st February to Jaito. They were obstructed and they proceeded on their way and there was firing, the result of which was that 19 of our fellow-subjects died and several of them were wounded, according to the official report. A second *Jatha* has started, and Government are fully apprised of it. The Government know that they have started with the same declared object as the first *Jatha*. The Government know that the first *Jatha* did not give that declaration which the Administrator of Nabha asked for. The Government still insist upon that assurance being given. They have paid by their lives, by the sufferings which they have gone through. The Sikh *Jatha* have proved the sincerity and faith of their conviction and their religious feeling by paying for them with their lives rather than give that assurance which they regarded as an insult, as an affront to them and to their religion. In these circumstances, does it become a

Government or any civilised power to insist upon that assurance being given? From his knowledge of the Sikhs, does my friend expect that the Sikh *Jatha* will give that assurance? And, if that assurance is not given, I want to know from the Honourable the Home Member what is going to happen. Under what law are these men going to be dealt with? Are they going to be fired upon? If they are not fired upon, are they going to be beaten? Are they going to be dragged back from Jaito and sent to Bhawal? What is going to happen? I certainly think that the Honourable the Home Member will feel that this House is entitled to know what his instructions and the instructions of the Foreign and Political Department are to the Officer at Nabha. It is for this Government to decide now and finally what will happen to-morrow. If the Government will remove the restrictions, I am certain nothing untoward will happen. If the Government will insist upon this assurance being given, I feel equally certain—as certain as any mortal man can—I feel absolutely certain that the Sikh *Jatha* will not give that assurance and will expose themselves to any suffering which it might entail. I ask the Home Member to say what sufferings should be inflicted upon them in these circumstances. I ask the Home Member to tell me what offence they will be guilty of and under what law will they be proceeded against? What are the instructions of the Government to the officers at Nabha on these points?

Administration of Berar.

Mr. M. S. Aney: Sir, the particular aspect to which I wish to draw the attention of this House is somewhat different from the one to which the attention of the House has been drawn by the previous speakers. The Members of this House might be aware of the fact that Berar is a territory which is under the administration of the Foreign Department as such but for certain reasons that territory has been given over to the charge of the

Mr. E. B. Howell: On a point of order, Sir. I submit, Sir, that the question of the claim of His Exalted Highness, the Nizam of Hyderabad, to the Berar territory is a matter affecting the relations between the Governor General in Council and a Prince under the suzerainty of His Majesty's Government and as such again the discussion of it is not in order in this House.

Mr. President: Is the Honourable Member discussing the administration of Berar?

Mr. M. S. Aney: I am only trying to show that the responsibility of the Foreign Department for the administration of Berar revenues has not been properly realised by that Department and that the public are suffering because of the negligence of the Foreign Department to have a check over the administration of Berar. They have got a distinct responsibility under the Devolution Rules. That point I am discussing.

Mr. President: I understand the Honourable Member wishes to discuss the present administration of Berar. Is that so?

Mr. M. S. Aney: In a way I do.

Mr. President: What does the Honourable Member mean by "in a way"? If the Honourable Member wishes to discuss the present administration of Berar, he is in order.

Mr. M. S. Aney: The thing is this, that, under the Foreign Department Notification of the Government of India, Berar is under the administration of the Central Provinces Government and by Devolution Rule No. 14 the Berar revenues have been handed over as a gift, so to say, to the Central Provinces Government. With these two points I want to bring home to the notice of the Foreign Department what has been the principal grievance of the Berar public resulting from this arrangement. Firstly, taking Berar revenues, I want to tell this House that the proportion of the contribution which Berar makes towards the Central Provinces revenues is in the ratio of 3 to 2. Out of the 5 crores of revenue for the province, you can take it from me that 2 crores are provided by Berar, and the share which Berar gets in return for expenditure on nation-building departments fall short of one-fifth of that revenue. The result is that the nation-building departments of Berar have been starved. There have been constant grievances and constant irritation growing in the province on this question of inequitable distribution of expenditure for Berar. The matter has been under the consideration of the Local Government. Probably the Foreign Department might be aware that last year a Committee was appointed—it was called the Sim Committee—and it tried to fix the ratio of expenditure between Berar and the Central Provinces. But even the recommendations of that Committee have not been given effect to. The result is that the nation-building departments of Berar are being starved and Berar revenues, which leave a surplus of 50 to 60 lakhs annually in the hands of the Central Provinces Government, are being squandered over matters with which Berar has no concern. We want eventually a single government in this province, and to that extent we are prepared to make such contributions as are proper for Berar to make towards that single Government. But, at the same time, I say that, unless there is a check in the Foreign Department over the Central Provinces Government for the sake of clearly bringing it home to that Government that they have a responsibility towards the Berar subjects and that they should utilise Berar revenues for the development of Berar, there is no possibility of proper justice being meted out to Berar. There is so much reserve out of the surplus of Berar revenues in the hands of the Central Provinces Government and yet you will be surprised to find that, whenever there is a question of giving improvement to Berar, they are necessarily submitted to a certain amount of taxation. That question was raised here last year by my Honourable friend, Mr. Jatkar. This year I wish to bring to the attention of the Foreign Department that two Acts have been applied to Berar by the Foreign Department during the last year, namely, the Berar Land Revenue Code and the Berar Rural Boards Law. Under both these Acts the taxation has increased enormously. A taxation of 12 pies per rupee has been increased to 24 pies per rupee under the Berar Land Revenue Code and a taxation of 6 pies per rupee has also been increased to 18 pies per rupee. If you compare the provisions of the Berar Land Revenue Code and the Rural Boards Law of Berar with similar provisions in the Central Provinces Act, you will be surprised to find that the taxation is something like three or four times more than what it is in the Central Provinces. Why? When you have got so much surplus in your hands, why is it that, when any improvement is made, the Berar community should necessarily be subjected to fresh taxation? That is the sort of injustice done to them. The reason is that Berar laws are passed, not by the voice of the Berar public; Berar legislation is never discussed in the Central Provinces Council. They are made on the recommendation of the Executive Government of the Central Provinces to the

Foreign Department here and the Foreign Department simply notify the law. Berar has got the right of representation in the Central Provinces Council, but it cannot discuss its laws there. Berar has got a right of representation in this Assembly, but it cannot discuss its measures here. Its laws are made on the recommendation of the Executive Government in the Central Provinces and they are passed by the Foreign Department here by means of a notification. Therefore, if there be anything that really affects the Berar interests, it is this, that they are in a very hopeless position and cannot see a way out of it. Some arrangement has been suggested on this point by the Local Government and it is to refer to it that I raised the discussion. The arrangement is this. They have appointed a Committee consisting of Berar representatives proper to advise the Local Government with regard to Berar matters. I want to draw the attention of the Foreign Department to the fact that, if the Foreign Department thinks that this is a proper suggestion, they should give a statutory basis to this Committee by issuing a notification in the Foreign Department so that it may be a Committee that will advise the Central Provinces Government as well as the Government of India in regard to matters of legislation affecting Berar interests. If this suggestion be taken into account and if an assurance is given by the Foreign Department that there will be a serious endeavour made to give a statutory basis to this Committee which has been recommended by the Central Provinces Government, I think that the purpose with which I started this discussion will have been greatly served.

My second suggestion is that some arrangement should be made by the Government of India with the Central Provinces Government fixing a definite ratio to be paid necessarily to the Berar public out of Berar revenues and that only the residue should be spent for the Central Provinces. On these two points I want an assurance from the Foreign Department, and, if that assurance is forthcoming, I think the purpose with which I raised this discussion will have been served. I do not think it necessary for me to take the House into the details with regard to the administration of Berar at this late hour especially when Honourable Members are tired. I only desire to bring to the notice of this Assembly the peculiar grievances of Berar for which there is no remedy for us. I trust that I shall have the support of the House in this struggle which Berar is carrying on to improve the conditions under which she lives at present. With these remarks, Sir, I leave it to the good sense of the officers in charge of the Foreign Department to do what they can to help the condition of Berar.

The Honourable Sir Malcolm Hailey: I can perhaps assist my Honourable friend Mr. Howell in regard to Berar. Berar not being purely British territory but being only leased territory, we have to legislate for it by the Foreign Jurisdiction Order, to which process confirmation was given by section 5 of the Government of India Act of 1916. For the most part, it comes to this, that a law is passed in the Central Provinces Council, where there are of course Berar representatives, and before it can be applied to Berar, we have to issue a notification to that effect.

Mr. M. S. Aney: Not with regard to the local laws of Berar. There are certain local laws in Berar which never go to the Central Provinces Council at all.

The Honourable Sir Malcolm Hailey: We have in the past applied to Berar certain notifications on the model of those framed last year, but as the Honourable Member himself knows, we have now arranged that

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before any law is applied to Berar, it should be first examined by an Advisory Council of Berar representatives in the Central Provinces Council. He asks that that should be made a statutory arrangement. I ask him if there is really any necessity for this. What additional advantage would he obtain by making that a statutory arrangement? As I see it, none at all. I do not myself think that Berar really suffers from any real legislative disadvantage. Where she really claims to suffer, though I do not know enough of the facts to say whether there is any substance in the complaint, is in the belief that too large a portion of her revenues is expended in the Central Provinces. That is really the substance of her complaint. We tried to help her a little time ago by deputing an officer, Mr. Sim, to report on the ratio of expenditure of the two areas. I believe that his report has been accepted by the Central Provinces Council, but I am afraid that that is a matter with which we ourselves cannot deal. The whole matter must be settled locally. The Berar representatives must stand out for their own; if we were to attempt in any way to interfere with that problem, that would undoubtedly mean a partition of Berar and the Central Provinces.

Now, for the other matter which we have been discussing; for in spite of your ruling, Sir, we seem somehow to have fallen into a discussion on the subject. The Honourable Pandit Madan Mohan Malaviya told us that unless we withdrew the stipulations regarding entry to Jaitho to which I referred, and which I think a considerable portion of the House as constituted to-day, at all events, regards as not unreasonable conditions—unless we withdrew those, he was certain that there would be trouble. I have shown that they were made purely in order to prevent political demonstrations in Nabha territory; we only ask a guarantee that no such demonstrations should be made. I believe myself that the real problem is this, not whether those restrictions are reasonable or not, but whether the men who are going there will accept any condition or any restriction that any one may lay down in regard to entry into Nabha. I only put to those who are supporting their case whether, if those restrictions were laid down in regard to men of any other section of the community, they would take umbrage at it. Only a declaration that you have not come, as your friends propose that you have not come, for the purposes of political demonstration, only a declaration that after performing your religious services you will leave a Native State which has been taken over under administration and where naturally we desire no political demonstration. Those are the conditions, and I think myself that those who tell us that there will be trouble if they were not waived are taking on themselves a heavy responsibility, for I think that it is their duty rather as good citizens to use all their influence to see that conditions so reasonable as those were observed. If they were, the trouble between us would begin to disappear. I have said before, that both for personal reasons and for public reasons I am very loath to enter into this controversy or to seem to attack a people for the mass of whom I and all of us have a high regard and affection. But I regard their total refusal to accept any conditions at all in this case as only part of a larger case; and though for the moment we may seem to be fighting over what on the surface is unimportant,—though these conditions do not in themselves appear to be of the highest importance,—yet that is not so. We are really contesting the point whether the leaders of these men, and it is only their leaders who count, they themselves are driven like sheep by men who have no concern for their safety or happiness,—

whether the leaders of these men will accept any restriction or any condition which appears to hamper them in their relations with Government and the other communities. That is the real conflict. May I refer the House to what happened in the case of Bhai-Pheru. I did not instance it the other day because I did not wish to take an attitude of attack but it is, I think, illuminating. You have there the case of land attached to a Gurdwara; the *mahant* had leased out those lands to certain tenants. He subsequently made over the possession of the Gurdwara and the lands to the Prabandhak Committee. The Akalis desired to obtain possession of the cultivated lands from the tenants. They were told they would get possession of them when the terms of their tenancy were satisfied, and in the usual way. The usual way of ejecting a tenant in the Punjab is by the filing of an application before the local revenue officer which, I think, costs only eight annas. They have refused to take that simple step. They have insisted on ousting the tenants by force and many hundreds of men have gone to prison on that issue. The Honourable Pandit knows those facts as well as I do and he will admit that my narrative of them is correct.

Pandit Madan Mohan Malaviya: I do not approve of their conduct if the facts are as stated by you.

The Honourable Sir Malcolm Hailey: I am sure that the Honourable Pandit does not and I do not think that anybody else can approve of conduct like that, because if that kind of conduct touches something high when we think of the devotion of the people who go to prison for what they are told are religious grounds, it touches something very low indeed when we consider the attitude of those who drive them to such actions. Now, when we have men who are unfortunately so easily persuaded that when once the name of religion is invoked they can accept no restrictions of law or citizenship, I say that it is not advisable for us not only in our own interests but in the interests of other communities—it is not advisable, nor is it indeed proper for us, to accept that position. It is our essential duty to see that the law is maintained and obeyed, and that is, I think, the real reason why we have come at present at loggerheads with this community. Not at loggerheads with that community—I am wrong, for I believe that none of us have a quarrel with them—or they with us. If there is a quarrel, it is only with those who are advising them to those courses. It is abundantly clear that that community has come under the influence of men who are misguiding them and misusing them; and I desire to see nothing better than they should see reason and allow us to find a solution for this difficulty. In the meanwhile, I claim that we should not ourselves be acting in the best interests of the country generally if we withdrew the very reasonable stipulations that we have made in regard to this particular place.

Pandit Madan Mohan Malaviya: Will the Honourable Member kindly tell us further under what law he is able to justify the restrictions to which he has referred?

The Honourable Sir Malcolm Hailey: Under the law of Nabha.

Sardar Kartar Singh: Is there any such law there?

The Honourable Sir Malcolm Hailey: Certainly.

Mr. Jamnadas M. Mehta: I am very sorry at this late hour to intervene in the debate. Although the subject of political relations between British India and the Native States is one of very great importance to the subjects of Native States—I am myself a subject of a Native State—I shall not

[Mr. Jamnadas M. Mehta.]

go in detail into those relations owing to the lateness of the hour and the dominating importance of this particular question; I shall only make a few observations on this Jaito question alone. Sir, I find that the tone of the Honourable the Home Member

Mr. President: I have allowed the debate to proceed irregularly so far, but I must ask the Honourable Member to address himself to the subjects under the control of the Political Department now.

Mr. Jamnadas M. Mehta: I will not touch on anything that has happened in Nabha State.

Mr. President: I must now ask the Honourable Member to address himself to subjects under the control of the Political Department.

Mr. Jamnadas M. Mehta: I am making a personal appeal to the Home Member. I will obey your ruling and I do not want to encroach on anything relating to the Nabha State. If you will permit me to proceed and if I go beyond your ruling later, I may be called on to stop. After the pathetic appeal of Pandit Madan Mohan Malaviya and the admirable tone of the reply of the Home Member and in view of the fact that there is only one word of the Honourable Member which stands between bloodshed and peace, is it too much to ask him to utter that single word and thereby prevent possibly a much greater bloodshed than we have seen so far? What is that condition which we are told the Sikhs are so unreasonable as not to accept? It is simply this, that they do not agree to a limit to their number. Is it after all such a thing that it must make all the difference between bloodshed and peace? Is it after all such a vital thing that an unarmed crowd should be allowed to go and worship and return in peace?

Mr. H. Calvert (Punjab: Nominated Official): May I be permitted to say

Mr. President: Order, order. Mr. Jamnadas Mehta.

Mr. Jamnadas M. Mehta: Of course, I agree, Sir, that the Government of India must be prepared for all contingencies. They can keep all their ammunition ready. They have simply not to anticipate any act of the Sikhs. Let us not prejudge this great religious body. Otherwise, I am afraid that this Jaito will become the Jerusalem of the Sikhs and the Government of India will necessarily, much against their declared intention, go down to history as the abettors of murders and accomplices of massacre. That is all I am anxious to prevent. Is it after all such a tremendous thing to ask the Honourable the Home Member that he will utter that one word for the sake of peace that will make for the saving of human life and remove the restriction on the religious worship of a body of men who have openly declared that their object is nothing more than reciting their sacred scriptures. At this late hour I would make one more final appeal to him to utter that single word which will make all the difference in the world to-morrow morning when the *Jatha* enters Nabha territory.

(At this stage Sardar Gulab Singh rose to speak.)

Mr. President: I am very reluctant to allow this debate to proceed. The point discussed is technically out of order on a motion to reduce the

demand under the Political Department. Having allowed the Pandit to proceed by inadvertence, I allowed the Honourable the Home Member to reply. But the discussion is out of order.

Diwan Bahadur M. Ramachandra Rao: I may be allowed to address a few concluding observations to the Honourable the Home Member. It is true that we in this House should allow him to find a solution of this problem. May I assure him that in moving this reduction none of us are actuated except by the best of motives, namely, to persuade him to find a peaceful solution of this very intricate problem. I have no desire to carry this motion to a division. While that is so, I do not like the Honourable the Home Member to misunderstand the position of any of us in this House. We are most anxious not to say a word which would prevent the finding of this solution to which the Honourable the Home Member has referred. I only wish to bring to his notice that, in answer to a question this morning in regard to the grievances of the Sikhs, the Honourable the Home Member said that the question has been referred to the Punjab Government. It is a matter of great urgency and, as he himself pointed out, this incident at Jaito is a part of a larger problem to which attention has been drawn many times in this House. Under these circumstances it seems to me that the sooner the Honourable Member moves in this matter the better it will be for everybody concerned. There is only one other observation and that relates to this question of political demonstrations. When persons start an assembly and proceed on a religious mission, as they put it, to ask them to give an assurance that they are not a political mission or that they are not going to make a political demonstration seems to me a difficult position to accept and I would ask my Honourable friend, that, whatever may be the order that have been issued in the matter, there should be no considerations of prestige except the main consideration that all of us have, and that is the maintenance of peace and order. I certainly never at any time intended to countenance breaches of peace and order. At the same time the position in this case is one in which both the Government and the Sikh community should sit together and find a solution, and I have given notice of this motion mainly with a view to persuading my friend the Honourable Sir Malcolm Hailey, to apply himself to this problem as early as he can. With these words I beg to withdraw this motion.

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

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th March, 1924.

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LEGISLATIVE ASSEMBLY.

Friday, 14th March, 1924.



The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

RAILWAY CONNECTION BETWEEN GAYA AND SHERGHATI.

779. ***Rai Hari Prasad Lal:** Do the Government propose to call for opinion on the subject of a paying Railway connection between Gaya (E. I. R.) and Sherghati, with extension to Raniganj (Gaya), from the persons and bodies mentioned in my previous question, and lay a report of the opinions, so received on the table when available?

Mr. C. D. M. Hindley: The Honourable Member is referred to the answer given by the Honourable Sir Charles Innes yesterday in reply to his question No. 756.

INDIAN TROOPS SERVING ABROAD.

780. ***Shalkh Mushir Hossain Kidwai:** Will the Government inform the House, as to the number of Indian troops serving abroad, stating the places they are garrisoning?

Mr. E. Burdon: A statement is laid on the table.

Statement showing the numbers of Indian troops employed abroad, and the places at which they are employed.

Persian Gulf	6 British officers. 314 Indian other ranks.
Aden	16 British officers. 42 British other ranks. 1,040 Indian ranks.
Malay States	12 British officers. 762 Indian ranks.
South China	12 British officers. 762 Indian ranks.

In addition to the above, there are 123 Indian ranks serving as Consular Guards in Persia, Afghanistan and Abyssinia.

Indian troops are also employed in Palestine and Iraq but, as stated in reply to a question put by another Honourable Member, details of these cannot be given.

EXPENDITURE INCURRED DURING THE LAST TEN YEARS ON THE C. I. DEPARTMENT, THE EXCISE DEPARTMENT AND THE PUBLICITY DEPARTMENT.

781. ***Rai Hari Prasad Lal:** (i) Will the Government be pleased to lay on the table a statement showing the annual expenditure over the maintenance of the (a) C. I. Department, (b) Excise Department and (c) Publicity Department, during the last 10 years?

(ii) If there be a continual increase in the expenses during the last 5 years, will the Government be pleased to state reasons justifying it?

The Honourable Sir Malcolm Hailey: (i) A statement is laid on the table. The Publicity Department was not in existence prior to 1920. Excise is a Provincial subject and there is no Excise Department as such under the Government of India.

(ii) The Honourable Member will see that there has not been a continuous increase of expenditure.

Statement showing annual expenditure on

(a) Central Intelligence Department.

Year.	Rs.
1914-15	4,59,127
1915-16	5,63,145
1916-17	5,67,148
1917-18	6,66,018
1918-19	6,97,402
1919-20	6,36,625
1920-21	7,77,772
1921-22	8,28,607
1922-23	6,42,025
1923-24	5,43,520

*(b) Bureau of Public Information.**

1920-21	65,377
1921-22	83,896
1922-23	1,50,330
1923-24	1,07,200

* N. B.—The Bureau was not in existence for the whole financial year 1919-20 or prior to that year.

PERCENTAGE OF C. I. D. EMPLOYEES ENGAGED IN THE DETECTION OF POLITICAL CRIMES.

782. *Rai Hari Prasad Lal: Will the Government be pleased to state what percentage, in each year, of C. I. D. employes has been engaged in the detection of political crimes, with reference to the total numerical strength of the C. I. Department?

The Honourable Sir Malcolm Hailey: There is no organization under the Government of India which engages in the investigation of crime, political or otherwise. The function of the Bureau of Intelligence, to which the Honourable Member is perhaps referring, is primarily to collect information.

PAY, EDUCATIONAL QUALIFICATIONS AND NATURE OF WORK, OF C. I. D. EMPLOYEES.

783. *Rai Hari Prasad Lal: Will the Government be pleased to lay on the table a statement showing (a) the various grades of services under the C. I. Department, (b) scales of pay of each grade, (c) the educational qualifications or standard of ability required for each grade, and (d) the work and its nature, required from men in each grade?

The Honourable Sir Malcolm Hailey: There is no C. I. Department in the Government of India. There is an Intelligence Bureau attached to the Home Department, the main function of which is to compile information as I have said in reply to the previous question. The conditions of recruitment to, and the work of, the office establishment and the scales of pay are similar to those obtaining in other attached offices. The officers are drawn from the Police, Imperial and Provincial. The present Director is an Army Officer selected for his special qualifications: his predecessor was a member of the Indian Civil Service.

The Honourable Member will find information as to the cost of the establishment at pages 48—49 of the Demands for Grants.

PATNA UNIVERSITY.

784. *Rai Hari Prasad Lal: Have the Government of India made any grant to the Province of B. and O., (a) for the establishment of the residential Patna University, and (b) has any provision been made for it in the next year's Budget? (c) Do Government contemplate any aid for the provision of higher medical and higher engineering teaching in the province than at present?

Mr. M. S. D. Butler: (a) Yes. A non-recurring grant of Rs. 8,00,000 was made in 1912-13 and a recurring grant of Rs. 1,00,000 in 1913-14 which terminated with the separation of provincial finance in the year 1921.

(b) and (c). No. Since the introduction of the reforms the provision of funds rests with the Local Government.

TRANSPORT FACILITIES IN SOUTH BIHAR AND CHOTA NAGPUR.

785. *Rai Hari Prasad Lal: (a) Are the Government of India aware that the industrial development of South Bihar and Chota Nagpur is hampered owing to want of proper transport facilities? (b) If so, will the Government be pleased to lay on the table the number and plans of the schemes (if any) of Railway projects contemplated under—

- (1) State Management (if any),
- (2) Company Management (if any),
- (3) District Board and Inter-District Board Management (if any),
- (4) Road transport,

during the last 5 years?

Mr. C. D. M. Hindley: (a) The reply is in the negative. The industrial development of South Bihar and Chota Nagpur is a matter for the Local Government.

(b) The only information I can give the Honourable Member relating to railway projects in the province of Bihar and Orissa is contained in the Railway Board's pamphlet called "Railways and Tramways projected up to 31st March 1923" a copy of which has been placed in the Library. The pamphlet is under revision but, if the Honourable Member desires to have any further information about any of the projects therein mentioned, he can obtain it at the Railway Board's Office.

ANTI-DRINK MOVEMENT IN INDIA.

786. ***Mr. Gaya Prasad Singh:** (a) With reference to the Resolution on the "Anti-Drink Movement in India", passed by the Legislative Assembly on the 27th September 1921 (Assembly Debates, Volume II, page 1102), will the Government be pleased to state what steps, if any, have been taken in this connection?

(b) Have Local Governments been addressed on the subject; and if so, will the Government be pleased to place a copy of their replies on the table?

The Honourable Sir Basil Blackett: I refer the Honourable Member to the reply† given to Mr. B. R. Sinha's question No. 261 of the 11th March 1922. The original Resolution recommending that the Assembly's expression of opinion be conveyed to Local Governments was not accepted by this House; an amendment to the effect that note should be taken of the fact that the Assembly was in sympathy with the temperance movement in India was adopted in its place. The Local Governments were, therefore, not addressed in the matter.

SETTLEMENT OF FINANCIAL EXPENDITURE IN DISPUTE BETWEEN THE HOME AND INDIAN GOVERNMENTS.

787. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to question No. 1 put by Sir Purshotamdas Thakurdas on 1st February 1924, and the reply of Sir Basil Blackett, will the Government be pleased to state:

- (a) By what time the items of financial expenditure in dispute between the Government of India and His Majesty's Government will be settled?
- (b) The total amount that is in dispute?
- (c) Whether the decision when arrived at will be communicated to this House by way of information, or whether the House will ever be given an opportunity of discussing the question?

The Honourable Sir Basil Blackett: (a) The Government of India are not in a position to say when the various items will be settled.

(b) The amounts so far as known are given against the various items. In regard to item (6) a further payment of £250,000 will probably have to be made by India, and provision for this payment has been made in the Budget for 1924-25.

(c) The Government will give as full information as possible to the House.

Khan Bahadur Sarfaraz Hussain Khan: Am I to understand that this House will not be given an opportunity to discuss the matter?

The Honourable Sir Basil Blackett: I made no such statement.

ALLOWANCES DRAWN BY OFFICERS OF THE IMPERIAL SERVICES.

788. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to give a full list of the various kinds of allowances granted to members of the Imperial Services showing the basis on which the amount of each of such allowances is calculated?

† Vide p. 2968 of L. A. Debates, Vol II.

(b) Will the Government be pleased to furnish a statement showing what percentage of officers in the imperial services draw allowances amounting to 50 per cent. of their substantive salary, and what percentage draw allowances amounting to 75 per cent. or more of their substantive salaries?

The Honourable Sir Malcolm Hailey: To furnish the information required by the Honourable Member it would be necessary to refer to Local Governments as they control these local allowances. The Government of India do not propose to take this action in view of the time and labour involved, which would not be justified.

As regards part (b) of the question, I may say that, so far as officers serving under the Central Government are concerned, none draw allowances on the scale suggested by the Honourable Member.

PAY AND ALLOWANCES OF CHAPLAINS RECRUITED IN INDIA.

789. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state why overseas pay, exchange compensation and other local allowances are given to officers in the ecclesiastical department who were recruited in India and were domiciled in India as agents or servants of missionary societies before they joined the ecclesiastical department?

Mr. M. S. D. Butler: No overseas pay or exchange compensation allowance is granted to chaplains on the Indian Ecclesiastical Establishment. A small number of chaplains stationed in the presidency towns of Calcutta, Madras and Bombay and at certain other stations get house-rent allowances or rent-free quarters on account of the high cost of living.

INQUIRY INTO THE WORKING OF THE PRESENT CONSTITUTION.

790. ***Sardar V. N. Mutalik:** (a) In view of the pronouncement of the Right Honourable the Secretary of State in the Parliament and of the Honourable the Home Member in this House, will Government be pleased to state when the inquiry into the working of the Reforms Act will be undertaken?

(b) Whether the inquiry will be an open inquiry?

(c) Whether non-official Members will be nominated on the Inquiry Committee, including the representatives of all interests?

The Honourable Sir Malcolm Hailey: As regards the nature of the inquiry into the working of the present constitution, I can say no more at present than in the statements which I made on the 8th and 18th February 1924, in this House. We shall consult Local Governments but, except that we intend that our investigation shall be a serious attempt to assess the causes and to examine the remedies necessary, I cannot at the moment say what further steps we shall take. It is proposed that the inquiry shall be begun with as little delay as possible.

Sir Campbell Rhodes: A supplementary question, Sir. Will the Government consider the advisability of associating with themselves in the inquiry one or two of those Members of the House who have had some experience of the working of the reforms during the last three years?

The Honourable Sir Malcolm Hailey: As I said I cannot give a definite answer on this subject at present, but we have that suggestion under consideration.

CONSTRUCTION OF THE MIRAJ-PANDHARPUR, KUDCHI-BAGALKOT AND
LONAND-PANDHARPUR LINES.

791. *Sardar V. N. Mutalik: (a) Will the Government be pleased to state when the construction of the following lines will be taken in hand;

(b) and what stage the consideration of the construction has reached:

1. Miraj-Pandharpur line.
2. Kudchi-Bagalkot.
3. Lonand-Pandharpur?

Mr. C. D. M. Hindley: (a) Government are not at present in a position to say when the construction of the lines referred to will be taken in hand.

(b) (1 and 3). Government are awaiting the revised estimates for the construction of these lines from the Barsi Light Railway Company.

(2) The construction estimate of the Kudchi-Bagalkot Railway was recently revised, the junction with the Madras and Southern Mahratta Railway being placed at Raibag instead of at Kudchi or Chinchli as originally proposed. The project does not at present promise an adequate return on its capital cost and its further consideration has been deferred.

WITHDRAWAL OF THE EXEMPTION UNDER THE ARMS ACT FROM THE
SECOND AND THIRD CLASS SARDARS OF THE DECCAN.

792. *Sardar V. N. Mutalik: Will Government be pleased to state:

- (a) The reasons for withdrawing the exemption enjoyed by the Second and Third Class Sardars of the Deccan under the Indian Arms Act, in the new rules under the Act?
- (b) How long the order enjoyed this right and privilege or exemption?
- (c) Whether it is not a fact that when the British Government was established in the Deccan, Government distinctly gave an undertaking that the rights and the privileges, enjoyed by the aristocracy, i.e., the Sardars, would be continued without any interference?
- (d) Whether it is a fact that this is the only recognized class of aristocracy from which the exemption is withdrawn?
- (e) Will Government be pleased to place on the table the correspondence on this point between this Government and the Government of Bombay?
- (f) Will Government be pleased to state any cases where the exemption was misused?
- (g) Are Government aware that there is a very strong feeling of dissatisfaction at the withdrawal of exemption, amongst the Sardars, and the withdrawal is considered as a blow to their prestige?
- (h) Will Government be pleased to state if they intend to reconsider their decision?

The Honourable Sir Malcolm Hailey: (a), (b), (c) and (d). The privilege of life exemption enjoyed by the Second and Third Class Sardars of the Deccan under the rules of 1920 has not been withdrawn, but, as explained in paragraph 6 of the Home Department Resolution No. F. 829,

dated the 3rd November 1923, certain entries have now been removed from the Schedule of personal exemptions attached to the Indian Arms Rules, 1924, and provision has been made for the grant to the persons concerned of life licences free of all fees.

- (e) The Government of India do not consider this to be necessary.
- (f) The Government of India have no information.
- (g) The Government of India received memorials to this effect in 1919.
- (h) No.

NEW PENSION RULES.

793. *Sardar V. N. Mutalik: Will the Government be pleased to state when the new pension rules will be ready and published?

The Honourable Sir Basil Blackett: The rules are now under the consideration of the Secretary of State, and I am afraid it is not possible to say exactly when they will be published.

COMPLAINTS OF THE INCOME-TAX ASSESSEES OF AMRITSAR.

794. *Lala Duni Chand: (a) Will the Government be pleased to state if there have been persistently and continuously complaints on the part of the assesses of Amritsar against the unjust and indiscriminate assessment of the income-tax?

(b) Will the Government be pleased to state the number of appeals filed by the assesses of Amritsar against the assessment during the years 1920-21, 1921-22 and 1922-23?

The Honourable Sir Basil Blackett: (a) The Government have not received any such complaints recently. The Member, Board of Inland Revenue, visited Amritsar in April 1923, in connection with complaints made in the previous year, and no complaints have been received subsequently.

(b) 293 appeals were filed during the year 1922-23, but the Government have no information regarding 1920-21 and 1921-22.

INCOME-TAX ASSESSMENT OF LALA CHAJU MALL OF AMRITSAR.

795. *Lala Duni Chand: Is it a fact that one Lala Chaju Mall of Amritsar refused to pay the sum of Rs. 30,000, on account of the income-tax assessment, and the authorities had to resort to forcible recovery, and later on this amount was refunded to him, and, if so, have the Government done anything to compensate him for the wrong done to him, and to reprimand the Income-tax Officer for his high-handed action?

The Honourable Sir Basil Blackett: The Government have no information on the subject. They have called for it.

ALLEGED INCOMPETENCY OF THE INCOME-TAX STAFF AT AMRITSAR.

796. *Lala Duni Chand: Is it a fact that the staff of the Income-tax Department at Amritsar is not at all acquainted with the system of Book-keeping in vogue there, and that the Commissioner of Income-tax, Punjab, admitted the incompetency of the staff in this respect?

The Honourable Sir Basil Blackett: The Government have no information on the subject. They have called for it.

APPLICATIONS FOR FRESH ASSESSMENT TO INCOME-TAX FROM THE RESIDENTS OF AMRITSAR.

797. ***Lala Duni Chand**: Will the Government be pleased to state if it is a fact that a number of applications for fresh assessment under section 27 of the Income-tax Act submitted to the I.T.O., Amritsar, were found missing, and, if so, will the Government be pleased to state the number of the complaints received with regard to them?

The Honourable Sir Basil Blackett: The Government have no information on the subject. They have called for it.

APPEALS AGAINST THE ORDERS OF THE INCOME-TAX OFFICER, AMRITSAR.

798. ***Lala Duni Chand**: (a) Is it a fact that in a large number of cases the Income-tax Officer, Amritsar, took an unusually long time in furnishing the copies of his orders, and the appellate authority refused to allow the time so taken, and dismissed the appeals as barred by time?

(b) Will the Government be pleased to state the amount of income-tax refunded during the years 1920-21 and 1921-22 as a result of the appeals having been accepted, and was the action of the Income-tax Officer in the matter of unduly and unreasonably assessing the people disapproved of in some tangible way?

(c) Is it a fact that the appeals filed in the court of the Assistant Commissioner in June 1923 concerning the assessment of 1922-23 have not been yet heard, and, if so, do the Government propose to deprecate this unusual delay?

(d) Are the Government aware that the assessee of Amritsar have to come to Ambala, a distance of about 160 miles, to file their appeals before the Assistant Commissioner and are put to much inconvenience and trouble, and do the Government propose to take any steps to relieve them of this trouble and inconvenience?

The Honourable Sir Basil Blackett: (a) The Honourable Member has not stated to what Income-tax Officer he refers. Presumably he refers to the Income-tax Officer, Amritsar. The Government have no information on the subject. If the facts are as stated, the proper course was for the assessee, if they were dissatisfied with the decisions of the Assistant Commissioner, to move the Commissioner to exercise his powers of review.

(b) The Government have no information on the subject, and do not consider that any useful purpose would be served by calling for it. They do not consider that the work of an Income-tax Officer can be adequately judged by more mathematical standards in the manner suggested by the Honourable Member.

(c) The Government have no information on the subject. They have called for it.

(d) The Government have no information on the subject. If assessee are put to any avoidable inconvenience the Commissioner of Income-tax will no doubt take steps to remedy matters, if he is approached on the subject.

ALLEGED DEFAMATORY REMARKS MADE BY THE INCOME-TAX OFFICER IN HIS ORDERS AGAINST A NUMBER OF ASSESSEES.

799. ***Lala Duni Chand**: Will the Government be pleased to state if it is a fact that the I. T. O. Amritsar made defamatory remarks in his orders against a number of assessee, and later on had to expunge them?

The Honourable Sir Basil Blackett: The Government have no information on the subject.

PROSECUTION OF AN INCOME-TAX OFFICER IN THE PUNJAB.

800. ***Lala Duni Chand**: Is it a fact that the Commissioner of Income-tax, Punjab, asked certain gentlemen not to prosecute a certain income-tax officer as such action would bring discredit to his Department?

The Honourable Sir Basil Blackett: The Government have no information on the subject.

DISMISSAL OF ARJAN SINGH.

801. ***Mr. Chaman Lal**: (a) Are the Government aware of the case of one Arjan Singh, clerk, Rawalpindi Post Office, who was dismissed by the Postmaster, Rawalpindi, on the charge that he brought a false complaint against the Postmaster of using abusive language against him?

(b) Are the Government aware that the matter was inquired into by the Deputy Postmaster General of Punjab. Will the Government be pleased to state what was his finding and what order was passed by the Postmaster General?

The Honourable Mr. A. C. Chatterjee: Government have no official information regarding this case, which has not come up to them on appeal.

Mr. Chaman Lal: May I take this opportunity of thanking the Honourable Member, Mr. Clarke, for having re-instated this man?

INADEQUACY OF WARM CLOTHING FOR THE MENIALS OF THE DELHI G. P. O.

802. ***Mr. Chaman Lal**: (a) Are the Government aware that the postmen, letterbox peons and packers of the Delhi G. P. O. who have to perform their official duties commencing from 4 A.M. and 6 A.M. up to 6 P.M. and 9 P.M. in winter are inadequately clothed?

(b) Are the Government also aware that other departments give warm clothes including a coat to day-time menials and great coats in addition to those whose duties extend into the night?

(c) Are Government aware that want of adequate clothing causes serious hardships and dissatisfaction among the men who are often handicapped in performance of their official duties?

(d) Will the Government therefore be pleased to state what steps are proposed to be taken to remove the dissatisfaction created by this inadequacy of clothing?

The Honourable Mr. A. C. Chatterjee: (a) Warm clothing is not supplied to postmen and menials stationed at places in the plains including Delhi. Woollen jerseys are however supplied to keep the men warm during winter.

(b) Government are not aware of any general practice of the kind except in the police force.

(c) No complaints of serious hardship or general dissatisfaction have been received from these officials in Delhi.

(d) The present arrangements are the best that can be made at a reasonable cost.

RENT-FREE QUARTERS FOR THE OFFICIALS OF THE DELHI POST OFFICE.

803. ***Mr. Chaman Lal:** (a) Are the Government aware that officials in the Delhi Post Office have to attend so early as 4 and 5 A.M. in connection with their official duties but they are not provided with free departmental quarters and have to come from very far or pay very heavy rents beyond their means?

(b) Are the Government also aware that the quarters in the Delhi post office compound are occupied by motor contractors' men, telephone office, and are used as rest houses for officers visiting the post office on business for which they are paid travelling and halting expenses?

(c) Do the Government propose to take such steps as they deem necessary to put an end to this use of post office buildings and allow rent free quarters only to those who are entitled to their legitimate use?

Mr. G. R. Clarke: (a) One mail clerk attends at the Delhi Station at 4 A.M. One Assistant Postmaster, 7 clerks and 6 sorting postmen attend at the Post Office at 5 A.M.

The sorting postmen get Rs. 5 a month house rent allowance. The Assistant Postmaster and clerks all live within one mile of the Post Office. The average rent paid is 15½ per cent. of their salaries.

(b) There are no residential quarters fit for clerks situated on the post office premises. The motor drivers are making use of the out-houses, as their presence on the premises is necessary in the interests of the service. The telephone office has been accommodated in one of the out-houses as a temporary measure till it is transferred to the new building.

There is no rest house on the post office premises. The old horse contractor's quarters, to which the Honourable Member probably refers, have been condemned for living purposes owing to their dilapidated condition.

(c) (1) No objectionable use is made of any part of the buildings.

(2) No quarters are available for this purpose.

INADEQUACY OF PAY OF POSTAL OFFICIALS.

804. ***Mr. Chaman Lal:** (a) Are the Government aware that there is serious discontent among postal officials regarding inadequacy of pay and prospects of non-gazetted officials and menial staff in the post office and differential treatment being awarded to officials of the telegraph and audit offices?

(b) Will the Government therefore be pleased to state their reasons for this anomaly and do they propose to effect improvements as suggested in resolutions of the all-India Postal Conferences?

The Honourable Mr. A. C. Chatterjee: (a) Government have received representations from the All-India (including Burma) Postal and R. M. S. Union and various Postal Associations urging a revision of the scales of pay provided for various classes of Postal subordinates.

(b) The Honourable Member's attention is invited to the reply given by me on the 26th February 1924 to part (a) of Mr. Amar Nath Dutt's starred question No. 513.

DUTY ALLOWANCES FOR DEPUTY AND ASSISTANT POSTMASTERS.

805. ***Mr. Chaman Lal:** (a) Is the Government aware that no duty allowance is sanctioned for posts of Asstt. and Deputy Postmasters not holding charge of offices and it is causing a good deal of heart-burning among Asstt. and Deputy Postmasters of all the post offices in India?

(b) Do the Government propose to remove this very serious grievance by sanctioning adequate duty allowance for Asstt. and Deputy Postmasters?

The Honourable Mr. A. C. Chatterjee: (a) Government are aware that duty allowances are not granted to Deputy and Assistant Postmasters. They have no information on the second point.

(b) Government do not consider it necessary to grant duty allowances to the officials in question.

APPEALS OF POSTAL EMPLOYEES.

806. ***Mr. Chaman Lal:** (a) Are the Government aware that appeals in the Postal Department are dealt with in a very summary manner, and the reply to appeals is often not more elaborate than "Appeal is rejected" "D. G. does not see any reason to interfere with the orders passed" or "the orders already passed stand" and so on?

(b) Are the Government aware that such replies fail to give satisfaction to the parties concerned who are losing faith in the existing appeal procedure?

(c) Are the Government prepared to modify the appeal procedure so as to include detailed replies to the points of appeal very nearly approaching judgments in law suits?

The Honourable Mr. A. C. Chatterjee: (a) No. The brevity of replies in appeal cases does not imply that the appeals are dealt with summarily. I may remind the Honourable Member that with regard to punishment orders it is a strict rule, the observance of which is duly insisted on, that in every case in which the punishment is dismissal, or any other severe penalty, the punishment orders must contain the facts and history of the case, the charges against the accused, a careful examination of the evidence in support of these charges and of the defence submitted, the motives which are supposed to have influenced the accused, and the opinion and decision on each charge of the officer passing the orders. The replies to appeals which are rejected indicate that they have been rejected on the grounds on which the punishment appealed against was inflicted, or in other words, that the orders of punishment are upheld. I may add that an official is always at liberty to inquire the reasons for the rejection of his appeal if they should not be apparent.

(b) and (c). The answer is in the negative.

PUNISHMENTS IN THE POSTAL DEPARTMENT.

807. ***Mr. Chaman Lal:** (a) Is it a fact that there has been an abnormal increase of punishments in the Postal Department in the year 1923-1924 as compared with 1921-1922?

(b) If so, will Government please lay on the table a comparative table showing the increase and give reasons for the same?

The Honourable Mr. A. C. Chatterjee: Government are not aware of any such abnormal increase.

As statistics are not yet available for 1923-1924, it is not possible to give comparative tables.

Mr. Chaman Lal: Will the Honourable Member give the comparative tables when the statistics are received?

The Honourable Mr. A. C. Chatterjee: They will probably appear in the Annual Report.

INCREASE OF WORK IN THE DELHI POST OFFICE.

808. ***Mr. Chaman Lal:** Are the Government aware that the work in the Delhi Post Office has outgrown the capacity of the building and the sanctioned staff and part of the leave reserve is being employed to carry on regular work in addition to the sanctioned staff? Do the Government see their way to strengthen the staff and give better service to the capital town of India and will the Government kindly state how the inadequacy of the building is proposed to be remedied?

The Honourable Mr. A. C. Chatterjee: The accommodation in the Delhi head post office building is inadequate and the question of making additions and alterations to it is receiving the consideration of the Director General. The office is not understaffed, and the leave reserve is being employed for the purpose for which it is provided.

LOSS ON THE WORKING OF THE REINFORCED CONCRETE FACTORY, DELHI.

809. ***Mr. Chaman Lal:** Is it a fact that the Government sustained a loss of about Rs. 80,000 (Eighty thousand) on the working of the reinforced concrete factory, under the Public Works Department, Delhi? What were the circumstances of this case, and how was this loss disposed of? Were any officers of the Government responsible? What steps were taken against them?

The Honourable Mr. A. C. Chatterjee: There was what is called a loss on the manufacture estimate; that is to say, the rates provided for in the estimate did not cover the cost of production. The difference which amounted to Rs. 66,431, has been distributed over the works concerned. The person primarily responsible for the keeping of the initial accounts is dead. The degree of responsibility of his controlling officer is still under consideration.

Dr. H. S. Gour: Who prepared the estimates? Is the man who prepared the estimates also dead?

The Honourable Mr. A. C. Chatterjee: I could not say.

DELAY IN THE GRANT OF INCREMENTS TO SUBORDINATES IN THE PUBLIC WORKS DEPARTMENT, DELHI.

810. ***Mr. Chaman Lal:** (a) Is it a fact that orders regarding the grant of annual increments to clerks, subordinates and draftsmen employed in the Public Works Department, Delhi, are not issued in the month of March every year as required, but are issued several months or even a year after they fall due, and this causes undue hardships and worry to the persons concerned?

(b) What are the causes which contribute to the delay?

(c) Was this irregularity pointed out by the Deputy Accountant General, Central Revenues, Delhi?

(d) Do the Government propose to order that the annual increments be granted by the heads of offices (Executive Engineers, etc.), according to the rules and practice in all the Departments of the Government of India and Local Governments, and the other offices? If not, will they please state their reasons?

The Honourable Mr. A. C. Chatterjee: (a) There was delay in issuing orders in the years 1922 and 1923.

(b) The delay was due to a large extent to the late receipt of the recommendation rolls and to the necessity for careful scrutiny of each individual case. The standards of efficiency of the reporting officers vary and an endeavour has to be made to reduce them to a common denominator. It may be mentioned that, in the year 1923, reports on over 450 persons in the clerical, draftsmen and subordinate establishment had to be considered. At the same time I have issued instructions that in future delays should be avoided so far as possible.

(c) No.

(d) The establishment is temporary and Government do not propose to interfere with the arrangements at present in force for granting promotions and increments.

STARTING PAY OF INDIAN AND EUROPEAN CLERKS IN THE PUBLIC WORKS DEPARTMENT, DELHI.

811. ***Mr. Chaman Lal:** (a) Will the Government be pleased to state the starting pay of Indian and European clerks in the Public Works Department, Delhi?

(b) Is it a fact that Indian clerks even with experience are appointed on Rs. 51, and European and female clerks fresh from school generally get a start of about Rs. 95 or 100 per mensem? If not, will the Government please state the names of such European or female clerks who were appointed on the initial pay of Rs. 51 per mensem?

(c) Will the Government be pleased to state the reasons for differentiation in their pay?

The Honourable Mr. A. C. Chatterjee: (a) and (c). There is no definite starting pay for clerks. The establishment is temporary and the initial pay of each clerk is fixed according to merits and capacity in each case.

(b) There have been cases of Indian clerks starting on lower pay than European and lady clerks and also cases of Indian clerks starting on higher pay.

Mr. N. M. Joshi: Will Government explain why this difference is made?

The Honourable Mr. A. C. Chatterjee: According to the merits and capacity of the different persons appointed.

Mr. N. M. Joshi: How are the merits judged? By some university qualifications, or educational qualifications, or what?

The Honourable Mr. A. C. Chatterjee: Everything taken together.

Mr. Chaman Lal: Is that the universal rule?

The Honourable Mr. A. C. Chatterjee: I believe so.

Mr. Chaman Lal: That is to say, in every case Europeans get more than Indians?

The Honourable Mr. A. C. Chatterjee: I have already stated that there are many cases of Indian clerks starting on a higher pay than European clerks.

APPOINTMENT OF MR. C. S. ROBERTS AS A CATTLE RANGER IN THE
PUBLIC WORKS DEPARTMENT, DELHI.

812. ***Mr. Chaman Lal:** (a) Is it a fact that one Mr. C. S. Roberts has been appointed as a Ranger in the Delhi Public Works Department on Rs. 240—10—270 per mensem? If so, what are his qualifications? Is he a qualified Ranger from any recognised school of Forestry?

(b) What are Mr. Robert's duties?

(c) Will the Government be pleased to state their reasons for appointing him on such a high rate of pay, when trained Rangers could be had from the Forest College on considerably much lower pay?

(d) Was this post of Ranger in existence when Mr. C. S. Roberts was appointed to it, or was it created only for him? In the former case, will the Government please state the names of incumbents and the pay of each?

(e) Was any complaint received against Mr. C. S. Roberts, Ranger, and Mr. Mustoe, Superintendent, Horticultural Operations, and if so, have they been fully inquired into? By whom were the inquiries made? Was it the Superintendent, Horticultural Operations, who inquired into the complaints against himself? What was the result of the inquiry? Will the Government be pleased to lay these papers on the table?

The Honourable Mr. A. C. Chatterjee: (a) Mr. Roberts has been appointed as a cattle Ranger, not as a Forest Ranger. He is qualified for this appointment.

(b) He primarily looks after grazing and cattle trespassing. He is also in charge of Preserved Monuments in the New Capital.

(c) Does not arise.

(d) The appointment did not hitherto exist. Formerly the duties were divided between two or more officials and the arrangement was found unsatisfactory.

(e) No complaint has been received against Mr. Roberts. Some allegations have been made against Mr. Roberts, which on inquiry by his superior officers were proved to be frivolous. Government do not consider it necessary to lay the papers on the table.

APPOINTMENT OF MR. T. GATELY AS A TEMPORARY ENGINEER IN THE PUBLIC
WORKS DEPARTMENT, DELHI.

813. ***Mr. Chaman Lal:** (a) Is it a fact that the Government have recently appointed one Mr. T. Gately as a temporary engineer in the Public Works Department, Delhi, and that he has been posted as a Sub-Divisional Officer in the 3rd Project Division? If so, on what pay and from what date?

(b) Was this Mr. T. Gately, formerly employed in the Public Works Department, Delhi, as a temporary Engineer, and was he even then holding charge of a Sub-Division in the 3rd Project Division? If so, will the Government please state the date of appointment and resignation of his first post, and the pay on which he had first joined, as also the pay he was drawing at the time of leaving the Department? Was he ever employed before also in a very junior position on about Rs. 50 or 60 per mensem? If so, on what pay and post?

(c) What is the normal rate of annual increment in the case of temporary engineers?

(d) What are the reasons of his being appointed now on such a high pay?

(e) What are the educational and technical qualifications of Mr. T. Gately?

(f) Could not a better qualified Indian or European be secured on this pay, and was any attempt made to find out and obtain a more suitable officer?

(g) Could not any of the present qualified temporary engineers working in the 3rd Division be appointed to the post, and if any one was available, why was he not appointed?

(h) Has a new Sub-Division been created in the 3rd Project Division on Mr. Gately's appointment to the Department now? What is the principle underlying the creation and abolition of Sub-Divisions?

The Honourable Mr. A. C. Chatterjee: (a) Mr. Gately has been appointed on a consolidated pay of Rs. 850 from February 1st, 1924. This includes all travelling within a radius of 10 miles. He is not a Sub-Divisional Officer.

(b) He was employed as a temporary Engineer from the 22nd March 1921 to the 30th June 1922, when he resigned. He was appointed on Rs. 400, plus travelling allowance, and was drawing Rs. 420 when he left, being dissatisfied with his pay.

He was never employed on Rs. 50 or Rs. 60 per mensem.

(c) There is no normal rate.

(d) Owing to the non-return from leave of one of the senior Electrical Engineers, the division of work in the III and X Divisions had to be re-arranged and Mr. Gately was appointed in the re-arrangement. His pay is fixed at Rs. 850, which is approximately the amount of his total emoluments in the last appointment he held under the Government of India, which he resigned to join his present appointment. The pay fixed is justified by the work involved in the appointment.

(e) He was educated at Manor House College and received his technical training under Mr. J. S. Pitkeathly.

(f) A better qualified officer could not be obtained for the particular work for which he was required.

(g) No.

(h) No, there are no Sub-Divisions in the ordinary sense of the term in the Electrical and Mechanical Circle.

SHORTAGE OF ELECTRIC BULBS IN THE 3RD PROJECT DIVISION, PUBLIC WORKS DEPARTMENT, DELHI.

814. ***Mr. Chaman Lal:** (a) Is it a fact that when Mr. W. F. Symes, Executive Engineer, 3rd Project Division, Public Works Department, Delhi, proceeded on leave in March, 1923, there was a shortage of 10,000 (ten thousand) electric bulbs in the stock of that Division, and these were subsequently written off? What are the full circumstances of the case, and what steps were taken by the Government to make thorough inquiries into the matter? Were these bulbs actually received in stock, and if so, what became of them? What is the name of the contractor or the firm, who had supplied these bulbs? What was the total value of the loss thus sustained by the Government, and under whose authority was this amount written off? Why were no legal steps taken against the persons involved?

(b) If the inquiries made were incomplete, do the Government now propose to institute a thorough independent inquiry into the matter?

The Honourable Mr. A. C. Chatterjee: (a) There was no shortage of bulbs.

(b) Does not arise.

PAY AND QUALIFICATIONS OF MR. A. WEMYSS, PUBLIC WORKS DEPARTMENT, DELHI.

815. ***Mr. Chaman Lal:** (a) Will the Government be pleased to state the name and pay of the post held in the Public Works Department, Delhi, by Mr. A. Wemyss, and his qualifications, both technical and educational?

(b) Does this officer also work as Personal Assistant to the Superintending Engineer, Electrical and Mechanical Circle?

(c) Was the appointment now held by Mr. Wemyss, formerly held by one Mr. A. G. Khan; what pay was Mr. Khan drawing and what were his educational and technical qualifications? Was Mr. Khan working as Electrical Inspector in addition to his other duties, and was he getting any allowance for it?

(d) Had Mr. A. G. Khan ever applied for a substantial increase in his pay, and what was the fate of this application?

(e) Is it a fact that as Mr. Khan was not well paid in the Public Works Department, Delhi, he went to the Indian Stores Department? What pay is he getting there now?

(f) If the educational and technical qualifications of Mr. Wemyss are not higher than those of Mr. A. G. Khan, what are the grounds on which a higher pay has been given to the former, and was previously refused to the latter? Is it based on racial bias or prejudice?

(g) What steps do the Government propose to take in this case, with a view to avoid such incidents and the resultant dissatisfaction among the Indian officers?

The Honourable Mr. A. C. Chatterjee: (a) Mr. A. Wemyss holds the appointment of Stock Verifying Officer on a pay of Rs. 1,100 p. m. He was educated at Tonbridge School, Oxford University, and Heidelberg University.

(b) No.

(c) No. Mr. Khan was a temporary Electrical Engineer, acting as Assistant to the Superintending Engineer, Electrical and Mechanical Circle, and for a period of two months carried on the duties of Stock Verifying Officer as a temporary measure. Mr. Khan was in receipt of Rs. 775, the maximum pay admissible to an officer of his service under the rules. Mr. Khan holds the degrees of B. A., M. Sc. (Tech.) A.M.I.E. He acted as Electrical Inspector for three months. No allowance is attached to the latter post.

(d) No.

(e) Mr. Khan applied for and secured a better paid appointment in the Indian Stores Department. He draws Rs. 950 plus a special duty allowance of Rs. 100 in that Department.

(f) and (g). The two men were holding different appointments and the question does not therefore arise.

ASSISTANT ESTATE OFFICER, DELHI.

816. ***Mr. Chaman Lal:** Is it a fact that owing to the grant of pay being refused by the Indian Legislature, the post of Assistant Estate Officer was abolished in the year 1921, but it was subsequently re-created by the Government only after a lapse of a few months' time? Will the Government be pleased to furnish the following information:

Name and pay of the former incumbent of the post, at the time of its abolition.

Name and pay of the present incumbent on the first appointment, and his present pay.

Reasons for re-creating this appointment.

The Honourable Mr. A. C. Chatterjee: The answer to the first part of the question is in the negative. Mr. C. Posth held the appointment of Assistant Estate Officer from the 1st April 1920 when the post was created to the 25th May 1921 and was in receipt of Rs. 750 on the latter date.

The present incumbent is Mr. R. S. Brown, who was appointed on Rs. 750 on the 26th May 1921, and is now in receipt of Rs. 850, the maximum pay of the post. The post has been in existence from the 1st April 1920 and has not been abolished nor re-created since then.

PAY AND QUALIFICATIONS OF THE SANITARY STAFF, RAISINA.

817. ***Mr. Chaman Lal:** Will the Government be pleased to furnish the following information in respect of the Sanitary Superintendent, and the Sanitary Inspectors employed under the Health Officer, Imperial City, Raisina, chargeable to the Public Works Department, Delhi:

(1) Name of incumbent, (2) Educational and special technical qualifications, (3) date of appointment, (4) pay and allowances on first appointment, (5) date and amount of each increment granted, (6) present pay and allowances, and the date of promotion to present pay.

The Honourable Mr. A. O. Chatterjee: Mr. C. W. Pigott is employed as Sanitary Superintendent under the Health Officer, Delhi, and Mr. H. S. Rossiter as Sanitary Inspector. Mr. Pigott was educated in the La Martiniere College, Lucknow, and before appointment to his present post had rendered about 7 years service in the Public Works Department, Central Provinces. He has no technical education but has acquired practical experience in Sanitary Engineering and Health Engineering. He was appointed as Sanitary Superintendent on the 1st November 1917 on Rs. 180 p. m. He has since then received the following increase in pay:

	Rs.
From 1st April 1918	200
From 1st March 1919	220
From 16th August 1919	270
From 1st October 1919	320
From 1st March 1920	345
From 1st March 1921	370
From 1st May 1922	370 plus a duty allowance of Rs. 50 for the New Capital Railway Works.
From 1st March 1923	390 Ditto.

Mr. Rossiter was educated in the Boys' High School, Lahore, and before appointment to Delhi has served for about 8 years in the Punjab Police. He has no special technical education but is practically qualified for the appointment he holds. He was appointed as Sanitary Inspector on the 3rd May 1920 on Rs. 100 p. m. He has since then received the following increases in pay:

	Rs.
From 1st March 1921	150
From 1st March 1922	157
From 1st March 1923	164

Mr. Chaman Lal: Did I understand the Honourable Member to say that this gentleman was in the Punjab Police service?

The Honourable Mr. A. O. Chatterjee: Yes. He is now in the sanitary service of the New Capital works.

COMPLAINTS OF THE SWEEPERS EMPLOYED UNDER THE HEALTH OFFICER, RAISINA.

818. ***Mr. Chaman Lal:** Is it a fact that the sweepers employed under the Health Officer, Imperial City, Raisina, submitted a petition to the higher authorities in Raisina, complaining that they were being forced by the Sanitary Inspectors and Daroghas, etc., to pay certain amounts as illegal gratifications, as was published in a local Urdu daily "Tej" in October 1923 (cuttings attached)? If so, will the Government be pleased to state what steps were taken to inquire into and arrive at the truth of the allegations contained therein, and if the same were found based on facts and correct, have proper steps been taken against the offenders? If not, do the Government now propose to take any legal steps in the matter, and if not, why? Were any other officials also involved in this case?

+ Not printed.

The Honourable Mr. A. O. Chatterjee: A complaint was received from the sweepers employed under the Health Officer, New Capital, against the Daroghas and Jamadars but not against the superior supervising establishment. A careful inquiry was made into the matter by the Health Officer but the allegations were not substantiated. No legal steps could be taken in the matter. No other officials were involved.

Mr. K. Ahmed: May I ask what are the sources of information of the Honourable Member, on which he has put these questions?

Mr. Chaman Lal: If the Honourable Member would only look to the text of the question he will find the sources of information indicated therein.

TERMINATION OF SERVICES OF CERTAIN TEMPORARY EMPLOYEES OF THE PUBLIC WORKS DEPARTMENT, DELHI.

819. ***Mr. Chaman Lal:** (a) Is it a fact that service of the temporary employees of the Public Works Department, Delhi, counts for leave and pension after a period of three years' continuous service? If so, will the Government please state the circumstances under which the gratuity or pension, which is reckoned as deferred pay, earned by the following persons, whose services were terminated on one month's notice according to their agreements, was not granted, and what was the total period of service of each of them:

- (1) B. Harcharan Singh, temporary subordinate.
- (2) B. Mangat Ram, temporary subordinate.
- (3) B. Bhagwan Dass, temporary subordinate.

(b) What were the qualifications of each of the above-named three subordinates?

(c) Were there no unqualified subordinates junior to the above-named persons, both in pay and service and having less than three years' service not entitled to pension or gratuity? If so, why were their services not terminated in preference to those of the seniors? Have any new subordinates been appointed to the Department, since the termination of the services of the above-named persons?

(d) Was B. Bhagwan Dass, temporary subordinate, on leave on full pay on medical certificate, when the notice of termination of services was given to him? Was a portion of his leave therefore cancelled, and under what particular ruling was this procedure justified? What was the total period of leave at the credit of this subordinate, on the date he ceased his connection with the Department?

(e) Was a female clerk, having a few months' service, granted leave on half pay for 3 months just before the termination of her services? Why was not this procedure adopted in the case of Babu Bhagwan Dass, who had rendered several years' service?

(f) Do the Government now propose to consider the cases of the above-named subordinates?

The Honourable Mr. A. O. Chatterjee: The service of certain classes of temporary employees of the Public Works Department, Delhi, counts for pension and leave, provided that they have held substantively temporary appointments in the Department for not less than 3 years and their service is approved. Babu Harcharan Singh had rendered service for 10 years 3

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months and 15 days; Babu Mangat Ram for 4 years 4 months and 21 days and Babu Bhagwan Das for 5 years 9 months and 23 days when their services were terminated. The services of all three of these subordinates were terminated for unsatisfactory work and they forfeited their right to pension and gratuity.

(b) Babu Harcharan Singh and Babu Bhagwan Das were qualified upper subordinates from the Thomason College, Roorkee. Babu Mangat Ram had practical qualifications.

(c) There were subordinates junior to these 3 men in employ when they were discharged, but as already stated, their services were terminated for unsatisfactory work. Certain new subordinates have been appointed since the termination of their services.

(d) Babu Bhagwan Das was on leave on full average pay on medical certificate for 4 months when the notice of termination of service was given to him. His leave dated from the 14th February 1923 but on the 2nd May 1923 the subordinate wrote to his Executive Engineer stating specifically that he did not wish to avail himself of the remaining leave nor did he want pay for the remaining period of his leave. In accordance with his request he was paid up to the 2nd May 1923 and his service was terminated from that date.

(e) The answer to the first part of the question is in the affirmative. The leave in question was granted on half pay on medical certificate. In view of the answer to (d) above the second part of the question does not arise.

(f) The answer is in the negative.

TERMINATION OF THE SERVICES OF MR. RAM PERSHAD, SUB-ENGINEER IN THE P. W. D., DELHI.

820. *Mr. Chaman Lal: What are the circumstances justifying the termination of the services of Mr. Ram Pershad, Sub-Engineer, who had rendered about 10 years' service in the Public Works Department, Delhi, on one month's notice? Were there no officers junior to him and with less or no qualifications who could be brought under reduction if it was the object in view? Had this officer applied for leave, and why was it refused? What was the total amount of the leave due to this officer on the date of his relief? Do the Government now propose to consider his case?

The Honourable Mr. A. O. Chatterjee: The services of Mr. Ram Pershad were terminated, in accordance with the terms of his agreement, when they were no longer required. Some junior officers were dispensed with on the same occasion but reduction of establishment cannot be confined to junior men only. Mr. Ram Pershad was granted leave for 3 months with effect from the 1st February 1923 and this leave was cancelled in April 1923 at his own request. The Sub-Engineer was due leave on average pay for 4 months and 8 days and on half average pay for 9 months 28 days on the 15th June 1923, when he was relieved of his duties. The case was recently considered by the Government of India and it is not proposed to re-open the question.

TERMINATION OF THE SERVICES OF MESSRS. KUMAR AND SANDHU, TEMPORARY ENGINEERS, P. W. D., DELHI.

821. *Mr. Chaman Lal: (a) What was the period of service rendered by (1) Mr. C. L. Kumar, and (2) Mr. N. S. Sandhu, Temporary Engineers, Delhi, at the time their services were terminated, on one month's notice?

(b) What are the educational and technical qualifications of each of the above-named officers? Are these qualifications inferior or superior to any of the Temporary Engineers junior to them who are still in service?

(c) Why no regard was paid to their better qualifications and to their seniority when their services were terminated, and what were the causes which led to it?

(d) Was Mr. Sandhu on leave on medical certificate when the notice of termination of services was served upon him, and did it result in cancelling a portion of the leave recommended by the medical authorities? Under what rules was this action justified?

(e) Why the leave applied for by Mr. Sandhu was not granted to him in full? If it was due to the reason that leave on full average pay for the whole period was not due to him, why was he not granted leave on half average salary, or even leave on full average salary in advance permissible under the rules?

(f) Do the Government propose to review the cases of these two officers, Mr. Kumar and Mr. Sandhu?

The Honourable Mr. A. O. Chatterjee: (a) Mr. C. L. Kumar, temporary Engineer, had rendered service for 2 years, 8 months and 13 days and Mr. N. S. Sandhu, service for 2 years, 1 month and 18 days when their services were terminated.

(b) Mr. Kumar went through a three-term course of training in Civil Engineering at the Crystal Palace School of Practical Training and is an Associate Member of the Institute of Municipal Engineers. Mr. Sandhu holds the degree of M.A. and is an A.M.I.C.S., F.R.S.A., and M.R.A.S. No Engineer junior to Mr. Kumar who is still in employ has inferior technical education to him. Some have inferior technical education to Mr. Sandhu.

(c) Regard was paid both to their qualifications, length of service and other considerations before these officers were selected for discharge. Their services were terminated on the reduction of establishment.

Sir, the answers to remaining parts of this question and the next question are even more tedious than those that I have given and I propose to lay these answers on the table with the Honourable Member's permission.

(Remaining portion of answer to question No. 821 laid on the table.)

(d) and (e). Mr. Sandhu applied for and was granted leave on average pay for 3 months on the strength of a medical certificate from the 13th July 1923. In October he applied for an extension of leave till the end of December 1923, and in December 1923 he applied for a further extension to the end of February 1924. The former application was supported by a medical certificate recommending leave till the 15th December 1923 and the latter by a medical certificate recommending 8 or 10 weeks leave from the 4th December 1923. The Audit Department certified that the total leave on average pay at the credit of Mr. S. Sandhu on the 18th July 1923 was 3 months and 16 days. As he had no leave at his credit on the 29th October 1923 an extension of leave on half average pay could be granted on medical certificate provided there was a prospect of his returning to duty and earning leave equivalent to the amount of leave "not due" taken. This certificate was received on the 19th November 1923. In the interim, however, Mr. Sandhu had been selected for discharge on the reduction of establishment, so that there was no question of his resuming duty and earning any more leave. On being apprised of this the Audit

Department certified to the admissibility of leave, without allowances only after the 29th October 1923. One month's notice of termination of service was served on Mr. Sandhu on the 19th December 1923 and he was granted leave on full average pay for 3 months and 16 days (the maximum due) and leave without allowances to cover the remaining period of his absence (that is, up to the 19th January 1924). The medical certificate produced by the Temporary Engineer recommended leave of absence up to the 29th January 1924 (that is, 8 weeks) or 12th February 1924 (that is, 10 weeks). In view, however, of the fact that only leave without allowances was admissible it was not worth while extending the period of the leave or notice.

(f) The answer is in the negative.

Mr. W. S. J. Willson: Might I ask, Sir, when you have long answers like these you will be good enough to lay them on the table? We have very serious business before the House to-day and a great deal of time is being taken up in answering these questions which, I ask, might be laid on the table.

The Honourable Mr. A. C. Chatterjee: I think, Sir, the appeal should be made to the non-official Members of the House.

Mr. W. S. J. Willson: I intended really to appeal to them also.

Mr. K. Ahmed: Sir, are there not any fixed rules with regard to these starred and unstarred questions put by Honourable Members of the House so that we may consider whether they are important enough to be asked and answered as starred questions. I do not think the questions which the Honourable Member has asked about sweepers and the grades of various officers are very important, as also all the post office matters which have occupied the House from the beginning to the end. Would it not be better, Sir, for the Committee of which you are the Chairman to take up these matters and make certain changes in the rules if necessary.

Mr. Ohaman Lal: May I point out that I put these questions deliberately as starred questions because I want to draw the attention of this House to the working of the P. W. D. I wanted to bring out the working of this Department and to concentrate the attention of the House on it.

Mr. President: A more proper way of drawing attention of this House to the working of any Department is to move a resolution in that Department demand or to move a Resolution. I observe from the supplementary questions that have been asked that there is a certain amount of feeling in the House regarding the Honourable Member's questions. I may say I considered the matter very carefully before admitting any of these questions as to whether they were matters of public concern. I gave the Honourable Member the benefit of the doubt. I would, however, add that I hope every Member of this House, when he proceeds to ask questions about individuals, will exercise more than usual caution in not casting a reflection upon individuals unless he is very sure of his ground.

Mr. Ohaman Lal: I am quite prepared, in view of your ruling, Sir, that the answers should be laid on the table.

Mr. President: That is a different subject. That is a matter of the time of the House and it is already the practice here that an Honourable Member of Government in replying to a question, if he considers the answer to the question must necessarily go to a great length, may in his discretion lay it on the table or not as he chooses.

Mr. Ohaman Lal: On a point of personal explanation, Sir, I may say I would have taken the course of moving a resolution but the party's rules precluded me from doing so.

Mr. President: Then the Honourable Member is trying to run with the hare and hunt with the hounds. He must choose.

MR. W. WILKINS, CHIEF SUPERINTENDENT, CENTRAL OFFICE, P. W. D., DELHI.

822. ***Mr. Ohaman Lal:** (a) Will the Government please furnish the following information in respect of Mr. W. Wilkins, Chief Superintendent, Central Office, P. W. D., Delhi:

- (1) Educational qualifications, etc.
- (2) Date of appointment to Government service, and the pay on that date.
- (3) Date of his deputation to Delhi.
- (4) Name and pay of the substantive post held by him in the P. W. Department, Punjab, at the time he joined the Delhi P. W. D., on deputation, and at present.
- (5) Name and pay of the post held by him in the Public Works Department, Delhi, when he first joined and the pay now drawn by him.
- (6) Average rate of annual increment received while actually serving in the Punjab, and the average rate of increment earned by him in his substantive post in that Province during the period of deputation to Delhi.
- (7) Average rate of annual increment granted to him in the Public Works Department, Delhi.

(b) On what grounds was Mr. Wilkins selected for the present post, and consequently obtained on deputation from the Punjab?

(c) What is the reason of the increase in his pay? Could he not serve here on his substantive pay in the Punjab P. W. D. plus usual deputation allowance of 20 per cent.?

(d) Why was none of the existing Superintendents appointed to the post of Chief Superintendent, in preference to an outsider?

The Honourable Mr. A. C. Chatterjee: (a) (1) Mr. Wilkins has passed the Matriculation Examination of the Bombay University.

(2) He was appointed to Government service on the 10th May 1918 on Rs. 60 per mensem.

(3) 17th February 1922.

(4) He was an Assistant, Upper Division, in the Public Works Department, Punjab, on Rs. 250 in the grade of Rs. 100—10—300 when he was deputed to Delhi. Information is not available as to his present pay in the Punjab.

(5) Chief Superintendent of the Central Office, Public Works Department, Delhi, to which he was appointed on Rs. 350 per mensem on the 17th February 1922. His present pay is Rs. 390 per mensem.

(6) The information is not available.

(7) Rs. 20.

(b) and (c). The post of Chief Superintendent fell vacant and Mr. Wilkins was selected for the post by the Chief Engineer as he was considered the most suitable man for the post. The pay of the post is Rs. 350—20—450. He was not willing to take up the appointment on lower pay nor would it have been reasonable to expect him to do so.

(d) None of the Superintendents in the Central Office was considered fit to hold the appointment of Chief Superintendent.

ARCHITECTS EMPLOYED IN THE P. W. D., DELHI.

823. ***Mr. Ohaman Lal:** (a) Will the Government please state the number of architects employed on the staff of the Public Works Department, Delhi, in addition to Sir Edwin Lutyens and Mr. Herbert Baker, the British architects working under contract system?

(b) What is the name and pay of each such architect, and what is the total expenditure incurred annually on their pay and allowances, as well as the pay and allowances of their staff? What is the gross expenditure incurred on this account by the Government, from the beginning of the New Capital Project up to date?

(c) How many different types of buildings have been designed by them, and what is the cost of one building of each type designed by them from the beginning up to date?

(d) To what percentage does the gross expenditure incurred up to date on their pay, etc., furnished by the Government in reply to the last part of (b) above, work out if the cost of one building of each type designed by these Architects is totalled together? How does this percentage compare with the rates allowed to the British architects (Sir Edwin Lutyens and Mr. Herbert Baker)?

(e) What are the buildings still required to be designed by these architects, and does the work necessitate the retention of so many highly paid architects in Government service?

The Honourable Mr. A. C. Chatterjee: (a), (b), (c) and (d). There are at present 8 architects employed in the Public Works Department, Delhi, in addition to Sir Edwin Lutyens and Mr. Baker, namely, Mr. R. T. Russell on Rs. 2,050, Mr. Davies on Rs. 1,175, and Mr. T. H. O. Collings on Rs. 1,625. The actual expenditure incurred on the P. W. D. architects and their establishment is not readily available, but the total cost did not exceed Rs. 6½ lakhs for the 10 years ending the 31st March 1923. The actual expenditure on works designed by them during the same period was over Rs. 2 crores (this excludes designs and layouts not carried out or given effect to). The percentage was thus about 8½ as compared with 6 paid to the English architects for the central buildings.

(e) The balance of the architects' work in hand, excluding fund heads other than 57 New Capital, amounts to over Rs. 1 crore. The work in hand and to be done cannot be accomplished within the time available with less than the number of architects now employed.

CASE OF PANDIT HARI RAM SHARMA OF THE CHIEF AUDITOR'S OFFICE, N. W. RAILWAY, LAHORE.

824. ***Lala Duni Ohand:** (a) Will the Government be pleased to state if it is a fact that one Pandit Hari Ram Sharma, sub-head of the Goods section in the Chief Auditor's Office, N. W. Railway, Lahore, drawing Rs. 118

per mensem with a service record of more than nine years, submitted a medical certificate signed by Captain T. R. Khanna, I.M.S., Medical Officer, Lahore Cantonment, on 9th November 1921, recommending him two months' sick leave from that date?

(b) Is it a fact that the medical certificate for two months' sick leave was not accepted by the Chief Auditor, N. W. R., Lahore; if so, what were the reasons?

(c) Is it a fact that a similar certificate for three months' sick leave given by the same medical officer to L. Gopal Das, sub-head, Goods section in the Chief Auditor's Office, N. W. R., Lahore, was accepted by the Chief Auditor, and leave sanctioned on full pay?

(d) Is it a fact that Pandit Hari Ram Sharma submitted a further certificate signed by Major Deeks, I.M.D., Civil Surgeon, Gujranwala, on 4th January 1922, recommending him three months' further sick leave from 9th January 1922?

(e) Is it a fact that Pandit Hari Ram Sharma had to his credit privilege leave for more than 5 months on 9th November 1922?

(f) Is it a fact that Pandit Hari Ram Sharma's period of sickness for five months was not treated as sick leave or privilege leave on full pay by the Chief Auditor, N. W. R., Lahore, although it was covered by the two Medical certificates, granted by such competent medical authorities as Captain T. R. Khanna, I.M.S., Medical Officer, Lahore Cantonment, and Major Deeks, I.M.D., Civil Surgeon, Gujranwala?

(g) Is it a fact that Pandit Hari Ram Sharma's services were terminated by the Chief Auditor, N. W. R., Lahore, while he was on a sick bed without giving him any notice or one month's pay in lieu of notice on 15th February 1922, as provided in "State Railway Open Line Code, Volume 2, para. 298"?

(h) In view of the facts as stated and brought out in the above questions, do the Government propose to compensate Pandit Hari Ram Sharma for the wrong done to him?

The Honourable Sir Basil Blackett: The Government have no information on the subject. They are making inquiries from the Auditor General and the Honourable Member will be informed of the result in due course.

ARMY CLOTHING FACTORY, SHAHJAHANPORE.

825. ***Lala Hans Raj:** 1. In the answers given in this House on the 4th February last to questions Nos. 107, 109, it was admitted—

(a) that private producers were capable of supplying the army clothing requirements of Government;

(b) that unless special reasons existed, Government factories would not manufacture articles which could be purchased from private producers.

It was also stated in the answer to question No. 110—

(c) that an expenditure of Rs. 4½ lakhs was sanctioned for the building of proper workshops at Shahjahanpore and that further additions to the factory were in contemplation.

2. Will the Government be pleased to state the reasons why the action in (c) above is considered necessary in view of the statements in (a) and (b)?

3. Will the Government also be pleased to state how much of the expenditure of Rs. 4½ lakhs is being apportioned to buildings, how much to plant and how much to stock in trade, if any?

Mr. E. Burdon: 1. The answers to which the Honourable Member refers were not intended to convey, and it is not actually the case, that private producers are capable of supplying all the Army clothing requirements of the Army in India. Moreover, in the case of army clothing, it is necessary, for military reasons, to retain a fairly substantial nucleus of manufacturing capacity in the hands of the military authorities.

2. The buildings are required to provide for the official manufacture of army clothing up to the extent which I have just mentioned. The buildings, I may mention, will not be a net addition to our manufacturing capacity, since, as I explained on a previous occasion, the clothing factory and depot at Alipur, which in present day conditions is a less convenient location than Shahjahanpore, has been closed down as a clothing factory.

3. The whole of the expenditure will be incurred on buildings.

POWERS OF APPOINTMENT AND DISMISSAL OF INCOME-TAX COMMISSIONERS.

826. ***Haji Wajihuddin:** Is it a fact that the status of Income-tax Commissioners is equal to that of a first grade collector or at the most to that of a Divisional Commissioner, and if so, why and on what principle the power of appointment and dismissal of Assistant Income-tax Commissioners and Income-tax Officers has been granted to one officer, and not to the Local Government as in all other cases? Also to state whether the Government propose to revise the Income-tax Act, accordingly in the near future?

The Honourable Sir Basil Blackett: Section 5 (4) of the Income-tax Act, 1922, empowers the Commissioner of Income-tax to appoint Assistant Commissioners and Income-tax Officers, subject to the control of the Governor General in Council. This control is exercised through the Local Government and such appointments require the approval of the Local Government. Any Assistant Commissioner or Income-tax Officer who has been dismissed, has a right of appeal to the Local Government. The Government see no reason to modify the law or rules on the subject.

RESIGNATION OF INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

827. ***Haji Wajihuddin:** Will the Government be pleased to state:

- How many Income-tax Officers had tendered their resignations in the United Provinces during the last 8 years?
- How many had refused to join the department after selection?
- How many had applied for reversion to Deputy Collectorships?
- What are the reasons responsible for the changes, if any?

The Honourable Sir Basil Blackett: (a) None.

(b) One—who wished to appear at the examination for the Indian Civil Service.

(c) Two—one because he was passed over for promotion as Assistant Commissioner, and another on account of ill-health.

(d) The reasons stated in the answers to (b) and (c).

INCOME-TAX ASSESSMENTS.

828. ***Haji Wajihuddin:** Is it a fact that there are no provisions in the Income-tax Act, fixing the limit of "income" up to which an Income-tax Officer has power to assess and so the whole lot depends upon the Income-tax Commissioners and, if so, do the Government propose to fix a maximum amount for the Income-tax Officers to frame assessment?

The Honourable Sir Basil Blackett: The attention of the Honourable Member is invited to the fact that all assessments are made by Income-tax Officers. An Assistant Commissioner may be empowered to exercise the powers of an Income-tax Officer, but his normal and proper functions are those of an appellate and supervising authority. It would be both impracticable and inconsistent with the scheme of the Income-tax Act to issue general orders imposing a monetary limit on the powers of Income-tax Officers as assessing officers. It is open to a Commissioner to restrict the powers of an individual Income-tax Officer if necessary.

DISSATISFACTION AMONG INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

829. ***Haji Wajihuddin:** (a) Will the Government be pleased to say when and by whom was Shafat Husain appointed as Assistant Income-tax Officer in the United Provinces, and when and by whom, and for what reasons, was he discharged from his duties?

(b) Has the attention of the Government been drawn to the *Muslim Outlook*, dated the 21st March, 1923, on this subject?

(c) Are the Government aware that a feeling of general dissatisfaction is prevailing among the Income-tax Officers of the United Provinces on account of the provision of section 5 (4) of the Income-tax Act, and certain consequential circumstances, which have greatly lowered their status and if so, do the Government propose to have the same so modified that the appointment and dismissal powers be entrusted to Local Governments just as in the case of other Gazetted Officers?

The Honourable Sir Basil Blackett: (a) The Government have no information.

(b) No.

(c) No.

RE-ORGANISATION OF THE INCOME-TAX DEPARTMENT.

830. ***Haji Wajihuddin:** Was any scheme about the creation of circles and numbers of Income-tax Officers framed and approved during the last three years and if so, when and with what result? If not enforced yet, please state reasons and whether the Government are now prepared to have it enforced forthwith?

The Honourable Sir Basil Blackett: During the last three years schemes for the organisation or partial re-organisation of the Income-tax Department have been sanctioned for all the major Provinces—except Assam—and these schemes either have been introduced or are being gradually introduced as men are trained to fill the new appointments.

* NEW CANTONMENTS ACT.

831. ***Haji Wajihuddin:** Is it a fact that the new Cantonments Act under the orders of the Government of India will be enforced from 1st April

next, in all the Provinces, and if so, whether the new electoral rolls will be prepared or whether the present rolls for local Councils will do for the election of members to the new Cantonment Board? Also what would be the fate of the present Cantonment Magistrates?

Mr. E. Burdon: The Cantonments Act, 1924 (II of 1924), will be brought into force with effect from 1st May 1924. Electoral rolls for the election of members to Cantonment Boards will be prepared under the orders of Local Governments in accordance with sections 26—31 of the Cantonments Act, 1924.

Officers of the Cantonment Magistrates' Department who agree to be transferred will be employed in the new Cantonments Department as Inspecting or Executive Officers of Cantonments.

CONVERSION OF THE PLATFORM OF THE GARIB SHAH MOSQUE, DELHI, INTO A RAILWAY PLATFORM.

882. ***Haji Wajihuddin:** To what extent is it true that a portion of the platform (which under the Muhammadan Law is a part of the mosque) belonging to Garib Shah mosque on Pahargunj Road, Delhi, is proposed to be converted into the "railway platform and improvement of railway lines" which are under construction and whether the Government will issue immediate orders not to touch any portion of the said as well as all other platforms hitherto attached to mosques?

The Honourable Sir Malcolm Hailey: It is not true that any portion of the platform of the Gharib Shah mosque is to be cut off and converted into a railway platform. The mosque building and platform will not be touched. It may be necessary at some future time to take up a portion of the courtyard. The only action immediately contemplated is the removal of the out-house to the South-west of the mosque. This alteration, as has been repeatedly explained to local persons interested, is absolutely indispensable for the construction of the new railway station.

MOSQUES AND OTHER RELIGIOUS BUILDINGS PROTECTED UNDER ACT VII OF 1904.

883. ***Haji Wajihuddin:** Will the Government be pleased to lay on the table a statement showing the mosques and other religious buildings protected under Act VII of 1904, also which of them have been already repaired and at what cost and which of them are still unrepaired with estimates of repairs?

Mr. M. S. D. Butler: I shall be glad to show to the Honourable Member statements showing the monuments in India protected under Act VII of 1904 in which mosques and other religious buildings are indicated. The attention of the Honourable Member is also invited to the statements of monuments repaired prior to 1920-21 which will be found in the Provincial Archaeological Reports and in which the cost incurred is given. A consolidated statement of works carried out during the year 1921-22 can also be shown to the Honourable Member. There is no finality about repairs, the need for which may arise at any time. Government are, therefore, unable to supply the information asked for in the concluding portion of the question.

COMPENSATION FOR MOSQUES IN THE NEW CAPITAL.

884. ***Haji Wajihuddin:** Are any funds in payment of compensation for grounds belonging to certain mosques in Raisina deposited under the control of Government of India, and if so, please state full particulars?

The Honourable Sir Malcolm Hailey: A sum of Rs. 30,547 is lying in deposit with the District Judge, Delhi, as compensation awarded 10 years ago for mosques in the course of the Land Acquisition proceedings for the new Capital. This sum covers 17 mosques situated in 8 small villages. The details are not likely to interest the House, but are available for the information of any claimants to the compensation.

TOMB OF ZEBU-N-NISA BEGUM.

885. ***Haji Wajihuddin:** Are the Government aware that the tomb of Hazrat Zebunisa (daughter of Aurangzaib, Alamgir Badshah) is situated in the Tis Hazari Bagh grounds, and if so, whether the Government intend to make some necessary improvements therein to safeguard the said tomb, and whether the Government have received donations from certain Ruling Princes and Muslim *raises* for the purpose, and if so, please state amounts and when the work will be taken in hand?

Mr. M. S. D. Butler: From inquiries recently made it now appears unlikely that the grave referred to on the Tis Hazari Maidan is the grave of Zebu-n-Nisa Begum. In the circumstances Government do not now propose to spend any money on the grave referred to and have not invited or received any donation for the purpose.

Mr. K. Ahmed: Is it not a fact, Sir, that a similar question was put by myself in 1922, and your predecessor, Sir Henry Sharp, answered evasively that the matter was under consideration?

Mr. M. S. D. Butler: Yes, there was a belief then that the grave was the grave of the lady in question, but further inquiries by the experts have shown that this is not the case.

Mr. K. Ahmed: Has it taken two years from 1922 to 1924 to make further inquiries? Government was going to take action in that matter then.

Mr. M. S. D. Butler: Inquiries have been made and the result is as I have given just now.

MOSQUE ON ASOKA ROAD, RAISINA.

886. ***Haji Wajihuddin:** Is it a fact that a small mosque is situated on the corner of Asoka Road, Raisina?

Will Government state:

- whether any application to re-roof the said mosque has been submitted,
- and if so, with what result,
- is there any objection to have it covered with a pucca roof,
- and if so, on what grounds, if any?

The Honourable Sir Malcolm Hailey: The question presumably refers to a small building known as the Randiwali or prostitute's mosque. This stands on land which has always been recorded as Government property. It is not known when the encroachment took place. An application to repair and re-roof the building was received last year. The applicant was asked to prove that he had any claim to this building standing on Crown land. This he has not as yet done.

THIRD CLASS PASSENGERS' DIFFICULTIES IN PURCHASING TICKETS.

837. ***Haji Wajihuddin:** Are the Government aware that the large number of 3rd class passengers on principal stations throughout India are faced with great trouble and sometimes loss in purchasing their tickets on account of a single ticket seller and hundreds of purchasers at a time, and whether the Government will be pleased to make thorough inquiry and consider the advisability of increasing the number of booking clerks wherever necessary to remove the complaint?

Mr. C. D. M. Hindley: The provision of facilities to enable 3rd class passengers to obtain their tickets without difficulty is a matter which is receiving special attention from railways and the Government Inspectors.

PASSENGER SUPERINTENDENTS ON THE B. B. AND C. I. RAILWAY.

838. ***Haji Wajihuddin:** (a) When were the posts of Passenger Superintendents created on the B. B. and C. I. Railway?

- (b) how many were appointed?
- (c) on what annual cost?
- (d) what extra amounts have been collected through them during any one year?
- (e) have the public appreciated their services?
- (f) had any representation been received from the public?
- (g) what action was taken on it?
- (h) if the posts have since been abolished, please state reasons.

Mr. C. D. M. Hindley: Inquiry has been made and the result will be communicated to the Honourable Member in due course.

MUHAMMADANS IN THE POSTAL ACCOUNTS DEPARTMENT.

839. ***Haji Wajihuddin:** (a) Are the Government aware that a considerable (though proportionately small) number of Muhammadans is employed in the clerical service of the Postal Accounts Department; the number of S. A. S. men as well as gazetted officers is insignificant and their departmental interests are not adequately safeguarded?

(b) In view of the fact that only two out of 71 appointments are held by Muhammadans, do the Government propose to enforce measures which may lead to make up the number of Muhammadan S. A. S. to a normal proportion by (i) giving facilities to the intending candidates for acquiring the technical knowledge necessary for passing the

examination, (ii) appointing a handful of Muhammadans with good academic qualifications either from among those who are already in service or distinguished graduates from the Universities as paid probationers?

(c) Is the passing of the S. A. S. examination the only necessary test to judge the capabilities of a candidate to discharge the duties of an accountant?

(d) Have not the Government appointed several non-qualified men with a good record of clerical service as accountants exempting them from the examination? If so, cannot the experiment be repeated in the case of Muhammadans?

(e) Is it a fact that in one of the Postal Circles fresh recruitment has been reserved for members of the backward communities for a few years to come with a view to give them their due proportion? If so, are the Government prepared to adopt a similar course in the case of the Postal Accounts Service?

The Honourable Sir Basil Blackett: Inquiry is being made into the matter, and a further reply will be given to the Honourable Member as soon as possible.

SUBSTITUTION OF A PROVIDENT FUND FOR PENSIONS.

840. ***Lala Piyare Lal:** (a) Are the Government aware that non-gazetted Government servants prefer Provident Fund to Pensions?

(b) Will the Government be pleased to state if it is under consideration to substitute Pensions by Provident Fund?

(c) What are the objections and difficulties in the way of adopting a Provident Fund scheme?

The Honourable Sir Basil Blackett: (a) The Government are not aware that there is any such general preference.

(b) and (c). The Government are prepared to examine the whole question. The attention of the Honourable Member is invited to the discussion on the subject printed at pages 244 to 250 of the Council of State Debates, Volume IV, No. 10.

PAY OF DAFTARIES IN THE SECRETARIAT AND ARMY HEADQUARTERS.

841. ***Lala Piyare Lal:** (a) Will the Government be pleased to state the rates of pay and pensions allowed to daftaries in the Secretariat and Army Headquarters in 1919 and 1922, respectively?

(b) Is it a fact that in view of the similar nature of duties performed at the same station and with similar qualifications and mode of living of the Secretariat and Army Headquarters daftaries, their rates of pay have always been and are still unequal?

(c) Is it also a fact that the Secretariat daftaries now get Rs. 20 as pension while A. H. Q. daftaries get only Rs. 10 under the same conditions and after drawing the same rate of pay?

(d) Will the Government state the reasons for this kind of differentiation?

Mr. E. Burdon: (a) A statement is laid on the table.

(b) The rates of pay of *daftaries* in the Secretariat and Army Headquarters are the same.

(c) Yes.

(d) The Secretariat appointments are regarded as having a higher status and more favourable conditions are for this reason attached to these. No difficulty has been experienced in obtaining *daftaries* in Army Headquarters on existing terms.

Year.	PAY OF DAFTARIES IN		PENSION OF DAFTARIES IN	
	Secretariat.	Army Headquarters.	Secretariat.	Army Headquarters.
1919 . . .	Rs. 10-1-24	Rs. 10-1-24	Half pay not exceeding Rs. 10.	Prior to 14th June 1919 <i>daftaries</i> were not entitled to a pension and from that date they have been eligible for a pension equivalent to half pay not exceeding Rs. 10.
1922 . . .	20-1-40 15-1-35	20-1-40 15-1-35	Half pay subject to a maximum of Rs. 20.	Half pay subject to a maximum of Rs. 10.

VACANCIES IN THE OFFICE OF THE CENTRAL BOARD OF REVENUE.

842. ***Lala Piyare Lal:** Is it a fact that a few new posts were recently sanctioned for the office of the Central Board of Revenue?

(a) What was the total number of applicants and how many were finally selected for the appointments?

(b) How many of them have passed the Staff Selection Board's examination for the class for which they have been finally selected?

(c) What are their qualifications—

(i) what are their University qualifications?

(ii) what is their record of Secretariat service if there is any?

The Honourable Sir Basil Blackett: Four additional Assistants and 3 clerks on attached office scale of pay have recently been sanctioned for the office of the Central Board of Revenue.

(a) About 30 applications were received by the Board and passed on to the Staff Selection Board. Five men were finally selected, the remaining two posts of clerks being given to men already working on a temporary basis in the Board's office.

(b) They have all passed the Staff Selection Board test for the class for which they have been finally selected or for a higher one.

(c) (i) Of the Assistants, two are M.A.'s, one B.A., one B.T. and one F.A. All the three clerks are Matriculates.

(ii) The Assistants have from 2 to 3 years' Secretariat service and the clerks between 3 and 6 years.

FILLING OF VACANCIES IN THE CENTRAL BOARD OF REVENUE.

843. ***Lala Piyare Lal:** Will the Government be pleased to state if the selected candidates for the posts of the Central Board of Revenue have family war services, if so, how many? Has any of them got personal war service and has rendered active service in His Majesty's Forces out of India, during the great war?

(a) Are these appointments permanent, if not, for what period?

(b) Have these appointments been approved by the Standing Finance Committee?

The Honourable Sir Basil Blackett: Of the men selected three have rendered personal war service.

(a) Only one post of Assistant and one of clerk are permanent. The rest are temporary for a period of one year in the first instance.

(b) The creation of the posts in question was approved by the Standing Finance Committee.

RECRUITMENT OF INCOME-TAX OFFICERS.

844. ***Lala Piyare Lal:** Is it a fact that during the last few sessions several questions were asked by the Honourable Members in both the Houses of the Legislature regarding the appointment of Income-tax Officers and Assistant Income-tax Officers in various provinces?

(a) What is the present system of recruiting for the above services in the United Provinces and the Punjab?

(b) Are the Government prepared to start a system of holding examinations, competitive or qualifying, from time to time for them?

(c) If not, will the Government state the reasons for it?

The Honourable Sir Basil Blackett: A few questions on the subject have been asked in the Legislative Assembly.

(a) Income-tax officers in the United Provinces and the Punjab are appointed as elsewhere by the Commissioner of Income-tax subject to the control of the Governor General in Council, who exercises that control through the agency of the Local Governments.

(b) Not at present.

(c) Because the general educational qualifications of the candidates are evident from such academic distinctions as they may possess. To prescribe a technical examination for entrance to the Department might be expensive, unnecessarily inconvenience a large number of candidates and narrow the field of recruitment. The Government do not propose to alter the present system under which candidates are selected with reference to their moral, social, physical and general educational qualifications, are then required to undergo a course of training and are tested as to their technical qualifications by departmental examinations which they are required to pass before they are confirmed.

ALLEGED PACT BETWEEN THE GOVERNMENT AND THE NATIONALIST PARTY.

Sir Campbell Rhodes (Bengal: European): Sir, with your permission, I wish to ask the Home Member a question of which I have given him private notice. In this morning's Calcutta "Statesman", the newspaper received in Delhi this morning, occurs the following statement:

"With regard to the new policy of the Nationalist party as enunciated by Pandit Motilal Nehru in the Legislative Assembly, Mr. C. R. Das, in conversation with a representative of the *Statesman* said that in the absence of fuller information, he was unwilling to make any definite statement. "But" Mr. Das added "I have been expecting it. My belief is that as a result of negotiations behind the scenes, some understanding has been arrived at between the Government and the Nationalist party; that explains the new attitude."

The question, Sir, I desire to ask is what is the nature of these negotiations, because I believe there is a general feeling in the House that the change of heart on Monday night last amongst the friends of Mr. Das occurred not by reason of a pact with the Government, but by reason of an impact elsewhere?

The Honourable Sir Malcolm Hailey (Home Member): Sir Campbell Rhodes showed me that extract this morning and I may say I should very much have preferred to answer his question in the presence, rather than in the absence, of Pandit Motilal Nehru, whose name of course is referred to in that extract. But I am sure that the Honourable Pandit would himself agree to my stating that there has been no pact between the Government and the party which he represents. We have had many discussions, Sir, inside the House and some of us have had amicable and interesting discussions outside the House. But there has certainly been no pact of any kind with Government.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Sir, may I ask what justification Sir Campbell Rhodes has for making this insinuation?

Mr. President: If the Honourable Member is putting a supplementary question, I ask him to put it a little louder, because the Chair is interested in it.

Mr. Chaman Lal: May I ask Sir Campbell Rhodes what justification he has for making the remark that the change of heart on the part of the Nationalist party was due to an "impact" elsewhere and as to what exactly he means by the word "impact"?

Sir Campbell Rhodes: That, Sir, I will leave to the intelligence of the Honourable Member.

Mr. Chaman Lal: May I assure him that no such thing happened in the Nationalist party and that he may take my word for it? It is not due to anything of the sort that the change of heart took place.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): May I ask the Honourable Member if he had any interview with the leader of the Nationalist party or leaders of the Nationalist party between Monday night and Tuesday morning when we met here?

The Honourable Sir Malcolm Hailey: Whether I had any interview, Sir?

Mr. Bipin Chandra Pal: Whether the Honourable Member had any interview with the leader of the Nationalist party or any of the leaders of the Nationalist party between Monday night after the House rose and Tuesday morning when the House assembled?

The Honourable Sir Malcolm Hailey: It is not usual, I think, to interrogate Members of Government as to what has happened outside the House and in their private capacity. But here again I am sure the Honourable Pandit would agree to my stating since the matter has been brought up and it appears that some importance is attached to it, that I had no interviews in the period mentioned by Mr. Bipin Chandra Pal.

Mr. President: I would like to add that Members should be very careful in asking questions of this kind because they may open a discussion of a private nature regarding which even two very good memories might disagree. I have hitherto ruled that a reference to what passes outside this Chamber is not in order, and, though I have allowed the Honourable the Home Member to reply to the question, I cannot always ask him to answer such questions on the ground I have stated. What passes outside this House, unless it is a matter of public importance, cannot be referred to as such, as it may become a matter of an acrimonious controversy which may pass out of the control of the Chair.

The Honourable Sir Malcolm Hailey: Will you allow me, Sir, to add a few words. I had also a consideration of that nature in my mind; and I merely answered the question because I feared a refusal to answer it might be open to misunderstanding.

STATEMENT OF BUSINESS.

Mr. President: The Honourable the Leader of the House will now make the statement regarding the business next week.

The Honourable Sir Malcolm Hailey (Home Member): Monday, Tuesday and Wednesday will be Government days.

Except for a formal motion regarding the election of the Standing Finance Committee for the succeeding year the consideration of the Indian Finance Bill will be the first business to be taken up. We cannot foresee how long the House will be occupied with that Bill, and it is not possible to say on which date the other items of Government business will be before the House, but we hope in the first three days of the next week besides disposing of the Finance Bill, (1) to introduce a Court-fees (Amendment) Bill, (2) to move for the circulation for opinion of the Indian Merchant Shipping (Amendment) Bill, (3) to take into consideration the amendment made by the Council of State in the Indian Coinage (Amendment) Bill. The other Government business outstanding is the consideration of the recommendation of the Council of State that the Indian Succession Bill be referred to a Joint Committee of both the Chambers, the consideration of the reports of the Select Committees on the Income-tax (Amendment) Bill and on the Standing Orders. We may also move for leave to introduce a Bill to consolidate and amend the law relating to Government and other Provident Funds. Whether it will be feasible to

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take up any of this business on Wednesday or whether it will be necessary to take it up on Saturday, the 22nd, depends on the progress made in the first two days of the week.

Thursday, the 20th. As already announced this morning this day has been allotted for non-official business, that is to say, the discussion of Resolutions.

Friday is a public holiday.

MAY SESSION IN SIMLA.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Might I address a question to the Honourable the Home Member in regard to the session which it is proposed to hold, I am told, in the month of May in Simla. Whilst giving the Honourable the Commerce Member every credit for proposing this session in what he believed to be in deference to the wishes of the House, it is nevertheless a fact that it will be extremely inconvenient to a great many of us to attend that session and it will interfere with the whole of our summer programme. Honourable Members from Madras, I believe, will have to spend five days in coming up here and five days in going back. I think it would be a good thing—and I hope the Honourable the Home Member will not mind it—if a reference were made to the House as a whole to ascertain its wishes in the matter. Of course if it is the wish of the House that we should all meet in Simla in May, then I should be one of the last persons to raise any personal objection. But all the same I do think that it will be very inconvenient.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Before that question is answered, may I ask the Honourable the Home Member as to what business it is proposed to be transacted during the May session? Will he kindly give the House an indication of the business which is likely to be transacted and also an indication as to how long the session is likely to last, and whether it will be convenient for the Members of the House to attend that session?

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): May I say one word, Sir? Mr. Willson has referred to the Members from Madras. I may assure him that this question of the steel industry cannot be dealt with at the end of this month and, if a session in May is inevitable, we shall not shirk our duty and we have made up our minds to attend that session. (Hear, hear). (Mr. W. S. J. Willson: "That is what I said.") I do not want the House to be under the impression that we are averse to a session which is absolutely necessary, and that is the point which I wish to make very clear.

The Honourable Sir Malcolm Hailey (Home Member): My Honourable Colleague has already explained to the House the reasons which have moved the Governor General in Council to propose this special session in the course of the summer; he also expressed the great regret of the Government at the inconvenience that was being caused to Honourable

Members. We had considered with the utmost care whether it would not be possible to dispose of the questions connected with the report of the Tariff Board in time to place them before the Assembly either before the date originally fixed for the close of this session or by extending the period of the session. We came to the conclusion that, if we were to give due consideration to the many and intricate issues involved, it would not be possible to do so. Even supposing that we were able to arrive at a decision ourselves, yet it would not be proper to place that decision before the Assembly, before the public and many other commercial and industrial interests concerned have had time to consider the report. That seemed to us decisive. Dr. Gour has asked what other business there will be before the Assembly during the special session. As at present arranged, we had intended to devote the whole of that special session to the business arising from or connected with the report of the Tariff Board. If in the brief time for which we should call the session any vacant days occurred, we should divide them between Government business and private business. We have some outstanding Bills which will not be of a very controversial nature and they might then be brought one stage forward.

Dr. H. S. Gour: We suggest, Sir, to the Honourable the Home Member that, if the session is to be held in May at all, it would be to the advantage of the non-official Members of this House if other outstanding questions and Resolutions are also taken up so that it may be worth our while to pay a visit to Simla for 10 or 15 days instead of only for a week or 6 days. I suggest to the Honourable Member that there is the Indian Bar Committee, whose report is likely to be out. Then there is the Frontier Province Committee report. That is also likely to be out. Besides a very large number of non-official Resolutions have remained undisposed of owing to the shortness of time in the Delhi session. I would therefore suggest that this special session may be availed of for the disposal of outstanding business at Simla.

Mr. Darcy Lindsay (Bengal: European): Could not the Honourable the Home Member arrange for a combined session to consider the recommendations of the Tariff Board and then take up the ordinary business, say, in August or September next? (Cries of "No, no".)

The Honourable Sir Malcolm Hailey: Mr. Darcy Lindsay has touched the exact point on which the discussion originally arose. Does the House, in spite of the inconvenience, attach such importance to this question, that they are prepared to face a special session? (Honourable Members: "We are.") If the House were entirely opposed to holding such a session, the Government would give full consideration to that fact. Does the House feel that the consideration of the matters arising out of the report of the Tariff Board is so urgent that it is prepared to face that special session? (Honourable Members: "Certainly".)

Khan Bahadur M. Shams-uz-Zoha (Burdwan and Presidency Divisions: Muhammadan Rural): But not before the middle of May, because we will have *Id-ul-Fitar* after the *Ramsan*.

The Honourable Sir Malcolm Hailey: Will the Honourable Member kindly give me the date of *Id-ul-Fitar*?

Khan Bahadur M. Shams-uz-Zoha: It will come off on the 6th or 7th of May, and the Moslem Members coming from distant places must have sufficient time after that to reach Simla.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I would like this House to realise the gravity of the situation in regard to the matter that we are discussing. I am really surprised that a suggestion should have come that the session should be postponed until August. I wish to urge upon Government, with the utmost emphasis that I can command, that it will be highly detrimental to the large interests of India if you delay that session by even a day after May. I think that the Government are fully aware of that and therefore they, after careful consideration, decided that the session should take place in May. Now we are being side-tracked and I want this House to realise the importance of this question, whatever may be our inconvenience we ought to go to Simla, all of us, and assist the Government in their desire to grapple with this question as soon as possible, which otherwise will be disastrous to the commercial world of India. I therefore hope that every Member, unless he has some other intention of delaying this matter, will go to Simla in May.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): I would like to add that this question of the recommendations of the Tariff Board should be dealt with with the least avoidable delay; that the earlier it is done the better and, that, if possible, we should hold a session in Simla in the first or the second week of May. As to the proposal that other subjects should be brought up, I should like to suggest that the session should be confined to this question of the recommendations of the Tariff Board, or any other subjects that Government may consider of special urgency. Most of us feel that Simla is not a pleasant place to go to in May.

Mr. W. S. J. Willson: I hope that Mr. Jinnah was not referring to me when he said that there may be some other consideration attaching to the proposal to defer the session till August. I may tell him that I am a very considerable shareholder in the Tata Iron and Steel Company, and no one is more anxious than I am personally that the recommendations of the Tariff Board may be decided in a particular way!

Mr. Darcy Lindsay: I also wish to disclaim any ulterior motive. My suggestion was based on grounds of economy, as I understand that the cost to the tax-payer in connection with the session will be one lakh and fifty thousand rupees at the very lowest. I therefore suggest that the September session be called at an earlier date and a combined session be held, at which most of the ordinary and special business could be dealt with. If August does not suit my other friends, perhaps a few weeks earlier than that might meet the case. What is the extreme hurry for calling a session in May?

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, since from a commercial Member there has been the suggestion that the matter of the recommendations of the Tariff Board is not so urgent, it is desirable that Government should not take another ground for incurring a great loss to the country of 1½ lakhs of rupees by summoning a session of the Assembly in May. It is desirable that the session at Simla in the month of September or even October, if necessary, be continued, as that is the time when all the representatives of the people of India, professional men, commercial men, who have holidays such as bank holidays, Poojah holidays, and different kinds of holidays can spare the time during their holidays. We generally can afford to go to Simla during September and part of October. That would serve the purpose and it will not be inconvenient

in any way. We could then have our non-official Bills, as well as the North-West Frontier Committee's Report, the Indian Bar Committee's Report, etc. I think that that would be the best time, that is to say, the Simla session ought to be held next September to suit all instead of having another short session in May.

The Honourable Sir Charles Innes (Commerce Member): Sir, I would like to say one word with reference to Mr. Lindsay's suggestion. Mr. Jinnah has placed some considerations before the House, and I would like to supplement what Mr. Jinnah has said. Everybody knows that the Tariff Board's Report has been received. Many industries in India are vitally concerned and interested in the recommendations contained in that Report. All those industries will remain in a state of doubt and uncertainty until a decision has been arrived at. That is one of the reasons why we feel that it is a matter of most urgent importance that a decision one way or the other should be arrived at, with reference to the recommendations contained in that Report. I therefore think it essential in the interest of trade that that period of doubt and uncertainty should be as short as possible.

Mr. President: Arising out of this I ask Government if they are in a position to fix the exact date of the session before the Assembly adjourns at the end of this month.

The Honourable Sir Malcolm Hailey: We hope to do so.

THE BUDGET—LIST OF DEMANDS.

SECOND STAGE—contd.

Expenditure from Revenue—contd.

DEMAND No. 15—GENERAL ADMINISTRATION—contd.

Diwan Bahadur M. Ramachandra Rao (Godavari cum Kistna: Non-Muhammadan Rural): Sir, I beg to move:

"That the demand under the sub-head 'Department of Education Health and Lands' (page 50) be reduced by Rs. 100."

I wish to make a few observations which are pertinent to the Departments under the control of my Honourable friend, Sir Narasimha Sarma. The point that I wish to raise is that our educational institutions in this country are not so organised as to permit of the recruitment of the various public services in this country to the best advantage of both the administration and of the people. I more particularly refer to the technical services, not only under the control of the Department of Education, Health and Lands, but also under the control of the other departments of the Central Government. Sir, the whole question of the organisation and recruitment of the public services came under consideration when the Islington Commission paid a visit to this country. It is now about 12 or 13 years since that Commission came out to India, and we are now having a second Commission to consider more or less the same class of problems from probably a slightly different angle of vision. But the point to which I would invite the attention of Honourable Members is that in regard to the

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improvement and expansion of educational institutions no perceptible progress has been achieved since the report of the Islington Commission was submitted to Parliament. In regard to some of the technical services, taking the Agricultural Service first, the Royal Commission stated that the Government of India had frequently declared that the object to be steadily kept in view was to reduce the minimum number of experts appointed in England and to train Indians thoroughly in order to enable the country to depend upon its own resources for the improvement of the agricultural staff in the higher branches. With this principle the Commission were in complete agreement and they accordingly recommended that the facilities for such training should be developed in India, and that the standard should be brought up to the level of the best quality of agricultural institutions in Europe and America. They proceeded to state that training classes should be established at Pusa and should be brought up to the highest standard of efficiency attainable in the western countries. The Agricultural Conference which met at Pusa also made many recommendations, to which it seems to me unnecessary to refer at the present stage. In regard to veterinary education also the Commission stated that the higher services in that department were almost entirely recruited in the United Kingdom and the candidates were required to hold a diploma of the Royal College of Veterinary Surgeons. Then, in referring to this Department, the Royal Commission expressed the opinion:

"There are, however, no considerations of policy which make recruitment in Europe necessary, and we cannot regard it as satisfactory that at the present time the cadre of the Imperial branch does not include a single officer who is a statutory native of India."

and they accordingly recommended that, as soon as possible, classes teaching up to the highest standard should be established in India, and that the passed students of these classes should constitute the normal field of recruitment for the Imperial branch of the department. Then, Sir, in regard to Forestry education they also stated . . .

Mr. President: Before the Honourable Member goes further, I should like to make certain that these services do come within the control of the Government of India. I am not at all clear that they all do. The Honourable Member, I gather, is reading from a Report published before there were transferred subjects.

Diwan Bahadur M. Ramachandra Rao: I was referring to the general aspect of it which is under the Central Government.

Mr. President: I know the Government of India have a general power of superintendence and control, but education is not only a Provincial subject, but it is a transferred subject, which makes it all the more important that this House should not encroach on that field except where absolutely necessary.

Diwan Bahadur M. Ramachandra Rao: May I point out that under the Devolution Rules institutions providing for medical training or for technical and professional training or for the promotion of special subjects are reserved to the Central Government.

Mr. President: I wanted to be satisfied that the Honourable Member was within that sphere. Is that so?

The Honourable Sir Narasimha Sarma (Member for Education, Health and Lands): I shall take the necessary exception if my Honourable friend exceeds the limits and asks me to travel into the domain of Provincial Governments. At present he is dealing with Agriculture, Veterinary and Forestry as regards higher education.

Diwan Bahadur M. Ramachandra Rao: Sir, I was referring to the need for the expansion of the existing institutions in regard to education in Forestry. I may also invite the attention of Honourable Members to the general observations made by the Commission in 1912. They will be found on page 22 of the Report. They divided these services into three classes, and, referring to the particular service which I mentioned, which should come in the third category, they say:

"There are no grounds of policy for any considerable admixture of officers imported from Europe, and all that limits recruitment in India is the lack of facilities in that country for technical instruction and the consequent deficiency of properly qualified officers."

And they proceeded to state:

"Towards the third group of services" (that is the group of these technical services) "for which requisition is made on Europe so as to obtain officers with the necessary technical knowledge, our attitude is different. In these, we think 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. This will require an initial expenditure of a considerable sum of money, but not probably as much as would at first sight be expected. For instance, up-to-date institutions already exist at Pusa and Dehra Dun which can be utilised for the purposes of the Agricultural and Forest Departments. Large railway workshops are also already in existence to supply the needs of the locomotive and carriage and wagon branches. It is only for the Civil Veterinary, Geological Survey, and Mines departments that the existing provision is wholly inadequate. In any case the outlay would be more than repaid, not only by the additional facilities which such institutions would give to young men to qualify themselves for direct appointment to the higher branches of the public services, but by the contribution they would make to the industrial progress of the country."

Sir, it is in these words that the Royal Commission surveyed the position in 1913. They recommended that immediate steps should be taken and immediate efforts should be made by the Government of India to expand and improve all educational institutions in these various departments suggested, Forestry, Agriculture and Civil Veterinary, Geological Survey, Mines and all the technical services for which recruitment at this day takes place.

Now I ask my Honourable friend whether any of these steps have been taken in this country, and, if so, to what extent. Sir, I know something has been done. When the Lytton Committee was sitting in England an effort was made, in view of the increasing number of students who were resorting to that country, to find out whether the educational facilities for which the Royal Commission so strongly pleaded in 1912 had been afforded in this country, and we were informed that, so far as the Secretary of State was concerned, he took no action in the matter, and one of the officers who appeared before that Committee stated that the initiative rested with the Government of India and there was no information in that country as to what had been done. Sir, that is the position in which we are to-day. The Lee Commission is now sitting and it is quite possible that that Commission may make some recommendations which may not be about recruitment, but as to whether the scope of that Committee includes also a recommendation for the expansion of these institutions in this country is a matter about which I am not quite sure. Sir, the

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whole problem of education is beset with difficulties. I hoped that the Government of India had moved in this matter long ago, as was suggested by the Commission in 1912. I may say, Sir, that there is also an idea that in the recruitment of these public services British qualifications are absolutely necessary. Sir, that is a matter which has been very much discussed before the Lytton Committee. I trust a change of policy will be initiated in that respect as early as possible by a recognition of the qualifications possessed by people in India. The extent to which this recognition is now given is a matter on which many of us are in doubt, and, unless educational institutions of the requisite kind, which would give the same class of instruction for these services, are immediately established, it may not be possible to recognise these degrees.

Sir, the seriousness of the problem in regard to Indian students in Great Britain has been very well summarised by one of the witnesses who appeared before that Committee. Sir Charles Mallet stated:

"It is, I believe, in the development of education in India that the only permanent solution of our problem lies. Hitherto the tradition has been that only men trained in England were qualified for the prizes of their profession—in Indian administration, medicine, law. We have readily encouraged Indian students to come here, fit and unfit, educated or uneducated, and have taught them that a smattering at least of English education was the best recommendation for professional success. Until we frankly abandon that tradition, Indian students will inevitably flock here, and probably, as time goes on, in numbers with which British institutions will refuse to cope."

We are at present manufacturing the difficulties we deplore. May it not be well to consider whether this tradition should not be given up, and a new tradition substituted, namely, that India must and can provide an adequate education even for the ablest of her sons? Instead of trying to make good Indians into indifferent Englishmen, to super-impose a superficial English training in a few years at Oxford or a few years in London at the Bar, might it not be possible to develop an Indian type at least as highly educated and as competent—even for administrative purposes—as any hybrid? Such an undertaking would be slow and difficult and costly; but may it not be that the change has to come? It would mean raising the standards of Indian Universities, and of Indian education generally to levels never yet attained. It would mean an Indian Bar and Judiciary, trained, organised and developed on their own lines. It would mean a highly trained Medical Service, and opportunities for medical and industrial training far in advance of anything yet attempted. It would not of course mean, for many years at any rate, less intercourse with England or less intellectual stimulus from English sources; quite the reverse. But it would be a natural instead of an unnatural system and its home would be in India."

These are the considerations which are in my mind and I request my Honourable friend to consider this aspect of recruitment by the establishment of educational institutions as early as possible compatible with the financial conditions of the Central Government. I think, Sir, that Government have already delayed this question for the last 10 years and I have already pointed out it is certainly competent to them under Rule 33 of the Devolution Rules to establish certain agencies for professional and technical training, and I trust, Sir, that in all branches of the public service—whether in the Railway administration or in the field of finance, anywhere where recruitment is made from outside,—institutions should be set up to supply recruits on the spot. That is the point I wish to refer to the Education Department and to any other Departments which are concerned.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): May I be permitted to follow the example of my Honourable friend over there and make one or two small complaints against the Department in the charge of my Honourable friend, Sir Narasimha Sarma. Before making

my complaint I should like to express my appreciation of the courage and pertinacity with which the Government of India have championed the cause of Indians overseas. I must however add that our cause has to some extent suffered prejudice by the manner in which reference is made to the Indians who are employed overseas. I wish, Sir, to point out that the use of the term "cooly" in connection with the Indian labourer is open to objection and creates serious prejudice against the Indians abroad. This word "cooly" has been adapted from the Tamil language and is used in English to denote a labourer; but the term has acquired such hateful associations that I think it is high time that this exotic word "cooly" in the English vocabulary should be hereafter banned from official correspondence and for all use by the Government. In making this complaint I am aware that we non-officials have to plead just as guilty as the Government themselves, but on reflection everybody will acknowledge that this use of the word "cooly" to denote the labourer is open to serious objection and that it creates a great amount of prejudice against the Indian labourer. It may be asked what word I would suggest to denote the Indian labourer. Let us have the English term "labourer." I have no doubt it will soon get into currency even among people who do not know English. That is a suggestion which I make in all seriousness to the Government and I hope my Honourable friend will be able to give an undertaking that this word shall hereafter be banished from the English vocabulary, so far as it lies in the power of Government.

Another suggestion which I should like to make to the Honourable Member relates to certain educational institutions. Sir, in making their recommendations the Indian Retrenchment Committee went to very undesirable lengths in proposing serious cuts in the expenditure on Education. For instance, expenditure on the School of Mines at Dhanbad was stopped or suspended, I believe, in consequence of the financial stringency and the desire to give effect to the recommendations of the Incheape Committee. I hope a serious start will now be made in pushing on this School of Mines at Dhanbad.

The Honourable Sir Narasimha Sarma: I may say for the Honourable Member's information that the Industries Department deals with the School of Mines; the Education Department does not.

Sir P. S. Sivaswamy Aiyer: That is all right. I am making a general observation and I do not wish to repeat myself. I hope the Industries Department will make the necessary provision at as early a stage as possible because you find that wherever you have to make selections for appointments in the Geological Survey of India, there are no candidates who have the necessary training which would qualify them for the Department. If we had a School of Mines training candidates to the necessary standard of efficiency we should soon be able to find Indian candidates well qualified to enter the Geological Department. I therefore commend my suggestion to my Honourable friend, Mr. Chatterjee, in the hope that he will lose no time in starting the School of Mines at Dhanbad.

The Honourable Mr. A. C. Chatterjee (Industries Member): Provision has been made.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I move, Sir, that the question be now put.

Mr. N. M. Joshi (Nominated: Labour Interests): My friend Dr. Gour does not apparently know that his Department is an Education Department.

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and the Assembly has not yet sanctioned the grant for the Education Demand of the Central Government. I hope, Sir, he will remember this fact before he moves the closure again.

I do not want to take up the time of the House very long but I want to ask the Government of India whether they propose to introduce legislation to enable compulsory education to be introduced in those territories which are under the direct management of the Government of India. Sir, since the new reforms, a great impetus has been given to the state of primary education in this country. There are various provinces where legislation has been passed in favour of compulsion being introduced in primary education. Compulsory education is already being introduced in several areas, municipal as well as local board areas, but I find, Sir, that the Government of India which ought to lead in this matter is lagging much behind the Provinces. The Government of India naturally is expected to set an example in this matter but unfortunately, instead of setting a good example, they lag much behind the Provinces. I need not give many figures on this point, but will only quote a few. The percentage of pupils in schools to the population in the territories directly managed by the Government of India is 2.9, while the average for the whole of India is 3.42; for Madras the percentage is 4.14, for Bombay 4.9, for the Punjab 4.3. These percentages will show by themselves that the Government of India have practically done nothing so far to accelerate the progress of education in the territories directly managed by them. And while they spend some amount of money on education, my conclusion is that they give greater importance to secondary and university education than to primary education. Sir, for the purpose of showing that my conclusion is correct I shall quote a few figures. In the territories mentioned by me, there are 1,565 students receiving university education, and the expenditure is Rs. 3,47,000. This figure may be a little old, because it is last year's figure. There are 37,000 students receiving secondary education, and the expenditure is Rs. 16,21,000. In the primary education department there are 58,000 students, and the expenditure is Rs. 9,00,000. Sir, in most of the major provinces Government spends a great deal of their educational grant on primary education, but the Government of India seem to give greater importance to secondary education of the higher classes than to primary education, which is really needed for the poor people. This is what struck me by looking into the figures of the educational expenditure of the Central Government on territories directly managed by them. I think, Sir, this is not playing a fair game by the masses of this country. I do not wish to take up the time of the Assembly by showing that a large part of the revenue of the Government of India comes from the masses, and, if you want to allocate your revenues to the people according to the taxes they pay, it is natural that you should expect Government to spend more money on primary education than on secondary education; but, Sir, the Government of India have neglected this matter altogether. Perhaps, the reason is that the Government of India have to devote their attention to what are considered to be more important matters throughout the Central Departments, such as the management of the services of a few hundred men of this or that department, than to the interests of the masses themselves. It is an unfortunate fact that the Government of India have been asked to be directly responsible for the education of the masses of these territories. Unfortunately there is no other representative body which is responsible for these subjects, and the Government of India themselves are

responsible for these subjects, so, if they do not give sufficient attention to this subject, it will be thoroughly neglected. The people themselves, I find, have recognised the need for receiving education. Some time ago I read in the papers that the Delhi Municipality is thinking of introducing compulsion within their municipal limits, but the Government of India are not yet ready with their legislation. How is the Government of India to give power within the municipality to introduce compulsion if they are not ready with legislation?

Then, Sir, there is one more point which I want to mention in this connection. It is about the North-West Frontier. We are spending crores of rupees on the North-West Frontier to safeguard the life and property of His Majesty's subjects in that territory. Sir, I think if the Government of India spend a larger amount of money on the education of the people of the North-West Frontier Province, if they establish a network of educational institutions on the border, much of the expenditure which they are forced to incur in fighting with the Waziris and other tribes could be saved. During the general debate on the Budget, an Honourable Member mentioned this vital fact, that the Government of India should try the experiment of using humanising influences on these wild tribes. So my suggestion to the Government of India is that, if they take care of the education of the people of the North-West Frontier and also of those who live a little beyond the frontier, the money will be well spent, and our expenditure on the Army will be saved; not only that, but our great anxiety about the frontier will to a great extent be allayed. I therefore want the Government of India to give their serious attention to the educational advancement of the territories which unfortunately have been placed in their charge.

There is one other matter to which I want to refer in passing, and that is about the Ecclesiastical Department which is managed by the Education Department. I want the Government of India to tell this House what is their policy about this Department, and whether they want to continue this expenditure of Rs. 30,00,000

Mr. M. S. D. Butler (Secretary, Department of Education, Health and Lands): I rise to a point of order, Sir. The Ecclesiastical Department is not a votable item.

Mr. President: It can be brought under discussion under the convention established last year. It cannot be made the subject of a reduction, but it can be discussed.

Mr. N. M. Joshi: Thank you, Sir, for your ruling. The Government of India are spending about Rs. 30,00,000 in maintaining an ecclesiastical establishment for the benefit of their European officers. Sir, I think that expenditure is not justified. The Government of India have got large establishments belonging to various religions, and they have got no such establishment to minister to the religious needs of their officers who belong to these other religions. Why should the Government of India, therefore, spend such a large amount of money for the religious needs of a small number of European servants? My objection is not really so much on the point of money as on other grounds. You will remember, Sir, that two years ago we discussed the subject of compulsory payment to a Hindu priest, and the Government of India rightly objected to that compulsory payment. Now I want to ask the Government of India whether we, who do not believe in the religion which is established by the Government here, are not justified in objecting to the compulsory payment for maintaining this religion? When I say the payment is compulsory, I need not explain

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how it is that taxes in India are not voluntary. No tax is voluntary. I have to pay a tax whenever Government levies it. Therefore, my payment towards the maintenance of this religion is absolutely compulsory, and I therefore object to this compulsory payment on the ground of principle. The principle is absolutely right. When this Bill was introduced, I had supported it, and the Government had also supported that principle. Now I want the Government of India to carry out that principle in practice. I therefore want the Government of India to tell this House what their attitude towards the maintenance of this department is. I hope, Sir, the Government of India will give a satisfactory reply to both these points.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadian Rural): Sir, I want to confine my observations to the question of Indian students in England, to which reference has been made by my Honourable friend, Diwan Bahadur Ramachandra Rao. I can recall a time, 10 years ago, when the Honourable Member in charge, Sir Narasimha Sarma, was present in England at a large and representative meeting of Indian students in Caxton Hall, listening, as a member of the Congress deputation, to the speeches of the Indian students complaining of their grievances at the universities and other educational institutions in England, and I remember him promising to do his very best for these students during the time that he was to be in England. Ten years have passed. I do not think much improvement has taken place in the position of Indian students since that day, I think it was the 9th of April 1914. The conditions of admission to the universities and other educational institutions, the restrictions placed on Indian students, the terms on which they are admitted, the qualifications which they must produce, and the channel through which alone their applications for admission are considered, are practically still the same. An Indian student in England, Sir, does not get admission simply because he is qualified as a student and is prepared to submit to all the conditions of student life there. He must produce in most cases a recommendation from the Indian Students Department, which goes under different names, now is located in the India Office, now in Cromwell Road, sometimes in Gower Street, but in different guises and disguises it is the same body which controls the admission of Indian students indirectly. Unless the Indian student applies to the educational institutions through this channel, the chances of his getting admission are still practically hopeless. And I find in the last Report of the Indian Students Department the same admission is made, that is, that most of the applicants for admission to the Universities of Oxford and Cambridge were admitted because they went through this Department, and hardly even 10 per cent. of the admissions were of those who had applied independently. Well, Sir, the late Mr. Gokhale happened to be in London in 1914 and he presided at a meeting of Indian students where pointed attention was drawn to the most deplorable condition under which Indian students' applications were considered—I mean the condition of humiliation under which they were admitted. The ostensible reason was that the Indian student was not known in England. Therefore, somebody must introduce him, and therefore the Secretary for Indian Students, who happened at the time to be Sir Charles Mallet—I think it is Mr. Sen now—had to certify that the intending student was a good boy. How is a gentleman living in England to know whether a boy coming fresh from India to seek admission is good, bad or indifferent? We proposed that the condition should be that he should produce a certificate from the head

of the last college or school he attended and if that certificate spoke well of the student, then the admission should follow as a matter of course, provided there was a vacancy at that institution. But this request of ours, which was an entirely reasonable one, was not granted, and this Department continues to be the intermediary between the Indian students and the educational institutions for the most part. And then this Department depends for its information about these students on whom? It depends on the official reports, and the official reports depend on the police reports, and the police reports come from the districts. And the condition is this, that the Indian student who seeks admission is in the last resort compelled to satisfy the police authorities of his district that he is a good boy, that he takes no part in politics, that he should be admitted into the institution, and that no consequences will follow. (Pandit Shamlal Nehru: "Not the son of a good boy?") Well, I do not know about that. What is required is that indirectly and in the long run these police authorities should control the admission of Indian students into educational institutions in England. And, Sir, there is a tradition among Indian students, therefore, to regard this Department or its ramifications not as an institution for improving the facilities of Indian students but as a police *thana* in London. This Department, Sir, is regarded by the Indian students as a police station to watch the conduct of students in England. It is a sort of espionage on Indian students and is most highly resented by the Indian student who is usually a man of good social position and a man of culture and sometimes far superior to the gentleman who lives there as Secretary controlling his movements. And there are nearly 1,500 students. Each of them spends nearly Rs. 4,000 a year as the minimum cost of education, so that it costs the people something like 60 lakhs of rupees every year, and yet the facilities they get are limited on grounds which are not at all educational. I do not want to plead for the Indian student who is incapable, or for the Indian student who has not the requisite qualifications. But it often happens that a student who has inferior qualifications gets admission because he has got a recommendation from the Department, while a student with superior qualifications, because he does not care to secure the recommendation of the Department, fails to get admission. The result is that often an incompetent student is admitted and a competent student is not. Various Committees have been appointed to consider this question. Among others there was Lord Lytton's Committee. We gave all sorts of evidence proving that there were no facilities, proving that we were handicapped in various ways. It was recommended by the various Committees that the conditions of admission should be relaxed and should be made more elastic, but the Secretary of State for India did nothing of the kind. There are other non-official bodies who occasionally provide tea for Indian students. They say "We want to be more friendly to Indians. We want to promote social intercourse." Lord Haldane once promoted what was called "The Hospitality Committee." What is the use of showing hospitality to Indian students who go there for their education if you first put restrictions on them? Who cares for a cup of tea if he is first debarred from admission to your educational institutions? And yet that is precisely the condition in most cases. Sir, there is a feeling in the minds of Indian students in England that all this would be unnecessary if the Government would give up their suspicious attitude towards Indian students. Government have got at the back of their minds a certain feeling, which was perhaps more or less justified when the idea of a Student's Department was formulated, but since then there has been no justification for this feeling of suspicion on the part of the Government towards

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nearly 1,500 people of honourable character, men of good social position, people who are highly cultured. It is very properly resented and the Secretary of State was asked to represent to these universities—some of which got grants from the India Office—that those universities which pronounce a ban on Indian students should be told that their students would not be allowed to appear for the examinations for the various Indian Services. He was asked to threaten these Universities with this. He was asked to take up and champion the cause of the Indian students and warn the English universities that, if they make any discrimination against Indian students, their students should not be admitted for the competitive examinations of the various Indian Services. The Secretary of State did not do it. A single such threat seriously conveyed would have brought these universities to a proper frame of mind. Soon after the report of the Committee of 1913 came out unfortunately the war broke out and Lord Crewe said: "As the war is going on, nothing can be done for the present." I cannot understand what difficulty there was on account of the war. But there it was. Therefore, Sir, I think I can still appeal to Sir Narasimha Sarma to remember his promise to the Indian students in 1914; and now that he has it in his power to devise the means whereby to make the position of Indian students in England less difficult, I would request him to accelerate all his efforts to ameliorate the lot of students in England. The late Mr. Gokhale said in the meeting to which I referred that, so long as the Government of India were under the Imperial Government, Indian students had every right to go for education to English universities. The bar against Indian students is at any rate very highly deplorable, because India does contribute in various ways to some of the educational institutions in England.

There is another difficulty. In some of these educational institutions Indian students are not allowed to join as officers of the training corps because they are Indians. In some of the Colleges fellowships were not given,—I do not know whether the bar has now been withdrawn, but I have not heard of it. All these things cause a bitter feeling of resentment and, if the Honourable Sir Narasimha Sarma can remove them before he leaves his present office, I think the Indian students will be grateful to him.

The Honourable Sir Narasimha Sarma: Sir, the first question I have been asked is whether the Government of India are providing any facilities in addition to those which existed at the time of the Public Services Commission's report in 1914 for the imparting of higher training in some of the technical subjects to which special reference has been made, and I hope to be able to give a satisfactory answer that, as far as we can see, there does not seem to be any very great necessity for students to proceed from India to England to receive education for service in the Agricultural Forestry and Civil Veterinary Departments which are directly under me, when the facilities we hope to provide are completed. To take up the Agricultural Department first, Pusa is ready to take up the training of officers for the higher branch of research in science. Pusa is ready to take up students for training them as Deputy Directors of Agriculture. That is, both in the administrative branch and in the science branch, facilities have been provided at Pusa and in the allied institutions for imparting the higher training which students should get for entry into the Imperial Agricultural Service. We have Indianised the service considerably during the last three years. The number of Europeans who

have been taken into the Service during the years 1921-23 has been only 3 as against 23 Indians. If we have not been able to proceed further in the direction of the employment of a larger number of Indians, it is because the Provinces have not been able to find money to employ men in the 48 vacancies which at present exist in the Imperial Agricultural cadre. There are a number of applications from Indians who have been trained in England, at Pusa, or at both centres for appointment in the Indian Agricultural Service, and we shall be able to furnish the Provinces with men in various branches as soon as funds are available. It is owing to the very limited scope for appointment that although Pusa was ready to take 12 young men from the universities for training in the science branch, only 3 suitable men have sought admission. We have opened a school for animal husbandry at Bangalore and the training that would be imparted there and at Pusa would qualify a student for employment as Deputy Director. That is on the administrative side. There is only one thing more to be done and that we hope to do as soon as funds are available, that is the opening of an engineering branch, and with that equipment we hope to be able to complete our course of training at Pusa for the higher branches of agriculture.

With regard to the Civil Veterinary Department, the strength of Indians in that Department is not very satisfactory inasmuch as there were no training facilities in India for a very long period and the cadre of the service is very limited, namely 54, including 9 for leave reserve. But in the year 1921 we sent 5 Indian students from India for training in England and we hope to get four of them very soon into the Indian Veterinary Service. There is another satisfactory feature which I wish to mention to the House. We have got a very energetic, enthusiastic and capable officer at Mukteswar, Mr. Edwards, who has informed us that the facilities at Mukteswar are such as are possessed nowhere else in the world for civil veterinary training on the purely scientific side. We have taken six officers for training there—four from the Provinces and two from the laboratory—for the higher service, and I believe they have very nearly completed, or completed their courses of studies and some of them have succeeded in getting employment in the all-India Service. The Veterinary Board have laid down certain curricula for studies and as soon as the Provinces are able to find funds for imparting higher education, this branch of activity will be placed on a sound and satisfactory footing.

With regard to the Indian Forest Service, I regret that there has been some misunderstanding on the part of the House that there has been avoidable delay in this matter. Honourable Members will remember that very high importance has been attached by all those who are connected with forestry to the study of silviculture. The greatest obstacle that has stood in the way of training in the higher branches of forestry in India was that our forests were considered to be not silviculturally suited for further training. I shall not now allude to that controversy. There was another difficulty also, in that Dehra was not even otherwise well equipped for the task of training students in other branches of forestry before the buildings under construction were completed. The Government of India have with great difficulty found 46 lakhs of rupees for buildings and lands alone in order to equip the Forest Research Institute for the purpose of research, and it was only a few days ago that we could secure an additional sum of 12 lakhs of rupees for the purpose of

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completing the Research Institute and adding to the existing buildings. Until that is done it would be difficult to train students in the higher forestry branches at Dehra Dun and that has stood in our way partly. Now that we have secured funds, and it is also realised that the facilities which India can afford are such as are unparalleled elsewhere in all branches except silviculture and that, with a view to specialise in silviculture, men could be sent later on to Europe for training, we hope to be able to start in the next two years at Dehra Dun the higher course in forestry. Even as it is I have already given to you figures which

1 P.M. show that there has been a very large recruitment of Indians to the Indian Forestry Service. I have shewn Honourable Members that, so far as agricultural, veterinary and forestry training are concerned, the highest education possible anywhere is being or would in a few years be imparted. With regard to mining education, it was money that stood in the way and the Government of India are glad to inform the House that provision has been made in this year's Budget for the School of Mining and, as soon as the buildings are completed (I believe the Principal has been recruited already some time ago) we shall go ahead.

Then, Sir, the next subject that was alluded to is primary education. On this subject there is no essential difference between the Government of India and my Honourable friend Mr. Joshi. We are all for compulsory primary education. We are all for encouraging it in the administrations directly under the Government of India as well as in the Provinces; but here, as elsewhere, it is not lack of enthusiasm, it is not lack of conviction, but lack of money that stands in the way. It is not that we have been idle. We have doubled the grant under the head of primary education during the last 8 or 9 years. If Honourable Members will refer to page 201 of the Retrenchment Committee's Report they will find that, whereas the grant was Rs. 4,62,800, it is now somewhere in the neighbourhood of 10 lakhs and odd. My Honourable friend made special allusion to the North West Frontier. There I think the figures have risen from 2 lakhs and odd to 6,66,000 in 1922-23.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): Is the Honourable Member aware that 105 primary schools were closed last year in the North West Frontier Province?

The Honourable Sir Narasimha Sarma: I am painfully aware of the fact. But it has been due to the circumstance that we have been pressed very hard to balance our Budget. The Incheape Committee suggested certain retrenchments in educational expenditure and this House has not been able to see its way to increase the grant. We have been obliged to reduce temporarily, I hope, educational facilities, but, notwithstanding that, the amount spent is, as I have said, more than double the figure at which it stood in 1913-14.

Dr. H. S. Gour: Is the Honourable Member aware that the Incheape Committee did not contain a single educationist?

The Honourable Sir Narasimha Sarma: There were very cultured men on that Committee. They regretted that greater facilities have not been afforded in the case of primary education but still, business men as they were, they could not see their way to make any recommendations

for an increased grant and a business Government have been compelled also to accept their report and, apart from their report, more could not be done until we see brighter days in the financial world.

Nawab Sir Sahibzada Abdul Qaiyum: Will the Honourable Member please say if this House during its last term or in the present session ever refused a suggestion for a further grant for education?

The Honourable Sir Narasimha Sarma: I know that the hands of the Education Department have always been strengthened by the attitude of this House and I hope will always be strengthened by the House's attitude, and I have never complained that this House has not voted the funds we have asked for. All that I have said is that both the Legislature as well as the Government have been compelled, having regard to the circumstances I have mentioned, temporarily to put up with a state of things which we all hope to remedy in the very very near future. (*Nawab Sir Sahibzada Abdul Qaiyum:* "You cut off one lakh from a small province and small Budget last year.") It is regrettable, Sir, but I fear that there is a feeling in some quarters that in Provinces which are a general burden upon the tax-payer the process of improvement cannot be very rapid. I am not subscribing to that view, that in the field of education there should be any retardation of progress, and this Department will endeavour to do its best to improve the number of schools, to improve the quality of the teaching, to improve the pay of teachers, and we shall, you and I, equally look forward to a day when Sir Basil Blackett will be able to comply with our wishes.

Well, Sir, there are only one or two other points. I think the Honourable Mr. Mehta has referred to the unsatisfactory state of things in the United Kingdom in regard to the educational facilities existing there. The Lytton Committee report was received some time last year. We immediately circulated it to Local Governments; replies have just been received, and we hope to be able to deal with the various recommendations made by that body within the next two or three months. We have also invited all the universities to send their representatives to meet us in Simla some time in May, and with their help we hope to be able to elaborate the necessary procedure for the purpose of enabling students who are duly qualified and who deserve entry into the British Universities to secure as much and as speedy accommodation as may be possible. We realize that the British universities cannot, owing to the continuous demands made on their space, give unduly large facilities for Indian students; and therefore all well-wishers of Indian students have felt that it would be desirable that only the best equipped student, the student who would be in a position to benefit by education in Europe, should ordinarily resort to the British universities for further training. And that is the reason why the Government of India hope to strengthen their universities, their educational institutions, both general and technical, chiefly to render any sojourn in Europe unnecessary. But as that would not be practicable in all branches, inasmuch as it will take a very long time for the Indian universities to come up to the standard of the British and European universities in all branches of learning, therefore, to minimise the inconvenience inevitable under such conditions we are strengthening our institutions, and we also hope to be able to secure a procedure which will enable students without the difficulties alleged to exist and to which my

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Honourable friend has been alluding, to enter these universities if they are really deserving of such entry. Whether an intermediate agency is necessary in Europe for the purpose of assisting students to secure admission to universities is a moot question on which there has been a difference of opinion, and it is just possible that the Government may see their way to spare a little money for themselves if they find that no such facilities are really needed by the Indian students in England. But that does not mean that the Government of India and the Secretary of State would not give all the help which may lie in their power to assist students to secure admission if such assistance is sought, or to look after their welfare, if such action is needed on their behalf. There is no feeling of suspicion on the part of the Government of India, so far as I am aware; no sort of espionage is required and the Honourable Member may rest assured that, if it be brought to the notice of the Government of India that any students are subjected to annoyance and the worry of being spied on, they will take the necessary measures for the purpose of preventing such espionage. But during the one year that I have been in charge of the Department, no such complaints have been made to me, and I take it therefore that the evil is not the same now as it perhaps was at some previous time; but the Government of India never felt convinced that the evil existed at any time; and, if my Honourable friend would bring to the Department's notice any such cases, they will certainly be looked into.

There is only one other point and that is Sir Sivaswamy Aiyer's expression of view that we should not any more employ the word "coolie". I am not aware that in any departmental literature we employ the word "coolie". The Honourable Member may rest assured that neither myself nor the Department over which I have the honour to preside would use an expression which seems to be felt in certain quarters as an expression the meaning of which has degenerated into conveying a status akin to semi-slavery. But I am not saying that the word "coolie" always connotes or has always connoted that. But, as that is the feeling of the House, at any rate that is the opinion of Sir Sivaswamy Aiyer, there will be no difficulty in avoiding the use of the term "coolie".

Sir P. S. Sivaswamy Aiyer: It occurs in the Budget.

The Honourable Sir Narasimha Sarma: I suppose it is an Indian budget and in order to convey the meaning clearly, possibly the expression has been used. There is no difficulty which would be felt if the word "labourer" is employed.

The Honourable Dr. Mian Sir Muhammad Shafi (Law Member): Sir, I venture, with your permission, to offer a few observations regarding one particular criticism addressed by my Honourable friend Mr. Joshi against the educational policy of the Government of India. And I make bold to deal with that particular criticism in this House to-day, because it seemed to me that it was directed to the policy which was adopted by Government during the period when I was Member in charge of the Education Department. My Honourable friend was pleased to observe that the Government of India paid greater attention to university education than to the education of the masses.

Mr. N. M. Joshi: I said both university and secondary.

The Honourable Dr. Mian Sir Muhammad Shafi: To university and secondary education than to the education of the masses in this country. Now, Sir, with regard to the relative position which university, secondary and elementary education should occupy in the educational progress of a nation, opinions, sometimes different in their nature and scope, have been offered by educationalists. Into that controversy it is, I venture to submit, unnecessary for me to enter on the present occasion. But this much I feel sure all Honourable Members in the House will recognise, that if a nation such as ours striding onwards along the educational path is to make that progress in education which I am sure all sincere well-wishers of the country must admit is desirable, then it is the duty of the Government of the country to pay equal attention and devote its energies in equitable distribution towards the advancement alike of university, secondary and elementary education. I have been long enough a member of the Central Legislature to remember that from the time of Mr. Gokhale onwards up to the date of my appointment as Education Member educationist after educationist in the Central Legislature urged upon the Government of India the necessity of establishing more universities in this country. Indeed, it seemed to me personally that six universities only in a continent like the Indian continent with a population of 310 millions of God's creatures was an absolutely inadequate machinery for the propagation of university education. (Hear, hear.) And, if I was able during the three and a half years that I was in charge of the Education Department merely to double that number, I do not think that the Honourable Mr. Joshi has, on that ground, any reason to complain against the Government of India for having paid greater attention to university education than to mass education. But is it true that the Government of India did actually pay greater attention to university than to mass education? I venture to submit that that is not a correct statement of fact. It is true that for a time the Government of India were, because of the peculiar social and political conditions of this country, averse to the introduction of compulsion in the department of elementary education. But soon after I assumed charge of the office of Education Member—and now I am speaking from memory—the Government of India, considering that the country had made long strides in the path of education, revised its policy and, before the introduction of the reforms scheme, a circular was issued to all the Local Governments which resulted in, as I have no doubt my Honourable friend is fully aware, enabling legislation being introduced in almost all the Provincial Legislatures leaving it perfectly open to all Municipal and District Boards to introduce free and compulsory education where local conditions made it justifiable for them to do so. (Mr. Jamnadas M. Mehta: "If they could find money themselves.") Naturally; because from that moment education became a transferred provincial subject and, as has been ruled by the Law officers of the Crown, Central revenues could not be spent upon a transferred provincial subject.

Sir, my Honourable friend complained that, at any rate, within those territories which are directly under their control, the Government of India ought to have taken steps to introduce compulsory and free education. May I remind him that after the conclusion of the world war for a succession of years the Government of India Budget was a deficit Budget? I believe—I have forgotten the exact amount—in three years the total of

*[Dr. Mian Sir Muhammad Shafi.]

these deficits amounted to one hundred crores. It was because of that fact that the Inchcape Committee was appointed at the insistent demands of this House as well as of the Council of State in order that the Government of India Budget might be balanced by retrenchment in their expenditure. It is because, as remarked by my Honourable friend Sir Narasimha Sarma, the Government of India were finally not in a position to undertake the necessary measures to introduce compulsory and free primary education in the areas under their direct charge that they have not been able to do so, not because they do not realise the advantages of it, not because they do not realise the necessity of it, but because the financial position has been such as to make it impossible for them to take those steps. But the principal charge under the Government of India is the North West Frontier Province, and I believe—and I think my Honourable friend, Nawab Sir Sahibzada Abdul Qaiyum, will bear me out in that statement—that elementary education in that Province was made free some time ago. (A Voice: "Yes.") It is not compulsory but it is free, and, if the Government of India have unfortunately been compelled to direct the closing of some of the schools, it is due to the cause which has already been explained by my Honourable colleague. I believe that a comparative study of the statistics relating to elementary education in the various provinces of India will show the Honourable Members that, with the exception perhaps of Burma, or may be one or two other provinces, primary education in the North-West Frontier Province is a long way ahead of primary education in many of the other provinces of India, so that really there is no reason to complain in so far as the spread of primary education in that province is concerned.

Mr. N. M. Joshi: May I ask the Honourable Member if he proposes to give a reply in regard to the ecclesiastical question.

Mr. M. S. D. Butler (Secretary, Department of Education, Health and Lands): Sir, when the Honourable Member referred to the ecclesiastical establishment I raised a point of order, not because I wished to stifle discussion, for Government have nothing to conceal in the matter, but because I had not anticipated that the question would be coming up to-day and I had not my papers by me. But, as the Honourable Member has raised the subject I am very happy to reply to him.

There have been several questions in the House this session with regard to ecclesiastical expenditure, and in replying I have endeavoured to explain what the Government have been doing in the matter. The whole subject was gone into by the Retrenchment Committee and certain recommendations made, and my Honourable friend Sir Purshotamdas Thakurdas wrote a special note about it, which was carefully considered by the Government. The expenditure on the ecclesiastical establishment is a very old one which has come down from the beginning of the connection of the British with India. The original idea was—and the reason still holds good—that when British officers and British soldiers professing the Christian faith are brought out to serve in a country which professes a different religion, they are entitled to receive such religious ministrations as they would get in their own country. With this object in view from the very earliest years of the British connection with India provision has been made for an establishment of Chaplains to minister to the religious needs of the

Europeans sent out to India from England, whether in the civil or in the military services.

Now, Sir, when that was first done, there was, of course, no sort of Christian organisation in India, but, as time has gone on, there has been a change in that respect. Missionary societies have sent their ministers out to India, and there has grown up a network of Christian organisation in the country, and I think Honourable Members here will not deny the advantages which have accrued to India from the educational and medical activities of those bodies. There have been changes also in the distribution and numbers of Europeans, whilst the spread of communications has also introduced fresh factors. When the Retrenchment Committee went into the matter they said they thought there should be a reorganisation of the Ecclesiastical Department in the light of modern conditions. Well, Sir, we did go into that. We found that there were 166 chaplains provided to minister to the civil and military needs in this country. After a careful examination of all the stations where these chaplains were provided, the Government came to the conclusion that it was now necessary for the needs of the Army to entertain, I think the figures were, only 98 chaplains. They also felt that there was need still only for something like 40 chaplains in stations where their duties would not be primarily military but civil. Accordingly they came to an arrangement with the Metropolitan to entertain 138 chaplains and to reduce the remaining 28 as occasion offered, and in their place to give grants-in-aid. The saving to be secured was calculated at Rs. 4,30,000 so soon as the reductions were completed. The agreement was also made for seven years in the first instance. The arrangement, I think the House will agree, marks a very great development in our ecclesiastical policy, and as I said before, it will be reviewed at the end of seven years in the light of the then conditions. Before I sit down, I might take the point which was raised by an Honourable Member when I gave this information to the House in reply to a question the other day. He asked, do you provide *maulvis*, *pandits* and *granthis* for the Indian army, and I replied certainly. I have the figures here in Sir Purshotamdas's note. It appears that in 1913-14 Rs. 34,000 only were provided for the provision of *maulvis*, *pandits* and *granthis* in the Army. Since then the expenditure has risen to Rs. 2,23,000, that is to say, six or seven-fold. There is now just the same provision made for the religious needs of the Indian troops as there is made for the British troops . . .

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): May I inquire what is the average pay of a *maulvi* or *pandit*?

Mr. M. S. D. Butler: That I cannot say, but the provision made is the provision which is needed to get men suited for the work.

Mr. Shambhu Dayal Misra (Central Provinces Hindi Divisions: Non-Muhammadan): Are there any temples constructed at Government expense?

Mr. M. S. D. Butler: Sir, there have always been temples in India. The reason why churches had to be built for Christians is that originally there were no churches here and therefore it was necessary to provide them for the troops and officers to worship in.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): May I know if the chaplains are Indian Christians or Britishers?

Mr. M. S. D. Butler: The chaplains are kept only in those stations where there are European officers or soldiers imported from England in such numbers as to make a whole-time chaplain necessary.

Mr. G. Duraiswami Aiyangar: May I know, Sir, if it will make any difference if Indian Christians are appointed as chaplains and the expenditure thereby reduced?

Mr. Chaman Lal (West Punjab: Non-Muhammadan): I am sorry I raised the question. I personally am against the employment of any *pandits*, *maulvis*, *granthis* or chaplains in the Army.

Mr. M. S. D. Butler: That point is open to argument. All I say is that in making their provision for the Army, the Government of India have endeavoured to provide for all classes alike.

Mr. G. Duraiswami Aiyangar: May I have an answer to my question?

Mr. M. S. D. Butler: No, Sir; there are no Indian chaplains in the Army. If I may repeat, Sir,—this decision which we have just come to is the result of careful negotiation with the parties concerned, and I trust that the House will not introduce a discordant element into the matter by questioning its wisdom.

Diwan Bahadur M. Ramachandra Rao: I beg to withdraw my motion. The motion was, by leave of the Assembly, withdrawn.

Dr. H. S. Gour: Sir, we have now disposed of motion No. 78. You will find we have still 90 motions to dispose of, and, if we allow for 3 hours to-day and say 4 hours to-morrow, we have only 7 hours in which to dispose of these motions which on an average works out to 4 minutes and a fraction of a minute *per* motion. I hope that a time limit will be fixed. I have consulted my friends on this subject and they seem to be agreed that some limitation of that character is necessary. The question is whether it should be 15 minutes, as some suggest, or, as Sir Sivaswamy Aiyer suggested, 5 minutes. I have followed the golden mean by suggesting 10 minutes and I therefore move that on all future motions the speeches be confined to 10 minutes.

Mr. President: Motion moved:

"That speeches at subsequent stages of the debate on Demands for Grants be restricted to ten minutes."

I would suggest adding a proviso that where a Member of the Government has to reply to a number of speeches he may have such latitude as the Chair may choose to allow him.

Dr. H. S. Gour: Certainly

Pandit Shamlal Nehru: And for other people also.

Mr. President: If the Chair allows it.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President in the Chair.

Sir P. S. Sivaswamy Aiyer: Sir, I wish to say a few words on this motion*. In answer to certain questions put by the Honourable Sir Purnsho-tamdas Thakurdas, the Honourable the Finance Member gave a list of several outstanding questions between the Government of India and the Imperial Government. Most of these questions relate to the Military Department and raise issues connected with capitulation charges and a number of other things connected with the Army. These questions have been pending for a long time, and I think it is desirable that we should take some means to expedite a settlement of these questions. It seems to me, Sir, that the best method of expediting a settlement of these questions is by sending a deputation of two of our best officers with powers to discuss the matter with the War Office and the departments of the Imperial Government concerned in these matters and to negotiate a settlement. I do not think we can get a better officer for this purpose than Sir B. N. Mitra of the Military Finance Department and it is perhaps desirable that we should send another officer of a superior status so that his authority to deal with these questions may be accepted without demur. Speaking for myself, I think, we should all be immensely pleased if the Government of India could prevail upon Sir Malcolm Hailey to undertake this task during his period of absence in England. Probably it may deprive him of his holiday, but a task which has to be performed at home under more genial conditions of climate than are obtainable in Delhi or even at Simla may perhaps not prove a very unattractive proposition. I would, therefore, suggest that the Government seriously take into their consideration this proposal of sending two officers with full powers to discuss these questions with the War Office and the other Departments and negotiate a settlement subject, of course, to the formality or requirement of the sanction of the Government of India before a final settlement is adopted. I think it is impossible for us to think of two better plenipotentiaries than Sir B. N. Mitra and Sir Malcolm Hailey. The presence of Sir Malcolm Hailey would be very desirable as we want, if possible, an officer of his status and commanding ability. The House and the country also would feel grateful both to the Government of India and to the officers if a deputation could be arranged in the manner I have suggested.

Another question which I should like to raise in this connection is this. I believe the Honourable the Finance Member has seen a copy of the report of the Auditor of the Home Accounts. That report shows a very sad state of things and the inefficiency of the supervision exercised by the Secretary of State over the departments under his charge. I think the endeavour of the Government of India should be to relieve the Secretary of State, of the agency duties with which he is now entrusted, as far, of course, as we can under the existing constitution. Now, one instance in which the India Office has been scandalously unmindful of the interests of British India is in regard to the payment of military pensions during the period following the war. I have not just now got with me the report of the Auditor of the Home Accounts, but I am perfectly justified in making that remark, that it discloses a scandalous lack of supervision. If the Honourable Sir Basil Blackett has got the report in his hand I can refer to the

* "Motion in the name of Sir Chimanlal Setalvad, which was not moved:

"That the demand under sub-head 'Finance Department' (page 52) be reduced by Rs. 100."

[Sir P. S. Sivaswamy Aiyer.]

specific instance I have in mind. Now, it seems to me that the payment of military pensions can very well be taken out of the hands of the Secretary of State and transferred to the High Commissioner, who is subject to the control of the Government of India. Instead of having to deal with a high functionary who plays a dual part, sometimes as agent and sometimes as master, it will be more satisfactory to deal with a High Commissioner who will be entirely subject to the control of the Government of India.

So far as I can see, there is no legal impediment to our relieving the Secretary of State of this function of payment of military pensions and other non-effective charges. But, though there may be no legal impediment, the Secretary of State may not be willing to part with this power which enables him to dispense favours intentionally or unintentionally. I will take it of course that he dispenses his favours unintentionally. I am quite willing to give him the benefit of the doubt. But this transfer of functions seems to me to be a point which it is necessary for the Government of India to take up.

Another point which I wish to suggest is this. The report of the Auditor of Home accounts shows that the accounts and the audit report are really not subject to any effective review by any independent authority either in India or in England. It may be that under the existing statutory limitations it may not be possible for us to go very far in that direction. But one thing at any rate is quite feasible, and that is, that before the Auditor's report is laid before the Houses of Parliament, a copy of it should be sent to the Government of India here and should be laid before the Public Accounts Committee in India, and the report as presented to the House of Commons should be accompanied by a copy of the remarks of the Public Accounts Committee here in India. That course, I think, will convey some information and criticism from the Indian point of view to such of the Members of the House of Commons as are disposed to study the Home Accounts of the Government of India.

Yet another suggestion which I wish to make is with regard to the money that is now spent upon the education of British soldiers in the Army School of Education at Belgaum and other places, the object of which is to make them efficient and useful citizens in their after lives after their discharge. That is a charge which should legitimately be borne by the British Exchequer. We are interested in maintaining the soldiers in a fit condition during their service here. We are not very much interested in their future career after they leave India. It seems to me that this is a matter which should properly be provided for by the British Exchequer and not by the Indian Exchequer. I am not now referring to the other question of the training that we give to superior officers of the Army. I do not propose to refer to it at this time. What I am now referring to is only . . .

Mr. E. Burdon (Army Secretary): May I rise to a point of order, Sir? Are we discussing now the Army Department or the Finance Department?

Mr. President: There is no motion for reduction actually before the House now. A motion for reduction was down on the paper in the name of Sir Chimanlal Setalvad, but the Honourable Member was not present. I allowed Sir Sivaswamy Aiyer to discuss the Finance Department, because the vote for General Administration is still before the House. And Financial Adviser, Military Finance, comes under Finance Department; is that not so?

Sir P. S. Sivaswamy Aiyer: My object in mentioning it was that the principle raised is one of financial adjustment between this Government and the British Government. I have no objection to the British soldiers being given a training here which would fit them to be useful citizens in after-life. But what I say is that the cost of that training ought to be debited to the British Exchequer. It is a question of financial adjustment, a question which Sir Basil Blackett ought to take up with the Home Government. It is only from that point of view that I mention it in this connection.

The Honourable Sir Basil Blackett: Sir, the first point that was raised by my Honourable friend, Sir Sivaswamy Aiyer, was one which, as he will have noticed, was received with acclamation by the House. The suggestion that the Honourable Sir Malcolm Hailey should devote two months of idle time which he will have on his hands when he goes away from us in order to return to an even more exalted position, would, I am sure, be universally acclaimed if we could persuade him to overcome his modesty and believe that it is a fit task for him to undertake. Nevertheless, seriously, I am not at all sorry to hear the Honourable Member raise this important point. The existence of these large outstanding questions between the Government of India in the Army Department and the War Office is an unfortunate fact and the sooner we can get a settlement of these outstanding questions, I am sure, the better for everybody. The position of a Finance Member, who has to make a Budget in March without knowing whether charges amounting to more than a million pounds sterling will not come in course of settlement during the year, is not a very happy one. The House will remember that even in the revised Budget for 1922-23 the Finance Department were out to the extent of £800,000 owing to their expectation that a particular payment would be made that year which eventually was made the year after. Therefore, any suggestion for the early settlement of these matters is one which cannot but have our sympathetic consideration. There are, however, constitutional difficulties in the way of giving immediate effect to that suggestion, though I am sure that the Secretary of State for India is equally desirous with the Government of India of arriving at a solution. The possibility of finding a means, either such as is suggested by Sir Sivaswamy Aiyer, or another, will be immediately considered. I should like to take this opportunity of saying that the tribute which he paid to Sir Bhupendra Nath Mitra in singling him out as a suitable officer for this function is one that is very thoroughly deserved. (Sir P. S. Sivaswamy Aiyer: "And also to Sir Malcolm Hailey".) Sir Malcolm Hailey can, if he thinks fit, praise me, but it would be impertinent on my part to praise him.

The next point relates to audit reports. The Government of India have made arrangements now under which the report of the Auditor of the India Office accounts will in future be laid before the Public Accounts Committee. That will be done this year. That will get over the difficulty, to which Sir Sivaswamy Aiyer drew attention, that to some extent this report fell between two stools and was not examined by an independent authority either in England or in India. There was no intention of preventing any such presentation to the Public Accounts Committee and it was really due to a misunderstanding that it has not been done hitherto. I think the statement by the Auditor of the Home Accounts is not entirely complete on that head.

[Sir Basil Blackett.]

In regard to the question of the military pensions, of course, immediately after the war, it was a common experience of more than one Government that the arrangements for an effective control of the enormous amount of accounting work that had to be done in connection with the pay, pensions and demobilisation charges generally of the Army led to a certain amount of incompleteness and inaccuracy in results. The state of affairs to which Sir Sivaswamy Aiyer drew attention is no doubt that mentioned in paragraph 25 onwards of the report of the Auditor upon the accounts of the Secretary of State for India for the year 1921-22. I would draw his attention to the fact that at the end of that report the Auditor stated definitely that the previous form of report has now been modified and that the rules and instructions of the Ministry of Pensions are to be followed strictly by the India Office Board. The tightening up of administration, if effectively carried out, should obviate any shortcomings that may now exist in regard to the control of the large amount being disbursed on account of military pensions and lead to a considerable saving. He at any rate suggested—perhaps not very confidently—that an improvement was in process of taking place and I can say from my knowledge that there has been a considerable improvement in these matters. On the point whether these pensions should be paid through the India Office or the High Commissioner, the Honourable Member will be interested to know that arrangements have just been made under which the pensions of civilians employed in the Army Department will in future be paid through the High Commissioner and not through the India Office, that is to say, the transfer in the direction which is desired by Sir Sivaswamy Aiyer is in course of taking place. There is no immediate intention of transferring the military pensions but the matter will receive attention.

Sir P. S. Sivaswamy Aiyer: Is there any legal impediment?

The Honourable Sir Basil Blackett: I am not sure on that point. I should not like to give a definite answer. I do not think there is. My information is that there is none.

Sir P. S. Sivaswamy Aiyer: Then this requires only your pressure.

The Honourable Sir Basil Blackett: This is of course part of the general transition that is taking place. Duties are being transferred as convenience allows from the India Office to the High Commissioner. All duties in the nature of agency functions are being thus gradually transferred.

In regard to the education of military soldiers in India to make them good citizens, the Honourable Member suggested that we should make an application to the British Government to bear that charge or a part of it. I am not entirely familiar with the nature of the subject to which reference has been made, but it is, I understand, not merely to make a good citizen hereafter that the education is being given, but for the purpose of making a good soldier as well, and, therefore, it is part of the cost of the Army in India.

Sir P. S. Sivaswamy Aiyer: Especially general education.

The Honourable Sir Basil Blackett: If it is part of general education, it ought not of course to be charged to military votes at all.

I should like to mention one more point. I was asked yesterday some questions about provision for contingencies. I have here the figures

showing the total provision for contingencies in 1923-24 and 1924-25 in all the departments which come under the head of General Administration. The total Budget estimate for 1923-24 was Rs. 10,63,840. The total in 1924-25 is Rs. 8,42,510, a reduction of Rs. 2,20,830. That reduction has been made possible partly as the result of the reductions in the total strength which followed on the reorganisation as a result of the Retrenchment Committee's report and partly on a very careful examination of the details of the contingent charges for each department which was made by a special officer during last summer. The result of that was to enable us to find a considerable number of small savings which total up to the satisfactory figure of Rs. 2,20,000.

Diwan Bahadur M. Ramachandra Rao: Sir, perhaps you will allow me to say a word in connection with the suggestion of my Honourable friend, Sir Sivaswamy Aiyer, in regard to these outstanding claims. I see, Sir, from an interpellation which has been answered in this House that these claims amount to a sum of nearly one million pounds and have been outstanding for some considerable time. The suggestion made by my friend that the Honourable Sir Malcolm Hailey and Sir Bhupendra Nath Mitra should be deputed to negotiate with the British Government and come to a distinct understanding on this matter has certainly my hearty support. But, Sir, the constitutional position of the Secretary of State has still to be considered. It may be that my Honourable friend, Sir Malcolm Hailey, will put forward a very good and constructive scheme and arrive at a settlement. But the Secretary of State as a member of the British Cabinet comes into conflict with himself in his capacity as Secretary of State for India. This has been so not only now but on several previous occasions, and Honourable Members who have studied the various reports from the time of the Welby report up to date will find that on several occasions the Secretary of State for India has given away the case on behalf of India by virtue of the fact that he is a member of the British Cabinet. That is the initial difficulty in this case. It may be that my Honourable friend may be able to come to a reasonable settlement but it certainly depends still on the Secretary of State for India to press our case on the British Cabinet. That, Sir, is the real difficulty in the case. I believe that, unless the constitutional position is cleared up and we know where we are with reference to the Government of India, these financial difficulties will never be satisfactorily solved.

Sir, whatever may be the case under the present constitution, my suggestion is that whatever settlement is come to or is suggested should be placed before this Assembly and should be approved by an affirmative Resolution of this House. I think, Sir, such a course would rather strengthen the position of the Secretary of State in pressing the case on behalf of India. Unless some such thing is done, I am certain, Sir, that we shall again be saddled with a sum of money which will be regretted by this Assembly when the matter comes up here next. Sir, I referred yesterday to many of the financial liabilities which have been placed on our shoulders by the Secretary of State in Council and I trust that this procedure of having these financial liabilities discussed in this House first, before the Secretary of State comes to any conclusion, should be adopted for the future. As I have said, this is the only way under the present constitution by which the Secretary of State will have the authority of this House in pressing our case as against the authority of the British Cabinet in the settlement of these claims.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I am very glad to have had this opportunity of speaking on this subject a little in continuation of what I have said till now. In replying to Question No. 787 put this morning by Khan Bahadur Sarfaraz Hussain Khan I heard the Honourable the Finance Member give about the same answer that I got from him at the beginning of the Session. I am perfectly ready to believe, and in fact do believe, that the Government of India are as anxious that India should pay as little as possible with reference to these claims as any Member of this House and I do not think I am giving away any secret in saying that the India Office till now also has stood by the tax-payer and has fought India's case very well indeed. But, Sir, past precedents in these matters do not give one much hope and if one looks back at all the claims raised by His Majesty's Government till now, from 1860 onwards, there was only one occasion, I think in 1874, where the case was taken right up to the final point and the British House of Parliament upheld the point of view which the then Viceroy and the then Secretary of State practically fought out to a finish. In every other case practically India has lost and I do not think it would be any reflection on any of the Members of the Benches opposite if this House expressed a very strong view that no settlement should be arrived at with reference to any of these huge claims levelled against India by the War Office or any other Department of His Majesty's Government without the express consent of this House. I have not been able to understand why the Honourable the Finance Member is unable to give any assurance of this nature to this House. It may be perfectly correct that the Government of India are constitutionally within their rights in settling the claim, but I have not been able to extract from the Honourable the Finance Member a definite assurance that this House would be consulted before a settlement is arrived at. I tried in one or two cases by supplementary questions without any very much relief or progress in the direction I wanted. I feel very strongly, Sir, that it would not be right for this House to suggest any names at this stage; especially with regard to the Honourable the Leader of the House, I do not know if he would like his holiday in Europe, short as it is, to be interfered with by any juggling with financial figures. I think there could be no secret which the Government of India or the Secretary of State might like to be kept confidential in connection with all the correspondence that may have passed between the Government of India on the one hand as representing, if you like, the Secretary of State, and the War Office on the other. These claims are very old claims; 5, or 7 or more than 10 years have passed now, and it is high time that we got a definite assurance from the Treasury Benches opposite on behalf of the Government of India that no claim would be settled without consulting, if you like, either this Assembly, or at least the Finance Committee of this Assembly. I should not sympathise with any Honourable Member on the Treasury Benches who later on, after settling the claim, when this House criticises the Government very strongly, complains that the House was going for any Member opposite. I feel that the representatives of the tax-payers have every right to demand that in connection with these claims they should be consulted, they should be allowed an opportunity of going into them—if you like the Assembly may be represented by a small Committee or by a few selected Members of the House. But I should not like the Government of India to take the responsibility of settling these claims either by arbitration or by mutual settlement. I do not think, Sir, anything more need be said.

The Honourable Sir Basil Blackett: Sir, I should like to say just one word in reply to what Sir Purshotamdas Thakurdas has said. First of all as to the amount of claim, he quoted 100 million pounds sterling.

Sir Purshotamdas Thakurdas: Mr. Ramachandra Rao said that.

The Honourable Sir Basil Blackett: That is a nice round figure to talk about. But in some of these claims, in particular the claim of 40 millions, no one can really take that sort of total very seriously. That is the figure that has been suggested, but it is in the realm of fairyland, though it is quoted and quoted again and again. I think it is not desirable that it should go about the country as being really within the bounds of practical politics.

Sir Purshotamdas Thakurdas: When, what the Honourable Member says goes out, people will know.

The Honourable Sir Basil Blackett: I will say no more about it. But in regard to consultation with this House, we must remember the constitutional position. The decision rests not, as the Honourable Sir Purshotamdas Thakurdas said, with the Secretary of State, but with the Secretary of State in Council, that is, not with the Secretary of State as a member of the British Cabinet, but the Secretary of State as part of the governance of India, in that part of his functions, not as an individual, but as part of a Council, namely, the India Council. That does make a serious difference.

Diwan Bahadur M. Ramachandra Rao: May I ask whether the Honourable Sir Basil Blackett seriously contends that the Secretary of State's Council will pit itself against the British Cabinet in a matter like this?

The Honourable Sir Basil Blackett: I have known it do so.

The Honourable Sir Malcolm Hailey: I have known it too.

Diwan Bahadur M. Ramachandra Rao: May I ask in how many cases it has been successful?

The Honourable Sir Basil Blackett: If I am to answer that question arithmetically, I should have to ask for notice. But it has certainly been successful more than once. The facts may not perhaps be on record but there are numbers of occasions on which it has stood very faithfully to its duty in regard to this control of finance in the interests of the Indian people. In regard to one of these claims in particular, I believe that it is the attitude of the India Council that has prevented before now a settlement which might not have been entirely satisfactory to India. The Secretary of State in Council, therefore, must be the final authority. Moreover, the Government have not got a majority in this House and they cannot say that they will accept as final a decision by this House, even if they had the constitutional power. They might desire to do so; but in this case not only have they not got a majority in this House, but it is not the Government of India but the Secretary of State in Council with whom the decision rests. I cannot therefore go beyond what I have already said that the Government of India will do their best to see that full information is given to this House on the subject as it becomes available from time to time. That must not be taken as a statement that the Government of India intend to go and settle this over the heads of the Assembly, but it is a statement of the constitutional position as it exists and beyond which I am not in a position to go.

Dr. H. S. Gour: Is the Honourable the Finance Member aware that any liability incurred by the Secretary of State's Council will come out of the general revenues of India and that we will have to find the money, and from that point of view the constitutional position which he enunciates has since been modified by the passing of the Reforms Act?

The Honourable Sir Basil Blackett: I do not think it has been modified by the Reforms Act, in that sense.

Diwan Bahadur M. Ramachandra Rao: Is it not possible that the Secretary of State may make it a non-votable item?

(The President then called on Mr. Joshi to move his amendment. No. 80.)

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

"That the demand under the sub-head 'Department of Industries and Labour' be reduced by Rs. 100."

Sir, I want to draw the attention of the Honourable Member in charge of this Department to certain matters regarding the interests of Indian labour. The importance of the question regarding labour is day by day increasing and it will increase still more in the near future on account of the great desire which the country is showing for a rapid industrialisation by means of protective tariffs and other methods. Both the importance and the complexity of the problem, therefore, are likely to grow in the near future. I am anxious that the Government of India should be prepared to meet the present situation as well as the situation which is likely to arise in a very short time. It is necessary that the Government of India should be in a position to deal with these questions. Unfortunately, the Government of India, instead of being in a position to deal with these questions in a better way, are gradually doing things which clearly show that they are not quite alive to the importance of the problem. In the first place, the Government of India have already reduced the staff they had maintained to look after the labour questions in the country. I had referred to this question last year. The Government of India used to have a Labour Bureau. There were two officers in the Labour Bureau as well as some staff. But the Retrenchment Committee, which did very good work as regards other matters, as it consisted of capitalists, decided to abolish this Labour Bureau. Sir, that is my first complaint and I want the Government of India, as the finances of the country have improved, to re-establish the Labour Bureau, not only with the number of officers which it had before, but with a large number of officers as well as staff. Unless there is an agency with the Government of India to look after railway problems satisfactorily, the labour legislation which is necessary in the interests of the working classes is likely to be delayed. The Government of India have already shown that they are not able to introduce legislation which they had already promised. Some three years ago the Government of India had promised to introduce legislation to register trade unions. A question was asked on this point only a few days ago and the Honourable Member in charge of the Department said he could not undertake to say when the legislation would be introduced. I think 3 years quite sufficient time for the Government of India to consider this question, but, unfortunately, up to this time, they have not been able to make up their mind on this question. If they had a Labour Bureau I think the matter would have been expedited. The question of legislation for trade unions is important to the working classes

on account of the fact that the recognition of trade unions is denied on the ground that the unions are not properly formed. If the unions are registered, the registration itself is one kind of evidence that the union is properly formed. I do not say that, even if a union is registered, it will be recognised, still the registration itself will be some evidence of the fact that the trade union is properly formed; therefore we are anxious that Government should introduce that legislation at an early date.

Secondly, I want the Government of India to introduce some legislation to bring into existence machinery for conciliation and arbitration. The Government of India have not yet done it. Its evil effects are seen in many provinces, but still the Government of India do not move. Perhaps the Government of India are waiting to see the Local Governments introduce legislation; but, Sir, no Local Government has yet introduced legislation, and, if the Government of India wait for ten years more, I am quite sure that very few Local Governments will have done that and I think that the Government of India should take up this matter and introduce proper legislation.

The third matter on which I would like the Government of India to introduce legislation at an early date is as regards prohibition of the employment of women during the period of confinement, and to make provision for the giving of maternity benefits. This question also has been before the Government of India for more than four years. They do not say that they do not see the importance of the question; they see the importance of the question, but, unfortunately, they do not think that question is so important that they should take early action. It was said sometime ago that the Government of India first want some action to be taken as regards maternity benefits by voluntary efforts. They want to try their power of persuasion and to exercise their voluntary influence over the employers and see that the employers themselves introduce some rules on this question, but they have not met with much success. I want to know if the Government of India made serious efforts to persuade the employers to give maternity benefits as well as not to employ the women at least some days before confinement and some days after confinement. Sir, the Government of India, as they are a civilized Government, cannot delay this question much longer. I know that the Government of India, during the last four years, have collected some information, but the collection of information does not satisfy the needs of the working classes. They may go on collecting volumes and volumes without doing any good to the working classes. I see the need of collecting information if it is within certain limits. Let the Government of India spend a year or two in collecting information; they have spent nearly four years in collecting information, and I think it is high time that they should introduce legislation on this question without delay.

Then, Sir, there is another question to which I want the Government of India to give their serious consideration. On account of the industrialisation of the country new problems are arising and becoming serious. One of them is unemployment in the country. There is unemployment both among the middle classes as well as among the working classes. A great number of people are out of work because there is no work for them. Sir, this unemployment is a natural consequence of industrialisation. Industries do provide employment to working classes, but industries also bring in their train periodical unemployment, and, if the country wants industrialisation, the country should be ready with some measures to meet unemployment which is bound to come periodically. Sir, that period has

[Mr. N. M. Joshi.]

come now. Therefore, I want the Government of India to give their serious consideration to the question of unemployment. They must find out remedies to meet this evil. They must establish public employment agencies, and they must also consider whether it is not now possible to institute some measure of unemployment insurance. The question of making provision for the working classes during their illness as well as after their retirement from service is also becoming very serious. There was a time when we used to think that those working classes working in the factories could go to their villages and live there happily after they had become old, but, Sir, those days are rapidly passing. When a worker works in a factory up to the age of 50 or 55 years or 60 years, he generally has lost his land and has nothing to depend upon. There are numerous cases of people who have nothing to depend upon after they have retired from the factories and their number is now growing larger and larger. It is necessary that the Government of India should now consider this question

Mr. Darcy Lindsay (Bengal: European): I would like to point out that Mr. Joshi has exceeded his time limit by at least one minute.

Mr. N. M. Joshi: Sir, I may say this, that I do not want to take any unnecessary time, but at the same time it will be convenient to the House that I should deal with this question on one motion instead of dealing with it on several motions.

Dr. H. S. Gour: How many motions will you require?

Mr. N. M. Joshi: It depends upon the circumstances, but I shall not take any more time, if the House wants different speeches, I am prepared for them. Sir, I want the Department of Industries and Labour to give very serious consideration to the legislation which is absolutely necessary in the interests of the working classes of this country. I hope they will take early steps to do it.

Mr. Chaman Lal: Sir, I have no intention of exceeding the time limit which has been set, and I shall try and endeavour to remain this side of the limit you have fixed. I take this opportunity of stating that in the debate that took place the day before yesterday I was perhaps guilty of some sort of injustice to the Honourable Mr. Chatterjee. I am perfectly aware that he did all he could in the matter of the British India Steam Navigation Company, and, if my remarks carried a meaning which I did not intend, I apologise to him.

But, Sir, it is a very different matter with which we are dealing at the present moment. We are dealing with the whole principle of labour administration in this country. I am surprised that no attempt has been made to set up a Labour Ministry in charge of labour problems which crop up from time to time in this country. Recently we had the strike of the textile workers in Bombay—a strike on a very colossal scale which resulted in the loss of 3 or 4 lives and has caused an immense amount of sorrow and hardship to the workers of Bombay. Now, if you had had a Labour Ministry, you would certainly be in a position to deal with problems of that nature as they arise. But, as it is, we are shunted from the Central Government to the Provincial Government and from the Provincial Government to the Central Government, and by the time we have

found out as to who exactly is responsible for giving an explanation to us, the strike is probably over and no redress can be had for the workers. The Honourable Mr. Joshi has referred to various problems that could be tackled if you had a Central Bureau here in Delhi; but it is not mere bureaux that are going to settle this matter. It is a change of policy on the part of the Government of India. So far labour has been treated as if it were an adopted child, very much of an obstreperous child in need, to be smacked and put in the corner. But I do not think that is the attitude which the Honourable Mr. Chatterjee has been adopting towards labour. I know his sympathies for labour. I know he is undoubtedly willing that something radical should be done to do away with the conditions which now prevail in industrial centres in India. You take, on the one side, the textile industry. We hear the textile industry is very hard hit. What are the actual facts? You find that mill after mill has been making profits ranging from 100 to 200 per cent. in many instances. You take, on the one side, profits for 1914. The textile industry in Bombay made a profit of 89 lakhs in 1914; in 1916, 674 lakhs, in 1918, 471 lakhs, and then a most surprising jump in 1919 when the profits rose to 13 crores and 6 lakhs. When you remember that the total capital invested in the mill industry in Bombay is 12 crores, and that in 1919 the mill-owners of Bombay made profits of 13 crores and 6 lakhs, the plea they put forward, that they are very hard hit, is a plea which can never be justified. And it is on that plea that they tried to do away with the bonus they usually give to the workers. What is this bonus given to the workers? The bonus is simply part of the wages they keep back from the workers during the course of the year and which they give in a lump sum at the end of the year. That is not a statement I am making on my own authority. I make it on the authority of Mr. Findlay Shirras who ought to know what he is talking about.

The Honourable Mr. A. O. Chatterjee: I do not wish to interrupt the Honourable gentleman, but the settlement of labour disputes is a provincial subject and I do not know if he is in order in referring to the present dispute in Bombay.

Mr. Chaman Lal: May I remind the Honourable Member, Sir, that, if I am not mistaken, the representatives of the Workers' Welfare League in London went and saw Mr. Montagu when he was Secretary of State for India, and he promised that Conciliation Boards would be set up under the auspices of the Central Government and I cannot see how it is a provincial subject. If a promise of that nature has been given, and I believe it has been given, then I am perfectly in order in dealing with subjects of that kind. I speak subject to your ruling, Sir.

Mr. President: It is not always easy, as the Honourable Member knows, to say what is in order and what is not. A very good test is whether the Honourable Member to whom a question is put is in possession of the information and can answer it; and secondly, whether administrative action on his part could settle the trouble to which reference is made. The points raised by Mr. Joshi were, I think, all of them within the scope of the Honourable Member's Department, and so far as I can see some parts of the Honourable Member's remarks are in order though, when he refers specifically to the settlement of labour disputes, that is a matter which the Local Governments themselves are solely concerned with.

Mr. Chaman Lal: I thank you for your ruling, Sir. I would like to point out that, personally, I think a great deal will be gained if legislation on those lines is undertaken by the Central Government to establish Conciliation Boards throughout the country, and I cannot see that any harm will be done by the establishment of Central Conciliation Boards.

Now, Sir, coming back to the question of wages, the profits made by the millowners and the grievances of the workers throughout India, particularly in the textile industry, may I point out to the Honourable Member that although, on one side, these are enormous profits earned by the mill industry in Bombay, on the other side, if you will examine the wages, you will see that those wages have not been commensurate with the profits earned by the owners. Let us take, for instance, one mill—I will not take the name of that mill, because I do not like to single it out for condemnation. Let us take the condition of a scutcher in Bombay. You find that in 1897 the wages for a scutcher were Rs. 10; in 1922 they rose to about Rs. 14 to Rs. 15; Lap Carrier used to be paid Rs. 9 in 1897, while in 1922 he was paid Rs. 12; a fly-carrier Rs. 7 in 1897, and Rs. 9-5 in 1922. A sweeper Rs. 7 in 1897, and Rs. 8 in 1922; a drawer Rs. 12 to Rs. 15 in 1897, and in 1922 Rs. 17 to Rs. 22; a peeler Rs. 7-5-9 in 1897 and Rs. 10-13 in 1922; a dresser Rs. 10-14 in 1897 and Rs. 15 to Rs. 17 in 1922. Now these total wages have been increased no doubt by 70 per cent. for fixed wage workers and by about 10 per cent. for piece workers, but these wages are not commensurate with the rise in the cost of living or with the profits which the millowners have been making in Bombay during recent years, and I do consider, Sir, that if you had a Labour Ministry, that body would immediately appoint certain Members of this Assembly as an Advisory Board which could advise on all topics of this nature and do everything to see that justice is done to workers throughout India. I merely instance the textile industry, but if you look at the other industries of India—take for instance the jute industry or the tea plantations—you find exactly the same state of affairs prevailing there,—intense exploitation of the workers. No provision is made, as my Honourable friend, Mr. Joshi, has pointed out, for unemployment insurance or for old age or sickness or for maternity benefits. India in this respect is at least 500 years behind the times. India is not at all and will not be considered a civilized country if it leaves its workers to starve and to undergo exploitation as they are undergoing it at the present moment. It is the business of the Government, it is the business not of philanthropists or trade union workers, but essentially of Government to see to it that legislation on proper lines is immediately introduced. You cannot do this unless and until you institute a thorough inquiry into the present state of exploitation of Indian workers. I see, Sir, that India to-day is becoming more and more the milch cow of foreign exploiters as well as of Indian exploiters. I am perfectly convinced that in no other country in the world will such enormous profits be allowed to accumulate year in and year out. Now let us take just a few instances. We have the Phoenix Mill, the total capital of which is Rs. 8,00,000, but its reserve and block account is Rs. 1 crore, and it has been paying profits from 50, 90, 100, 160, 175, 140 and 200 per cent. during the last six years or so. Then take another Mill, the Ahmedabad Advance, capital 10 lakhs, reserve and block account Rs. 74 lakhs, profits 20, 36, 36, 60, 60, 60 and 45 per cent., in recent years. Let me quote, Sir, just one more instance, the Bombay Dyeing Company, capital nearly Rs. 63 lakhs, reserve fund and block account Rs. 5 crores, profits 70, 83, 128, 215, 76 and 57 per cent.

Mr. Darcy Lindsay: Are these the people who want the cotton excise duty to be removed?

Mr. Chaman Lal: I hope, Sir, when you do abolish the cotton excise duty you will certainly put in a proviso that these mills must not under any circumstances reduce the wages of these workers for the next five years and that they will promise a standard rate of wages somewhere approximating to the wages prevailing in Great Britain. I have had numerous cables and letters from England asking me to press for this particular matter, the standardisation of wages and their approximation to the wages that are prevailing in these industries in Great Britain. It is only by doing that, by raising the standard of wages in India, that you will be able to do away, in a great measure with unemployment in England, but this is a matter outside the scope of my present remarks. I merely wish to call the attention of the Honourable Member in charge to the suggestion that he should institute first of all a searching inquiry into the exploitation of Indian workers. He should send his men down to the mine-fields where men are getting 7 to 8 annas a day, where I have seen with my own eyes such utter destitution as to shame any country in the world if it were allowed to continue. (*The Honourable Mr. A. C. Chatterjee:* "In the mine-fields?") Yes, in the mine-fields. I do not know if the Honourable Mr. Chatterjee has been down to Ranee-gunj and Jharia. I have been to Jharia and I have seen with my own eyes the most horrible state of affairs. Men, women and children living in one *chawl* with hardly any ventilation, and I am told in winter when they have to light a little coal fire, several of them die of asphyxiation, of carbon-monoxide poisoning, merely because there is no ventilation. I have seen with my own eyes tiny little babies lying on a cot with not a soul to look after them. I asked an old woman who was there as to what was the provision for looking after the children of these workers, and I was told God only looks after them. That particular kind of God must be a very unmindful God, because in India, as the Honourable the President has remarked in one of his speeches at Delhi, the infantile death rate is about the worst that prevails in the whole world. You have 622 children, in Bombay alone, dying in the year 1922 within a year of their birth—622 out of a thousand born. That is a horrible state of things,—the poverty, the misery, the starvation, the infantile death-rate, the housing of these workers. And who is responsible? You will tell me the owners, the employers are responsible. I say the Government of India are responsible. It is for them to see to it that legislation is brought in

Mr. President: I must ask the Honourable Member to bring his remarks to a close. He has already had his full time and more.

Mr. Chaman Lal: Well, Sir, all that I want to do is to appeal to the Honourable Member that he should take the matter in hand immediately and give us an assurance that he is going first of all to institute a searching inquiry into these conditions, and secondly, that he is going to bring India up to the level of modern countries with regard to labour legislation.

Mr. Narain Dass: (Agra Division: Non-Muhammadan Rural): Sir, if the Honourable Mr. Joshi had said something on behalf of the agricultural labourers, who are said to constitute from 70 to 80 per cent. of the labour population in India, I would have been under no necessity to put in a word on their behalf. I think the Government of India do owe a duty

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to give a direction to that great problem known by the name of the land revenue policy. There is distinctly a head under General Administration called Revenue and Agriculture Department and I think I would be perfectly in order.

Mr. President: I am afraid that is just what the Honourable Member is not. We are discussing the Department of Industries and Labour just now and a motion for reduction has been moved to draw attention to labour questions in so far as they come within the purview of the Honourable Mr. Chatterjee.

Mr. Narain Dass: Sir, am I to understand that agricultural labour and the condition of the agricultural labourer is not to be referred to?

Mr. President: The Honourable Member discussed land revenue and that is not only not in Mr. Chatterjee's charge but that is not a Central subject. If Mr. Chatterjee chooses to say that he is in charge of agricultural labour, the Honourable Member is in order.

The Honourable Mr. A. C. Chatterjee: It is very difficult for me to say, Sir, whether I am in charge of agricultural labour or not. My Honourable colleague, Sir Narasimha Sarma, is in charge of Agriculture, I am in charge of Labour.

Dr. L. K. Hyder (Agra Division: Muhammadan Rural): May I ask the Honourable Member if Agriculture is an industry or is not?

The Honourable Mr. A. C. Chatterjee: It is not an industry in the sense that the word is used in our departmental phraseology.

Mr. President: I think we are coming to quibbling. I must point out that the Honourable Member must address his remarks on such matters as were raised by the two previous speakers, and even they found it difficult to keep themselves in order.

Mr. Narain Dass: I think that when we come to consider the general administration of the Government of India, I will be allowed to put in a word on the general agricultural policy, because, after all, land revenue policy comes within the general administration of the Government of India. At whatever stage it may be, I think it forms part of the general administration and that I will be allowed to speak on it, if not now, at least at the end.

Mr. H. G. Cocks (Bombay: European): Sir, I should like to say just one word about the figures of capital and dividends that were mentioned by a previous speaker in connection with his remark about labour and wages. One so often hears it said that if a company has a capital of Rs. 1 lakh and it has paid a dividend of (say) Rs. 80,000 that the dividend is therefore 80 per cent. and that it is a crying shame therefore that the wages paid by the company are not higher. What really happens, Sir, in this. A company is originally floated with a capital of Rs. 1 lakh. It then trades for 30 or 40 years and as it has put aside to reserve a part of its profits each year it has really to-day perhaps a capital of Rs. 10 lakhs. Instead of paying out all its profits to its shareholders and asking for the money to come back as additional share capital, it has retained its original share capital as Rs. 1 lakh and has put from its profits Rs. 9 lakhs, to reserve. So that it is really quite misleading to say, as regards a company which has been in existence for 30 or 40 years, such as one of the mills which was quoted, that the company is now paying a dividend of 80 per cent. Technically it is; but actually it is not.

Sir Purshotamdas Thakurdas: Sir, in view of what my Honourable friend from Bombay has just now said, I need say very little in reply to what my Honourable friend, Mr. Chaman Lal, said with so much emphasis. I think I may say quite at the outset that I am in great sympathy with what both Mr. Joshi and Mr. Chaman Lal have urged; but I hope that both realise that if India must have industrialisation, those at any rate who plead for labour have got to look at the industrial side with fairness, if nothing else. Mr. Chaman Lal referred to the question of bonus. I wish he had taken note of the Macleod award—the award given by the Chief Justice of Bombay who was appointed Chairman of a Committee appointed by His Excellency the Governor of Bombay to settle the dispute in question. The decision of this Committee, I understand, is against what had been urged in Bombay by the labourers and presumably by their leaders like my friends, Mr. Joshi and Mr. Chaman Lal. Let us have the case put fairly before this House both for labour and for capital and then let this House run down either labour or capital as they like on the merits of each particular case. Mr. Cocks has very rightly pointed out that it is wrong to name a certain mill which has existed for over 30 or 40 years and then point out that, in a certain number of years, which have been recognised as fat years, not only for the cotton mills but for every other industry in India, it has paid what may be called exorbitant dividends. I feel that both my friends there would do very well indeed to look at the other side of the picture also, and at least try and put forward their case with fairness to the side of capital. Of course, they may have a little partiality to their own labour side also. I feel that no capitalist nor anybody who is in charge of any industry, if he is really trying to serve his best ends, can be opposed to any reasonable demand for the betterment and for the amelioration of the condition of labour. A little acrimony and bitterness have been introduced in the discussion of this question by primarily, if I may say so, over-enthusiasts on the one side or the other who look after their own point of view only and solely. If my Honourable friends there lead their flock with a little control and try to put things fairly, I do not think that they will find many reasonable men—very few indeed on the side of capital—who will be opposed to any of the things for which Mr. Chaman Lal pleaded so eloquently before the House.

The Honourable Mr. A. C. Chatterjee: I appreciate the genuine interests in the labouring classes of the country which has prompted the speeches of my Honourable friends behind. At the same time they are a little bit unkind to the Government. It was suggested, I think by Mr. Joshi, that in accordance with the recommendations of the Retrenchment Committee we have abolished the Labour Bureau and have ceased to function at all with respect to the labour side of our work. I venture to think that that is not a correct representation.

Mr. N. M. Joshi: I did not make that statement. I said that they have reduced the number of officers and the staff.

The Honourable Mr. A. C. Chatterjee: I am sorry if I misunderstood my Honourable friend. It is quite true that, in order to carry out the wishes of this House for very rigid economy, we had to reduce our staff and we did so with the greatest regret. We have had to curtail our activities in many desirable directions. As I say, we did not do so without very great regret, and I share Mr. Joshi's hope that, when financial circumstances permit, we may be able again to extend our activities. But in the meantime, we have not ceased to carry on to the best of our ability the work that we were doing when we had the so-called Labour Bureau in

[Mr. A. C. Chatterjee.]

the Department of Industries. As a matter of fact, as my Honourable friend must have noticed, the very change in the name of the Department indicates that the Government of India have not lost interest in the subject of labour. In this connection I would like to refer to my Honourable friend Mr. Chaman Lal's observation that Government look upon labour as an obstreperous child which only needs smacking, I think that is what he said. I should like to know whether the history of the last three years lends any justification to this view. If Government did look upon labour as a step-child or an obstreperous child, is it likely that we should have carried through this House and through the other House measures like the revision of the Indian Factories Act, the revision of the Mines Act, the Workmen's Compensation Act, and a promise to repeal the Workmen's Breach of Contract Act? I do hope that my Honourable friend did not intend to reflect either on the Government of India or on the Legislature when he made that somewhat jocular remark.

My Honourable friend, Mr. Joshi, in order to prove that we had no staff at all to deal with labour or that we had an extremely attenuated staff, referred to the delay in bringing forward legislation for the registration and protection of trade unions. He also referred to the absence of any legislation for providing a machinery for conciliation. In justice to our staff I ought to say that the delay is not at all due to any remissness on the part of the staff. I should like to take the whole of the blame on myself. Our proposals with regard to either of these questions were not mature before the last Assembly expired. I did not think it desirable to bring forward this legislation earlier, mainly because I confess that I really did not know what view our new friends in this Assembly would take on these matters. I did not like to bring forward any legislation on these subjects which was likely to be infructuous.

Mr. Chaman Lal: May I, with your permission, Sir, inform the Honourable Member that I have received cables from England that many prominent trade unionists there are in favour of legislation on those lines?

The Honourable Mr. A. C. Chatterjee: I was not referring to the trade unions in England. I was only referring to my Honourable Colleagues in this House, my new Colleagues. If, as I understand, it is their anxiety that this subject should be discussed in this House I for my part shall do everything to furnish them an opportunity.

Then Mr. Joshi passed on to the question of the prohibition of the employment of women before and after child birth and also to the question of maternity benefits. Mr. Joshi thinks that the Government of India have done nothing in this matter and that the whole duty in this respect devolves on the Government of India. I remember that two years ago an organisation was formed known as the all-India Workers' Welfare Organisation and my Honourable friend was the Honorary Secretary of that organisation. I had hoped very great things from that organisation. The Honourable Member knows that about three years ago this matter had been very carefully inquired into, very exhaustively investigated by the staff employed by the Government of India. At that time we came to the conclusion that it was useless prohibiting the employment of women during this period unless we could at the same time provide maternity benefits; financial considerations absolutely precluded us from making any provision on behalf of the State for maternity benefits. It was therefore suggested to honorary workers like Mr. Joshi that they should make

efforts to persuade employers to introduce these measures in their works and then it would be possible to consider whether legislation was desirable or not. I should like to know what this organisation of which Mr. Joshi is the Honorary Secretary has done in this direction. I do not wish to detain the House. I should just like to say that other matters to which Mr. Joshi referred, like unemployment, the appointment of public employment agencies, social insurance and so forth, are really very big subjects and cannot be discussed within the limits of a Budget debate.

I should just like to refer to Mr. Chaman Lal's description of the mine-fields. I did not go to Jharia on a jaunt to attend the Trade Union Congress. I did go to the coal fields several times and I have been down a good many mines; as a matter of fact, as my Honourable friend Sir Charles Innes said on one occasion, I lived in that area as a boy and I know a good bit about it. It is quite true that the conditions of the workers there are not perfect but has my Honourable friend gone into the homes of these workers when they are not working in the mines? Has he compared the conditions in the mine areas with the conditions in their own homes? It is no use having an absolute standard. We must have a relative standard in these matters. I think if he had carried his investigations a little further, he would have found that the organisations which have been set up by the Local Governments are doing very great and very useful work. I do not claim that these conditions are perfect but they are improving and I hope they will continue to improve.

Mr. Chaman Lal: What are the average rates of wages?

The Honourable Mr. A. C. Chatterjee: The average rates of wages are no better and no worse than the rates of wages of other employes in that locality. It is no use raising the average wages without raising the general conditions of living in India. He has also referred to the exploitation of the workers in the jute mills, in tea plantations and several other industries. The remarks I made a little while ago apply to these also. It is no use setting before yourself an absolute standard. You must have relative standards. As regards conditions in the jute mills my Honourable friend compared conditions here with those in England. May I inquire how many employers in England provide any housing at all for their employes? I think at any rate we may claim for the employers in the jute areas in Bengal that they have made genuine efforts to provide good and satisfactory housing conditions for their employes. There again I do not contend that the conditions are perfect. They are capable of improvement but there are many difficulties. I know that a good many employers find it extremely difficult to get land on account of the present law and on account of the difficulties with regard to title in Bengal. But I think some credit should be given to employers for what they have done. The picture that my Honourable friend Mr. Chaman Lal drew was entirely unrelieved by any of the brighter features of the relations between labourers and employers in India. In many cases these relations are thoroughly satisfactory, and I think in the interests of the workers themselves it is desirable that a word of praise should be given to the employers. I am sorry, Sir, that I have taken so much of the time of the House, but I thought it necessary to answer some of the statements that have been made. As I say, I am grateful to the Honourable Members for their appreciation of the work that used to be done in the Government of India with regard to labour, and I can only assure them that it is being continued to the best of our ability and that we will increase the staff when circumstances again permit.

Mr. President: The question is:

"That the demand under the sub-head 'Department of Industries and Labour' be reduced by Rs. 100."

The motion was negatived.

Diwan Bahadur M. Ramachandra Rao: Sir, I move:

"That the demand under the sub-head 'Army Department' be reduced by Rs. 100."

I would like to ask my Honourable friend, Mr. Burdon, for information on one or two points. The first of these is that His Excellency the Commander-in-Chief in the discussions last year said that he was still carrying on correspondence about the reduction of the capitation charges. May I ask him, Sir, what the result of that correspondence is. So far as Members of this House are concerned, we have absolutely no information as regards the exact method by which the capitation charges, the rate of capitation, is computed. I should like the Honourable Member to enlighten this House as regards the exact method by which the present capitation rate has been arrived at, and who are the parties who have entered into this agreement, who represented the India Office and what were the negotiations that were carried on? These are matters in which we should like to have such information as is possible. I have already referred to the constitutional difficulty of getting a fair and satisfactory settlement of our claims for and against the British Treasury and also His Majesty's Army Department.

Sir, there is another thing which I should like to mention. I understand that the Government of India are now making a contribution to the Air Ministry of £100,000. May I ask, on what basis this amount has been fixed and what were the representations made on behalf of India in fixing this amount? These are the two points on which I should like to have specific information from my Honourable friend.

Sir, on a previous occasion I mentioned to him that considerable irritation is being caused in India because contributions from Indian funds are being made to various educational institutions relating to the Army from which our students in England have been excluded on account of their race. I referred to these amounts in the debate which came up some time last month. I should like to know whether it is

4 P.M. obligatory on the part of the India Office or on the part of the Government of India to make any contributions to any educational institutions which train persons for a military career from which Indians as Indians are being excluded. Sir, I can say on behalf of those Honourable Members who are here that that contribution continues to evoke the greatest amount of resentment, and I think, Sir, the time has come that our contributions to these institutions must be stopped if our students in England cannot be admitted to them. These are the three matters on which I should like to have as full a statement as my Honourable friend can furnish. Of course, so far as our own training institutions in India are concerned, in the book which has been furnished, we have two or three institutions from which Indians are now excluded; but that, Sir, I think, is a matter which is more or less dependent upon the policy of exclusion from artillery training to which the Government of India are now committed; and I cannot ask my friend to declare the policy of the Government of India on that matter. But the fact still remains that amongst the training institutions which are mentioned in this book, there are institutions to which

Indians are not now admitted by reason of the fact that the training has not been extended to them in the particular departments to which those institutions relate.

Mr. President: Reduction moved:

"That the demand under the sub-head 'Army Department' be reduced by Rs. 100."

Sir P. S. Sivaswamy Aiyer: Sir, I should also like to have some information from the Honourable Mr. Burdon with regard to several points connected with the administration of the Army. The other day His Excellency the Commander-in-Chief informed the House that Indians were now largely admitted into the artillery. I have no doubt that they are admitted as camel drivers, mule drivers and bullock drivers, and I know also that they are admissible to the mule batteries or pack batteries as they are called, and they have been admitted to these mule batteries or pack batteries for a number of years. The point on which we should like to get information is whether Indians have been admitted otherwise than as artificers or menials into the artillery, whether there are any Indian gunners in the field artillery, the horse artillery or any other artillery units other than the mule battery. In fact the statement made in that new book "The Army in India and its evolution" is that some of these units have been now diluted with the Indian element. Now, what I want to know is whether that process of dilution has extended to the gunners who fire the guns in these various artillery units.

Then, another statement that was made by him was that while no reduction of the fighting troops was possible, reduction was possible in the ancillary services, and I believe His Excellency even said that in the ancillary services there would be no serious obstacle to Indianisation. What I wish to know is whether there has been any considerable or serious attempt at Indianisation in the ancillary services, and if so in which of them. In making this inquiry for information, I am referring chiefly to the commissioned ranks in the various ancillary services. If they have admitted Indians to the commissioned ranks or have at any rate declared that Indians are eligible for the commissioned ranks in these ancillary services, I am not aware of it, and I am afraid the Military Department suffers from undue modesty and might carry on a little publicity campaign. It is very desirable that the public should know the number of commissioned places that are thrown open to recruitment year by year in these various services.

Then with regard to the rate of recruitment generally to the rank of commissioned officers, the principle was laid down in a Resolution of the Assembly that not less than 25 per cent. of the vacancies in the King's Commissions in the fighting services in the Indian units should be thrown open to Indians every year and that principle was accepted by the Government of India. I do not know whether it has been accepted yet by the Home Government or not. Now, the number of commissioned officers actually thrown open to recruitment from among Indians is, I believe, only 10 every year. I do not know whether the number of commissions thrown open to Indian recruitment still remains at 10 or whether it has been raised to the percentage of 25 desired by the House and agreed to by the Government in 1921. Some time ago when I made a request for information I was told that, owing to the large number of surplus officers in the Army, recruitment could not go on as fast as it would in normal times. But now I believe the incubus of surplus officers has disappeared and we might

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expect the normal rate of recruitment to be resumed. There are 7,000 officers in the Army. Excluding the British units, there may be 3,500 officers on the cadre of the commissioned ranks of the Indian units. Now, assuming 4 per cent. to be the ordinary rate of retirement, there should be 140 places thrown open every year for recruitment, out of which, if we had 25 per cent., the number of places thrown open to the recruitment of Indians would be 35. I am pretty certain that 35 places are not thrown open, as they ought to be at the rate of 25 per cent. But I think I might fairly plead that we are now entitled to something more than the 25 per cent. which we asked for in 1921. We are entitled to for some annual increment with retrospective effect from 1921. If an increment of even 2½ or 3 per cent. is added, we should now be entitled to about 33 per cent., or one-third of the total number of commissioned officers thrown open every year. I should like to know whether the point has been decided and, if it has not been decided by the Imperial Government, whether the Government of India will be so good as to press the point upon the attention of the Imperial Government and support our recommendation.

There are only one or two other points to which I wish to refer. I sent in a Resolution some time ago, which unfortunately was not able to get a place in the ballot, about the formation of certain Indian units. I do not now wish to get any answer from Mr. Burdon on the spot. My Resolution was to the effect that the Government of India should create certain additional Indian units, one unit of field artillery one squadron of the air force and certain other units. My object in moving that Resolution was to meet the objection of His Excellency the Commander-in-Chief to the admission of Indians into the artillery units or the air force, which were exclusively British. I do not want Indians to be thrust into any of these British units. If there is any objection to the admission of Indians to these British units, then I ask that Indian units might be created and I am sure this request of mine is of a very modest character. I do not ask that these Indian units should replace British units; all that I ask is that additional Indian units be created. From the purely military point of view, no objection can be taken to this request to augment our fighting forces by the addition of Indian units. That is the request I conveyed in my notice of Resolution, which has not yet found a place in the ballot. I do not propose to take up the time of the House on this point, as I know that it is not possible for Mr. Burdon to give me any answer on this point; but I mention it now so that, when I get a place in the ballot, as I hope to do in the next Session, he may have put things in train and be in a position to give me a satisfactory answer, and not be obliged to plead want of time.

I would only remark that the Medical Services in the country seem extremely extravagant. It works out to a high proportion. The Inchcape Committee went into the question of the number of officers with reference to the number of beds but if we consider the number of officers required with reference to the average number of patients you will find the proportion is extremely high. The answer will perhaps be that the officers have to look not merely after the patients but also have administrative duties such as sanitation. Making allowances for all that the proportion still seems very extravagant.

Mr. Darcy Lindsay: May I remind the Honourable Member that there are others waiting to speak?

Sir P. S. Sivaswamy Aiyer: His Excellency said that except in the matter of the fighting service, with regard to which he did not admit the possibility of any reduction, it might be possible to explore avenues of retrenchment in other directions. What I should like His Excellency to do is to turn the searchlight on the staff of the Army Headquarters and the staff of the Commands and Districts. The staffs of the Army Headquarters have not undergone any decrease. There has been a slight increase in expenditure and a considerable increase in the staffs of Commands and Districts. I am not going to express any disapproval—perhaps that is not the correct word, it is perhaps too presumptuous—I am not going to make any criticism of the Commands. The Inchcape Committee gave it a temporary benediction. For my part I express approval of that arrangement as being one which is very probably necessary. But I do expect that if you had four Commands it might be possible to effect some reduction in Army Headquarters. The answer may perhaps be that the larger the staff of Commands and Districts, the greater is the burden of supervision. But this matter requires serious investigation.

Captain Ajab Khan (Punjab: Nominated Non-Official): Sir, as the matter of the Army is before the House, I would like to offer a few observations in the matter. The admission of Indians to the King's Commission has been effected since the past few years. The sources of supply have been three: candidates from Curzon's Dehra Dun Cadet Corps, passes from Sandhurst, and promotion from the Viceroy's Commission. The first of these sources has been abolished. There are about 35 to 40 Indian officers taken from the Indian units and promoted to the King's Commission, and that source has nearly stopped. The only avenue for the Indian to get the King's Commission is through Sandhurst now. The annual number of admissions is about 10, and the number successful from Sandhurst has been about 6 or 7 a year. Taking the established large number of the Indian Army officers in service into consideration, it will be about a thousand years or even more before the whole Indian Army is officered by Indians. I think if the admission to Sandhurst be increased in the near future, it will be very desirable and to the satisfaction of everybody in the House. His Excellency the Commander-in-Chief, with the approval of the Secretary of State, has set apart eight units for thorough Indianisation. If I may be allowed to say so, the scheme of setting apart several units to be Indianised is not a popular one amongst the officers who hold the King's Commission. The Indian officers in service were asked to apply for transfer to these units, and none of them, I understand, have so far done so, and even new candidates who come out from Sandhurst are very reluctant to go to these units. I think Indian officers want for a long time to work shoulder to shoulder with their comrades, the British officers, to form their character, imbue themselves with a strict sense of discipline, and learn to be hardy and patriotic. I think it will be a long time before the Indian officers with the King's Commission will like to be separated and work on their own. The Indian Army Service Corps, the Air Services and other services are I believe not open to the Commissioned rank for Indians. In the Air Service I believe two Indians served with great distinction in the great war in France. In the interests of Indians, I think some method will have to be evolved for admitting Indians to those services. I know in the mule batteries, and coast and garrison artillery there are Indians holding the Viceroy's Commission and I think they will do equally well if they are promoted to the King's Commission. His Excellency the Commander-in-Chief has promised that he will endeavour to extend the Military College at Dehra Dun, but we want some more—

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admissions to Sandhurst thrown open to Indians as early as possible. With these few remarks, Sir, I close my observations.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): Sir, I have so many points to which I wish to call the attention of Mr. Burdon that I fear I shall not be able to deal with all of them in the short space of ten minutes which is allowed to us now. There are however one or two important points about which I want information. Sir Sivaswamy Aiyer just now pointed out that there was still an excessive amount of hospital accommodation in the military medical services when compared with the reduction in the Army and the present medical personnel by which I presume he means the officers of the R. A. M. C. This is the first point on which I wish to elicit information. Last year I touched on this very subject and we succeeded in a division of this House in obtaining a cut of Rs. 15 lakhs. I have again read through what I said last year, and I find that very little, if any, action has been taken on the suggestions made by me on that occasion. It therefore seems necessary for me again to refer to those points and in some detail. The Inchcape Committee recommended a cut of 53 lakhs in 1923-24 in the military medical budget, besides other retrenchments and savings which had *ipso facto* to follow in the general reduction of the Army which was recommended. It shewed that only one quarter of the hospital bed accommodation was occupied by British sick and only one-third of the hospital bed accommodation was occupied by the Indian sick. It recommended an immediate cut of Rs. 5 lakhs in Medical personnel. It also recommended a cut of one lakh in the cost of drugs. It moreover recommended a cut of Rs. 16 lakhs in clothing for patients.

Now, Sir, let us refer to the Army estimates presented to the House. You will find on page 75 of that record that there is an anticipated reduction of 29 officers in 1924-25 in the personnel of the R. A. M. C. officers which represents up to date a saving of Rs. 57,000 only and a reduction in the I. M. S. in 1924-25 personnel of 60 officers representing a reduction of 5 lakhs. The Inchcape axe has done its work well there. There is no reduction in the pay and personnel of the R. A. M. C. ranks. There is practically no reduction in the personnel and pay of the Queen Alexandra Army Nursing Service. There is a slight increase in the pay of Sub-Assistant Surgeons; there is an increase in the pay and allowances of matrons for family hospitals, and there is a marked increase in the pay of the subordinate Indian personnel.

I now come to the last point, namely, the personnel and the pay of Military Assistant Surgeons in the I. M. D. Here you have an anticipated reduction in the personnel of 73 men representing a reduction in their salaries of 2½ lakhs. Now the total anticipated reduction in the cost of the entire medical personnel in the Military Budget for 1924-25 comes to 3.13 lakhs. You will notice that the anticipated retrenchment in the pay and personnel of the I. M. D. alone comes to Rs. 2,46,000 which constitute about three-fourths of the total anticipated savings in 1924-25 in the personnel of the Military medical services.

Now, Sir, this is what one sees on a cursory glance at the figures placed before us in the Military estimates for 1924-25. I now turn to the reduction effected and contemplated in the Army. We are told that a total reduction of 24,000 troops is or has been effected in the British and Indian armies

This reduction of 24,000 must *ipso facto* carry a proportionate reduction of personnel suitably distributed and apportioned over the various departments and corps forming the personnel in the medical and other services. Surely the Inchcape axe was never meant to decapitate or annihilate one Department in particular, to the exclusion of all other Departments? Even Lord Inchcape would shudder if he knew his axe were being used to exterminate the I. M. D. so as to satisfy the fetish of the late D. M. S. India, whose aim and object during his Directorship seemed to be to get rid of the I. M. D. bag and baggage and replace them by his pet R. A. M. C. (Ranks). Is this honest economy? Is this honest and equitable retrenchment? Did the Inchcape Committee, in its recommendations, intend to slaughter and exterminate any one particular Department with its retrenchment axe, especially the I. M. D., a Department which no one will deny is of vital necessity and importance to the Medical needs, not only of the British troops in India but India as a country. I repeat Lord Inchcape's Retrenchment Report was meant to effect a proportionate economy all round in the Army, and not in any one particular Department or community. But, what do the Army Estimates reveal? It exposes the patent fact that economy is being effected in the lower ranks, e.g., I. M. D. and not in the higher imported European officers, namely, R. A. M. C. In short more subordinates are being axed to enable fewer officials being got rid of.

Now, Sir, let us examine this Adjutant General's circular letter. It calls upon or invites members of the I. M. D. of varying lengths of service to voluntarily accept gratuities, pensions and compensation, graded most unfairly and ungenerously. If the anticipated number do not avail themselves of this niggardly offer, then I presume compulsory retirement will be ordered. The Army Estimates have arranged for about 70 I. M. D. men to be axed in 1924-25, and the moment this Adjutant General's circular letter comes into operation, another 100 or so will be told to go and so swell the ranks of our unemployed. This circular is issued forsooth in the interests of economy and in the name of Retrenchment? Not only is this iniquity to be perpetrated on those already in the I. M. D. but quite recently about 15 young lads, military medical pupils in the Medical Colleges in Calcutta, Madras and Bombay who have spent four of the most precious and impressionable years of their lives studying medicine, have been suddenly told by the Army Department that their services are not wanted in the I. M. D. although these lads have successfully passed all the requisite examinations and have for months been patiently waiting to honorably sign on their warrants and agreement for admission into the I. M. D. with the Army. The result is that these boys, after spending 4 years undergoing a course of medical training and passing all the examinations, find themselves to-day ruthlessly and without any compensation thrown into the streets to swell the ranks of our unemployed. Is this Retrenchment? Is this economy? Is this honest and fair? My opinion is that the Army Department in its quest for retrenchment has determined to offer and is offering the I. M. D. as its sacrifice on the altar of Retrenchment and Economy. Now, Sir, Members will ask me what has all this got to do with Military Medical Retrenchment and Economy? It has a lot to do with it and I am going to try and show you how we can still further retrench and economise. Not only to the extent of 53 lakhs but double that amount.

The British Army Medical Department in India has too many luxuries and frills obtained at the expense of the Indian tax-payer. These should go. There is Queen Alexandra Military Nursing Service, a corps of 266

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nurses, trained in England and employed in India at an annual cost of 8½ lakhs. These nurses have done noble and splendid work, but I ask, are they necessary to-day when we can very easily obtain equally efficient lady nurses trained in India and at a much cheaper cost to the Indian tax-payer? Anglo-Indian nurses were eagerly seized and wanted for the sick British soldiers during the War. Why not now? Why this change of front? Is this a luxury or a necessity? Does the British soldier, like the English baby, require his own English nurse to look after him? The late Director Medical Services, who I understand had very little love for the I. M. D., had evidently determined to replace them by a body of British soldiers, semi-trained male nurses, called R. A. M. C. (Ranks). Its strength is 450 maintained at an annual cost of 6 lakhs. Privates in this corps get a higher salary than junior professionally qualified I. M. D. men. This corps R. A. M. C. (Ranks) was Sir C. Burchell's great and pet discovery and importation to British Station Hospitals in India during the war. They were unknown in Indian medical research and history till the past war and the Indian Exchequer is still called upon to maintain this medical luxury to-day. Let us now see what amount of actual indoor hospital work is performed by the officers and staff in the British Station Hospitals. I have roughly worked up the figures. Taking the average number of beds daily occupied by British sick at about 1,900, I find that each medical officer R. A. M. C. has 6 patients to attend daily; each R. A. M. C. male nurse has 5 cases; each nurse (Q. A. M. N. Service) has about 8 patients and each I. M. D. man has 4 patients. Each I. M. S. officer has 10 patients to attend per day. I call this a colossal waste of our money which must be stopped. Now can Honourable Members imagine any of our Civil and Presidency Hospitals being run on these luxurious and super-extravagant lines? I have often seen a British Station Hospital with scarcely 10 or 15 beds occupied (British garrison in the station 1,000), administered by a staff of one Lt.-Col. R. A. M. C. as Officer Commanding the Hospital, one Major as 2nd in Command, 2 Captains and 2 or 3 Lieutenants, R. A. M. C., 3 Q. A. M. Nurses, 10 or 12 R. A. M. C. (Ranks) and 3 or 4 Assistant Surgeons I. M. D. plus a number of other subordinates and menials. Sir, this is rank squandering of the Indian tax-payer's money. My view is this, such a Hospital could be quite efficiently administered by one or two R. A. M. C. officers, 2 or 3 Military Assistant Surgeons and one or two fully trained nurses of the domiciled community and a small subordinate staff, that is, at one-fourth the cost of to-day. I submit if we really wish to seriously effect economy in the military medical budget of the army, we have ample scope for it in this direction. I know that a certain degree of retrenchment has been effected, but in what direction and manner has this been effected? You have effected a ten lakhs' retrenchment in diets and provisions but none in drugs although the Army has been reduced by 24,000 and your hospital accommodation and beds have also been markedly reduced. You effected very little economy *pari passu* with the reductions of the Army in the superior personnel, i.e., R. A. M. C. officers. It is here, I say, that retrenchment can be and must be effected. Why cannot we have British Hospitals run on the same lines as the Civil Hospitals or the Indian Station Hospitals? Let there be a senior R. A. M. C. man or let him be a second in command, but let the others be trained in this country. It is members of my community, Sir, who are in the I. M. D., and who are thrown out for the benefit of those who have come out to India. I say that, Sir, with a sense of responsibility:

the figures here will prove all I say, although the Army Department will say

Mr. President: I would ask the Honourable Member to bring his remarks to a close.

Lieut.-Colonel H. A. J. Gidney: All right, Sir. I submit this is one of the means by which they can reduce expenditure. Have men trained in this country, place the Assistant surgeons under the command of R. A. M. C. officers, utilise the members of the domiciled community who are trained as nurses and who are to-day in hundreds unemployed. I say that the employment of the R. A. M. C. is rank spoliation of Government money. We had no need for them before the war. Why should we have them to-day? You have 7 lakhs being used up every year. I know, that the reply the Army Member will give me will be that everything seems to have changed since the war, especially the constitution of the Army Budget. I have put these facts for his consideration and I should like to ask him what Government intend doing so far as the I. M. Department is concerned. Do they wish to axe this Service entirely? If so, let them openly say so. Are they going to carry out the intentions of the circular which I have quoted inviting these men to retire, or will it be reconsidered and more favourable terms offered? Does the Army Member realise that in this circular the terms offered are not only inadequate but niggardly to a body of qualified professional men who merit some consideration, e. g., it often happens that 3 men, each with 25 years' service, simply because they happen to serve in three different Provinces, Madras, Bengal, or Bombay, find themselves in different grades. One a Major, the other a Lieutenant and the third an Assistant Surgeon (First class). All three are of the same age and length of service, yet the Major will get, *vide* this Adjutant General's circular, a pension of Rs. 900 per mensem, the Lieutenant will get Rs. 190 and the Assistant Surgeon (First class) will get Rs. 150 per mensem. All are equally handicapped owing to age and the present political situation from earning a livelihood, a purely fortuitous circumstance. Is this fair? Surely not. Will Government countenance the perpetration of this injustice or alter the terms of the Adjutant General's circular so as to make it worth while for the men to retire if this is desired? Remember these men have made their financial commitments, they have their children to educate. Some senior men have their children being educated in England and their children are on the threshold of their future careers, still supported by their parents at enormous sacrifices. Most men have effected suitable life insurances at 55 years of age for their wives and families the premiums of which must be paid. Many of them to-day occupy responsible appointments. Many hold King's Commissions the dignity and status of which must be maintained. They possess vested interests in the Army which must be safeguarded. They, on their part, have kept their contract with the Army Department with scrupulous honesty. Are the Government going to disregard their part of the contract, be it only a moral responsibility, and throw this splendid body of faithful servants overboard and get rid of them on such miserable terms and pittance? Surely Government do not view their responsibilities as mere scraps of paper to be torn up at their will and convenience. Do Government realise the enormity of the financial, social and domestic upheaval this circular, if given effect to,

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will create in this Department? It is surely not the intention of the Government to add to our daily increasing army of unemployed? Sir, I appeal to the Commander-in-Chief and the Army Member not to sacrifice the I. M. D. on the altar of Retrenchment and Economy. Effect your retrenchments by all means but in the name of justice and equity, if not of gratitude, do not exterminate a Service—the I. M. D.—to which the country has every reason to be grateful and of which we, as a community, have every reason to be proud. I earnestly request the Army authorities both in India and England to retain this Department and to make proper use of it. Look at the way the Army Department and Government of India are to-day treating the domiciled community. It is denied admission into both the British and Indian Armies in any capacity whatever. It is also denied admission into the Dehra Dun Military College. The formation of Anglo-Indian units is denied us without assigning any reasons nor are we allowed to participate in the formation of the 8 new Indian units. In fact all doors to the Army both Indian and British are closed to us. I hope this will soon be altered. We are, for practical purposes, denied admission into Sandhurst unless we forswear our birthright and mixed nationality, which we shall not do. We are denied an adequate percentage of Anglo-Indian Officers in the Auxiliary Force though we form two-thirds of it. So far as the Army in India is concerned—I ask the Army Member to definitely and irrevocably state what he considers the Anglo-Indian to be—is he a “European” or a “European British subject,” a “Statutory native of India” or an “Indian”? So far as I can see the Government thinks the Anglo-Indian is only fit to be in the ranks of the Auxiliary Force—a drawer of water and a hewer of wood. We cannot and shall not submit to this any longer. This is the return given by the Army and Government of India to the Anglo-Indian community who gave 10,000 of its men and women during the past war, out of a population of 120,000—the community who in 1857 helped England to retain India; the one community that has stood by Government in its hour of trouble to-day, when all others have deserted it. The reward for our past years of loyalty and support to Government is not only our entire exclusion from both the British and Indian Armies but is now to be culminated and made more complete by the operation of the Adjutant General’s letter which practically means the breaking of the I. M. D.—the one small preserve which has been left to the domiciled community to-day and of which we were so proud, the only link which joined the Anglo-Indian and Britisher in the Army of to-day. In the dissolution of the I. M. D., I see the parting of our ways, the loosening of those ties which we held and still hold so near and dear as descendants of the Britisher. It is with much pain and regret that I see in it the gradual disappearance of that pride, that silent dog-like faith, trust, patriotism and affection for our Fatherland, on which we relied so much in the past and which made us feel and say with our confidence “Come what may, England will never let us down”—an assurance which was recently given us by H. R. H. the Prince of Wales when he said the British nation would never forget us for our work for the Empire. And yet as I see it the domiciled community is to-day placed in a truly lamentable position—given up by the Government, not wanted by the Army, not wanted by the Indian—a bankrupt legacy left to India by the Englishman. This is his reward for his loyalty and patriotism to the Government. The I. M. D. is to be axed, not in the interests of honest retrenchment, not in the

interests of economy such as you and I want, but in the interests of others, highly paid officers who are brought out to India and occupy positions, some of which we can fill with equal ability and less expenditure. I plead on behalf of the domiciled community whom I represent in this Council. I plead on behalf of its trained women folk, to utilise them as nurses. I plead on behalf of those 15 boys whom you have refused to accept into the I. M. D. on the supposed plea of economy and retrenchment. You have cast them adrift on to the streets without any consideration. Compensate them adequately or utilise their services but do not further swell the ranks of our unemployed. I repeat my appeal which may be the last I shall make in this House. I plead of the Government Member to give us its support and recognition and not to desert a community which has never deserted it, and I hope never will. But I solemnly warn the Government that if this treatment such as I have complained of is continued, they must not be surprised if the loyalty and patriotism of even the Anglo-Indian community is unduly strained and we become the Ulster of India.

Mr. E. Burdon: Sir, I have been asked a great many questions and many of them it is difficult to reply to in any precise sense without papers. I shall endeavour to do my best on this occasion and, if any Honourable Member desires more information than I can give now, I will supply it later if, as I hope, he will, he will inquire at some time when we are not engaged in the business of this House.

In the first place, my Honourable friend Mr. Ramachandra Rao asked for a statement with regard to capitation payments and I think it will perhaps be best for me to give a short self-contained explanation of what these capitation payments are. I think it will probably assist the elucidation of some other points which will come afterwards. Now, the capitation payments are made by India to His Majesty’s Government to reimburse the latter for certain items of expenditure which they incur in connection with the supply of British officers and troops to India. I should like to explain the point of this more fully though I dare say most Honourable Members are aware of its significance. So far as the Indian section of the Army in India is concerned, the Indian personnel are recruited and do their recruit’s training in India, and consequently all the expenditure on recruitment and recruit’s training is direct expenditure in India borne on the Army estimates. The position is different as regards the British section of the Army. The men have to be recruited at Home, and they have to be trained at Home. The infantry soldier is trained in the primary duties of an infantry soldier and the technical personnel of the technical services have to receive certain further technical training. The British soldier does not come to India until he has had 9 months’ or one year’s service at Home. So we have no raw recruits in the British regiments that come to India. Now, the capitation charges may be divided broadly into three classes. The first is expenditure connected with the annual supply of a certain number of British soldier recruits to India, consisting of the initial charges of recruitment, pay during the period of training, charges of depôts and training staff, etc. The second category is expenditure connected with the supply of British officers to India including the cost of the maintenance of officers before embarkation for India and while under instruction; the cost of educational establishments, namely, the Royal Military College

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at Sandhurst, the Royal Military Academy at Woolwich and the Royal Military Medical College at Millbank, the School of Military Engineering, the Artillery College, etc., apportioned according to the number of officers on the Indian and Home establishments, respectively. The third category of expenditure consists of expenses of British soldiers returning from India and awaiting discharge and of invalids including a share of the cost of staff of hospitals and discharge depôts. Now, Sir, I think my Honourable friend asked for certain further information as to the amount of the capitation rate and how the question of revising it now stands. If my Honourable friend will study previous proceedings of the Assembly, he will find that the capitation rate during the war was increased very largely indeed, and the increase was due entirely to a rise in prices. The increase was made on an arbitrary basis. It was made in accordance with the general increase in the cost of living. After the end of the war, when these questions began to receive more careful attention than was possible during the stress of war, the Government of India pressed that the calculation should be revised, and as an interim measure they proposed that a certain reduction should be made in the capitation rate corresponding to the fall in prices which had since taken place. That reduction was made also on an arbitrary basis. Then, as I think my Honourable friend will recollect, the question of the capitation rate was gone into carefully by the Inchcape Committee, that is to say, as carefully as the information at their disposal enabled them to approach the question. In the course of the consideration of the Inchcape Committee's report by the Government of India, we made representations to the Secretary of State claiming that the question of the capitation rate should be gone into thoroughly. We asked that the Government of India should be given information with reference to any new rate which it was proposed to fix, information of the exact details of every item which it was proposed to take into account in making out the capitation rate. It is a matter of some considerable difficulty to make the calculation. There are items of capital expenditure as well as of recurring expenditure which have to be taken into account. We have placed the matter before the Secretary of State and the latest information which the Government of India have is that the calculations are being made and the matter is under correspondence between the India Office and the War Office. Further information than this the Government of India do not themselves possess at the present moment, but I can assure the Honourable Member that this question of the capitation rate will be most vigorously pursued by the Army Department and by the Military Finance Branch. It is a matter on which the Government of India hold very strong views, and, as I say, I can assure the Honourable Member that the figures will be most carefully scrutinised. I think my Honourable friend asked if I could tell him who the representatives of the India Office are that are discussing this matter with the War Office. That I am afraid I cannot say. I do not know who they are, but I am quite sure that the India Office will put forward its very best resources in order to contest this matter. Now, what I have said about the capitation rate in respect of the Army applies . . .

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member what the present rate of capitation is?

Mr. E. Burdon: £25.

Diwan Bahadur M. Ramachandra Rao: May I know for how long this £25 is being paid?

Mr. E. Burdon: From 1923-24.

Diwan Bahadur M. Ramachandra Rao: It appears to me from the Inchcape Committee Report that it was at least being paid in 1921-22.

Mr. E. Burdon: That was a rate even higher than the one to which I have referred, the rate which was afterwards reduced.

The observations which I have made in regard to the capitation rate charged in respect of soldiers of the British Army apply substantially to the case of the Air Force.

Mr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): May I ask if this capitation grant takes into account the whole number of British soldiers who are sent down here for a short term of service?

Mr. E. Burdon: Yes. The capitation payments in respect of Air Force personnel are also made on an arbitrary basis, and they are being re-examined.

I think my Honourable friend's next point was how we could defend the inclusion in the capitation rate of any part of the cost of those educational institutions in the United Kingdom to which Indians are not admitted. Well, Sir, the observations which I have made at the outset will, I think, serve to explain this to some extent, particularly if we remember the fact that the Army in India consists of two sections, the British Army and the Indian Army. We have British troops in India: I understand from remarks which have been made in the course of previous debates in this Assembly that the presence of British troops is recognised as being necessary now and as likely to be necessary for some considerable time to come, and I do not think that any one seriously challenges the view which was accepted in 1859 that the British portion of the forces in India should be a part of the British Army. Well, Sir, we take certain forces from the British Army and we are required in the shape of the capitation rate to pay for the expenses of recruiting and training the soldiers before they come to India, before in fact they are effective personnel fit to be sent to India. Therefore it cannot be said that India is not receiving some value for money when it pays a part of the cost of the educational institutions which serve to produce the British forces serving in this country. That is at any rate the theoretical justification and it is I submit a substantial justification. I am not dealing now with another aspect of the capitation charges. Honourable Members know as well as I do that in the past it has frequently been said that India should not pay these capitation charges at all on the ground that the Empire derives certain advantages from the employment of a portion of the British Army in India and in particular derives advantages from the experience which British troops receive while serving in India. I am not on that aspect at all. That is a much larger matter but taking the smaller proposition, I submit that the justification which I have put forward is an intelligible justification. It is this. We need in India a certain number of British troops and we are required to pay a part of the cost of bringing these troops into being before they come to India and before we begin to pay the recurring expenditure connected with their

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maintenance. While I am on this subject of educational institutions there is a point which I think I ought to make clear. The educational institutions which I mentioned as being partly paid for from Indian revenues through the capitation grant are training institutions of which we have no counterpart in India. There are of course, as my Honourable friend is aware, other military educational institutions in India but these belong to an entirely different category. The purpose which they serve is to give special and advanced instruction to the personnel of the army who have already learnt their primary duties either as combatant personnel or as personnel of the administrative services. I will mention one or two of these institutions. They are very well known and the Honourable Member will see that in each case there is a counterpart of the institutions in the United Kingdom. The first that I will mention is the Staff College at Quetta. Corresponding to it is the Staff College at Camberley. We have small arms schools here in India, at Pachmarhi and Satara corresponding to the Central small arms schools at Hythe. We have an equitation school at Seangor corresponding to the equitation school at Weedon. Of course we do not pay in the capitation rate any part of the cost of those institutions in the United Kingdom to which I am now referring. As I have said, the corresponding institutions in India are for the purpose of giving specialised and advanced instruction to effective personnel and there is another very important purpose which they serve and it is this. They train officers and men to be instructors. The object is that when they have qualified themselves they should pass on to others in their units the specialised knowledge which they have acquired.

I am not quite sure that I have an accurate recollection of the further point which my Honourable friend raised in regard to training institutions. Was he referring to the Artillery School? (*Diwan Bahadur M. Ramachandra Rao*: "Yes.") I think my Honourable friend's point was that Indians are not admitted to the Artillery School here in India. To the best of my belief Indians are admitted to the Artillery School. The Artillery School in India is one of those institutions created for the purpose of imparting advanced and specialized instruction, and though, as I say, I cannot speak quite positively, to the best of my belief Indians are admitted to the Artillery School which is at present established at Kakul, because, without being sent to that School they could not learn adequately their duties as officers and men in the artillery units to which they belong. I will verify the point finally and give precise details to the Honourable Member on another occasion.

Now, Sir, I turn to the observations made by my Honourable friend, Sir Sivaswamy Aiyer. I am afraid, Sir, I am taking rather a long time, but I have been asked so many questions that it is a little difficult to give briefly the information required. My Honourable friend, Sir Sivaswamy Aiyer, suggested that Indians are admitted into the artillery as camel drivers and bullock drivers. Well, Sir, there are no camels and no bullocks in the artillery. That is the first point. But I think my Honourable friend wanted to know whether Indians are admitted and employed as gunners in the artillery. In the book which the Army Department issued a very short time ago it will be found very clearly stated that Indians are now employed as drivers and artificers in the Royal Horse and Field Artillery. That is another of my Honourable friend's points. They are not at present employed as gunners in those particular categories of artillery or in medium batteries. But they are employed as drivers, gunners and

artificers in the Pack Artillery. They are employed as gunners and artificers in the Frontier Garrison Artillery and as gunners only in the Indian Coast Artillery. That is to say, in certain categories of our artillery Indians are employed to man guns of precisely the same calibre and pattern as guns of the Field Artillery.

Now, Sir, my Honourable friend raised another point which he has raised on previous occasions. He asked for information whether Indianization was permitted and was proceeding in other than the combatant services. Well, Sir, my recollection is that in July last in this Assembly in making a speech on a Resolution moved by my Honourable friend, Sir Sivaswamy Aiyer, I said quite definitely that Indian officers holding the King's Commission are eligible to hold appointments on the Staff and in the Departmental Services of the Indian Army. I made it equally clear that at the present moment very few Indian officers with the King's Commission are so employed. The reason is this. It is the recognised practice in the Army that officers should spend their first few years with the combatant arms to gain a thorough acquaintance with the duties of the combatant services and the needs of the combatant soldier before they proceed to embark on administrative employment. That is what is being done at present in regard to the Indianisation of those services which my Honourable friend refers to. It is on the other hand a fact that the grant of King's Commissions to Indians only commenced a few years ago. We have not at present available more than a very few Indians who have sufficient experience to qualify them for employment in the administrative services or for employment on the staff. There are however certain Indian officers employed extra-regimentally. I know of one Indian officer, the son of a former member of this Assembly, who has been employed as a recruiting officer and another Indian officer I know is employed as Adjutant of a Territorial Force Battalion, and I think the House will realise that this is an appointment of some importance. Now, Sir, my Honourable friend, Sir Sivaswamy Aiyer, raised the question of the number of King's Commissions granted annually to Indians and he mentioned the figure of 10. My Honourable friend also referred to the fact that for some years owing to an accumulation of surplus officers during the war, our recruitment has been lower than that which would be required to make good the normal decrement in the sanctioned cadre of officers. These facts are perfectly correct. Our normal decrement is in the neighbourhood of the figure which my Honourable friend mentioned, that is to say, something well over 100, and for several years past we have only been able to take 50 officers a year, for the reason which my Honourable friend gave. We are now contemplating an increase in the annual number. That increase cannot be effected at once; two years' interval must elapse before the annual intake can be increased. I take two years as the normal period for the Sandhurst course and we have to give notice to obtain new entrants, so that there will be some little time before we rise to the figure of 70 cadets a year from Sandhurst which we are now aiming at. As regards the number of vacancies at Sandhurst given annually to Indians, the figure remains at 10; and here again in speaking on a Resolution moved by my Honourable friend, Sir Sivaswamy Aiyer, last July, I gave full information on this point. I stated that the Government of India were prepared to renew their recommendation that the number should be increased when they thought they had a favourable opportunity for doing so; and my Honourable friend admitted frankly at the time that the Government of India would probably be the best judges of when the favourable opportunity would arise. It has not yet actually arisen. But His Excellency the

[Mr. E. Burdon.]

Commander-in-Chief, speaking in this Assembly only a very short time ago, gave earnest of his belief that an increase would come about before very long when he informed the House that he was already taking steps to expand the accommodation at Dehra Dun. I can assure my Honourable friend that this question of increasing the number of vacancies granted annually to Indians up to, or approximately up to, the number recommended by this Assembly, is constantly in the minds of the Government of India and that they will assuredly seize the first opportunity which seems to them favourable to effect the object in view. Now, Sir, my

P.M. Honourable friend referred to the administration of our Medical Services and informed the House that in his opinion our administration in the medical services is extravagant. I should like at this point to read out a short passage from the book on the Army in India which my Department has recently issued. The passage is as follows:

"An essential duty of the medical services is to attend the sick and wounded of the army in hospital; but, under present-day principles of military medical administration, at least equal importance is attached to the prevention of disease and to promoting hygiene in the life of the army. The object aimed at is to maintain in the soldier a high standard of physical health and fitness, and to increase his powers of resisting disease. For this reason, the medical services are required to concern themselves with every department of the soldier's life, with the climatic and hygienic conditions of the cantonments in which the troops are stationed, with the hygienic suitability of the barracks in which the soldier lives, with the clothes that he is required to wear, the equipment that he is required to carry, the quality and composition of the ration which he is given to eat, and with the character and degree also of the physical training which he is required to undergo. It is for this reason also that in modern times a large number of specialists are employed in the military medical services for the purpose of research connected with the special conditions of army life. A medical officer in the army is expected to see more of the troops in their barracks, in their lines, and during manoeuvres, than in the hospitals; and the successful medical administrator in peace time is he whose hospitals contain the smallest number of sick."

That, Sir, explains the strength of the medical establishments which we have retained after giving effect to by far the greater part of the retrenchment recommended by the Inchcape Committee. And I can assure my Honourable friend that the expenditure of the medical services did not escape Lord Inchcape's or his Committee's attention. The retrenchment effected, or practically effected, is in the neighbourhood of 68 lakhs of rupees. The number of hospital beds has been cut down from something like 21,000 to 14,000, both British and Indian. It is largely this reduction in the number of beds that has enabled us to make so large a reduction of expenditure.

Lieut.-Colonel H. A. J. Gidney: I am sorry to interrupt the Honourable Member but will he kindly tell the House whether this number includes the 25 per cent. reduction which the Committee said should be done?

Mr. E. Burdon: It is the total reduction, Sir. Then, Sir, in connection with a point originally raised by my Honourable friend and afterwards reinforced by my Honourable friend Colonel Gidney, I think the House will probably be interested to hear the figures of the strength of officers which we propose to retain in order to give effect to the recommendations of the Retrenchment Committee. In the Royal Army Medical Corps the number of officers before the war was 838. We have provided in the next year's Budget for 302 and we hope ultimately, that is to say, probably in the following year, to come down to 282. In the Indian Medical Service there were 274 officers before the war. In the next year's Budget we have provided for 482 officers, which means a very great reduction in the

cadre which we have been maintaining in recent years. The ultimate reduction which we hope to come down to is a total of 402.

The rise in the number of Indian Medical Service officers is very fully explained in the book on the Army in India issued by my Department. It is due almost entirely to the introduction of the system of Indian Station Hospitals for the better care of Indian troops.

My Honourable friend's last point was, I think, a suggestion that Army Headquarters staff has not yet been sufficiently reduced. I should like to explain in this connection that the 4 Command system to which my Honourable friend referred has only recently been placed on a permanent basis. Those who have studied the Inchcape Committee's report will find that while the Committee did not wish to disturb immediately the 4 Command system they recommended that the matter should be reviewed a year after they submitted their report. The matter has been re-examined only quite recently and it has been decided that the 4 Command system should remain. It is advantageous and indeed necessary in a country of this size that there should not be a smaller number of any Commands, and I think my Honourable friend himself recognises this. The point of my observation is that until the 4 Command system had been stabilized, it was impracticable for the Government of India and for His Excellency the Commander-in-Chief to explore fully the possibilities of decentralization.

Sir P. S. Sivaswamy Aiyer: They are not worked out to the figures of officers recommended by the Innes Committee.

Mr. E. Burdon: I am just coming to that point, Sir. As I was saying, His Excellency the Commander-in-Chief had not been able to make a full and final exploration of the possibilities of delegating authority to the 4 Commands. It was impossible to do so when the question was unsettled, but now that it has been settled this will be done. In the interval we have made such reductions in the staff of Army Headquarters as we considered to be possible, and I say we have made very considerable reductions. The figure recommended by the Innes Committee was 107; that compares with the figure of 177 commissioned officers proposed in the reconstruction of 1921. Now we have authorised provisionally a figure of 118, so we are not very far short of this recommendation, and we could not get down to the exact figure of the Innes Committee without sacrificing certain appointments which His Excellency the Commander-in-Chief and the Government of India consider necessary. I am referring to the appointments of technical advisers, Major General of Artillery and other appointments of a cognate kind. But as I say, Sir, we have come down very nearly indeed to the figure recommended by the Innes Committee.

I think the points taken by my Honourable friend, Captain Ajab Khan, are really covered by the observations I have already made and I need not mention them further, except to say that his observations regarding the reservation of eight units of the Indian Army to be completely Indianised will be brought by me to the notice of His Excellency the Commander-in-Chief. The remaining questions which I have to answer were asked by my Honourable friend, Colonel Gidney. I have already covered certain points which he brought forward. As regards the others, it is a very difficult matter to be absolutely precise when there is a large mass of figures to be dealt with, but it seems to me that his figures do not correspond in every particular with my information. The figures of reduction in the case of Assistant Surgeons of the Indian Medical Department

[Mr. E. Burdon.]

are as follows: Before the war there were 425 assistant surgeons, and the figure to which we now propose to fall is 371, that is to say, a reduction of 54 on the permanent cadre. The reduction, as my Honourable friend has recognised, has been made under the stress of retrenchment, and a reduction of this kind follows inevitably from the reduction of combatant troops, and also from the reduction of hospital beds which I think my Honourable friend admitted to be very necessary

Lieut.-Colonel H. A. J. Gidney: May I rise to a point of order? I draw the Honourable Member's attention to the figures quoted on page 75 regarding the proposed reduction of the I. M. D. from 394 to 321 during 1924-25. And then, Sir, I wish to draw the Honourable Member's attention to the Circular issued by the Adjutant General in India on the 17th January, which practically means that at least an additional 100 men of the I. M. D. will be if necessary compulsorily placed out on the pension list, in other words, the total reduction in the I. M. D. by the end of 1925 will be very nearly from 150 to 200 men.

Mr. E. Burdon: I can assure my Honourable friend that he is mistaken as regards the figures, but I shall be very happy to go into the figures with him in detail.

Lieut.-Colonel H. A. J. Gidney: They are your own official figures; 73 is down on your record. Page 75 of your figures shows a reduction of 78 contemplated in the I. M. D. You cannot get away from that point.

Mr. President: I think the Honourable Member had better put down a question. It is very late and I want to get on.

Mr. E. Burdon: That would be a more convenient course as far as we are concerned, because I am anxious to be accurate and to give full weight to my Honourable friend's representations, and it would be more satisfactory to himself and myself and the House if we were to go into the matter separately and also separately into the matter of the Circular which he has mentioned, a Circular which so far contains certain provisional proposals which have not yet been finally approved by the Government of India or by the Secretary of State, as I think I mentioned a few days ago in this Assembly.

Lieut.-Colonel H. A. J. Gidney: I understand, Sir, from a telegram I have just received from Calcutta, that this Circular has already been given effect to, and some I. M. D. men have got their dismissal orders.

Mr. E. Burdon: That is not my information, but I shall be glad to go into the point with the Honourable Member. There is only one other point which I think it necessary for me to touch on the present occasion, and that is the reference which my Honourable friend, Colonel Gidney, made to the employment of a certain number of Royal Army Medical Corps other ranks in British Station Hospitals. There are 450 of these R. A. M. C. other ranks, and they are employed as nursing orderlies in British Station Hospitals. This establishment did not exist as a recognised establishment before the war. What actually happened was this. There were nursing orderlies in the hospitals but they were not trained orderlies but merely soldiers brought from combatant units. This system was a

thoroughly bad one because in the first place the hospitals had to put up with untrained men, and in the second place, during peace time there were two authorities counting upon the same personnel, and when it came to mobilisation the hospitals had to employ untrained orderlies and the combatant units had not a certain number of men on whom they were entitled to reckon. During the war R. A. M. C. other ranks were employed in India as everywhere else with British troops. We now have 450 in all the British hospitals in India, a number which I may say is not sufficient to provide for the mobilisation according to the authorised establishment of all the hospitals that accompany the field army. I may explain that the necessity of having a separate establishment earmarked for this purpose became all the more necessary when the combatant strength of British units in this country was reduced in consequence of the recommendations of the Retrenchment Committee, and consequently the margin between peace and war establishment became smaller than it had ever been before in India.

Lieut.-Colonel H. A. J. Gidney: Might I ask the Honourable Member, Sir

Mr. President: I think the Honourable Member had better put questions down, if he wants definite information.

Diwan Bahadur M. Ramachandra Rao: I beg to withdraw the motion. The motion was, by leave of the Assembly, withdrawn.

Mr. B. Venkatapatiraju (Ganjam cum Vizagapatam: Non-Muham-madan Rural): Sir, I do not propose to move my amendment but with your permission I wish to ask leave of the House to refer to one important point. We generally attach great importance to the statements made in this House by the Honourable Sir Malcolm Hailey with all sincerity on matters of national importance; and he stated yesterday that in the matter of the assignment of portfolios to various Members it was not done by design but by accident. Those were not actually his words; but they convey the purport of his meaning and for himself he said he was quite willing to accept any portfolio being assigned now to an Indian Member and therefore what he meant to convey was that the present distribution was done by accident, not by design, by which important portfolios are entrusted to European and unimportant ones to Indian Members. Now the Honourable Member is perfectly aware that there are two interests so long as there is alien rule in India—the British interest and the Indian interest; and when there is a clash of such interests, is it not advisable for His Excellency the Viceroy to see that Indian interests are well looked after by appointing an Indian Member, or where there is a European Member, by associating with him an Indian Secretary, because under the present system, whether we approve of it or not, the Secretary has audience of His Excellency the Viceroy? Under these circumstances, if it was not done by design, then why only are unimportant portfolios entrusted to Indian Members, why should you entrust to a European Member a portfolio which deals with the life and liberty of 300 millions of our people and another portfolio which brings revenue to the extent of 200 crores to a European Member, and another which deals with 100 crores Railways and Commerce to another European Member? Not that I complain of the personnel, but I ask, is it not better to have also an Indian Secretary attached to the portfolio of every European Member, if Indian Members are not entrusted with unimportant portfolios?

Mr. C. Duraiswami Aiyangar: Sir, may I have your permission to speak on a point of general importance. For obvious reasons, Sir, I have not taken any part in the discussion of the Budget, and even now I do not rise either to give a vote or to make a cut. It is only on a matter of general importance which pertains more to the literature on the Administration than on any details concerning rupees, annas and pies that I propose to say a few words. Sir, under section 26 of the Government of India Act, a provision is made by which the Secretary of State has to present before the Parliament a report of the administration of the government in India. You will find, Sir, under that section, the Secretary of State has to place annually a statement about the general administration of the government in India and stating the account and other details. Clause 3 of that section says:

"The account shall be accompanied by a statement, prepared from detailed reports from each province, in such form as best exhibits the moral and material progress and condition of India."

Now, this section clearly indicates that there is a pious desire cherished by the Members of the British Parliament to have an accurate account placed before them about the moral and material progress of India in all its details. Sir, we are each supplied with a copy of the book known as "India in 1922-1923", and I take it that it is the annual statement which is prepared for presentation to the British Parliament by virtue of section 26 of the Government of India Act. This book which is now placed in our hands was prepared evidently by Mr. Rushbrook Williams, and I take it that it has got the authority of the Indian Government for whatever is contained therein. Sir, it is a matter of absolute importance that whether the Government of India is good, bad or indifferent, a true account of it should be presented before the British Parliament. You will find, Sir, at page 295 of the book I am referring to a statement which offers a direct insult to the Members of this Assembly, which votes annually the salary of the distinguished author of this Report. You are all aware, Sir, that on the floor of this House the question of the salt tax was hotly discussed by all the Members of the Legislative Assembly, and they did it with the best of motives and in the best interests of those whom they represented in this Assembly, and yet, you find, Sir, a report being sent to the British Parliament in the following terms:

"Apart from any question of compunction which they might have had in adding to the burden of the classes sunk in poverty, the majority of the Members had naturally to consider the question of their own approaching election."

Now, Sir, I ask, is it honest, is it fair, is it just, to make a statement about the Members of the Legislative Assembly when they raised a question with the best of motives

The Honourable Sir Basil Blackett: It was confessed to in the House. More than one Member stated that definitely.

Mr. C. Duraiswami Aiyangar: If I remember rightly, Sir, from the proceedings which I have read of the previous Assembly, one Member insinuated against the other Members, and that was a Member who never had any idea of standing for election again but probably expected to come back by nomination; and he insinuated that they were actuated by this motive. This is so far as the Members of the Legislative Assembly are

concerned. Then there is a compliment paid to the Members of the Legislative Councils at page 75 of this Report. It says:

"And since the average Indian does not distinguish between the general organization of the society in which he lives, and the Administration in power for the moment, he is prone to visit upon the police the brunt of any general grievances which he may cherish against the Government. Public opinion therefore tends to look upon the constable as a symbol of oppression and restraint, and refuses to believe that strong measures in the suppression of disorder, equally in clemency in dealing with individual offenders, may spring from honest striving after the public good."

He further adds:

"Unfortunately this prejudice is not absent even from such responsible sections of the populations as those who enter the local Legislatures."

And even now the Honourable the Finance Member says "Hear, hear", and evidently approves of the remarks contained in the report which is said to be a true representation of what is going on and about the character and the stamina of the persons who come to the Councils or the Assembly. If that is, Sir, the respect which you have for the Members who enter the Assembly and the Councils in order to work with you, I submit, Sir, these Members would think twice before again entering Councils like these. Sir, at page 78 of this report you will find a statement which is appalling to the dignity of any nation and I doubt very much, if this was said of any Britisher, whether he would consider it as a compliment or as a direct insult. He says:

"Two or three successful enterprises of this kind suffice to gain for the leader of the band the reputation of a local Robin Hood, in whose achievements all but his immediate victims seem to find some perverse satisfaction."

Is it a fact, Sir, that this country views with perfect satisfaction—perverse or otherwise—the acts of local Robin Hoods, the acts of any dacoits, the acts of any bomb thrower?

Sir, this is one feature, and at page 85 I may refer to another instance; how far it is correct you yourself may judge. That is with reference to the treatment of political prisoners in this country. Yesterday also a question was answered by the Honourable the Home Member. Here too it is stated:

"With these exceptions, it was laid down that each case was to be considered on its merits, and that selection for differential treatment was to be based upon the status, character, and education of the prisoners, and the nature of his offence. Prisoners so selected were to be separated from ordinary prisoners: might import their own food and bedding and wear their own clothes: might possess books and magazines: receive visitors and letters at stated intervals, and enjoy exemption from labour and from menial duties."

Here it is stated freely, Sir, to Members of the British Parliament that respectable political prisoners are allowed to have free visits from friends. And you cannot have a better case that satisfies the requirements that are laid down here for the fair treatment of a political prisoner than the case of Mahatma Gandhi himself. And yet what does Mahatma Gandhi write?

"With reference to the names sent to the Government of certain visitors intending to see me, you have to-day informed me that the Government have now decided to restrict the number of visitors to be permitted to see me to two, and that of the names sent only Messrs. Narandas and Devadas Gandhi may be permitted to see me for this quarter's interview."

As the Government have hitherto permitted me to receive five visitors, I must confess that the present decision has come upon me as a surprise. But I welcome the decision inasmuch as they have refused to grant similar permission to my colleague Mr. Yagnik who is kept in the same block with me. Had it not appeared graceless, I would myself have waived the facility which I then saw was exclusively allowed to me."

[Mr. C. Duraiswami Aiyangar.]

This, Sir, is a letter from Mahatma Gandhi to the Superintendent, Yerowda Central Prison, and, in the face of this, it is stated in the Report which is sent from this country to the British Parliament that political prisoners are being treated with all courtesy here, if their status deserves it, and I am sure nobody would deny that, whatever may be said about others, the status of Mahatma Gandhi cannot be questioned anywhere in the world.

Sir, I need not refer to the cases of Vakil Vasudeviah of Salem and Pandit Wajpai. But I only mention them lest what is contained in the statement may be supposed to be true in England while it is otherwise. These cases may concern the Local Government but I beg to say, Sir, that I can also refer in this connection to those two instances and only by way of illustration as the report is that of Government in India and not of India alone.

Sir, there is one thing which I find from the regular tenour of the report, that, wherever there is anything lacking or defective on the part of the Government, the blame is thrown on the non-co-operators and Mr. Gandhi. If there is less education, it is non-co-operation that is held responsible. If there is any other interest that suffered in India, it is non-co-operation and Mr. Gandhi who are responsible. In every way, Sir, you will find, if reference is wanted I am prepared to give the pages as well, non-co-operation is brought in in order to account for the non-progress of education and other matters. Sir, I may also say that if a report is sent from this country, it must be to the interests of the British Parliament to know how far trade has advanced, how far education has advanced, and how far sanitation has advanced, and how improvements have been made in these various directions. So far as dealing with trade figures are concerned, no doubt attempts are made to show that the balance of trade is in favour of India. But if details are given, you will realise that India exports more foodstuffs to other countries than it imports. The exports of foodstuffs, grain, pulses and flour are Rs. 42.47 lakhs and odd whereas the imports under the same head are only 54 lakhs. As regards manufactured articles, we get into India 179 crores worth of articles whereas what goes out of India is only 70 crores. If these 70 crores are further analysed, and the facts placed before them as to how much represents foreign capital and how much Indian capital, they will know the true situation of the trade interests of India. But this much I can say that the figure for export of foodstuffs, grains and pulses and flour, coupled with the fact that 179 crores worth of manufactures come into India only goes to show that India is the hotel keeper of the shopkeepers abroad. I may also say in this connection that even the facts which have been reported in this report about the Akali movement and about the Gurdwara movement are not accurate. I do not at all concern myself about what may be said about non-co-operation or Mr. Gandhi. But as to other matters at least, I wish that correct statements should be reported to the British Parliament. On page 184 it is said in glowing terms that all possible arrangements have been made to look to the convenience of third class passengers, whereas complaints are unceasing in this House still as to how they are being treated even now. If there is any defect in the forest administration you will find on page 171 that it is stated that it is all due to non-co-operation and not to any action of the Government. And if education is wanting,—it is only to-day that we have heard that it is due to financial stringency; if mass education and compulsory education have not been

expanded, the only explanation that is given on the floor of the House is financial stringency; but that is not the account that is given in this report. Financial stringency occupies a very minor part in this report, and what it is attributed to is the fact that the masses are still adhering to their national customs which prevent them from going to schools, their poverty, their incessant disease, and if anything more is wanted, the attempt of Mr. Gandhi to take them all away to national schools.

Mr. President: I would remind the Honourable Member

Mr. O. Duraiswami Aiyangar: I am closing just now.

Mr. President: I am only reminding him that it is time to close.

Mr. O. Duraiswami Aiyangar: The President is aware that I have not encroached upon any time budgeted for the Budget. I wish to say only one word and nothing more. If this kind of report has to be sent in future, I would respectfully place before this House the suggestion, not only for the consideration of my non-official friends but also for the Government Benches, that steps may be taken to have a Committee of non-official Members of this House appointed, and that when the report is prepared, it may be submitted to this Committee before it is sent to the British Parliament. If that Committee disproves of it, by all means let them put in their dissenting notes. A few minutes ago we had a dust storm which put dust into our eyes and this is a report to throw dust into the eyes of the British Parliament. The dust storm unceremoniously entered this Chamber, but this dust ceremoniously enters the British Parliament.

The Honourable Sir Malcolm Hailey: I hope the Honourable Member will not accuse me of discourtesy if I say that we on our side are prepared to take the vote on this motion without further contention.

Mr. President: The question is:

"That a sum not exceeding Rs. 72,05,000 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, 1925, in respect of 'General Administration'."

The motion was adopted.

DEMAND No. 16—AUDIT.

Mr. President: The question is:

"That a sum not exceeding Rs. 76,45,000 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, 1925, in respect of 'Audit'."

Mr. Bhubanananda Das (Orissa Division: Non-Muhammadian): I beg to move:

"That the demand under the head 'Audit' be reduced by Rs. 10,000."

Sir, Audit is a very dry subject. It may be an interesting subject to my friend the Honourable Mr. Cocke over there. It is a department where the audit takes place after the money has been expended. When money is spent by responsible officers of Government why do you want an audit? If you want an audit, why not ask commercial auditing firms to audit the accounts of the Government of India so that you may have expert opinion on the accounts of the Government of India?

[Mr. Bhubanananda Das.]

I will now refer to the Standing Finance Committee's report, No. 4, pages 111-112, and the Appendix, page 123. On page 11, in paragraph 5, there is this remark:

"Entertainment as a temporary measure of two officers of class I of the General List of the Indian Audit and Accounts Service for the test audit of military expenditure and for the military appropriation reports, a sum of Rs. 84,860 being included for the purpose in the next year's budget estimates. The Committee agreed to the provision for the next financial year; but wished to record its opinion that the Military Accounts Department should come under the administrative control of the Auditor General on grounds of efficiency and economy."

I was a member of the Standing Finance Committee, but I was not a party to the opinion expressed there. I find the Financial Adviser to the Military Department is responsible to the Honourable the Finance Member. If he is there to control and check the expenditure, there is no use in asking the Auditor General again to check the military accounts. Just a few minutes ago great confidence was expressed in the Military Financial Adviser and there is no need of asking the Auditor General to go into the military accounts once again.

I come to paragraph 6:

"Move of the office of the Accountant General, Central Revenue, from Calcutta to Delhi, a provision of Rs. 2 lakhs being made for the purpose in the next year's budget estimates."

I was a party to sanctioning this amount, but I asked certain questions of the Auditor General, "You want to move about 1,000 or 2,000 clerks from Calcutta to Delhi. Have you made provision for their housing in Delhi, also for office accommodation, and how much money are the Government of India going to spend by this transfer?" We were told that there was sufficient accommodation and that no more buildings were necessary, and that there were enough buildings at Raisina to accommodate all these clerks. We were also told that office furniture and office accommodation had been arranged. If that is so, will the Honourable the Finance Member assure this House that no further expenditure will be made under this head, and then I shall have no objection. (An Honourable Member: "There is nothing here.") Our President Mr. Moir always simplifies the report and writes only a few lines, but you do not know the things that are discussed there for hours and hours.

Then I come to paragraph 13:

"Provision of a sum of Rs. 1,75,000 in the next year's Budget estimates to meet the expenditure involved in the opening of a new audit office in connection with the Lloyd Barrage and Canal Construction Scheme, Bombay. This was accepted by a majority, but in view of the important issue raised as to the ultimate debit of the audit charges on such projects, the Committee gratefully accepted Sir Frederic Gauntlett's promise to furnish a complete note on this question."

The Barrage scheme is not a Government of India scheme. It is a scheme of the Government of Bombay and when we asked for information whether the Government of India were a party to this barrage scheme, we were told that they were not a party. There are other similar schemes, the Bombay Development Scheme and the Sutlej Valley Scheme in the Punjab. If these schemes are financed by the Provincial Governments, why should the Government of India incur expenditure on their account? The expense of auditing these accounts should be charged to the Provincial Governments so that they may not launch on these wild schemes. Why should the Government of India incur expenditure for it? Whether the

schemes are wise or not, it does not matter, but the Central Government should not spend money on that head. With these observations I move my motion.

Sir Campbell Rhodes (Bengal: European): I notice that there is no Chairman present here this afternoon and I feel sure that the House would be quite willing to adjourn for 20 minutes if the Chair so wishes, so as to give the Chair a short interval.

Mr. President: I am quite prepared to go on; but I see no particular reason why we should sit late to-night, otherwise the Honourable Member himself might be in danger of being asked to take the Chair, as an *ex-Chairman*!

The Honourable Sir Basil Blackett: The Honourable Member who has just spoken suggested that the Government of India's accounts—or so I understood him to say,—are audited by a gentleman who is under the control of the Government of India. It is true that the Auditor General is an officer in Government service but in his functions as an Auditor General he is absolutely independent of the Government of India, and it is I think most undesirable that the impression should go out that he conducts his audit in any way that is not entirely independent. The Government of India do not give him any orders in his capacity as Auditor General. He went on to suggest that it might be desirable to have a commercial auditor in place of the Government auditor. I think there is no country in the world which does not have its own arrangements for its own auditor and I am not quite clear whether the most eminent firm of chartered accountants could do the work that quite naturally falls as part of the work that has to be done in and for any Government by an independent Auditor General.

The next point to which the Honourable Member referred is the statement at page 101 of the Proceedings of the Standing Finance Committee, Vol. 3, No. 4 in regard to the Military Accounts Department. The Committee records its opinion that the Military Accounts Department should come under the administrative control of the Auditor General on grounds of efficiency and economy. I share with the Honourable Member who has just spoken regret that the opinion should have been recorded. I hope if I had an opportunity to meet the Standing Finance Committee I should be able to persuade them to take a different view. I think there is some misunderstanding about this matter. The Military Accounts Department is a department quite separate from the Auditor General. But it does not do audit work. It does accounts work. The accounts of the Military Budget are audited by the Auditor General. In my view that separation of functions is on the whole a desirable system. I should like personally to see it extended so that you would have inside the various Departments an accounts office which would help the administrative department to conduct its administrative work in the light of financial accounting principles and help that Department to do its work well instead of having a department outside which must tend to regard the duties of any particular department chiefly from the point of view of the method in which they keep their accounts. Some times I think the result is that the two are working a little bit at cross purposes and instead of helping the Department to run smoothly the result of the separation between the accounting department and the administrative department may actually be to put impediments in the way of efficient administration. I have heard it stated, I do not know with what truth, that in certain cases in

[Sir Basil Blackett.]

regard to the Railways, directions given (and afterwards withdrawn by higher authority), directions given by the accounting officers in regard to methods of keeping accounts have held up goods trains for six or seven hours unnecessarily. That is a quite possible result if you get too much separation. It ought not of course to happen under any system. So that my own personal view would be that it is desirable to extend the system of an accounts office separate from the audit office, and I believe you would thereby improve audit. However, that is a matter which is under discussion and I mention it now only because it has been raised. It is connected also with another point raised by the Honourable Member in regard to the Sukkur Barrage. The Honourable Member was not correct in stating that the Government of India had no concern with the starting of the Sukkur barrage scheme. It was a scheme which had to receive the approval, among other things, of the Government of India and in the financing of which the Government of India will probably be called upon to take a considerable part. But there is certainly a little difficulty under the present system under which the expense of keeping extra accounts as the result of big provincial schemes falls on the Central Government, and I should like to see in connection with the examination of the subject of the separation of accounts and audit the possibility examined of giving the job of keeping their own accounts to the Provincial Governments, leaving an independent Auditor General appointed by the Government of India to conduct the audit. But that involves entering deeply into things like the Meston Award and the Devolution Rules and I do no more than suggest my own personal views as to some of the difficulties of the present system.

The last thing mentioned was the question of the proposed transfer of the Accountant General, Central Revenues, from Calcutta to Delhi. There are obvious disadvantages in having your Accountant General for Central Revenues (and central expenditure) at Calcutta when the Government of India are at Delhi and at Simla; and there are obvious advantages from everybody's point of view, not least I think from the Public Accounts Committee's point of view, in having the Accountant General available somewhere nearer the capital of Government. We have been carefully into the question of this proposed transfer and we have come to the conclusion that it is possible to effect the transfer without going in for any new expenditure on buildings.

It is believed that we can house the Accountant-General, Central Revenues, and his staff in the new Secretariat and there is no intention of embarking on any new building in order to find him accommodation. Accommodation will be available in the new Secretariat in October 1924, and it is proposed to effect the move during this year. The expense of transfer would obviously have to be incurred sooner or later and there is no economy in postponing it.

Mr. Bhubanananda Das: What about housing accommodation for the staff? You will have to provide quarters in Raisina.

The Honourable Sir Basil Blackett: I understand that that is not expected to cause any difficulty, quarters being available.

Mr. Bhubanananda Das: I beg to withdraw my motion*, Sir.

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

* "That the Demand under the head 'Audit' be reduced by Rs. 10,000."

THE BUDGET—LIST OF DEMANDS.

Mr. President: The question is:

"That a sum not exceeding Rs. 76,45,000 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, 1925, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 17—ADMINISTRATION OF JUSTICE

Mr. President: The question is:

"That a sum not exceeding Rs. 46,000 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, 1925, in respect of 'Administration of Justice'."

(Mr. President called on Dr. H. S. Gour, but the Honourable Member was absent.)

Mr. C. Duraiswami Aiyangar: Sir, as Dr. Gour is not here, I only wish to ask the Honourable the Finance Member about the system of the financial statement presented to us and nothing more. We find under the heading 'Administration of Justice' Rs. 46,000 provided for some law officers in Bengal. It seems to me, therefore, that it should properly come under "Law Charges" and not "Administration of Justice." If I am right, it is only payment made to the lawyers there where Government appeared as a client; properly speaking it is only a law charge and does not come under the head of "Administration of Justice." In the first page of the Budget we find an item, "Administration of Justice" and Rs. 9,14,000 is provided for, which, I believe, represents the "Administration of Justice in the North-West Frontier Province, Baluchistan, Delhi, etc.," and in the next page under the same nomenclature "Administration of Justice" what is provided for is only a sum of Rs. 46,000, which, I think, can only come under "Law Charges."

Next I wish to know why the provision of Rs. 2 lakhs provided for the Civil Justice Committee or the Judicial Delays Committee, as it is called, is put in an obscure corner under "Miscellaneous," waiting on a platform along with 50 other items to enter into the omnibus and which is not likely to be reached for discussion, whereas it should properly come under "Administration of Justice."

Mr. President: Does the Honourable Member raise that point on this vote? The Honourable Member is entitled to ask why law charges of the Government have been put under the heading "Administration of Justice" and whether the Government of India consult the law officers in Calcutta, but he must not try to make this item the omnibus for all the others.

Mr. C. Duraiswami Aiyangar: I am not discussing that. I am only submitting that this charge which comes under "Miscellaneous" should be presented to the House under "Administration of Justice." Therefore I am simply suggesting to the Finance Member what are the items which can be grouped together under the heading "Administration of Justice" and presented before this House for a convenient discussion, and in my own humble way I stated that under the heading "Administration of Justice," the administration of justice in all these places, the North-West Frontier, Baluchistan, Delhi and all these places, may be put into one map and presented to this House for discussion, instead of putting an item which should not properly be put there and an item which directly comes under it being placed elsewhere.

Mr. Jamnadas M. Mehta: Sir, I am not going to make many observations on the administration of justice, particularly not on the civil part of it, because though it causes a lot of delay and is prohibitive in cost, on the whole it is a very pure administration. I am more concerned with the administration of criminal justice, particularly in two of its aspects. Firstly, so long as there is racial discrimination in the administration of criminal justice, you will find that there will not be purity of justice between the white and the brown—purity which ought to be more sacredly guarded in criminal matters than in the administration of civil justice. But still we have on our legislation provisions which discriminate in criminal justice between the white and the non-white subjects of His Majesty.

The Honourable Sir Basil Blackett: On a point of order, Sir. I should like to know whether the advice which we obtain from our Law Officers in Calcutta which is what is now in question entitles the Honourable Member to discuss these questions.

Mr. President: It seems to me that the Honourable Member is not in order. I was waiting for the moment to see precisely what he desired to discuss.

Mr. Jamnadas M. Mehta: All that I was saying was to draw the attention to the fact that the administration of justice in criminal matters between every community of His Majesty's subjects in India is not on that sacred footing as it ought to be. That is all. Secondly, there is the administration of certain sections of the Criminal Procedure Code which to-day is so unpopular and causes Government great unpopularity.

Mr. President: The Honourable Member cannot discuss that.

Mr. Jamnadas M. Mehta: Then, Sir, it does not deserve the title of "Administration of Justice". So, I will reserve my remarks for some other head.

The Honourable Sir Basil Blackett: Sir, whether this should be called "Administration of Justice" or "Law Charges" is a matter which one might discuss with the help of the dictionary for some considerable time. But I do not think I need detain the House by actually dwelling on it any further. The arrangement by which charges are distributed under the various heads such as North-West Frontier Province, Delhi, and so on, which are of a similar character to the present charge, was made at the express request of the last Assembly. It is possible to present your accounts in several ways. We had an instance of it the other day when, as I tried to explain to the House the same facts were presented in two different accounts or rather Railway estimates with a difference of a crore of rupees between them. There is no such difference here. The reason for the presentation of the charges for the Civil Justice Committee, which I think was mentioned, under the head "Miscellaneous" is that the head "Miscellaneous" includes provision for special commissions and committees of inquiry and that this is a special committee of inquiry. The fact that it may not be reached is not a matter which is entirely within the control of the Government.

Mr. President: The question is:

"That a sum not exceeding Rs. 46,000 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, 1925, in respect of 'Administration of Justice'."

The motion was adopted.

DEMAND NO. 18—JAILS AND CONVICT SETTLEMENTS.

Mr. President: The question is:

"That a 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, 1925, in respect of 'Jails and Convict Settlements'."

Mr. B. Venkatapatiraju: Sir, I beg to move:

"That the demand under the head 'Jails and Convict Settlements' be reduced by Rs. 100."

Sir, in moving this motion I only wanted to invite the attention of the Honourable the Home Member as to what transpired in the Madras Legislative Council. When a question was put in the Madras Legislative Council on the 4th March respecting the Moplah women who have been sent to the Andamans at Government expense to join their relatives, the Member on behalf of Government replied that 15 women and 80 children were sent. 8 women and 15 children were sent by the District Magistrate of Malabar on a direct request to him by the Deputy Commissioner at Port Blair. Out of these, 4 women and 13 children returned to India because they did not want to stop there.

Mr. President: Order, order. The Honourable Member is raising a question relating to the Andamans.

Mr. B. Venkatapatiraju: Convict Settlements include the Andamans.

Mr. President: But the Honourable Member is referring to the Andamans for which there is a separate vote.

Mr. B. Venkatapatiraju: This was in connection with the prisoners and that was in connection with the colonization and utilization of 6 P.M. State land. I am only concerned with prisoners imprisoned in the Andaman Islands.

The Honourable Sir Malcolm Hailey: It would have been quite appropriate when we were dealing with yesterday's subject, "General Administration, Home Department." It will be equally appropriate when we come to the details printed on page 247 of the Volume, which include expenditure on Jails and Convict Settlements in the Andamans themselves. I may add for your information, Sir, that the Rs. 5,000 which we are dealing with now refers only to exchange on leave allowances.

Mr. President: The Honourable Member will recollect that I allowed a debate on an item of exchange in a previous case. This case is not covered by that precedent.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadian Urban): Sir, I should like to know if the general policy of Jail Administration can be brought in under this heading: not political prisoners but the general policy of Jail Administration.

Mr. President: We had that discussion once already as regards the general policy of Jail Administration under the Home Department vote.

The Honourable Sir Malcolm Hailey: It was quite a long discussion.

Mr. President: The question is:

"That a 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, 1925, in respect of 'Jails and Convict Settlements'."

The motion was adopted.

DEMAND No. 19—POLICE.

Mr. President: The question is:

"That a sum not exceeding Rs. 88,000 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, 1925, in respect of 'Police'."

The motion was adopted.

DEMAND No. 20—PORTS AND PILOTAGE.

Mr. President: The question is:

"That a sum not exceeding Rs. 12,19,000 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, 1925, in respect of 'Ports and Pilotage'."

Mr. B. Venkatapatiraju: Sir, in moving the amendment* which stands in my name I find certain difficulty. Where could I properly discuss the omission of all amounts for the construction of the Vizagapatam Harbour? I wanted to bring it under Railways, and found it was already omitted under railway expenditure. I then wanted to bring it under this, but no amount was mentioned. Vizagapatam Harbour was under the control of the Government of India and not under the control of the Provincial Government. I may also state that they have already spent 20 lakhs. The Honourable Sir Charles Innes said that the Bengal Nagpur Railway had made certain suggestions and certain financial proposals and that they were under consideration. When I specifically asked during the last Budget debate why an officer on Rs. 3,000 a month with a large number of assistants and other paraphernalia should be located at Vizagapatam without providing funds for the harbour, Sir Charles Innes said, they were considering the provision of funds. Expecting they would provide it, I have been carefully watching the Budget this year and I have not been able to find any entry. Only the other day Sir Campbell Rhodes supported the proposal that early steps might be taken for the construction of that harbour, and it is neither economical nor advantageous, after spending some Rs. 20 lakhs and keeping a number of officers there, not to proceed with the work. Sir Cartwright Reid has taken a photograph of the whole place and presented it to the British Exhibition, and in the various proposals made hitherto the people understood that the Bengal Nagpur Railway were prepared to undertake the task if they were permitted to raise the money, and we were told once more that the Government had not permitted the Railway Company to raise funds for that purpose. We are often told it would be a paying concern inasmuch as it would facilitate the loading of ships at less cost by unloading at Waltair and bringing the goods to Calcutta by rail than unloading at the Sunderbuns. Not only the shipping companies, but also the Bengal Nagpur Railway are anxious to push on with the work, and I hope Sir Charles Innes will see his way to provide some amount which has not been shown, at any rate, in this Budget, at an early date, because we have already acquired a large property and the railway authorities are demolishing streets and creating much inconvenience in the municipality without any prospect of bringing it into proper shape and utilising the land available for any useful purpose. And, therefore, Sir, I want to know whether anything can be done by Sir Charles Innes this year.

* "That the demand under the head 'Ports and Pilotage' be reduced by Rs. 100."

The Honourable Sir Charles Innes (Commerce Member): I think the Honourable Member is altogether too pessimistic. It is quite true there has been some delay, in fact very considerable delay, in regard to the development of this port, but the labours of the officer to whom he referred have not been wasted. That officer has been engaged in preparing the estimates for the development of the port. The view we have had to take after considerable examination of all the schemes put up to us by the Railway Company concerned, is that the development of this port is intimately bound up with the question of constructing the Raipur-Vizianagram Railway, a very important railway which will connect the Central Provinces with Vizagapatam if that port is developed, and which will open up a large tract of new country. Well, Sir, the position is this. During the last few months we have had the estimates for that railway thoroughly revised. We have had, so I am informed by Mr. Hindley, a fresh examination of the traffic prospects of the railway, and Mr. Hindley tells me that he hopes the whole question of the Vizagapatam Harbour and of the Raipur-Vizianagram railway will be ripe for decision in a very short time and that if the decision is in favour of the construction of the railway and the development of the harbour, then I hope we shall be able to provide some capital money at any rate for a beginning this year. I hope in these circumstances the Honourable Member will not press his motion.

Mr. B. Venkatapatiraju: I do not press it.

Sir Campbell Rhodes: Sir, before we close this subject I should like the Honourable Member for Commerce to say whether the Government have abandoned all intentions of provincialising the Bengal Pilot Service with a view to its being handed over to the Port Commissioners.

The Honourable Sir Charles Innes: I am afraid, Sir, no decision has yet been arrived at on that particular point.

Mr. N. M. Joshi: Sir, I want to get some information from the Honourable Member in charge of this Department. About three years back the Government appointed a Committee to inquire into the question of the methods of the recruitment of seamen and that Committee made several proposals for changing the present methods of recruitment and introducing new and improved methods. As a result of that Committee's suggestions a new scheme was put forward. I want to know whether the Government of India propose to introduce the new methods at an early date or not; and secondly, if they propose . . .

Mr. President: I do not see how the Honourable Member is in order in referring to a Committee relating to the engagement of seamen. I do not see any provision for that purpose here.

Mr. N. M. Joshi: There is a provision for Shipping Masters and all those people who have to do with the recruitment of seamen.

The Honourable Sir Charles Innes: What Mr. Joshi says is right. Provision is made in this Budget for several officers engaged in the recruitment of seamen who supervise the recruitment of seamen.

Mr. N. M. Joshi: Sir, I am told that although the Government of India are ready to introduce these new methods, they propose to restrict the new methods only to the port of Calcutta at present, and before introducing them in Bombay, they want to wait till they get some

[Mr. N. M. Joshi.]

more experience. Sir, I do not approve of this idea. The Government of India, whenever we ask them to carry out some improvement, do it on a smaller scale and they want to make an experiment first. What is there to make an experiment here in a small thing like this? A Committee was appointed to go into the matter; it made proposals both for Bombay and Calcutta, and now after the Committee has gone into the whole thing, the Government of India want to introduce the new methods of recruitment only in Calcutta and want to wait for many years, they want many years' experience before they introduce these new methods into the port of Bombay. I suggest to the Government of India that they should take steps to introduce these new methods in both the ports simultaneously.

Secondly, I am told that the Government of India is not willing to accept the suggestion of that Committee to appoint advisory committees for those officers who will be in charge of the work of recruitment. Sir, I was a member of the Committee which considered this matter in Delhi, and as a member of that Committee, attached great importance to the appointment of these advisory committees. The proposal of advisory committees was passed by a majority. Now the objection made to the proposal of advisory committees is that the employers do not accept it. Sir, the employers will never accept any improvement which is likely to be inconvenient to them, but it is not the business of Government to do only what the employers approve of. I would insist on the Government of India appointing advisory committees both in Bombay and Calcutta although the employers may not accept the proposal. If the employers do not send their representatives to the advisory committees, let them not. The Government may represent the employers' interests in that case. But advisory committees should be appointed when Government change the methods of recruitment. Sir, I hope the Government of India will accept my suggestion.

The Honourable Sir Charles Innes: Sir, I shall be very brief in replying to Mr. Joshi as the time is getting on. This question of the recruitment of seamen is one of the most difficult questions with which we in the Government of India have ever had to deal. It is a question which raises very large issues. The number of seamen who are recruited in Calcutta and in Bombay is very large indeed, and a very large number of ships depend on that system of recruitment. We have consulted both the Governments of Bengal and of Bombay in regard to the recommendations made by the Seamen's Recruitment Committee. That Committee found that things were not nearly so bad in Bombay as they were in Calcutta, and the Bombay Government has advised that for the moment nothing should be done in regard to Bombay. We have decided to accept that advice, because the matter is far more urgent in Calcutta, and we consider that in Calcutta it should be tackled first. We have correspondence with the Government of Bengal at the present moment. The general line that we are taking is that, as in this matter there are so many interests involved, we must proceed with the utmost care and with the utmost caution. We have, therefore, suggested to the Government of Bengal that they should begin by putting the Shipping Master's office in Calcutta under a very carefully selected officer. We have had suggestions from Calcutta as to how that officer should work and should organize this bureau. We have suggested to the Government of Bengal that this officer, as soon as he

takes over, should work out his own scheme for the recruitment of seamen, and we have laid down for the guidance of the officer the main points at which he should aim in evolving his scheme. For the moment, we do not propose to associate with him the Advisory Committee suggested by a majority of the Seamen's Recruitment Committee, but that is a development which may come in the future. For the moment, we have decided to take the first and most important step, namely, to place a carefully selected officer in charge, to lay down certain principles for the guidance of that officer, and to leave him, in the light of experience, to work out his own scheme.

Mr. President: The question is:

"That a sum not exceeding Rs. 12,19,000 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, 1925, in respect of 'Ports and Pilotage'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 15th March, 1924.

LEGISLATIVE ASSEMBLY.

Saturday, 15th March, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

COUNTERVAILING DUTY ON SOUTH AFRICAN COAL.

845. ***Sir Campbell Rhodes:** 1. Has the attention of the Government been drawn to the statements in the South African Press that the amount of Indian goods exported to South Africa exceeded by £1,500,000 the value of merchandise exported by the Union to India, and that the exports from India to South Africa consisted largely of rice and cotton-goods for the use of Indians in South Africa?

2. In view of the fact that a retaliatory fiscal war between South Africa and India might injure seriously the interests of the Indian cotton mills and of Indian subjects in South Africa, are Government prepared, before putting into effect the Resolution passed in the Assembly on the 7th February, to order an inquiry by the Tariff Board as recommended in paragraph 189 of the report of the Indian Fiscal Commission?

The Honourable Sir Charles Innes: 1. Yes.

2. I must point out to the Honourable Member that the Resolution adopted by the Assembly said nothing about retaliation. The Assembly recommends the imposition of a countervailing duty on South African coal on economic grounds and in view of the depression in the Indian Coal trade. As I indicated in my speech on the Resolution, the Government doubt whether the action recommended by the Assembly can be justified on economic grounds and whether that action is in the true interests either of the Coal Trade itself or of consumers in India generally and in Bombay in particular. In view, however, of the expression of the Assembly's opinion contained in the Resolution, the Government have decided to refer for investigation to the Tariff Board the question whether the Indian Coal Trade is in need of protection either against coal from South Africa or against imports of foreign coal generally and, if so, whether, having regard to all the interests concerned, protection should be accorded to it.

NEW PENSION RULES.

846. ***Mr. Harchandrai Vishindas:** Will Government be pleased to state when they intend to publish the new pension rules which were promised in the fundamental rules regarding grant of leave, etc., which were brought into force from the 1st January 1922?

The Honourable Sir Basil Blackett: I would ask the Honourable Member to refer to the reply which I gave to Sardar V. N. Mutalik's question on the same subject yesterday.

ALL-INDIA CENSUS REPORTS.

847. ***Mr. Harchandrai Vishindas:** Will Government be pleased to furnish the Members of the Assembly with all-India Census reports?

The Honourable Sir Malcolm Hailey: Copies of the Report and Tables of the Census of India, 1921, have been placed in the Library of this House both in Simla and Delhi where they are available to be consulted by Honourable Members. Government do not propose to supply all Members of the Assembly with copies.

THE PARSİ PIONEERS.

848. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state whether their attention has been drawn to a leading article in the "Indian Daily Mail" of February 23rd, 1924, under the heading of the Parsi Pioneers?

(b) Will Government be pleased to state whether it is a fact that the Battalion of the Parsi Volunteers which was distinguished by the title of the "Parsi Pioneers" and formed after the Bombay riots of 1921 was intended to be for local service only?

(c) Will Government be pleased to state whether it was not clearly understood from the beginning that the formation of a volunteer battalion exclusively of Parsis was intended to ward off local menace such as arose in Bombay on the occasion of the Royal Visit in 1921?

Mr. E. Burdon: (a) Government have seen the article.

(b) and (c). No. The battalion was constituted under the Indian Territorial Force Act—vide Gazette of India Notification No. 2452, dated the 30th December 1921, and is, therefore, liable to general service in addition to local service. The battalion was never officially designated "Parsi Pioneers."

THE PARSİ PIONEERS.

849. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state whether it is not a fact that the title of the Parsi Pioneers was given to distinguish it from the Territorial Forces and whether the reasons for the special title were not publicly stated by Colonel Lavie?

(b) Will Government be pleased to state whether the Parsi Pioneers were given (i) British uniform, (ii) British food, clothing and accommodation, (iii) British ranks, (iv) Conveyance allowance on the British scale?

(c) Whether the Parsi Pioneers were not given training on the same line as that given to the Auxiliary Forces?

Mr. E. Burdon: (a) As already stated, the title "Parsi Pioneers" was never given to the battalion officially. Its official title was originally the 1st (Territorial) Battalion, Bombay Pioneers. This title was subsequently changed to the 11th Battalion, 2nd Bombay Pioneers—vide Gazette of India notification No. 1998, dated the 1st December 1922. The battalion was formed as a Pioneer battalion at the request of the Parsi community of Bombay but the Government of India have no information of any public statements having been made by Colonel Lavie in this connexion.

(b) (i) Members of the Parsi battalions were given the same scale of uniform as members of the University Training Corps, that is, British.

(ii) Yes.

(iii) They use British ranks in the same way as the University Training Corps.

(iv) They receive the same conveyance allowance as the University Training Corps.

(c) No. They are trained on the same lines as the University Training Corps.

THE PARSİ PIONEERS.

850. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state whether they are aware that Colonel Lavie represented at the time of formation of the Parsi Pioneers that the battalion enjoyed the same rights and privileges as those enjoyed by British territorial regiments?

(b) Will Government be pleased to state whether military authorities had authorised Colonel Lavie to make such representation as aforesaid?

Mr. E. Burdon: The Government of India have no information and are making inquiries the results of which I will communicate to the Honourable Member.

CONVERSION OF THE PARSİ PIONEERS INTO A TERRITORIAL BATTALION.

851. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state whether the military authorities have now decided to convert the Parsi Pioneers into an ordinary territorial battalion?

(b) Will Government be pleased to state whether they are aware that such a decision has caused great discontent and irritation in the Parsi community?

(c) Will Government be pleased to state whether they are aware that the Parsi Pioneers have declined to accept that decision on the ground that it is a breach of promise made to them?

Mr. E. Burdon: (a) The conditions on which the 11th Battalion, 2nd Bombay Pioneers, was formed are given in the statement on the table. The terms were, I may mention, accepted by 8 leading Parsi gentlemen of Bombay, and Government see no reason why these terms should be altered.

The unit was constituted under the Indian Territorial Force Act and, therefore, already forms one of the units of the Indian Territorial Force.

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

Statement showing terms and conditions on which the 11th Battalion, 2nd Bombay Pioneers, was formed.

1. That a technical unit of the Indian Territorial Force be formed in Bombay from the Parsi community exclusively and recruited under the conditions laid down for the Indian Territorial Force generally.

2. That the rules should provide for the continuous training of this unit on lines approximating to those laid down for the University Training Corps.

3. That as such training would differ in character from that prescribed for the infantry branch of the Indian Territorial Force the Parsi unit should belong to another branch.

4. That the unit should be designated the Bombay Pioneer Battalion.

5. That the unit should be allowed the same choice as regards uniform as the University Training Corps (British).

6. That when called out or embodied for training or service it should be given a special scale of rations, the British service scale being suitable for this purpose.

7. That the unit should be officered by gentlemen of the Parsi community, but that in the first instance European Officers for the post of Commanding Officer and second in command should be eligible.

8. That a regular officer should be appointed as adjutant.

9. That headquarters should be provided by the Government together with all clothing, equipment, as in the case of other units.

10. That the unit will be subject to all liabilities as regards service as other units of the Indian Territorial Force.

11. That as soon as may be practicable a Cadet Company of the Battalion be formed in order to give preliminary training to prospective recruits.

AMALGAMATION OF THE PARSİ PIONEERS WITH THE TERRITORIAL FORCE.

852. ***Mr. N. M. Dumasia:** (a) Will Government be pleased to state whether an option has been given to the Parsi Pioneers to agree either to the disbandment of the Parsi Pioneer battalion or to its amalgamation with the Territorial Force such option to be exercised within a month of the notice?

(b) Will Government be pleased to state whether they are aware that a large majority of the members of the Parsi Pioneers have decided to resign rather than accept conditions of service that they regard as humiliating and different from those originally promised?

(c) Will Government be pleased to state whether the period of the option will expire on the 10th March?

(d) Will Government be pleased to state whether the military authorities would see their way to extend further the period within which the option is to be exercised until the committee proposed by Mr. Venkata-patiraju has reported upon the steps to improve and expand the Indian Territorial Force so as to constitute an efficient second line of reserve of the regular army and to remove racial distinctions?

Mr. E. Burdon: (a) No option of the kind has been imposed. As a result of a meeting held in Bombay on the 17th December 1923, at which two prominent members of the Parsi community were present, it was decided that as there appeared to be some misapprehension regarding the liabilities of members of the battalions under the Indian Territorial Force Act, the members should be called upon to complete and sign a certificate declaring that they fully understood their liabilities for service and training as soldiers of the Indian Territorial Force and that they were desirous of completing their engagement.

Those members who are not willing to sign the certificate will be allowed to take their discharge. One month has been allowed to members in which to decide whether they will sign the certificate or not.

(b) The Government of India have no precise information on the point.

(c) and (d). The time limit given by the local authorities was to expire on the 15th March, but in the meantime, His Excellency the Commander-in-Chief has issued instructions that no final decision is to be taken locally regarding the future of the battalions. A report has been called for, which will be submitted for the orders of the Government of India, and the Government of India will also consider the suggestion which I understand the Honourable Member to put forward, namely, that outstanding questions relating to the Parsi Battalions should be examined by the Committee which he has mentioned.

UNSTARRED QUESTIONS AND ANSWERS.

OVERTIME ALLOWANCES TO CLERKS OF THE G. P. O.

196. **Mr. K. C. Neogy:** (a) Will Government be pleased to state whether under Government sanction overtime allowance used to be paid to clerks of the Calcutta G. P. O. for the disposal of inward foreign parcel mail articles on account of there being no permanent staff for the work?

(b) Is it not a fact that the payment of overtime allowance has been suspended and the work is being managed by auxiliary hands drafted from different departments?

(c) In view of the possibility of drawing from other departments clerks to do auxiliary work in the Foreign Post Department twice in a week, are not the departments from which clerks are so drafted for auxiliary work actually overstaffed? If so, do Government propose to abolish the superfluous appointments? If not, will the drafting of auxiliary hands be stopped?

Mr. G. R. Clarke: (a) The inward foreign parcel mails formerly arrived in Calcutta in the evening and, in order to prevent delay in their delivery, overtime work had to be resorted to and paid for; but there was also a permanent staff sanctioned for the Foreign Parcel Department.

(b) Yes; but there is also a permanent staff sanctioned for the Foreign Parcel Department.

(c) The inward foreign parcel mails now arrive in Calcutta usually in the morning on a week day. Under the arrangements now in force, no clerk belonging to another Department of the General Post Office is required to work in the Foreign Parcel Department for more than one day in each month and, if the arrangements were discontinued, no reduction in the staff of the Departments from which the auxiliaries are drawn would be possible. As the arrangements do not cause any dislocation of work in the other Departments nor any hardship to the clerks who are employed as auxiliaries in the Foreign Parcel Department, Government do not propose to discontinue the practice. It may be mentioned that the permanent staff of that Department has recently been strengthened.

WORK IN CONNECTION WITH THE INWARD FOREIGN PARCEL MAIL.

197. **Mr. K. C. Neogy:** (a) Will the Government be pleased to state whether in Bombay the inward foreign parcel mail articles are disposed of by auxiliary hands requisitioned from other departments or by permanent staff attached to the Foreign Parcel Department?

(b) If the work in connection with inward foreign parcels in Bombay is done by a permanent staff attached to the Foreign Parcel Department, do the Government propose to adopt the same system in Calcutta?

Mr. G. R. Clarke: (a) In the Bombay General Post Office the inward foreign parcel mails are disposed of by the permanent staff of the Foreign Parcel Department assisted by extra clerks on overtime allowances.

(b) As stated in reply to the Honourable Member's question No. 196, Government do not propose to make any change with regard to the arrangements in force in the Calcutta General Post Office.

ORDERLY PEONS FOR INSPECTORS OF POST OFFICES.

198. **Mr. K. C. Neogy:** Will Government be pleased to state when orderly peons were sanctioned for Inspectors of Post Offices and when and why they were withdrawn?

Mr. G. R. Clarke: Orderly peons for Inspectors of Post Offices were sanctioned from various dates up to 1908. They were withdrawn during 1923-24 as a measure of retrenchment.

RECOVERY OF MUNICIPAL AND HALKHURI TAXES FROM POSTAL AND TELEGRAPH STAFF OCCUPYING GOVERNMENT QUARTERS.

199. **Mr. K. C. Neogy:** (a) Will Government be pleased to state whether postmasters are not required to live in the Post Office quarters in the interest of the Department? Is municipal and halkhuri tax recovered from them?

(b) Will Government be pleased to state if municipal and halkhuri tax is recovered from telegraphists living in quarters provided for them?

Mr. G. R. Clarke: (a) The answer to the first part of the question is in the affirmative and to the second part in the negative.

(b) Yes.

TOTAL MONTHLY EXPENDITURE AND STAFF OF CERTAIN POST OFFICES IN CALCUTTA.

200. **Mr. K. C. Neogy:** (a) Will Government be pleased to state what was the total monthly expenditure of the old Simla and Beadon Street T. S. Os. in Calcutta and what is the total monthly expenditure of the new Beadon Street T. S. O.?

(b) Will Government be pleased to state the amounts of house rent paid for the old Simla and Beadon Street Post Offices and the new Beadon Street Post Office?

(c) What is the amount of house rent paid for the Barabazar P. O.?

(d) What is the number of (a) the clerical staff and (b) the postmen's staff (1) of Barabazar and (2) of new Beadon Street T. S. Os.? Are not the rates of house rent of the Barabazar locality higher than that of Beadon Street? If so, why is the house rent of the new Beadon Street P. O. so much in excess of that of the Barabazar P. O.?

(e) Has not the amalgamation of the Simla and Beadon Street P. O. increased the delivery area of the Beadon Street Post Office to a very great extent, and is not the delivery of postal articles delayed by the amalgamation?

Mr. G. R. Clarke:

		Rs.	
(a)	Simla T. S. O. ...	4,958	a month.
	Beadon Square T. S. O. ...	5,049	"
	(This was the correct name).		
	Beadon Street T. S. O. ...	10,984	"
(b)	Simla ...	150	"
	Beadon Square ...	225	"
	Beadon Street ...	1,500	"
(c)	Rs. 490 a month.		
(d)			

	Clerical staff.	Postmen.
Bara Bazar ...	78	125
Beadon Street ...	51	100

Government have no information on which a comparison can be made between the rates of house rent prevailing in the two localities. The estimate for a departmental building was 4 lakhs in the Beadon Street office area. The Barabazar T. S. O. building was occupied on a lease for 10 years in 1916, that is, before the rise in rents in Calcutta took place.

(e) The delivery area of the Beadon Street T. S. O. coincides with the delivery areas of the Simla and Beadon Square T.S.Os. taken together. The amalgamation has not resulted in delay in the delivery of postal articles.

WORKING HOURS, INCREASE OF LEAVE RESERVE, ALLOWANCES, ETC., OF POSTAL EMPLOYEES.

201. **Mr. K. C. Neogy:** Will Government be pleased to state what action is proposed to be taken on the recommendations of the Joint R. M. S. Conference of the Deputy Postmasters-General R. M. S. and Sorting and representatives of the All-India (including Burma) Postal and R. M. S. Union held in the Calcutta office of the Director-General of Posts and Telegraphs in April 1923 under the chairmanship of the Deputy Director-General of Posts and Telegraphs, specially with reference to the under-mentioned items:

- The present standard of 36 and 30 hours per week for day and night work in R. M. S. Sections to include work done at record offices and the periods of attendance at railway stations, for these two classes of work 6 hours per week to be held a fair average.
- In stationary mail offices the standard for day work to be 42 hours per week and for night work 35 hours per week and for work partly by day and partly by night 36 hours per week, inclusive of office duty.
- The increase of leave reserve to 30 per cent. with a view to reduce the number of double duties to a minimum.
- The sorters doing double duty in stationary mail offices to be entitled to double duty allowance.
- Double duty allowance for R. M. S. officials in sorting offices or those resting at outstations or headquarters to do double duty at the same station to be entitled to double duty allowance.
- Overtime allowance for R. M. S. officials in travelling sections detained on duty for more than an hour.
- Increase of double duty allowance.
- Diem allowance to cover expenses at outstations.
- Increase of the number of mail vans.
- The scale of pay in the R. M. S. to be the same as in the Post Office (1) in the time scale and (2) in the selection grades up to Rs. 250—350.
- House allowance for R. M. S. menials where house allowance is paid to post office menials.

The Honourable Mr. A. C. Chatterjee: The Director-General has carefully considered the recommendations of the Railway Mail Service Conference referred to. Of the 24 items, 8 have been accepted, 7 were not accepted by the Deputy Postmasters-General, 4 were rejected by the Director-General, and 10 are under further consideration.

With reference to the items specially mentioned by the Honourable Member:

- (a) and (b). Have not yet been accepted as they involved considerable additional expenditure.
- (c) The Honourable Member is referred to the reply to Question No. 424, given to Mr. Kamini Kumar Chanda on the 25th February, 1924.
- (d), (e), (f), (g) and (h). Have not yet been accepted on the ground of expense. At present honoraria at half the rates of double duty allowance are paid to sorters of stationary Mail Offices when detained overtime.
- (i) The Honourable Member is referred to the reply given to Question No. 433 of Mr. Kamini Kumar Chanda on the 25th February, 1924.
- (j) The scale was fixed by the Postal Inquiry Committee after careful consideration.
- (k) Government are prepared to consider any proposal which the Director-General may have to make.

COMPULSORY PREPAYMENT OF FREIGHT ON COAL.

202. **Mr. K. C. Neogy:** (a) Are Government aware that on the East Indian and B. N. Railways the coal traffic, unlike any other traffic, is subject to the disability of a compulsory prepayment of freight?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state the section of the Indian Railways Act (Act IX of 1890) under which this differential disability is laid on the coal traffic in the face of the provision of section 42 (2) and section 55 of that Act?

The Honourable Sir Charles Innes: (a) Government are aware that the East Indian and Bengal-Nagpur Railways enforce prepayment of freight on coal traffic.

(b) This was found necessary as consignments were frequently not taken delivery of by consignees and Railways were consequently put to loss. Government do not consider this action inconsistent with the provisions of the Indian Railways Act.

WITHDRAWAL OF RAILWAY DEPARTMENT NOTIFICATION NO. 1-D., DATED THE 28TH DECEMBER, 1916.

203. **Mr. K. C. Neogy:** Will Government be pleased to state if the Railway Department Notification No. 1-D., dated Delhi, the 28th December 1916, is still in force or has been withdrawn? In the latter case will Government be pleased to state when was it withdrawn?

The Honourable Sir Charles Innes: The Notification referred to has not been withdrawn.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State have, at their meeting of the 13th March, 1924, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 8th March, 1924:

1. A Bill further to amend the Sea Customs Act, 1878, for certain purposes.
2. A Bill further to amend the Indian Tariff Act, 1894, for certain purposes."

THE BUDGET—LIST OF DEMANDS.

SECOND STAGE—contd.

Expenditure from Revenue.—contd.

DEMAND NO. 21—SURVEY OF INDIA.

Mr. President: The Assembly will now resume consideration of the Demands for Grants.

The question is:

"That a sum not exceeding Rs. 22,58,000 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, 1925, in respect of the 'Survey of India'."

Mr. K. Rama Aiyangar (Madura and Ramnad cum Tinnevely: Non-Muhammadian Rural): Sir, I beg to move:

"That the Demand under the head 'Survey of India' be reduced by Rs. 3 lakhs."

I proceed with this cut on the recommendations of the Retrenchment Committee. This subject is dealt with on pages 179-182, and on page 182 their figures are summed up. They propose a reduction of 9 lakhs in paragraph 10 on page 182, and they take into consideration two other items of expenditure which were charged to other heads that have to be taken into this and say that it must be put at at least 28 lakhs, of which Rs. 7,09,000 comes under the saving that they propose. Honourable Members will see that the detailed estimates from page 75 to 82 deal with the subject, and it will be seen that practically nothing definite has been done as suggested by the Retrenchment Committee. Twelve survey parties continue to be maintained. I have tried to go into it as carefully as I can, but I do not see what policy is being adopted now by the Government of India. Do they propose to transfer some of these parties to the Provinces, or do they propose to continue the parties here and levy monies from the Provinces for work done, or do they agree with the Provinces that they should pay certain amounts and keep these survey parties under the control of the Government of India? I do not think that the latter two have been adopted as a policy by the Government of India. It looks to me that all the parties are being continued as the Government of India parties. I am not able to find out the total extent of work available with the Government of India to be done by these parties and for what length of time they will have to be maintained for finishing the work. I am not able to see that. It is impossible for one to conceive that the Government of India will be permanently keeping the establishment on which they will have to spend about 28 lakhs for any work they may have, especially after the reforms have been introduced and most of the work has been transferred to the Provinces. If extra money has to be spent on them because they have to keep them and others have practically to use them, it will not be proper to keep them at that high figure. I do understand that there may be a portion of this expenditure which will always have to be spent by the Government of India, for example, the permanent establishment under the first two or three heads noted in the detailed estimates, Controlling and Administrative staff, Correspondence and the Drawing Office, Photographic and Lithographic Office, Engraving Office, Trigonometrical Office and the Drawing Office. All these and a portion of the survey parties may be necessary. For example, it may be that 4 or 5 parties may have to be permanently maintained to re-survey in places

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which have to be re-surveyed or to undertake surveys in places where the administration is extended; or in the hill tracts or the frontiers and in war zones and probably coal fields. Therefore, you may have to keep 4 or 5 parties permanently. But the continuance of 12 parties is not, in my opinion and in the opinion of the Retrenchment Committee as I see they have recommended, a proper charge on the revenues of the Central Government. The 3 lakhs reduction that I propose is practically what they have recommended. The difference between my proposal and theirs will be about a few thousands of rupees. For example, they propose 28 lakhs as the final limit. My proposal will take it to Rs. 27,07,000. But it will be seen that the recoveries from the various heads noted on page 82 have increased from 21 lakhs to Rs. 22,39,000. So that, practically the one lakh that I have added will be covered by the extra receipts from these sources. Therefore, 3 lakhs will be the amount to be deducted if these principles are adopted. If, on the other hand, it is proved or established or if it is explained, that 3 lakhs is really not a drain on the Central Government but is only profitable, then that may be considered. But as far as I have been able to follow closely the figures, it is not possible to say that it is necessary to keep that establishment. I see that two parties are proposed to be put to work in Burma and that next year about Rs. 1,69,000 is expected to be recovered from the Province of Burma. I take note of that also. All the same I really cannot see that a permanent expenditure of 30 lakhs should be made from the revenues of the Central Government for this. The tendency seems to be not to reduce but to rise higher bit by bit. It will be seen that on page 82, the lump reduction recommended by the Retrenchment Committee of Rs. 6½ lakhs is noted. But the next line will show that, while the Budget estimate for 1923-24 was Rs. 35,38,140, the revised estimate is Rs. 37,16,700. The two items that I refer to, charges under forest and land revenue, have been treated in this as credits from those departments. That appears lower down. It is mentioned: Debitable to Forest, 1,10,360. That is estimated in the coming year's list. But the portion from the land revenue is kept on. So that, there is need for the reduction of 3 lakhs that has been recommended, unless it can be shown that the parties are going hereafter to be either dispersed or to go over to the Provinces or to be otherwise disposed of. Therefore, I am unable to see why this reduction should not be made, and I recommend that this reduction be made and I request the Honourable Members to support my motion.

Mr. President: Reduction moved:

"That the Demand under the head 'Survey of India' be reduced by Rs. 3 lakhs."

Mr. M. S. D. Butler (Secretary: Department of Education, Health and Lands): Sir, it has been truly said that virtue is its own reward. There is no other Department, I think, which has made a heavier cut in its Expenditure as a result of the Retrenchment Committee's report than the Survey of India, and yet my Honourable friend gets up and tells us that nothing has been done, and that the tendency is for the expenditure of the department to rise higher and higher. I am sorry to have to inflict figures on the House, because they are always tiresome, but in order to show what we have done, I must quote the actual sums involved. If the House will look at the Budget for the Survey of India on page 82 of the Demands for Grants, they will see that in 1923-24 the net total expenditure was shown as Rs. 29,50,000. This was after making a cut of

Rs. 6,50,000, which is shown higher up in the same column, on account of the retrenchments recommended by the Retrenchment Committee. The previous figures were therefore Rs. 29,50,000 plus Rs. 6,50,000. Thus we actually reduced in 1923-24 straight off a big sum amounting to nearly one-sixth of the total Budget from the Survey of India grant. So, to say that we did nothing at all is not at all correct. I may also point out that it is equally incorrect to say that the expenditure of the department is rising, on the contrary it is falling. The figure Rs. 29,50,000 for 1923-24 has really to be increased by the sum of Rs. 1,10,000 debitable to Forests on the same page in order to give a comparison with the current year. Thus the actual Budget for 1923-24 should have been Rs. 30,60,000. This year our net Budget figure is shown as Rs. 30,07,000 and this includes a charge which has never been made before, and which will be found on page 75, namely, customs duty on stores, Rs. 57,000. Previously, that was not charged to the Survey Budget, but under the new system of accounting it is charged. So that really the figure Rs. 30,07,000, which is our net Budget for this year, for the purposes of comparison with last year, should be Rs. 29,50,000. Thus there has been a fall from Rs. 30,60,000 in 1923-24 to Rs. 29,50,000 in 1924-25. This shows that there has been a steady reduction each year,—in the first year Rs. 6,50,000, and this year another lakh or so, and we shall endeavour as far as is possible to go on making reductions as opportunity occurs, until we reach the figure of 28 lakhs proposed by the Retrenchment Committee. Whether this will ever be possible I cannot say. Obviously each year the tendency is for salaries to rise as increments fall due, and therefore it can never be said exactly what one year's total will be as compared with the previous one. But it is quite clear from the figures that I have quoted that in the first year we made a very heavy cut, and in the second year we have made a further cut, and we have always economy in mind and shall do whatever we can in future years. I hope then that what I have said will show that it is not fair to charge the Department with having done nothing in the matter of the Survey, and also that we are making successive reductions and very considerable reductions.

The Honourable Member also asked whether we proposed to bill the Provinces for work done, and what we were going to do in the way of transferring the work to the Provinces. Obviously the ultimate object of the Survey of India department is the production of maps, and all its work must be centred in the place where maps are made. There is no use in telling the provinces that we will give them our survey staff, and that there is an end of the business. They want the maps. The production of maps requires a central office with the most elaborate modern machinery, and for reasons of economy that must be centred in one place, and therefore the control of the survey must be with a central body. All we can do to the provinces is to bill them for anything which is properly debitable to them for what we do for them. That we do already. If Honourable Members will look at page 82 of the Demands for Grants they will see that we actually receive Rs. 22,39,000 odd for our services in one form or another. Some of these recoveries are on account of maps and instruments supplied and others on account of contributions. For instance, we take Rs. 55,000 as the contribution payable by the Hyderabad State; we debit certain amounts to the Marine Department, and to the Public Works Department of Provincial Governments. Then we charge the Provincial Governments on account of Forest Survey—Rs. 2,44,610. We charge the Provincial Governments on account of Revenue Survey, Rs. 1,00,000 and so on, making altogether, as I have said

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before, nearly Rs. 22½ lakhs. These sums are deducted from the gross total, and thus we arrived at the net Budget figure which I have already explained.

The Honourable Member also asked why we still keep up twelve parties. But, if he will look at the Report of the Retrenchment Committee, he will see that they say that we should go into the question whether 12 parties are needed, or failing that, that we should so reduce our expenditure as to bring it within the recommended limit. Well, we had been into the question of the number of parties necessary, and we found that, India being the large country it is, we cannot get on without 12 parties. So we preferred to make our economies, not by cutting off one party or two parties, but by reducing the strength of each party in the same way that the Army Department have made reductions, not by abolishing a large number of individual regiments, but by bringing down the strength of all the regiments so that each will cost less than it did before. But the skeleton will be there, so that it may be expanded if it is ever necessary, and I think that the House will feel that that is the best method to adopt. So long as we get our economies, it is surely better to keep these skeleton parties alive and to spend less on them, but to have them ready for expansion in case that is necessary in future.

The only other thing that I need say is that I have been instructed by my chief, the Honourable Sir Narasimha Sarma, to say that he hopes that, when Members of the Legislature go to Dehra Dun, they will take the opportunity to see the branch of the Survey of India which is located there. As Honourable Members are aware, the headquarters of the Survey of India are in Calcutta. That is the big map producing centre, but we have a very important branch at Dehra Dun, which deals largely with the production of forest maps, and there is there in miniature everything that they will see in Calcutta. I went there myself six months ago, and Members will certainly find that a visit will interest them greatly. Not only will they see map production, but Dehra Dun is the centre of the geodetic activities of the Survey of India and there are many interesting things in that connection which can be seen. I trust that those Members who go to Dehra Dun will take the opportunity which will be presented to them of visiting the Survey of India, and I am sure that, when they have done so, and seen the humble quarters in which the Survey is working, they will come back here full of zeal to have more money spent on housing the Survey of India better than it now is at Dehra Dun, and to increase in every way the activities of the department.

Mr. K. Rama Aiyangar: I withdraw the motion.

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

Mr. President: The question is:

"That a sum not exceeding Rs. 22,38,000 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, 1925, in respect of 'Survey of India'."

The motion was adopted.

DEMAND NO. 22.—METEOROLOGY.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,32,000 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, 1925, in respect of 'Meteorology'."

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I beg to move:

"That the demand under the head 'Meteorology' be reduced by Rs. 100."

I base my motion upon the recommendation of my Honourable friend Sir Purshotamdas Thakurdas as a member of the Inchcape Committee. His supplementary minute is printed on page 190 of the Committee's report and all I have to say is borne out by his very weighty observations. Honourable Members will find that the Simla office of this department costs something like 4 lakhs of rupees. There is moreover an office in Agra and one in Alipore. They will find the information on page 88 of the detailed estimates for grants. The Simla office costs Rs. 3,75,650. Last year the Budget estimate amounted to Rs. 3,12,000. Now, the point I wish to make is, why is the continuance of the Simla office necessary. Sir Purshotamdas gives three reasons why it should be abolished. He says that the Simla allowances of the clerical staff would be economised, lower travelling charges and allowances will ensue and the cost of building would be cheaper. Those Honourable Members who have visited Simla in connection with their legislative duties must have seen the office of the Meteorological Department there and my submission is that that office is more like a barrack and in the near future the department will ask for the reconstruction and improvement of that building. At any rate this was suggested in the Inchcape Committee's report. I submit, Sir, that I have yet to see whether Simla affords any special facilities for the establishment of the headquarters of this department there. It would seem that places in the plains are as suitable for the location of the office at Simla and I therefore move that the motion I have set down be carried.

Mr. G. Pilcher (Bengal: European): I do not claim to be a meteorologist or a physicist but I should be guilty of a very grave dereliction of duty if I sat here silently whilst this vote for the Meteorological Department is under discussion and said nothing about the extremely grave misgivings which exist in Calcutta in regard to the conduct of this department. It is quite possible that in the general opinion of this House this department exists merely to provide a very interesting quarter column in the daily newspaper or to give early intimation of the necessity of buying a new umbrella when the monsoon is coming on. This department exists for very much more important purposes than that and I want to say just a word, first under the general heading and then under a particular detailed heading, in regard to its functions and its execution of, or its failure to execute, them.

The general functions of the Department seem to me to be of two descriptions, firstly, protective and, secondly, constructive. It exists, primarily, I imagine, to give warnings of the sort of weather we are going to have in a country which is subject to extraordinary variations of climate and weather conditions and, secondly, to assist the Finance Member and the Agricultural Department by giving them some estimate in advance of the kind of rainfall we are likely to expect and that in a country where the whole course of year's finances depends, as the Finance Member told us the other day, on the nature of the monsoon. In regard to the first, the protective functions of the Department, we know in Calcutta that there is running through this department a spirit which I cannot help regarding as one of excessive economy and, as Mr. Hindley told us the other day,

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there is all the difference in the world between economy and retrenchment. A policy which blindly cuts down the expenditure of a department of this nature can hardly be described as a policy dictated by economy, by a desire to obtain better management, to get greater yield from the assets of the department. The Inchcape Committee took Rs. 84,000 out of this department rather in the extravagant fashion of the woodmen we sometimes see engaged in so hacking and cutting a tree that all its beauty and utility disappear. Under this head I should like to get some definite information from the Honourable Member in charge of the Department. In Calcutta we have seen one extremely able member of this service disappear. I refer to Dr. Harrison who is now employed as Chief Scientist to the School of Mines, under the Admiralty, in Portsmouth, a post than which there is none more productive and important in the Empire. Why is it thought worth while to let men of that calibre leave this country after they have been here for 15 or 16 years and thus lose their services at a moment when the country might justifiably hope to profit from their training and experience? Then there is another point. We hear of observing stations in the Bay of Bengal being closed down. I speak without my book and I have not been able to verify the references but I should like to know whether it is a fact that as a measure of pure economy, the Table Island observing station was closed down and also whether the Honourable Member's department has record of a storm of which due warning could not be given, or was given at a later than but for the closing of this station it would have been given? Then right through this Department, as far as I can see and judge from all we hear in Calcutta, there is some dissatisfaction among the European personnel. I saw a statement in the papers recently that within the last 5 or 6 years the superior personnel, which was formerly recruited in the proportion of 4 Indians to 10 Europeans, is now in the proportion of 10 Indians to 4 Europeans. I make no complaint at all on that score if Indians are efficient. If you can get men like Professor C. V. Raman, F.R.S., by all means use them. I want to know whether the efficiency of the department is being jeopardised by these changes. One hears that the efficiency of the upper air observations in Agra has been impaired. We hear from time to time that Mr. Field is going up and down to Simla and being asked to do work of a clerical nature in Simla. This officer is a very highly qualified technical expert and should be employed, in our opinion, on specialized work for which his high attainments qualify him.

Now, Sir, I want to turn to a very important item of a particular nature connected with the working of this department. It arises out of the terrible disaster to the "Okara" which occurred on May the 5th last year. That disaster occurred a few months after the duty of giving storm warnings had been removed from Calcutta to Simla. It may be a mere coincidence, but it can hardly be a matter for complaint if a community which depends on sea-faring endeavour is inclined to see some sort of connection between these events, and we should like to know whether the Department has yet made up its mind on the recommendations made by the Committee which inquired into the "Okara" disaster. That Court of Inquiry said, Sir, "It is evident from the evidence of the witnesses that Captains of ships in the Bay are quite out of touch with the Meteorological Officer"—that is since there has been a removal of these functions to the Central Department in Simla. "He is a gentleman far away up in Simla"—this is not newspaper gossip, but the considered

opinion of the Court of Inquiry appointed to examine the "Okara" disaster—

"He is a gentleman far away up in Simla, whom they are never likely to meet; yet he is one with whom they are to correspond by wireless and from whom they are to receive what ought to be valuable information. In fact he appears to be a gentleman with whom they have not much concern."

The Court of Inquiry go on to criticize the distribution of storm warnings in some detail and to voice the complaints made by captains at sea and so forth. With regard to the delay that may occur in sending wireless warnings from Simla instead of from Calcutta, they say that it involves a delay of half an hour, but, the Court of Inquiry continue:

"It does appear to us that the advantage that would be gained by having the Meteorological Officer in Calcutta so that he could meet personally the captains with whom he corresponds and get to know those who are keen and willing to supply useful information, and to urge others to do the same, is so great that we recommend that his question should be considered as being one of prime importance to shipping in the Bay of Bengal."

I understand that a conference sat in Calcutta which Dr. Gilbert Walker and possibly Mr. Norman attended. We should very much like to know what, if any, decisions have been come to. I may draw the attention of the House and of the Honourable Member in charge to a statement—I think it was made, I have not verified it, at the annual meeting of the Bengal Chamber of Commerce by Sir Willoughby Carey—it was said, if my recollection is accurate, that the Chamber of Commerce were extremely anxious to know what was being done in this important matter.

Arising out of the Court of Inquiry into the fate of the "Okara" there are several other important criticisms and suggestions about which I should like to have an answer if possible. For instance, there is the question of summer time for loading. Summer time lasts, I think, from November 15 to May 25. The evidence given before the Court of Inquiry showed conclusively that some of the worst storms in the Bay occur in October and May, and the "Okara" was actually lost in May. The Court of Inquiry wisely suggested that the period for full summer time loading should be restricted to the time between the end of November and the end of April.

The Honourable Mr. A. C. Chatterjee (Industries Member): May I rise to a point of order. The question of summer time—I do not wish to interrupt the Honourable Member—the fixing of the summer time does not arise under the Demand which is now under discussion, that is, Meteorology.

Mr. G. Pilcher: May I suggest, Sir, that if we are to have a Meteorological Department manned by experts which costs us Rs. 7 lakhs a year, it is not asking too much to expect that their knowledge and experience should be utilized in the fashion in which undoubtedly they would be utilized if one of their experts were stationed in Calcutta, as he used to be.

The second point to which I would like an answer is whether the Department has done anything to recommend a permanent all day and night watch by a wireless operator at the Sandheads. The whole safety of the shipping in the Bay of Bengal constituting four or five millions of tons of shipping per annum inward and outward depends on the efficiency of this Department. It is the only Meteorological authority in this country. If it fails to exercise its influence and keep our shipping safe, then there is no one else who can do so. Then there is the question of the Admiralty line for the change of the international watch keeping period which passed

[Mr. G. Pilcher.]

through 90° Longitude—that is, half way across the Bay. I should like to know whether any recommendations have been made to the Admiralty. Probably it is outside the technical functions of the Department. Nevertheless we should like to know whether and how far the Department has exercised its influence with the Admiralty so that some of these unhappy consequences may be avoided in the future.

My last inquiry concerns the whole question of the expenditure on the Meteorological Office in Calcutta. At present, so far as I am able to ascertain from the accounts, there is a half-time officer there. He is given something like Rs. 300 to 450 over and above his pay derived from the Educational or other service to which he may belong. Sir, I would like to point out how much the Finance Member relies for his ways and means on safe communications in the Bay of Bengal. How much does the Finance Member derive from that port of Calcutta? Something like 16 to 18 crores out of his 40 crores of customs revenue come from there. In the Income-tax Department also he relies on that city for five or six crores; and I think the Bengal Chamber of Commerce and Calcutta opinion generally is in a very strong position in claiming that more of the departmental expenditure shall be expended there *ad hoc*, and that the Meteorological Department should keep in close touch with the Port Officer and the captains of ships in the Bay of Bengal. And, Sir, if I may anticipate the next two or three votes for a moment, I should like to say that this tendency to limit expenditure on the Scientific Departments has been of a general character. I would not confine myself solely to the Meteorological Department. The next vote concerns the Zoological Survey. The distinguished head of that Department has recently been elected a Fellow of the Royal Society. It is only a few weeks since he described how he and his superior officers look anxiously round their shelves to see whether their valuable specimens have been stolen merely on account of the value of the glass bottles in which they are contained

Mr. President: There is a motion for reduction on that point; and I cannot allow the Honourable Member to anticipate it.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, I have only a few words to say. With a great deal of what Mr. Pilcher has said I am entirely in accord, but I do not agree with the suggestion that he has made for any reduction of the period of summer time. Ships are lost on 365 days in the year, and merely because a ship or two or three ships get lost at times inside the summer season, that is not in my opinion any adequate reason for reducing the time thereof.

Sir Gordon Fraser (Madras: European): Sir, there is just one small point which I would like to refer to which affects Madras. I want to ask the Honourable Member in charge whether it would not be possible to resume the publication of weather reports in Madras. These used to be issued daily, but one of the very small cuts effected was to cut these out from January to March. Now there cannot possibly be any real economy effected there if the accounts are taken on a commercial basis, because we do pay for the charts and there must be the standing expenses. In the case of Madras we have got a long coast-line, shipping is a very important matter, and we look with the greatest interest for these reports every day, as we should get the earliest information concerning the weather in the Bay and arrange our shipping and our steamers accordingly. I do not think, if the Honourable Member were to look into the matter carefully,

that he would find that he is really effecting any saving. Another point is that it is rather a strange coincidence that during the three months for which the reports are cut out, January to March, as being the three quiet months of the year, the first three weeks of January this year and last were weeks of depressions in the Bay: which means that we were put to the greatest inconvenience as we did not know what the consequences might be to our steamers in Coconada, Vizagapatam and down south. We have only one protected port on the coast, Madras, and that itself is an artificial port. I doubt if Government are effecting any saving; if there is, it could only be a few hundreds or one or two thousand rupees. I would, therefore, ask the Honourable Member in charge if he cannot resume publishing the charts during the whole of the 12 months.

The Honourable Mr. A. C. Chatterjee: I am very grateful to Honourable Members for the interest they have evinced in this very important subject, and I entirely echo the views expressed by my Honourable friend from Calcutta when he said that this rather obscure department does a very great amount of valuable work, work that protects the agriculture, commerce and shipping of the country. I am very glad indeed that the work of this department, done by scientific officers of very high standing in their own profession, is being recognised and adequately recognised. My Honourable friend Dr. Gour referred to the question of the transfer of the central office from Simla to a plains station. He based his argument on the note recorded by my Honourable friend opposite in the Retrenchment Committee's report. He will find that the recommendation of Sir Purshotamdas Thakurdas was on the assumption that the transfer should be effected only when the financial conditions permitted and when new buildings had to be put up. This is what Sir Purshotamdas Thakurdas said:

"I understand that the Government building which this establishment occupies at Simla is only temporary and will require to be rebuilt before long. I recommend that, at the latest, when the time for rebuilding comes, the necessity and advisability of locating the Director General at Agra . . . should be seriously considered."

Dr. H. S. Gour: The passage I relied upon is this:

"The Director General of Observatories did not give any scientific reasons necessitating that the headquarters of his establishment should be at such a naturally expensive and remote place as Simla."

This is a statement which stands by itself and must be read apart from the rest.

The Honourable Mr. A. C. Chatterjee: I do not see, Sir, how one sentence of a note can be read apart from the rest of the note. Dr. Gour, as a great lawyer, may be able to do so, but I cannot do so. I contend again that the recommendation of Sir Purshotamdas Thakurdas was based on the assumption that the building would be rebuilt in Simla and he recommended that, before that was done, the question of the removal of the headquarters should be taken into consideration. As a matter of fact, we are not contemplating putting up permanent buildings in Simla at present. Financial considerations entirely preclude that idea, but, when we do think of putting up permanent buildings, the valuable suggestion made by my Honourable friend opposite will certainly be taken into consideration.

Now, Sir, I turn to the very valuable observations of my Honourable friend from Calcutta. He has observed that excessive economy is being exercised by this department. No one, Sir, has regretted that more than myself, but, in accordance with the recommendations of the Incharge Committee, we had to fall into line, and I have felt that the retrenchments

[Mr. A. C. Chatterjee.]

that were made went a little beyond what was really necessary. I am very glad to say that my Honourable Colleague, the Finance Member, has been persuaded to allow us to spend a little more money in the budget year. This will be evident from the additional grants which we have asked for, printed in heavy type, in the Demands for Grants. We fully recognise, as I have already said, the importance of the department, and we are proposing to spend during the next year a little more money than we were allowed during the current year. Mr. Pilcher has referred to the retirement of Dr. Harrison. Dr. Harrison was not a whole time officer of the Meteorological Department. I am not personally acquainted with the circumstances in which he retired. But he was an educational officer and, if he chose to find a career elsewhere, the Meteorological Department could not prevent him from doing so. Then, he said it was very deplorable that Mr. Field, a very great authority on upper air work, should have been taken to Simla to do clerical work. I regret that Mr. Pilcher should have suggested that Mr. Field was being made to do clerical work in Simla. Far from it, Sir. I think it is a great mistake to imagine that Dr. Gilbert Walker, the head of the department, whose place Mr. Field had been asked to take up during Dr. Gilbert Walker's leave, is merely employed on clerical work at Simla.

Mr. G. Pilcher: I did not wish to make that suggestion.

The Honourable Mr. A. C. Chatterjee: I am very glad, Sir, that Mr. Pilcher recognises that the head of this department does perform very valuable work though his headquarters are at Simla. Mr. Field went up to Simla in order to carry on Dr. Gilbert Walker's work during the time that Dr. Gilbert Walker was away.

Mr. G. Pilcher: I am sorry I have been misunderstood. I merely desired to suggest the urgent necessity of maintaining continuity in the upper air work at Agra; it seems scarcely desirable in a scientific service continually to employ a purely technical officer on administrative work and impair the results of his scientific observations.

The Honourable Mr. A. C. Chatterjee: I do not want to suggest that upper air work is not very important, but at the same time what I wanted to point out was that the work of the head of the department is equally important and we wanted the most senior and the most capable officer to do that work while the permanent incumbent was away. Then, Mr. Pilcher referred to the question of Indianisation. I do not wish to make any observations on this point beyond stating that the young Indian gentlemen who have been appointed to this department in recent years all hold very high scientific degrees and have been well reported upon by the head of the department who carries very high authority in these matters.

Now, I come to the question of the very deplorable disaster that took place in the Bay of Bengal last hot weather. Popularly this disaster has been to a certain extent attributed to the transfer of the storm warning work to Simla from Calcutta. This transfer was effected upon the advice of Dr. Walker and with the very best of intentions. We found that in Calcutta we could only afford a half-time meteorologist, whereas in Simla we had two or three scientific officers of very high standing and very high qualifications. We thought that this storm warning work, which was of very great importance, could be done very much better by having two or

three officers together who could consult each other and come to some kind of decision on various important points, on the very complicated scientific problems that arise in this connection. The delay in telegraphing the views of the department from Simla to Calcutta never exceeds more than half an hour. The inquiry report mainly animadverted on the fact that one particular message had not been broadcasted immediately. We have

12 Noon. carefully examined that point and Mr. Field, who was responsible for the decision not to broadcast that particular message, contended that the conditions were far from definite and, according to his judgment, it was better that it should not be broadcasted. In a matter like this, where very important considerations are affected, we can only depend on the judgment of the particular officer concerned. As I have already stated, we have tried to develop again the work that used to be done in Calcutta. Honourable Members will find at page 83 of the Demand for Grants that we have restored the system of weather telegrams in Calcutta at a cost of very nearly Rs. 10,000. We have also appointed an Assistant Meteorologist in addition to the existing staff. We are doing all we can in the direction of making the Calcutta Office as satisfactory as possible. Then the Honourable Member asked about . . .

Mr. G. Pilcher: May I interrupt the Honourable Member and ask him whether we could have a definite statement as to the decision of the Government of India on the particular recommendation of the Court of Inquiry on the loss of the "Okara" in which they say that they would "also recommend consideration of the advisability of having the Meteorologist who deals with the Bay of Bengal storms posted in Calcutta instead of in Simla as at present." This recommendation was made several months ago and Calcutta is anxiously waiting for some definite decision on that point.

The Honourable Mr. A. C. Chatterjee: We have carefully considered that point and for the present we have decided, at least for the Budget year, that we should carry on the storm warning work in Simla as we have done during the current year. That is the provisional decision. But we are strengthening the staff in Calcutta and the staff there would also be able to co-operate with the Simla staff by getting in touch with the mercantile and shipping community. As regards summer time, that is a matter which is dealt with in the Department of my Honourable Colleague Sir Charles Innes and I do not know the exact particulars. But I have no doubt that a definite decision will be announced. I may state that the point with regard to the zone line, which Mr. Pilcher has raised, has already been taken up and we are in communication with the Admiralty with regard to this matter.

The point raised by Sir Gordon Fraser related to the publication of weather reports in Madras. I regret very much that some inconvenience has been caused to the mercantile community in Madras on account of the discontinuance of the publication of weather reports between the months of January and March. I shall look into this question and, if it is possible, we shall try to restore their publication during these months.

Sir Purshotamdas Thakurdas (Indian Merchants Chamber: Indian Commerce): I hope the Honourable Member opposite will not mind if I rise to say that primarily my note of dissent was based upon the ground pointed out by my Honourable friend Dr. Gour. (Dr. H. S. Gour: "Hear, hear.") I have not been able to understand, and I am afraid the remarks that the Honourable Member opposite has just made have still

[Sir Purshotamdas Thakurdas.]

left me unconvinced, of the reasons why the Director should be stationed at Simla, especially when he has such an important office at Calcutta and such important work at Agra. But, as I was making a minute as a member of the Retrenchment Committee, I had to base that recommendation principally on the ground of economy. Therefore I say in the second sentence that at the latest when the building of Simla has to be built the headquarters of the Director should be removed to Agra. Incidentally I may draw the attention of the House that, if the headquarters of the Director can be removed from Simla, there will occur the following two savings at least, namely, the Simla allowance of the clerical establishment and also their travelling charges. I think, Sir, that the saving on this score alone will make up for what Sir Gordon Fraser has asked, namely, a thousand or two thousand rupees which the Government at present are saving by not printing the weather reports during the three months that Madras so badly wants them.

Dr. H. S. Gour: But what scientific necessity is there for keeping the Director at Simla?

Sir Purshotamdas Thakurdas: I therefore will not look upon what my Honourable friend opposite has said as final and I trust he will reconsider the decision, generally from the points of view that have been mentioned in my minute of dissent, and especially from the point of view urged by my Honourable friend Dr. Gour, namely, that there is no scientific reason for keeping the headquarters of the Director at Simla.

Mr. G. Pilcher: Can I ask the Honourable Member for definite information on the subject of the closing of certain stations in the Bay of Bengal on grounds of economy and inquire whether he can give the House an assurance that there will be no further reduction or restriction on the usefulness of the observing stations in the Bay of Bengal.

The Honourable Mr. A. O. Chatterjee: I regret to say that I have not got the papers just now with me. I shall be able to supply the information to the Honourable Member later on. I have no definite recollection with regard to this particular question which he has asked me.

The Honourable Sir Charles Innes (Commerce Member): May I just supplement the remarks of my Honourable Colleague in regard to one matter, namely, that of the period for the summer load line. That question has been taken up by the Government of India in consultation with the Local Governments concerned and commercial bodies in India and it has also been taken up by an expert Committee of Board of Trade at Home. I have no doubt that the labours on this side and at Home will result in a satisfactory decision being arrived at on a very difficult question.

Dr. H. S. Gour: May I ask the Honourable Member in charge of this Department whether he is prepared to give an assurance on behalf of Government that the head office will be removed from Simla as soon as possible because we see no scientific reason for its continuance there.

The Honourable Mr. A. O. Chatterjee: There are many scientific reasons for the maintenance of the office in Simla. But, as I said, it is not much use our discussing the question of the removal of the office until we know that we can find funds for building a proper office in the plains or anywhere else. When such a time arrives, certainly all the considerations will be taken into account. I regret that I cannot give any assurance to the Honourable Member because it cannot be in my time that funds will be available for the building of a proper office either in Simla or elsewhere.

Mr. President: The question is:

"That the demand under the head 'Meteorology' be reduced by Rs. 100."
(Dr. H. S. Gour asked for a division)

Mr. President: Those who desire a division will rise in their places.

Dr. H. S. Gour: The Honourable Members who want to take part in this division are in the Library waiting for it.
(Mr. President again put the motion to the House, and it was negatived.)

Mr. President: The question is:

"That a sum not exceeding Rs. 6,32,000 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, 1925, in respect of 'Meteorology'."

The motion was adopted.

DEMAND No. 23—GEOLOGICAL SURVEY.

Mr. President: The question is:

"That a sum not exceeding Rs. 2,20,000 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, 1925, in respect of the 'Geological Survey'."

Dr. H. S. Gour: Sir, my motions* under Demands Nos. 23 to 28 have one object in view, namely, to elicit from Government information on the following points. Honourable Members will find that under the head "Archæology", Demand No. 26, provision is made for Rs. 3,930 on account of Archæological scholarships. I wish to know, Sir, why similar scholarships are not provided for under the other scientific heads, such as Botany, Zoology, Geology, Survey of India, etc. It seems to me that if you are to train up apprentices in these various branches to take their place in the future cadre of the services, it is necessary that scholarships be provided and students drawn from the universities to undergo training in the various scientific departments under the Government of India. I therefore commend my motions under the various heads to the favourable attention of the Member in charge of these departments.

The Honourable Mr. A. O. Chatterjee: Sir, so far as the Geological Survey is concerned, I think for once I can satisfy my Honourable friend, Dr. Gour. We have already provided for one State scholarship in Geology during the next year. The item will be found in the Demand for the High Commissioner.

Mr. President: The question is:

"That the demand under the head 'Geological Survey' be reduced by Rs. 100."
The motion was negatived.

Mr. President: The question is:

"That a sum not exceeding Rs. 2,20,000 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, 1925, in respect of the 'Geological Survey'."

The motion was adopted.

* "That the demand under the head 'Geological Survey' be reduced by Rs. 100."
"That the demand under the head 'Botanical Survey' be reduced by Rs. 100."
"That the demand under the head 'Zoological Survey' be reduced by Rs. 100."
"That the demand under the head 'Archæology' be reduced by Rs. 100."
"That the demand under the head 'Mines' be reduced by Rs. 100."
"That the demand under the head 'Other Scientific Departments' be reduced by Rs. 100."

DEMAND No. 24—BOTANICAL SURVEY.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,41,000 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, 1925, in respect of the 'Botanical Survey'."

The motion was adopted.

DEMAND No. 25—ZOOLOGICAL SURVEY.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,09,000 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, 1925, in respect of the 'Zoological Survey'."

The motion was adopted.

DEMAND No. 26—ARCHÆOLOGY.

Mr. President: The question is:

"That a sum not exceeding Rs. 12,29,000 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, 1925, in respect of 'Archæology'."

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I understand that the motion* which stands in my name is not in order; that we cannot move an increase in the Demands under the different heads; but I can simply express my wish and desire, and I wish only to say that this department is really a very important department which preserves ancient monuments and I consider the sum allotted to this head is indeed very insufficient. I hope that next year the Honourable the Finance Member will have sufficient money to increase the amount under this head.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I associate myself with the amendment of my Honourable friend, having regard to the fact that the Honourable Mr. Chatterjee recently gave us a sugar-coated reply. The Archæological Department is responsible for the maintenance and preservation of the ancient ruins of Gour and Pandua, the old capital in the District of Malda in Bengal. But what do we find? Trees growing in the buildings and the buildings in a dilapidated condition are coming down. Sir, the history of India from time immemorial is full of beautiful monuments, tombs, mosques, temples and big buildings, and when Lord Curzon was Governor General of India he personally took an interest in the preservation of historical buildings, and at the present time, it is left to the Archæological Department to look after these buildings. It is better for the sake of these historical monuments that more money should be spent. I wish, Sir, that the Government of India would take care that this department is not neglected and that they may be able to do justice to the preservation of those buildings and ruins of the old Empire where the old Emperors ruled in this country for 600 years or say even from the time of the Hindu period. You will see those buildings are still standing; but probably after a few years you will never get the opportunity of seeing them at all. Visitors to India should be allowed to see these buildings and epithets written on them in gold letters and the engravings on them before they are allowed to perish. Where are the Golden Mosques, the Victory Gates, the Boundary Walls and those beautiful buildings of which

* "That the demand under the head 'Archæology' be raised by 3 lakhs of rupees."

the great Sanskrit scholars have written during the time of Lakshman of the 12th Century? I request that this Department should be abolished if it does not take the trouble and care to visit those places, inspect them and see what they should do. It is no use the officials drawing their fat salaries should remain idle. Every year there is a Budget which we are asked to pass blindly and without taking care that there is a department of officers drawing only salaries. I ask the Honourable Member in charge to take a little care to be good enough to go and inspect those historical buildings and monuments and see if he can do anything for the cause of history and for the purpose for which this department has been established. With these comments I have no objections to the Demand, but if after another 11 months we shall again have to remind the Honourable Member in charge, I shall be very sorry. My line of attack will be quite different next year.

Mr. President: The question is:

"That a sum not exceeding Rs. 12,29,000 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, 1925, in respect of 'Archæology'."

The motion was adopted.

DEMAND No. 27—MINES.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,28,000 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, 1925, in respect of 'Mines'."

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I move:

"That the demand under the head 'Mines' be reduced by Rs. 100."

My object in moving this motion is to draw the attention of the Honourable Member in charge of this Department, as well as of this House to some matters regarding the welfare of the workers in the mines. Sir, the first point which I want to touch is about the employment of women underground in mines. When the Select Committee considered last year's Bill, it recommended that within a short period of about five years the employment of women underground should be prohibited. The Government of India had promised to call for the opinions of the Local Governments and introduce this reform. I want to ask the Member in charge whether the Local Governments have been consulted on this point, and I want the Honourable Member to publish the opinions of the Local Governments and various bodies concerned on this subject. The reform in regard to the prohibition of the employment of women underground is absolutely necessary and it should be made as early as possible. I am anxious that the Government of India should, without delay, pass the necessary legislation. I have no objection to their putting a clause in the Act itself delaying the operation of the Act for a few years.

The next point on which I want information from the Honourable Member is as to the introduction of the shift system in the working of the coal mines in India. Sir, at present there is absolutely no limit to the number of hours which workers in mines work during one day. It has been admitted here, and it has been admitted in several reports published by the Government of India themselves, that workers in coal mines work for more than 16 hours, sometimes with their wives and children underground. The Chief Inspector of Mines in his report has pointed out that it is quite possible to introduce the shift system and stop this evil altogether. Unfortunately, the Government of India have not yet taken action on the

[Mr. N. M. Joshi.]

report of the Chief Inspector of Mines. I know, Sir, that the Government of India have also consulted the Local Governments on this point, but I am anxious that the Government of India should publish the reports which they must have received by this time from the Local Governments and state what action they propose to take. I feel, Sir, that action on this matter also is absolutely necessary. We cannot allow the workers in mines to go on working for any number of hours in a day. We must fix a limit, as we have fixed a limit for the work in factories. I hope, Sir, that the Government of India will take action on this point at an early date. I know that the mine-owners will oppose both these reforms; but, Sir, the Government of India should take this into consideration that at no time in the history of factory legislation or any other labour legislation have the employers themselves approved of any reform. Whenever any reform has been effected, it has been effected in spite of the opposition of the employers

Dr. H. S. Gour: Who opposed the Workmen's Compensation Act? Did the employers oppose the Workmen's Compensation Act?

Mr. N. M. Joshi: Well, Sir, the Workmen's Compensation Act was introduced in India 25 years later than it was introduced in other civilized countries, and, when the employers found that they would be discredited in the whole world if some small measure of workmen's compensation was not introduced, they consented. I do not say that they will not consent under certain circumstances. Surely I know that the employers in India did not oppose the fixing of the limit to the working hours in factories to 60 hours a week. I know why they did not, because the working hours in the factories were limited by the very practical means of the strike that took place in Bombay and elsewhere, and therefore, to make a virtue of necessity, they did not oppose it. I feel, Sir, the employers will oppose the introduction of this reform, but let the House remember that, as the employers themselves want protection for themselves for their interests, and the House has passed a Resolution giving some protection to the mine owners in India, they have no business now to come forward here and oppose a small reform which is in the interests of the workers.

Then, Sir, I want the Government of India to inquire into the working conditions of the mines in many respects. The House will remember that last year there was a great explosion in one of the mines as a result of which about 70 lives were lost. Sir, our Mines Act is the weakest as regards its provisions for the safety of the workers. (*The Honourable Mr. A. C. Chatterjee:* "No, no.") The Honourable Member says "No," I say "Yes." I want the Government of India therefore to appoint a Committee to inquire whether the Honourable Member is right or I am right. I am quite ready to have the matter inquired into. Sir, I feel that our provisions for the safety of the workers underground are very weak considering the legislation that we see in other countries. Then, Sir, in the coal mines the wages are also very low, considering the wages in factories. I want the Government of India to inquire whether the wages paid in the mines are really wages that will suffice to enable people to make both ends meet and to save some money. Then, Sir, there are several other points which require inquiry, and I am anxious that the Government of India should appoint a committee and make a thorough inquiry about the working conditions in the coal mines in India, as well as take immediate steps to introduce legislation prohibiting the employment of women and introduce the shift system without delay.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Sir, a remark fell from Dr. Gour as to whether the employers had opposed the introduction of the Workmen's Compensation Act. May I ask him to read the speeches of Honourable Members in the Assembly on the Workmen's Compensation Act, and may I remind him further that the provisions of the Workmen's Compensation Act, as applied in India, are very different to the provisions of the Workmen's Compensation Act as it is applicable to the people of Great Britain, and further that the Act which was passed is so whittled down that it is really not worth having? May I also remind him that that Act, although it was passed in this Assembly, does not come into force until next year?

Mr. President: The Honourable Member's remarks are not in order. This is a question of the administration of the Mines by the Department of Industries.

Mr. Chaman Lal: Sir, the question of mines is really a most distressful question. As I said yesterday, I have been to the mine-fields and found more destitution there than probably exists in any other centre in India. I saw women and children going about with bare rags on their backs. I saw women wearing just an ordinary torn dhoti 5 yards long which does the work of a skirt as well as a blouse and that was all the clothing they possessed. I have seen such utter misery and destitution that unless something drastic is done you are up against a very difficult problem. If you go into the huts what do you find? The huts are ill-ventilated with barely room for a cot and a fireplace; and all the worldly goods of these poor miners consist of just a few utensils, and hardly any clothing. Everywhere you go in the mine-fields you meet the spectre of poverty. You find at the pits-mouth, as I found when I went there, that, whenever a labour leader or philanthropist or anybody else interested in the men's welfare goes there, a clamorous crowd of miners collect round him saying bitter things against the contractors, agents and proprietors; and you never find any denial of the things alleged except a vague sort of denial. And my experience was that the agents, contractors and proprietors were ashamed of the black misery they had brought on the black country. Wherever I went I found complaints of starvation; the miners said they did not get enough food; their housing accommodation was abominable, their wages were horribly low; and there has never been any challenge of these statements. May I remind my Honourable friend Dr. Gour and those who think with him that in the coal-fields you have something like 200,000 men working in India, and you find that the average wages these men get, it has been reported by the Industrial Commission, are something like 7 annas a day. These miners dig out on an average about 2 tubs of coal—a miner and his wife. For these two tubs they get 7 or at the outside 8 annas a tub. This is all the work they are able to do in the course of one whole day's labour. And what sort of labour? Ten, twelve and sixteen hours' labour underground. The proprietors complain that these poor miners do not work more than four days in the week. It is impossible for any human being to work more than four days in the week under those abominable—nay, horrible conditions. I discovered a little while ago a certain report in the newspapers and this is what it said about the miner's condition:

"Many actually perish of starvation. These poor labourers are supposed to work for 12 hours a day. They have to go through life on insufficient food. They do not know from year's end to year's end what it is to have their hunger satisfied. They live from hand to mouth and have nothing to fall back upon in bad times."

[Mr. Chaman Lal.]

That is the condition of the Indian miner. Compare this condition, Sir, with the condition of miners in any other civilised country in the world and you will find that you are not very far from a dangerous state of affairs in the coal fields. You find when you look at the situation that, whenever there is any illness, or whenever there is any injury, there is no provision whatsoever made for the subsistence of the miners or their families. There is no provision made for the children. Are the children to go hungry? Are they to starve? They merely fall back, on occasions like these, on the charity of their neighbours. Nobody can declare that there is any shred, any shadow, of comfort for the miner or his family. Prostitution, which is the handmaid of poverty, is to be found throughout the coalfields, throughout the coal area. This is the state of the semi-starved coal miner. The horrible conditions under which he lives produce such a state of physical weakness that he is very much prone to any sort of epidemic that rages in the country. I think if I am not mistaken the Health Officer stated that 48,946 deaths took place in Bihar round about the coal area from cholera alone. Cholera, as everybody knows, is one of the epidemics which is directly due to poverty and insanitary conditions.

The Honourable Mr. A. C. Chatterjee: May I ask if the Honourable Member will kindly give me the date of the report from which he has quoted.

Mr. W. S. J. Willson: And the names of the collieries he visited.

The Honourable Mr. A. C. Chatterjee: I want the date of the report from which the Honourable Member was quoting.

Mr. Chaman Lal: Certain gentlemen who were interested in labour in Jharia wrote to the Health Officer asking for statistics, and the Health Officer said he was not going to give any facts to "troublesome busy-bodies." He said the official information was to be found in the Inspector's report. But subsequently the facts were supplied which revealed that in those days between May, 1st, and September, the 10th, 1921, there were these deaths from cholera in Bihar.

The Honourable Mr. A. C. Chatterjee: Cannot the Honourable Member give me the date of the report and the name of the Inspector? May I ask that statements should not be made in this House without our being able to verify them?

Mr. Chaman Lal: I will certainly furnish the Honourable Member with the references that he needs.

The Honourable Mr. A. C. Chatterjee: May I ask, Sir, that the reference be given here and now in this House, so that I may give a reply and other Members of the House may have an opportunity of replying to these statements?

Mr. Chaman Lal: I am sorry, Sir, I have not got the actual cutting with me now but I can vouch for the correctness of the remarks I am making and will find out the exact date of the Inspector's report from which I am quoting and furnish it to the Honourable Member later on if that alone will satisfy him. But I can assure him that such a horrible state of affairs exists and ought not to be allowed to continue. Men, women and children are starving in the coal fields, and what are you doing? We have done nothing to better their condition. The average output of

a miner during the course of the year is reckoned to be 108·3 tons. This, if you compute it at the average rate of the price of coal in the coal area, you will find is worth Rs. 1,200 per month. The average rate of pay earned by the miner is Rs. 67·11 per annum. Imagine this state of affairs; imagine a family being brought up on those rates? What sort of decent living can you afford to a miner and his family on wages such as those. I say they are really leading the lives of semi-slaves—lives which no citizen of a civilised State should tolerate.

Mr. G. Pilcher: How many days in the year do they work?

Mr. Chaman Lal: I have already told the House if the Honourable Member had taken the trouble to listen to what I was saying. The owners complain that they work only 4 days in the week; but, as I have said, it is not possible to expect them to work more than four days in the week under the conditions in which they work.

Dr. H. S. Gour: May I inquire of the Honourable Member if it is free labour?

Mr. Chaman Lal: Of course it is free labour in a sense. But there is really no free labour in India. You are tied down to employment, to any sort of employment when you have the dread spectre of Hunger following your footsteps wherever you go.

The Honourable Sir Charles Innes: Will the Honourable Member say if they work four days in the week all the year round?

Mr. Chaman Lal: My impression is that they do. Reuter cabled out in 1920 that Mr. Swain had questioned Mr. Montagu concerning the distressful lot of the Indian miner and suggested a minimum wage sufficient to guarantee a decent living and compensation for accident. Mr. Montagu said he would refer the matter to the Indian Government and ask them for suggestions. I do not know what the Government have been doing ever since,—whether they have considered the suggestion or not; but, so far as I know, no information is available on the subject and nothing has been done to better the lot of the Indian miner. I remember once there was a cartoon in a paper depicting an African plain with hundreds of dead and mutilated bodies of negroes and in the foreground there was a semi-fashionably dressed figure with a cannon in one pocket, a rum bottle in another and a sword between his clenched teeth, while in his hand he held the Holy Bible. Underneath were inscribed the following lines:

"When Sol brought Morning to the Dawn
Said He to Her: My dear,
'Tis evident some Christian folk
Are opening markets here."

That, Sir, is the condition of thousands of our countrymen in the coal fields and such the utter cynicism which ignores their needs.

The Honourable Sir Malcolm Hailey (Home Member): Is he a European or a Europe-retained gentleman?

Mr. Chaman Lal: • Well, Sir, the Honourable the Home Member wants to know whether that was a European or a Europe-retained gentleman. I do hope that a Europe-retained gentleman will have more humanity in him than is displayed by our proprietors in Indian coal fields.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, my Honourable friends who have preceded me have described rather poetically the difficulties and miseries to which mine workers in India are subjected. Sir, I have also some knowledge of these troubles, because I represent in this House a constituency which contains perhaps a larger number of mines than that contained in any other constituency of this Assembly, and I can say that the descriptions given by my friends are not much exaggerated.

Well, Sir, I do not wish to dwell upon those points that have already been urged before the House by my friends who have preceded me, but there is only one point to which I wish to invite the attention of this House, and that is the question of accidents in the mines. The Honourable Member in charge of this Department will remember that a very short time ago there was a terrible accident in one of the mines of my province, and that was known as the Parbelia mine disaster. A large number of men lost their lives. It was believed, not only by those who are often dubbed as professional agitators by mine owners or by those who are responsible for the control of mines, but also by persons who were appointed to inquire into the causes of that disaster, that it was due to preventable causes. Sir, a Committee, which was presided over by Mr. Tallents—I believe the Honourable Member in charge must be aware of that—was appointed, and that Committee submitted its report some time back. Their Report was circulated for opinion, but, so far as I am aware, neither the suggestions made by the Committee had any effect upon those who are in charge of the administration of this department, nor were the persons who were responsible for that disaster brought to book. May I, Sir, in this connection ask the Honourable Member in charge to offer an explanation for that? That disaster,—the Honourable Member who represents the Government of Bihar and Orissa will bear me out when I say this—that disaster was due to sheer callousness on the part of mine owners. A large number of men lost their lives on account of the breakage of the roof of one of the mines, and that incident, which resulted in loss of life of so many innocent men, was almost ignored. Sir, I do not make here any statement which is not corroborated by facts contained in Blue Books issued by Government themselves. May I, Sir, for the enlightenment of Bihar and Orissa, quote from a Report which is issued by the Government of Bihar and Orissa, “Bihar and Orissa in 1922”. It is a book of the same nature as the one published by the Government of India through Mr. Rushbrook Williams. At page 78 of that book—I may inform the House that this book is available in the Library to any one who is interested in this subject—on page 78 of this book we find the following passage:

“The number of coal mines in the province in 1921 was 522, employing an average of over 126,000 persons daily. The average Indian labourer is however not a good miner, and consequently the average output of coal per person employed (about 100 tons a year) is very little more than half the output per person in the United Kingdom. The inefficiency of the Indian miner also results in a high accident rate. The death rate per million tons of coal raised at all Indian mines in the five years ending 1921 was very nearly 14, while in England during the ten years ending in 1918 the death rate per million tons raised was only 5.10.”

Mark the difference, Sir. The difference is very considerable between the death rate in England and the death rate in India.

Pandit Shamlal Nehru: Cheaper labour and cheaper life in India.

Mr. Devaki Prasad Sinha: That is what I was going to say, that lives are cheaper here than labour.

Well, Sir, with tragic humour, the author of this Report attempts to moralise upon these findings of fact, and says that the cause of this heavy death rate in this country is not to be attributed either to the mine owners or to the Government. This is what he says:

“A large proportion of these accidents—in 1921, 37 per cent. of the total number—was directly due to the fault of the deceased or his fellow workmen.”

Sir, I wish the author of this report had been a little more human in his diagnosis of the causes of such serious accidents. May I place before this House side by side with this quotation, a passage from an article written the year before last by Mr. Simpson, the Chief Inspector of Mines in India. This is the diagnosis by Mr. Simpson of such disasters. At page 283 of the Journal of Industries and Labour, Volume I, Part 3, he notices this fact. He also feels that in India the death rate per ton of coal raised in the mines is much higher than in England or in any other country, and he seeks to analyse the causes at page 286. He says:

“The responsibility for these accidents, as gauged by the Inspectors of Mines, over the same quinquennial period from 1915 to 1919 was detailed as below:

	Per cent.
Misadventure	50
Fault of deceased	31
Fault of fellow workman	6
Fault of subordinate official	4
Fault of management	9

These figures show that one half of the accidents might have been prevented, and there can be little doubt that this is generally true.”

Now, Sir, in this article, Mr. Simpson, who must be admitted by every Member of this House to be a great authority on this subject, suggests various remedies. That article was written about 2½ years ago, but nothing has been done by Government to give effect to the recommendations contained therein. Sir, what he calls misadventure we ordinary people attribute to the faults of the mine owner. I have some personal experience of the disregard for the life of the coolies working in the mines displayed by most of the mine owners in the Chota Nagpur Division. If, Sir, the Honourable Member in charge has any doubt on this subject, I would ask him to visit some of the mines in Giridih—I am not talking of the mines in Jharia, because those mines are subjected to inspections by many important persons and particularly when such inspections take place, the mine owners take very good care to show their mines in very good condition. I would ask the Honourable Member in charge to pay a surprise visit to some of the mines in Giridih or to some of the mines in the district of Hazaribagh or even to some of the mines near about Jharia without informing the mine owners, and then inquire from the coolies themselves, not from persons who are supposed to create a rebellion among the coolies, but from the coolies themselves and find out how they are treated by the mine owners. Sir, I may state to this Assembly a small incident which was my own personal experience about a year and half ago. I went to visit a small mine in one of the districts of Chota Nagpur. I went along with three or four students. Sir, if the Honourable Member wants to know from me the name of that mine, I can give him the name confidentially, but I will relate to this House the incident which has a moral all its own. I went to one of these mines with

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three or four students. I was mistaken by the manager in charge of the mines to be a student myself. I went and visited the mines, made private inquiries from many of the women employed in the mines and the little boys working there, also from some adult coolies. They said: "What is the use of making any inquiries from us; if you want to make any inquiries about us, go and inquire from others because the only result of making an inquiry from us would be that we shall not be able to give you the true facts." Well, Sir, that is the phenomenon which can be perceived by anybody who goes there with a view to carry on an impartial inquiry. These coolies are subjected to such great hardships that they have not even the courage to describe their real conditions to those who go to them in order to find out what their conditions in the mines are. I need not, Sir, relate to this House many things which we hear in our part of the country, because I believe that we must not make here a statement which is not supported by facts either on record or which we are not prepared to corroborate by means of sufficiently reliable evidence. But I submit that facts as disclosed in the Blue Books issued by Government or in the reports issued by the Chief Inspector of Mines are sufficient condemnation of the present policy of the Government of India in the administration of this Department. I hope, Sir, Government will have a tender corner in their hearts for the interests of so many men whose lives are in charge of one or two managers whose business it is, whose interest it is, to get the utmost amount of work out of them without caring anything either for their lives or for their safety, much less for their health. With these words, I support the motion of my Honourable friend, Mr. Joshi.

Mr. W. S. J. Willson: Sir, I only wish to make one remark in regard to Mr. Joshi's observation regarding the attitude of employers which I am extremely sorry that he should have made. Mr. Joshi himself sat on the Committee for the Workmen's Compensation Act and ought to know—and I submit does know—that the employers cordially lent their aid to the passing of that Act and the action of the employers last year was the subject of high approval in this House and as such was remarked upon by Sir Charles Innes in his final speech before the Act was passed.

With regard to the remarks of Mr. Chaman Lal, I have no intention of treating them as entitled to the slightest consideration from anybody. I have never listened to a more scandalous travesty of the facts, and young men of his age have no right to visit coal mines or any other mines or any other place with such warped eyes and come here and tell the House that general conditions exist which most emphatically do not exist and which he has not supported or attempted to support by the name of a single coal mine that he has visited.

Mr. Chaman Lal: May I point out, Sir, that every statement of mine is supported by facts taken from Government records?

The Honourable Mr. A. C. Chatterjee: My Honourable friend, Mr. Joshi, takes a very deep interest in the condition of labourers. I fully admit his genuine interest in this matter. But sometimes he allows his better judgment to be overcome by reports that he receives at second or third hand. I am not at all sure that Mr. Joshi has visited the mines or made a very careful investigation of the conditions in the mines, as compared with the conditions in the homes where the miners would live if they were not employed in the mines. I should very much like Mr. Joshi,

for whom I have the greatest respect, to go and devote three months to a thorough investigation of the conditions in the mines and the conditions in the neighbouring villages. I think, then, he will revise his opinions very considerably. I stated yesterday that I did not claim that the conditions in the mines were perfect, but I said that they were improving. These improvements cannot be effected in a day. The conditions will take many years to become perfect. As a matter of fact, I do not believe that they will ever be perfect, because our own standards will rise correspondingly. But I do ask Mr. Joshi to go and see for himself and then make his criticisms.

Mr. N. M. Joshi: I want to ask one question, Sir. Are all reforms to wait till I go to the coal fields?

The Honourable Mr. A. C. Chatterjee: No, they will not wait. But at the same time I am quite certain that Mr. Joshi's criticisms will be far more valuable after he has made a personal investigation.

Mr. N. M. Joshi: What are Government reports for? Are we not to use them?

The Honourable Mr. A. C. Chatterjee: I was coming to the Government reports. Mr. Joshi asked for information as to what was being done with regard to the recommendations that were made by the Select Committee on the Mines Bill last year on the question of employment of women underground in mines and on the introduction of the shift system. Government have carried out the undertaking that was given by my Honourable Colleague, Sir Charles Innes, on that occasion. We have made inquiries from Local Governments and Local Governments have consulted all the interests affected. We have not yet received the replies of all the Local Governments, and I am not therefore in a position to say what the decision of the Government of India would be when these replies are all received. As regards Mr. Joshi's request for the publication of the papers, I shall certainly consider that point when all the replies have been received.

Then, Mr. Joshi asks for an inquiry into the working conditions in mines and he referred particularly to the disaster at the Parbelia colliery to which my Honourable friend Mr. Devaki Prasad Sinha has also referred. In this connection I should like to say that I have personally very carefully perused the report of the Committee of Inquiry that had been appointed by the Government of Bihar in accordance with the Mines Act with regard to this particular disaster, and I am rather surprised to hear from my Honourable friend Mr. Devaki Prasad Sinha that the report contained allegations against the authorities of the particular mine concerned.

Mr. Devaki Prasad Sinha: I said that the report did fix upon individuals or upon certain bodies the responsibility for this. I never said "attacked." What I wanted the Government to say was whether anybody who was fathered with this responsibility had been punished in any way or not.

The Honourable Mr. A. C. Chatterjee: I have not got the report with me, Sir, and if the Honourable gentleman has got the report with him, I should like to see it now. So far as my recollection goes, the report

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said that the disaster was caused by certain circumstances which were not under the control of the mine authorities. So far as I can recollect, some of the work people had disobeyed the regulations. They had been smoking cigarettes. If anybody was responsible, he was involved in the disaster and was killed. That is my recollection. Unfortunately I have not got the report here, and my Honourable friend who meant to attack the Government on the subject, as far as I can judge, has not got the report with him either.

Mr. Devaki Prasad Sinha: I have not got it here but I have certainly read the report. There is no doubt that it did contain much more than what the Honourable Member now says. Cigarette smoking goes on in all the mines. I have seen it myself.

The Honourable Mr. A. C. Chatterjee: If it does go on, it is against the regulations. I should like my Honourable friend to report cigarette smoking if he next finds it going on in any mine that he visits.

Mr. Devaki Prasad Sinha: All right.

The Honourable Mr. A. C. Chatterjee: As a matter of fact, Government have not sat quiet. We have appointed a Committee to inquire into the question of coal dust and its effects in the mines. That Committee has got to make very careful laboratory and field investigations.

We have not yet received the report of that Committee, but 1 P.M. I am hoping to receive it soon and we shall take steps to minimise similar risks in future. The fact is that in many of these mines they are now employing machinery where they used to employ hand labour in the old days and the danger from explosion of coal dust and similar circumstances has greatly increased within recent years. But Government have not been idle. My Honourable friend, who is a new comer in this Assembly, has quoted certain remarks made by my friend. Mr. Simpson, the Chief Inspector of Mines, in the course of an article in the Journal of Indian Industries and Labour. Mr. Devaki Prasad Sinha says that since that article was written in 1921 the Government of India have done nothing whatever to safeguard the health and lives of mine workers. I am astounded at his ignorance, absolutely astounded. We passed the Mines Act only last year which provided

Mr. Devaki Prasad Sinha: I rise to a point of personal explanation, Sir. I said that the suggestions made by Mr. Simpson in his article with regard to the education of mine workers, and such other suggestions, have not been given effect to. I should like the Honourable Member to tell me in what ways they have been given effect to. I did not refer to the Mines Act the provisions of which are honoured more in their breach than in their observance.

The Honourable Mr. A. C. Chatterjee: I certainly understood my Honourable friend to say that the Government have not taken any action with regard to protecting the lives and safety of mine workers since Mr. Simpson's article was written. I will just quote a paragraph from Mr. Simpson's last report to show, apart from the passing of the Mines Act, what has been done, and, as my Honourable friend is apparently a very diligent student of Blue Books, I am rather surprised that this paragraph has not attracted his attention. I am sorry I mentioned Mr. Simpson's last report. It is a report written by Mr. Penman for the

year ending with the 31st December, 1922. That is the last report available, and it is written by Mr. Penman. On page 18 he says:

"It may be mentioned that the Government of India are taking advantage of the opportunity presented by the enactment of the Indian Mines Act, 1923, to revise the regulations relating to the safety of mines and of persons engaged in mining. The new regulations will not come into force until the 1st July 1924. In the meantime, they are taking steps to ensure that the mine officials responsible for the regular inspection of the roads and working places in mines and for testing for inflammable and other gases shall be properly qualified persons. They have also, following the practice in other countries, appointed a Committee to inquire into the coal dust danger and to make recommendations as to the regulations to be enforced in order to minimise the risk of coal dust accidents in future."

If my Honourable friend had only taken the trouble to read this paragraph of the last report of the Chief Inspector of Mines, I do not think he would have made the speech that he delivered this morning.

Mr. Devaki Prasad Sinha: This very paragraph says that the regulations will come into force on the 1st July 1924. We are now in the middle of March 1924, and the regulations have not come into force so far.

The Honourable Mr. A. C. Chatterjee: Exactly. All that could be done under the Act has been done. We cannot introduce regulations without first drafting them and without publishing them according to law. The Honourable gentleman does not want me to be a law breaker.

Mr. Devaki Prasad Sinha: Nothing has been done so far.

The Honourable Mr. A. C. Chatterjee: I shall leave it at that.

Then he also quoted certain remarks with regard to the death rate in Indian mines as compared with the death rate in the United Kingdom. He gave the death rate per million tons. It is a well known fact that the efficiency of the Indian miner is not as great as that of the British miner. I do not blame the Indian miner entirely because in the statistics that are published we include both women and children in calculating the efficiency, so that the comparison is not really fair in my own personal opinion between the Indian miner and the British miner. But let us take the death rate per thousand persons employed and I will quote from Mr. Simpson's report for the year ending the 31st December 1921. On page 7 it is stated:

"The death rate per thousand persons employed was 1.17 while that of the preceding five years was 1.05. At coal mines only these figures were 1.35 and 1.14. At coal mines in the United Kingdom during the ten years ending with and including 1919 the average death rate per thousand persons employed underground was 1.46 as compared with 1.74 for Indian coal mines."

I do not think we have very much to be ashamed of compared with conditions in England.

Pandit Shamlal Nehru: You have not very much to be ashamed of. But there is a little to be ashamed of.

The Honourable Mr. A. C. Chatterjee: I admit that the figures are not as good as those in the United Kingdom because, as I pointed out, the average death rate here per thousand persons underground was 1.74 and it was 1.46 in England, but then compare the education of the people there. Safety in mines as well as in factories does not merely depend on the employer. It depends to a very large extent on the alertness, on the literacy and on the education of the miner or the worker himself. Even though notices may be posted everywhere, if the worker is illiterate, he

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cannot possibly read them. If he comes to the works only occasionally, if he works in the mines only fitfully, he does not get to know all the regulations.

Mr. Devaki Prasad Sinha: Whose duty is it to educate him?

The Honourable Mr. A. C. Chatterjee: It is the duty of the Bihar and Orissa Government, not mine. The Honourable Member from Bihar has invited me to go and visit the coal mines. If he had been here yesterday he would have known that I said yesterday I had lived in that area when I was a boy. I think that is more than my Honourable friend can claim. I have been down to the mines not once, but several times. I have spent weeks visiting the coal fields and I do not want any invitation from him to go there. I shall go there when I feel that I need to go there.

As regards the remarks of my Honourable friend from the Punjab, I shall leave him without any comments. I think he has been adequately dealt with by my Honourable friend Mr. Willson.

Mr. Darcy Lindsay (Bengal: European): May I offer a suggestion to the Honourable Member in charge, that he follow the example of my Honourable friend Mr. Burdon and arrange for a personally conducted tour to the coal fields. (*A Voice:* "At Government expense".) Naturally at Government expense. I am quite sure that, if some of the Members of this House who profess to know so much about the labour in the coal fields would join this tour, they would come back with correct information and we would not have this annual repetition of charges against the Government of India and against employers of labour in the coal fields. When I refer, Sir, to the employers of labour in the coal fields, it is somewhat refreshing to find that Honourable Members like Mr. Joshi and Mr. Chaman Lal should have so very much to say against their own countrymen, because, as my Honourable friend, Mr. Neogy, told us only a few days ago, a large majority of the coal mines in India are owned and worked by Indians. Sir, I have visited the coal fields, I have not been down a mine, but I have visited the coal fields, and from what I saw, from what I heard, I must say I cannot agree with what fell from my Honourable friend, Mr. Chaman Lal. The information given to me, Sir, was that the labour in the coal fields is very difficult to procure. It is almost entirely agricultural, and comes in and goes out according to the particular state of the monsoon. The men go away to their fields to till the soil and with a bad monsoon, labour is good in the coal mines. Another point is that these miners work for as few days a week as they choose. When their pay was increased, instead of working 5 or 6 days a week, they chose to work for three days a week; and I cannot agree with my Honourable friend from the Punjab that they are in the starving condition which he portrayed. There is very great difficulty, as I said, in obtaining the labour. Another point, Sir, is that the labour is very much in the hands of *Sardars*. They have their gangs, they contract with a particular mine for the raising of so many tons of coal per day, and, if there are individual hardships, I say that the blame lies at the door of the *Sardars*. With these few remarks, Sir, I leave the question to others to deal with.

Mr. President: The question is:

"That the demand under the head 'Mines' be reduced by Rs. 100."

The motion was negatived.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,28,000 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, 1925, in respect of 'Mines'."

The motion was adopted.

DEMAND NO. 28—OTHER SCIENTIFIC DEPARTMENTS.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,73,000 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, 1925, in respect of 'Other Scientific Departments'."

The motion was adopted.

DEMAND NO. 29—EDUCATION.

Mr. President: The question is:

"That a sum not exceeding Rs. 2,68,000 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, 1925, in respect of 'Education'."

Maulvi Muhammad Yakub: Sir, I have no desire to add to the volume of the speeches on the Budget Demands, but I should consider it a dereliction of duty if I were to allow this opportunity to pass without pleading the cause of my educational home at Aligarh. Sir, it is really surprising and astounding that out of a Budget of over 100 crores, the Government of India is spending less than Rs. 3 lakhs on "Education." It may be said that "Education" is now a transferred subject and that the Provincial Governments are giving education to the people of the country. But, Sir, the Government of India cannot be absolved of their responsibilities if the Provinces are performing their duty, though not in a satisfactory manner.

Sir, coming to the chief point, I consider that the grant of Rs. 1 lakh to each of the denominational universities at Benares and Aligarh is highly inadequate and insufficient. Sir, it is well known to this House that my community, that is the Mussalmans, are a poor and moneyless people, that we are backward in education and that we have just passed through a very great crisis which has upset all our national programme. Probably the House is also aware that the Aligarh Moslem University came into being in the midst of the non-co-operation storm and it deserves a great deal of credit for the skill and courage with which it managed to emerge out of the fury of the tempest. But in doing so, it incurred the displeasure and the wrath, at least for some time, of the masses on whose help the national institutions depend to a large extent. Also the Mussalmans of India have exhausted their meagre resources in subscribing towards the Khilafat Fund and they are not at present in a position to subscribe towards their national institutions. The result is that the Aligarh Moslem University cannot expand, it cannot extend its faculties and it is now generally said, which unfortunately is also true, that, instead of having a first class college, we have now a third rate university. In these circumstances, Sir, I hope that the Government of India will reconsider the position and will be able to increase the grant which they are making towards the national universities. In pleading the case of my

[Maulvi Muhammad Yakub.]

university at Aligarh, of course I do not mean to ignore the claims of the other denominational university at Benares and I earnestly appeal to the Government of India to find money for grants to these universities.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I have much pleasure in supporting the remarks of my Honourable friend Mr. Muhammad Yakub. These two universities are directly under the charge of the Government of India. We are grateful to the Government of India for the grants that they have extended to these institutions. But since the grants were fixed, much progress has been made. The Department of Education has been sympathetic and they are aware of the progress we have achieved. I really think that my friend Mr. Yakub is right in drawing the attention of the Department to the necessity of the grants being increased. He has been modest in suggesting increased grants to each of these universities. I think the Honourable Member for Education and the Honourable Mr. Butler would agree that each one of these universities can very usefully spend Rs. 2 lakhs a year more. These universities are all-India institutions. Neither Aligarh nor Benares can appeal to the Provincial Governments for grants. In fact when they have, they have been told that they should appeal to the Government of India. Now, I think, Sir, that Aligarh deserves a great deal more of permanent recurring grant than it obtains. It is an ancient institution. It is well known that the Muhammadan Anglo-Oriental College had established itself very firmly as a first class institution long before it blossomed into a university. But a university is a very costly affair as every Member who is closely connected with a university knows. The Mussalman community has contributed a large sum towards the establishment and upkeep of the Aligarh University, and I hope that the Government of India will take into consideration the representation which has been made on its behalf. I would also add that the Government should also be pleased to take into consideration the needs of the Benares University. Since the Benares University was established, it has developed very rapidly. It has established several departments. Its scientific department is very well equipped now. One new institution which has been established since the university was brought into existence is the Engineering College which is a unique institution of its kind in India. There is no college in this country where education for degrees in mechanical engineering or electrical engineering or mining engineering is imparted except the Engineering College of the Benares Hindu University. The standard fixed for education is the standard of the London University Degree of Science in Engineering, and it has been a very costly affair. The college came into existence owing to a munificent grant given by His Highness the Maharaja of Patiala, a grant of Rs. 5 lakhs non-recurring and Rs. 24,000 recurring. The college has now been in existence for nearly six years. It has passed its first batch of students and it has attracted students from all parts of India. Nearly 75 students are receiving instruction there from the Punjab, over 100 students receive instruction in engineering at Benares from Bengal, about 10 or more come from Assam and a number of students come from Madras. In fact, there is no part of India from which students do not go to the Benares Hindu University. Some of our students sat at the examination conducted by the City and Guilds Institute, London. One of them came out first in his subject and another came out first in his branch of the subject. That shows the high standard which the college has established. I therefore think it is in every way meet and proper that

the Government of India should increase their grant to both these institutions. The Department of Education is well aware of the needs of these universities. The Benares Hindu University has collected nearly a crore of rupees from the public. The actual collections amount to very nearly a crore of rupees, perhaps only a few thousands less than a crore. Except for a grant of about a lakh, Government have not contributed in any way towards the non-recurring expenses of the University. We are at present 15 lakhs to the wrong side of the account. So far as our non-recurring charges are concerned, we need at least 2 lakhs a year more in order to carry on the departments as they stand. As the Aligarh University as well as the Benares University are institutions of an all-India character, they do require further assistance from the Government of India. The Benares University requires assistance from the Government of India also for the reason that it administers specially in at least one of its departments to the needs of the whole of India. Students come from all parts of India to its Engineering College for the reason that there is no institution in existence in the country which teaches up to the same standard as the Benares Hindu University does. I therefore strongly support the proposal of my Honourable friend Mr. Yakub and I hope the Government will see their way to offer a handsome grant to each of these institutions.

Dr. H. S. Gour: I cordially associate myself with the Vice-Chancellor of the Benares University and the spokesman of the Aligarh University. My only regret is that I have to ask for a similar concession in respect of the Delhi University. I think the Government of India should have granted to the Delhi University the same grant that they make to the Universities of Aligarh and Benares. But we are destined to start on a small sum of Rs. 65,000 which the Government of India have voted for the ensuing financial year. If the appeals that have been addressed to the Honourable the Education Member on behalf of the Universities of Aligarh and Benares receive a favourable response, as they deserve to do, I hope he will not forget the University which is the creature of the Central Legislature and works and operates under the eyes of its Members. These older universities have endowments running into about a crore of rupees each, but the Delhi University at present has no endowments to speak of, and I therefore appeal to the Honourable Member in charge of Education to treat the University of Delhi with the same consideration which he should extend to the Moslem and the Hindu Universities of Aligarh and Benares, respectively. Sir, only the other day I held a meeting of the Executive Council and they unanimously passed a Resolution confirming a Resolution of the Finance Committee that I should approach the Government of India and the Honourable the Finance Member to raise the grant to the Delhi University to at least Rs. 80,000, which as you see is a very modest increase of Rs. 15,000 over the sum sanctioned by the Government of India. I hope, Sir, I shall receive an equally favourable response from the Honourable Member in charge of Education.

The Honourable Sir Narasimha Sarma (Member for Education, Health and Lands): Sir, there is only one point in Mr. Yakub's speech which I should like to correct. The Honourable Member thought that the Government of India's expenditure on Education is a paltry sum of about 8 lakhs of rupees. I fear that is an incorrect statement. The demand is for Rs. 2,68,000, under this head, but the Honourable Member will find that more than 30 lakhs are being spent by the Government of India on

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LEGISLATIVE ASSEMBLY.

[15TH MARCH 1924.]

[Sir Narasimha Sarma.]

Education in minor administrations, and the Central Legislature is in a way responsible for that expenditure; therefore the sum that is being spent on the whole by the Central Legislature and the Government of India in all its branches is a very much larger sum than the Honourable Member thinks Government are spending at present.

Well, we have had the recommendation of the Retrenchment Committee that perhaps the Government of India are spending, with the limited resources at their disposal, a little too much on university education and on secondary education, and that, if they get additional funds at their disposal, the first claim should be that of primary education. The Honourable Member for the North-West Frontier Province also expressed the hope yesterday that if any money is to be found it must be expended on primary education, especially in the North-West Frontier Province where a large number of schools have been closed.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): I beg to point out that I never said that all the available money should be spent on primary education. I simply said that the allotment was cut down for lack of funds and that secondary education as well as university education was as important in that corner of India as primary education.

The Honourable Sir Narasimha Sarma: I never meant to say that the Honourable Member would be satisfied with the re-opening of the hundred and odd schools which have been closed for lack of funds, and that he is not going to urge the claims of secondary and higher education in his own Province as well as in other minor administrations. What I said was that prominent attention was drawn to the claims of his Province. The Government of India have to admit, with sorrow, that more money could not be found for the needs of primary education in his Province. But I think those that have known the attitude of my Department towards education in general during the last few years will readily recognise that we have never minimised the importance that ought to be attached in India to the claims of university education. And the Honourable Sir Muhammad Shafi explained in clear and emphatic terms yesterday that the Government of India, realising the paucity of the number of universities in India, such a vast continent, have done their level best to increase the number of universities so as to cope with the work that is before the people of this country. With these sentiments I am in cordial agreement. There is no doubt that education in all its branches has to advance *pari passu* and with very rapid strides, but Honourable Members will realise that, so far as practical politics go, there does not seem to be much possibility of the Government of India being able to find funds for education, and they should not be accusing my Department or the Government of India of lack of sympathy, when they state the plain fact that they do not like to mislead the people by allowing them to cherish hopes that may not be fulfilled during the next year or later.

Maulvi Muhammad Yakub: Sir, may I ask why we should not withdraw the grants from the Raj Kumar College? What have the Government of India to do with the education of the sons of Ruling Chiefs? The Chamber of Princes or the Ruling Chiefs themselves may look after the education of the sons of Ruling Chiefs and not the tax-payers of British India.

The Honourable Sir Narasimha Sarma: The Government of India will consult the Committee which has been appointed to assist the Department as to the distribution of any money that may be available between the Chiefs' Colleges and between the various universities claiming support from Government funds, and the other branches of educational activity, and we shall be largely guided by the advice that may be given to us by that Committee, supported by this House and the Council of State. All that I am stating here is that you may be sure of our sympathy, you may be sure of the recognition by us of the need of assistance to these national universities, but that you should not be impatient when we cannot translate that sympathy into action in the very near future, and accuse us of holding out hopes which we have no means of fulfilling. That is the point which I was trying to safeguard. The Benares University, the Government of India readily recognise, is fulfilling a very great national demand.

Nawab Sir Sahibzada Abdul Qaiyum: May I ask the Honourable Member as to the rules according to which allotments are apportioned to the various Departments, and whether education is considered as having the foremost claim and the first demand on the revenues of the Government of India; and how these calculations are made and how the money is allotted to the various Departments of the Government of India?

The Honourable Sir Narasimha Sarma: There are certain departments which are the primary concern of the Government of India, and money must be found for them readily and as a first charge upon the Government of India. Speaking on behalf of the Department of Education, I will never rest content with relegating education to a secondary position, but Honourable Members will recognise that education is largely a provincial and transferred subject, as being undertaken by the Provinces as a primary charge upon their revenues, and we cannot under the Devolution Rules undertake to spend any money on education in the Provinces. With regard to minor administrations which are directly under the Government of India, the existing educational institutions are being maintained, improved and better equipped, and as funds are forthcoming the needs of primary, secondary and university education would be co-ordinated and funds would be set apart for all these branches according as money may be forthcoming. There can be and are no clear rules as to how much money should be spent on university education, how much on secondary education, and how much on primary education, or how much should be allotted to the Province of Delhi, how much to the North-West Frontier Province, and how much to Coorg, and so on.

Nawab Sir Sahibzada Abdul Qaiyum: Is the Honourable Member aware that a Sub-Committee, presided over by the Director of Public Instruction, North-West Frontier Province, was appointed by the Local Administration to go into the financial position of the residential Islamia College, Peshawar, and that after research and inquiry into the matter they found that the institution could not be run without a further grant of Rs. 50,000 or Rs. 60,000, and that a strong recommendation was made to the Government of India for that grant and that a grant of Rs. 40,000 was allowed for the year 1920-21 or the year 1921-22—I forget which—and that that grant has since been withheld, with the result that the institution is being run under a deficit . . .

Mr. President: Order, order. I cannot allow the Honourable Member to make a speech, and, if he wished to raise that point, he should have put down a reduction to this Vote. The fact that no reduction was put

[Mr. President.]

down naturally made the Honourable Member assume that there would be very little to answer.

The Honourable Sir Narasimha Sarma: Sir, the Government of India certainly recognise the claims of the North-West Frontier Province and are aware that the Islamia College which I had the privilege of visiting some years ago is a college that deserves every encouragement and, if the Government of India are in the happy position of finding funds, I am sure that we shall be the first to help that College and secondary and primary education in the North-West Frontier Province, so that that Province may, by the growth of civilising influences, be a source of strength and not a source of anxiety to the people of India.

With regard to the Benares University, Sir, the Princes and people of India have come forward readily and cheerfully and subscribed large sums of money and I only wish it had been possible to increase its grant. So with Aligarh. We shall, if funds are available, cheerfully and readily take cognizance of the demands made by the two Honourable Members and Dr. Gour, and do hope to distribute such funds as are available between them. But more than that I am not in a position to state at present. For 1924-25 Honourable Members recognise that nothing can be done and they have not asked that anything should be done. That is all I have to say with regard to Education.

Mr. President: I must point out to Honourable Members that it is not fair to the Department, if they wish to move a reduction, not to give notice. No motion was put down except one for an increase which the Honourable Member knew was out of order; but because his name was on the paper I called him.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas: Non-Muhammadan): Will it be in order, Sir, to discuss the affairs of the Lady Hardinge Medical College at this stage?

Mr. President: There is no vote for the Lady Hardinge Medical College here.

Mr. M. S. D. Butler: That comes under "Delhi".

Mr. K. Ahmed: May I ask, Sir, for some information from the Honourable Member in charge of Education? At page 92, under Demand No. 23, Education, there is an item of Rs. 13,000 under the head "Grants to Universities", that is to the Calcutta University. We used to see that item in previous years allotted to the Calcutta University, but how is it, Sir, that under this item there is nothing allotted this year? Of course, I know that the Government of India are very hard up for money and cannot allot any money for education. But money has been asked for by the representatives of the Universities of Aligarh, Delhi, and Benares, and with regard to Calcutta no question has been raised at all. Sir, if you ask from where the money is to come, and if my Honourable friend, Sir Narasimha Sarma, finds it very difficult to allot money for imparting education, I would suggest that it would be better for him to ask his friend, the Army Secretary, sitting next to him. It will probably be high time that an old military colonel, without and work, should throw away his sword. gun and bayonet on the frontier and come near the western frontier near the house of my Honourable friend, Nawab Sir Sahibzada Abdul Qaiyum, and, instead of brandishing his sword, educate the people of those parts, so that they may not disturb the frontiers of India any longer. Sir,

how many crores and crores of rupees have been spent on the North-West Frontier to keep order? I think, Sir, the tribes will be very pleased to receive education

Mr. President: The question of education in the North-West Frontier is not in order.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): Sir, may I put one question to the Honourable Member in charge of Education? I see there used to be a grant of Rs. 13,000 to the Calcutta University in previous years. That has been evidently withdrawn. Does it refer to the Minto Professorship, and are the Government of India going to withdraw their support from the Minto Professorship of the Calcutta University this year? I will not make a speech, but I only want that question to be answered.

Mr. M. S. D. Butler: I think I can explain that point satisfactorily. The money referred to does cover the charge on account of the Minto Professorship which the Government of India founded in pre-reform days in the Calcutta University. It has hitherto been paid, but objections have been raised as to whether it is now a fair charge on Central Revenues. Pending a settlement of that question it has not been considered correct to place it in the Budget. If we are satisfied that it is a suitable charge on Central Revenues, we shall approach the Assembly in the matter.

Mr. Bipin Chandra Pal: I hope we shall get it.

Mr. M. S. D. Butler: It is all a question as to whether it is a fair charge on Central Revenues.

Nawab Sir Sahibzada Abdul Qaiyum: Sir, can I not speak on the subject of the Islamia College on this occasion?

Mr. M. S. D. Butler: We are prepared, Sir, to meet the Honourable Member from the North-West Frontier when the North-West Frontier Province vote is taken. This vote, with which we are now dealing, deals only with three or four specific grants to the Benares and Aligarh Universities, etc.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): Sir, I wish to take advantage of this motion and elicit certain information from the Honourable Member in charge. Sir, Honourable Members must be aware that before the reforms scheme European education was a Government of India subject. It is now a reserved transferred subject

Mr. President: That is not in order. It happens to be called "Education", but it is an extremely limited Vote. The Honourable Member has already had an opportunity yesterday, on the vote for the Education Department, of raising a number of matters of that kind. When it comes to education in the minor Administrations under the control of the Government of India, then a further opportunity will arise limited to those Administrations. As a matter of fact I think it is a misnomer to call this vote "Education". It appears to me to be grants-in-aid to certain colleges, and it will help the Chair a good deal if the titles of some of these votes are revised before we come to the Budget next year.

The question is:

"That a sum not exceeding Rs. 2,68,000 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, 1925, in respect of 'Education'."

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to lay on the table the report of the Select Committee appointed on the Indian Penal Code (Amendment) Bill.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

THE BUDGET—LIST OF DEMANDS.

SECOND STAGE—concl'd.

Expenditure from Revenue—concl'd.

DEMAND NO. 30—MEDICAL SERVICES.

Mr. President: The question is:

"That a sum not exceeding Rs. 7,79,000 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, 1925, in respect of 'Medical Services'."

Mr. B. Venkatapatiraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, for want of time, I do not propose to take up much of the time of the House. I only wish to raise a question with reference to an undertaking given at one stage by the Government of India that, in order to help the indigenous systems of medicine, namely, Ayurvedic and Unani, they would start a Central Research Institute at Delhi and they wanted to provide funds for it. But subsequently, when a question was put, they said on account of the Retrenchment Committee, they have not been given any provision for it. Later on, I understand the Honourable Mr. Butler said that they have not made any provision at all even this year. The fact that the Government had given such an undertaking was perhaps not known to the Retrenchment Committee. Otherwise, they would have been the last persons to say that money ought not to be spent for such a useful purpose. We know, Sir, that we are not able to provide proper doctors for all the millions of the population, because we are able to give only one medical practitioner for about 5,000 or 6,000 people. In these circumstances, it is absolutely necessary that, in order to put indigenous systems of medicine on a scientific and proper basis, as a large number of people are dependent upon private doctors, such as Unani or Ayurvedic doctors, there should be a Research Institute, and I hope therefore that Government will see their way to securing the necessary funds for establishing one.

Secondly, Sir, I want to know whether there is any difficulty in Indianising the civil side of the Medical Service. At one time the appointment of Indians was stopped on account of some directions given by the Secretary of State, and I do not know what the Secretary of State wants to do now and whether the 30 vacancies have been filled up. Is there any such difficulty in taking Indian medical practitioners who are otherwise qualified to fill up permanent posts in the Imperial cadre? In order to

elicit information on these two points, Sir, I move my amendment, namely:

"That the demand under the head 'Medical Services' be reduced by Rs. 100."

Mr. M. S. D. Butler: Sir, my Honourable friend has raised two points to which I shall be very glad to reply. One of these is in connection with the Central Medical Research Institute which we proposed to establish at Delhi. The Honourable Member referred to this as an institute which was to be started for the purpose of helping the indigenous system of medicine in this country. But that is very far from being the position. The actual position, as I explained at the time when I put the matter before the Assembly, is that the Indian Research Fund Association had accumulated a large capital sum which it wished to devote to building a Central Medical Research Institute at Delhi for medical research purely on western lines, and that various anonymous donors had been good enough to offer to help to endow such an institution, if we would build it and be responsible for its upkeep. The only connection that that Institute has with the indigenous system of medicine in this country is that on one occasion, when a motion was moved in this House that some encouragement to the indigenous systems should be given, my predecessor in the office which I now hold explained to the Assembly that, medicine being a provincial transferred subject, the only thing the Government of India could do, if and when they created a Central Medical Research Institute, was to consider whether some investigation and research into matters connected with the indigenous system of medicine was not possible. That is all, and there should be no misunderstanding as to the position.

As regards the Institute itself, as the House is aware, the Retrenchment Committee fell heavily on all forms of medical research. They stopped the annual grant of Rs. 5 lakhs, which had been made for years to the Indian Research Fund Association, and also proposed to abolish all the unspecified medical research appointments under Government. I am thankful to say that the Government did not accept that recommendation in full, for they retained in the Budget six unspecified posts of research officers. But they did accept the proposal to keep in abeyance all the remaining unspecified research posts, and also for the time being the grant of Rs. 5 lakhs a year to the Indian Research Fund Association. The result was that it was a choice between the practical closing down of medical research and the building of the Institute on the one hand, and the giving up of the proposal to use the capital of the Indian Research Fund Association to build the Institute and in its place to utilise the interest on that capital for keeping alive medical research on the other. The Indian Research Fund Association wisely decided that it was a far more important thing to keep alive existing research than to spend their money on buildings, especially as there would not be enough money to keep them up. Accordingly, the project for building an Institute at Delhi has been put in abeyance, and the Indian Research Fund Association have devoted the interest on their capital, which amounts to about Rs. 2 lakhs a year, to keeping alive as far as possible medical research work against the day when more money will be available. This, I hope, will satisfy my Honourable friend on that point.

The second point which he raised was the question of Indianisation of the Civil Medical Services. Sir, there is much misapprehension about the actual position of the Civil Medical Services. It is often thought that the Civil Medical Services are manned almost entirely by Indian Medical Service officers, and as in the past most Indian Medical Service officers have been Europeans, it is often thought that the Civil Medical Services are in

[Mr. M. S. D. Butler.]

the main manned by Europeans. This is very far from being the case. The number of superior appointments in the Civil Medical Services is vastly in excess of the number of the posts reserved for Indian Medical Service officers. I will give the figures. I take them from a paper which was prepared for the Commission on the Public Services and the figures are correct to the 1st July 1923. Out of a total of 570 superior appointments in India and Burma, 36 are vacant. Of the remaining 434 posts, 270, or just half, were held on the 1st July 1923 by Indians, including 59 Anglo-Indians. Thus the fancied preponderance of European officers is a myth. It is also no longer going to be the fact that Indian Medical Service officers in civil employ will be solely Europeans. It is true that owing to the fact that until comparatively recent years, that is to say, about 10 years ago, the Indian Medical Service was almost wholly a European service, there were on the 1st July last, only 50 Indians amongst the 395 Indian Medical Service officers in civil employ. Since then the point in the I. M. S. cadre has been reached where the Indian element plays a much more important part. Of the 211 officers below the rank of Major still in military employ, 97 or 46 per cent. are Indians. Now the transfer from the military to the civil side of the I. M. S. occurs just about when a man comes to be a Captain or a senior Captain. The result is that to the number of Indians not in the I. M. S. already holding superior posts on the civil side, mainly of course the Civil Assistant Surgeons who have been promoted to be Civil Surgeons, there will soon be added about half of the I. M. S. officers transferred from the military to the civil side. The proportion of Indians on the civil side is thus about to rise very rapidly. The calculation which I made for the Royal Commission was that, when the point was reached, when one-third of the posts reserved for Indian Medical Service officers on the civil side came to be filled by Indians, then Indians would hold roughly 338 out of the 570 posts, or 59 per cent. of the total appointments in the Civil Medical cadre. To sum up, I would say that the position now is that already half the Civil Medical superior posts are held by Indians, in which I include Anglo-Indians, of whom there are 59 and that as officers are transferred from the military side of the Indian Medical Service in the near future that proportion will rise very rapidly to close on 60 per cent.

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

Mr. President: The question is:

"That a sum not exceeding Rs. 7,79,000 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, 1925, in respect of 'Medical Services'."

Mr. M. S. D. Butler: May I say, Sir, before the vote is taken, that, if Honourable Members who are going to Dehra Dun wish to see the X-Ray Institute there, arrangements are being made to show it to them. It is well worth a visit.

The motion was adopted.

DEMAND No. 31.—PUBLIC HEALTH.

Mr. President: The question is:

"That a sum not exceeding Rs. 3,26,000 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, 1925, in respect of 'Public Health'."

The motion was adopted.

DEMAND No. 32—AGRICULTURE.

Mr. President: The question is:

"That a sum not exceeding Rs. 12,61,000 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, 1925, in respect of 'Agriculture'."

The motion was adopted.

DEMAND No. 33—CIVIL VETERINARY SERVICES.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,45,000 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, 1925, in respect of 'Civil Veterinary Services'."

The motion was adopted.

DEMAND No. 34—INDUSTRIES.

Mr. President: The question is:

"That a sum not exceeding Rs. 23,000 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, 1925, in respect of 'Industries'."

The motion was adopted.

DEMAND No. 35—AVIATION.

Mr. President: The question is:

"That a sum not exceeding Rs. 19,000 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, 1925, in respect of 'Aviation'."

The motion was adopted.

DEMAND No. 36—COMMERCIAL INTELLIGENCE.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,71,000 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, 1925, in respect of 'Commercial Intelligence'."

The motion was adopted.

DEMAND No. 37—CENSUS.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,000 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, 1925, in respect of 'Census'."

The motion was adopted.

DEMAND No. 38-A.—EMIGRATION—INTERNAL.

Mr. President: The question is:

"That a sum not exceeding Rs. 57,000 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, 1925, in respect of 'Internal Emigration'."

Mr. B. Venkatapatiraju: Sir, I may be excused if I take a little more time on this question, which has become of extreme importance of late. The House is perfectly aware how the Government of India and the Members of this House are taking special precautions to secure proper treatment for emigrants in the colonies. But, unless we set a good example in our own country, it falls flat when we want to insist on the Colonies treating our labourers properly. In that view, Sir, I appeal to the Member in charge, the Honourable Mr. Chatterjee, that he has to see, firstly, whether the conditions which we are insisting upon for the benefit of our people in the Colonies are being observed in our own country. Sir, a large number of people are being sent to Assam; for instance, from my own district, Vizagapatam, we sent last year 3,200 men, from Ganjam about 600, from Godavari about 400, from Bengal they are sending about 11,000 altogether and from various other places, such as Bihar, and the United Provinces, they are sending a very large number of men. Now, I want to know whether any steps were taken to appoint a special officer to look after these people, how they are treated, what is the housing accommodation given to them, what wages are paid to them and whether there is any inconvenience or any misery to which they are subjected in those places. What we complain of is that they should not be given any advances in order to keep them under contractual obligations for a long period. I find they are still observing that in Assam. I also notice a large number of people are indebted as such to the extent of several lakhs. Moreover, when we have abolished the indentured system at the instance of the Government of India in all the Colonies, why should we still keep on an indirect indenture system under the Act of 1859? The other day the Honourable Mr. Chatterjee promised that he would repeal it. What is the difficulty in getting it repealed at an early date? Therefore, my first point with reference to this matter is that all the facilities which we want our labourers to enjoy in the Colonies should be equally insisted on in India with reference to the persons that are emigrating—namely, assisted emigrants to Assam. If they are free labourers, that is a different matter.

One other matter to which I wish to invite the attention of the Honourable Mr. Chatterjee is that during last year the *sardars* appointed have been increased to such a very large extent that it has become a regular nuisance. In my own district, Sir, the *sardars* have been increased to the extent of 2,520. Formerly there were 1,000 *sardars*. If 2,520 *sardars* are employed in one district in order to secure about 3,200 coolies, it means that practically there is one *sardar* for every emigrant. It is the same case in other places. It was pointed out by the District Magistrate of Vizagapatam in his report that he has found out a great deal of malpractices on the part of some *sardars* and adequate punishment has been meted out to them by depriving them of their licenses. I do not complain of that. But why should there be such an army of *sardars* to secure these recruits? I think it is not at all helpful for proper recruitment, nor is it in the interests of the country.

The second point that I wish to point out to the Honourable Mr. Chatterjee is that there are certain places, like the Agency Tracts, which require development. Hitherto there was a prohibition that no person ought to be recruited from these Agency Tracts because the then District Magistrate was of opinion that, if the Agency people were allowed to be sent out, there was no prospect of developing these Agency Tracts. When we found that along with some people from the Indian States, some people from the Agency Tracts were being smuggled, intimation was given not only to the Madras Government, but to the India Government that the

rule which had been till then enforced was not observed; because even the Agency people have been smuggled with the people from Indian States. Now, curiously when a complaint was made to that effect, that rule of prohibition was withdrawn. They are now being freely recruited from the Agency Tracts. It seems curious, Sir, that, when we complained that they ought not to have been taken, the very rule which was hitherto observed was removed. It is doing scant justice to the complaint made. Now, instead of sending our people to the various Colonies for emigration purposes, if the Government take it into their head to develop the Agency Tracts, then all the men that are sent abroad out of India could be utilised in developing this area. Under no circumstances, Sir, should the Agency Tracts which are very thinly populated be depopulated by sending a large number of people from those places. Even from the Agency tracts alone they have been sent to the extent of 1,625 people and about 1,300 men have been sent from the plains. When I brought this matter to the notice of the Honourable Mr. Chatterjee, the Honourable Member stated that the Madras Government wanted that these rules should be abrogated, and therefore they had done it. I appeal to the Government of India that in these matters they should take a broad view of things and should bring it to the notice of the Madras Government as to why it was that they prohibited people of these Agency Tracts from going outside and how is it that they have now all of a sudden and for what reason removed these prohibitions. There must be something at the bottom of it. Therefore I appeal to the Government of India, who, I believe, are sympathetic to the people sent abroad, to show the same sympathy to the people who are sent from these Agency Tracts. With this end in view, the Government of India should get into communication with the Madras Government and find out the circumstances under which the original rule was framed and the circumstances under which it was suddenly withdrawn. They should not be induced to take action on the representations of the Local Government but should exercise their own discretion and judgment and should find out why all of a sudden the Government of Madras want to go back upon their former decision. I earnestly desire that the Government of India should take steps to prevent the already thinly populated Agencies from becoming depopulated. Sufficient precautions must be taken to see that the people working in the tea estates are treated properly, are paid proper wages, are given proper accommodation and, that everything that ought to be done is being done by having a special officer appointed and not merely leaving it to the ordinary administration reports. With these words I move my amendment:

“That the demand under the head ‘Emigration—Internal’ be reduced by Rs. 100.”

Mr. President: Amendment moved:

“That the demand under the head ‘Emigration—Internal’ be reduced by Rs. 100.”

Diwan Bahadur M. Ramachandra Rao (Godavari, *cum* Kistna: Non-Muhammadan Rural): I should like to make a few observations at this stage so that my Honourable friend Mr. Chatterjee may reply to both of us.

Sir, for some years complaints have been made in the Madras Legislative Council that the policy of permitting emigration from these partially populated tracts of the Madras Presidency known as the Agency Tracts was unsound. On several occasions we have been informed in Madras that, though the local officers were not in favour of emigration, the policy of emigration has been sanctioned by the Government of India. Sir, the

[Diwan Bahadur M. Ramachandra Rao.]

Agency Tracts in Madras are situated in the districts of Vizagapatam and Ganjam and occupy an area of about 12,000 or 13,000 square miles. They are very sparsely populated and the Raipur-Vizianagram Railway, to which a reference was made the other day by the Honourable Sir Charles Innes, goes across that country. The whole question is this. Are we now in Madras to permit our labour to migrate from a country where there are already difficulties in this matter of population? We have been informed that the Collectors of both the districts protested against this policy of permitting emigration from these Agency Tracts. That was some years ago. Then we were also informed that the Madras Government made many representations to the Government of India. That also was some time ago, and I should like to ask the Honourable Member to publish the whole of this correspondence between the Madras Government and the Government of India on the subject of emigration from these Agency Tracts. A year and a half or two years ago, when the late Sir Srinivasa Aiyangar was Member in charge of this particular subject, I was given to understand that there was a conference between him and some of the tea planters from Assam, and that in consequence of the representations made by them the Madras Government either consented to the suggestion made by the Government of India or concurred in some decision which was come to by my Honourable friend. Therefore, Sir, I should like to know where we are in this department and who is responsible for the present state of things by which the already sparsely populated parts of Madras continue to be depleted of the few persons who live in those localities. That is the main question I would like to raise. After knowing who is responsible it will be time enough for us to find out what remedy would be necessary. We are at present in the dark. We are told continuously that the local officers, the Collectors, are against this step. We have also been informed that the Government of Madras did not, up to a particular stage, concur in this policy. I would therefore specifically ask my Honourable friend to make a statement to us on the subject. As regards local feeling, several of those gentlemen interested in agriculture made a representation both to myself and to a friend that we should raise this question in the Assembly and therefore, before proceeding further, I should like to have a clear and unambiguous statement from my Honourable friend as to what the existing state of things is.

Mr. N. M. Joshi: Sir, I want to draw the attention of the House to the legislation which supports recruitment of labourers for the plantations. The legislation punishes labourers for a breach of contract when an advance of money is made. This legislation is found in various Statutes. The first is the Indian Penal Code, section 492.

Mr. President: The Honourable Member is here confined to the manner in which the law is administered.

Mr. N. M. Joshi: The point which I wish to make is that all the evils are due to the legislation which has been passed to support this recruitment. I do not propose to take up much time. I wish to mention the legislation which gives rise to these evils. The second piece of legislation is the Workmen's Breach of Contract Act. I want Government to repeal these two pieces of legislation. The Government of India have agreed to repeal the Workmen's Breach of Contract Act, but I want the Government of India to tell me when they propose to introduce that legislation. Last year they asked Mr. Neogy to withdraw his Bill as they

were themselves going to introduce legislation. They have not done so this session and I want to know if they are going to do it next session. I want to know what reply they have received in regard to the repeal of certain sections of the Penal Code. Government wanted to consult the Local Governments as regards the repeal of this kind of legislation.

The Honourable Mr. A. C. Chatterjee: Sir, I rise to a point of order. The repeal of the sections of the Indian Penal Code to which my Honourable friend referred would not concern merely internal emigration, but the general law of the country. I thought, Sir, just now you gave a ruling that the discussion on this Demand should be confined to a discussion of the manner in which the existing law is administered. I submit that the question of the repeal of certain sections of the law applicable to the whole country and not merely to the question of emigration is not in order.

Mr. President: I pointed out to the Honourable Member that the amendment or repeal of existing laws is not within the scope of Budget debates. The scope of these debates is limited to the administration of the existing law by the Departments of the Government of India.

Mr. N. M. Joshi: I do not wish again to speak on this point, but I wanted to mention that it is this legislation which is at the root of the whole evil. My Honourable friend says that section 492 is not concerned with recruitment. Section 492 deals with the breach of contract at a distant place to which servants have been conveyed at their master's expense.

The Honourable Mr. A. C. Chatterjee: I rise again to a point of order. I submit this point should have been brought forward by my Honourable friend when the question of the administration of the Home Department was under discussion in this House.

Mr. President: I am not sure it would be in order even then, but I am sure it is out of order now.

Mr. N. M. Joshi: All right, Sir, I bow to your ruling, and I now refer to a piece of legislation which directly deals with this question and this legislation is the Assam Labour and Immigration Act. Sir, there are several sections in this Act also which punish with imprisonment breaches of contract of service as well as refusal to render service. Sir, I want the Government of India to repeal that legislation.

Mr. President: The Honourable Member has not appreciated the point I put to him. This is not a stage at which legislation can be amended or repealed. It is a stage at which the administration of the existing law can be criticised by Honourable Members. I should have thought the field of criticism was wide enough without introducing points which are out of order.

Mr. N. M. Joshi: Sir, it is difficult to distinguish between the law and the administration when the whole administration is supported by this law. If this law did not exist, this Demand would not have been put before the House at all. It is this law which compels the Government of India to put before the House the present Demand. As a matter of fact, Sir, the Government of India, by executive action, have stopped the operation of these sections, but they have not repealed those sections. I want them to repeal them, not to keep them in their armoury

[Mr. N. M. Joshi.]

to be used whenever they find it convenient. I do not wish to speak now about this legislation, but what I want to say is this. This legislation is against the modern spirit of freedom, this reduces the worker to a state of slavery. Sir, this is rather a strong word, and many of my Honourable friends here may not like it to be used against the British Government, but these are not my words. These words have been used about this matter by many officers in the service of the Government who are still occupying very high positions in the Provinces. I know some of them.

The Honourable Mr. A. C. Chatterjee: Sir, I am sorry again to rise to a point of order. You have ruled that the question of legislation is not in order.

Mr. President: Does the Honourable Mr. Chatterjee acknowledge that Mr. Joshi is right in saying the Government have suspended the law by executive action?

The Honourable Mr. A. C. Chatterjee: Yes, Sir.

Mr. President: Then that point is in order.

Mr. N. M. Joshi: Now, Sir, I am not referring to the whole legislation. What I am saying is that the state of the labourer in Assam is practically slavery. Sir, we have been brought up in the belief, as Lord Olivier was brought up in a belief, that the Englishmen had abolished slavery.

They may have done it in some other countries, but I am quite sure they have not done it in India. As His Lordship was disillusioned about his belief regarding the salt tax, I am disillusioned about my belief regarding the abolition of slavery, and I am quite sure that, if the Members of the House will study this whole question, they will also be disillusioned—if they have any illusions now. This state of slavery is not only brought about by the legislation referred to by him just now, but it is brought about by some agreements which the planters have made among themselves. One of the conditions of the agreement is that the labourer belongs to the planter. It is the sense of ownership in the labourers. Then, Sir, another term of the agreement is that, if a labourer working on one plantation goes to another plantation, he will not be given service.

Mr. W. S. J. Willson: Who has paid his fare?

Mr. N. M. Joshi: I am coming to that. If one planter has made some advance to a labourer and he wants to go to another plantation, that second master must pay the first master the sum advanced. This, Sir, is buying and selling in human beings. So all the necessary conditions which constitute slavery are there. A man is punished if he does not do work and is sent to jail. The second element of slavery is that a planter is supposed to have some kind of proprietary right over the labourer; he is supposed to belong to the planter. Thirdly, his being bought and sold. Now what more is required to constitute slavery? I do not know; if there are people here who can tell me what slavery is, if this is not slavery, I shall be very ready to hear their explanation.

The Honourable Sir Basil Blackett (Finance Member): Service for the Government of India.

Mr. N. M. Joshi: I pity the Law Member's lot. Now, Sir, I do not wish to take up the time of the House any longer. I would like my Honourable friend, Sir Basil Blackett, who is very anxious to find out the minimum income of an average Indian to study the wages table of the Assam plantations. Sir, the average wage in Assam on these plantations is between Rs. 5 and Rs. 6.

Sir Campbell Rhodes (Bengal: European): Is that real wage or money wage?

Mr. N. M. Joshi: Sir, it is a real wage, including

Sir Campbell Rhodes: I question it.

Mr. N. M. Joshi: I have got authority for that statement: shall I quote it? It includes all the concessions which are supposed to be of great value. Sir, besides the money value the planters give their labourers some other concessions which a Committee appointed by Government has calculated come to 8 annas a month. Now, Sir, this study will be very valuable to my Honourable friend, Sir Basil Blackett, who wants to find out the average income of an Indian. Now, Sir, this very big income is the income of a man who goes 200 miles and sometimes 300 miles to get a better job than he has on his own field;—that Rs. 5 or Rs. 6 is the average income of a man who has gone 200 or 300 miles in order to get a better income. What then must be the monthly income of a man who remains on his own fields and does not care to go 200 or 300 miles away? (*The Honourable Sir Basil Blackett:* "That is a hypothetical question.") It must be much less. The Honourable Sir Basil Blackett, I am quite sure, will admit that the remedy lies in removing these defects in legislation and I hope the Government of India will do it.

Mr. B. C. Allen (Assam: Nominated Official): I do not propose to enter into an examination of what may or may not constitute slavery, but I have some experience, in fact, considerable experience of tea gardens and I also have experience of 30 years' service under Government, and I am inclined to agree with the Honourable Sir Basil Blackett that the term "slavery" more appropriately applies to the members of the Government of India, especially when the House is sitting, than to the garden cooly.

Now, Mr. Joshi asked Government first to repeal the Assam Labour Emigration Act on the ground that contracts might be enforced under it although he was expressly told that they were not. I can assure Mr. Joshi that there is not the slightest chance of any contract there being executed under that Act.

Mr. N. M. Joshi: Why not repeal that Act?

Mr. B. C. Allen: He also referred to Act XIII of 1859 which is still in force, but will shortly be repealed. Let me give Mr. Joshi the figures of my Division to show the extent to which that Act now operates. There are in my Division 3,72,000 adult coolies, and I find that during the last year there were only two cases in which coolies were sent to prison.

Diwan Bahadur M. Ramachandra Rao: May I point out, Sir, that the Honourable Sir Narasimha Sarma consented in this House that the term "coolie" would not be used in official parlance.

The Honourable Sir Narasimha Sarma: As far as possible, but we are now speaking in an Indian atmosphere.

Dr. H. S. Gour: We object to the term "coolie." Call him a labourer.

Mr. B. C. Allen: I may add that there were advances given under that Act which totalled over Rs. 14 lakhs, so that the labourer gets a substantial *quid pro quo*. My friend Diwan Bahadur Ramachandra Rao expressed some anxiety as to the conditions under which labourers are employed in Assam. Well, Sir, I have a fairly intimate knowledge of the working of most of the Assam gardens, and I can assure him that if he went to Assam and studied the conditions himself he would, I think, have no cause for complaint and would be thoroughly satisfied with those conditions. Mr. Joshi has quoted certain figures showing what the wages amounted to, but his figures do not agree with the figures published in the Government reports. I find that during the last year the rate of wages paid, calculated on the daily average working strength in the Sibsagar gardens, was Rs. 10 for a man, nearly Rs. 9 for a woman, and Rs. 5-9-0 for a working child; that is to say, for a family consisting of a husband, wife and one working child the monthly income was Rs. 24. In the Dibrugarh sub-division, which contains more labourers than any sub-division in the province, the average monthly income of a family of that type was Rs. 29-14-0. The figures for the total number on the books was Rs. 18-13-0 in one case, and Rs. 21-6-0 in the other. Well, I think that it is generally recognised in the recruiting districts that one of the great attractions to labour in Assam is the fact that the labourer who comes to the tea gardens will be able to take up land and settle down as a peasant proprietor. In my Division alone there are over 260,000 acres of land held by ex-garden labourers. Information has also been collected from typical gardens showing the extent to which coolies possess cattle—I find that I should have used the term labourers. I apologise for using the word 'coolie', as the House objects to it, but that is the term by which they describe themselves in Assam—I find that 72,000 adult labourers owned 43,000 cows and 4,800 buffaloes, that is to say, as the term 'labourer' includes women on the average, every family possessed its cow and some had more than one.

Another thing which shows that conditions are satisfactory is the fact that the average birth rate exceeds the death rate. Before sitting down, I should like to call attention to what seemed to me a most noteworthy pronouncement made by my friend, Mr. Ramachandra Rao. I took it down at the time. He explained to us that the Agency Tracts of Madras were very sparsely populated and in that respect they correspond to some of the more mountainous tracts in my province. We are also sparsely populated tracts for permanent labour on the plantations, because people there are too prosperous. I do not think that anybody can now contend that people in the recruiting districts are not familiar with life in Assam as emigration to this province has been going on for many years. Surely every one must admit that before a cooly will leave his home and travel hundreds of miles to another province, he must have a very fair idea of the kind of life that he is going to meet with there and whether he is going to improve his conditions of life or not. Now, the statement which my friend made was this: He said: "Are we to permit our labourers to emigrate?" He did not say "Are we to prevent our ignorant people

from being misled or misguided?" But he positively suggested that we, the Legislature, should take steps to prevent people from going to places which they wished to visit.

Diwan Bahadur M. Ramachandra Rao: May I explain, Sir. The Government of Madras for the last two or three years have had a big development scheme for the development of the Agency Tracts on which they have spent considerable sums of money. My Honourable friend knows that there is a development scheme in Madras to settle people on the land there, and it is certainly not a wise policy to move that labour in the way in which it is being done, namely, by all these agents, and taking them away to other provinces, while the inhabitants of these localities require that labour to settle on the land in Madras. Excuse me, Sir, it is a question as to what the policy of the Government is in regard to the movement of labour in this country, a subject which has not received any attention at all. It seems to me, Sir, that the whole question is this. As I explained, we know that the Government of Madras are anxious to develop that part of the country. The subject has received no attention hitherto and here we have the case of a few men who are living in the locality being moved under a promise given by the Government of India to another part of the country. That is the point.

Mr. B. C. Allen: That is precisely the point which I am endeavouring to make.

Diwan Bahadur M. Ramachandra Rao: It is not a question of free will.

Mr. B. C. Allen: The Honourable Member says, it is not a question of free will. I deny that statement *in toto*. I entirely decline to admit that people in the recruiting districts now do not know the conditions of life in Assam and are not in a position to decide for themselves whether they wish to go there or not. It must be remembered that these garden *sardars* of whom Mr. Raju complained are people who are resident on the gardens and proceed from the gardens to work as a rule in their own villages and amongst their own people. As the Honourable Members sitting near me very pertinently remarked just now, if it is not slavery to deny a man the right to go to Assam if he wants to go to Assam, what is slavery? It is this extraordinary interference with the freedom of the individual which fills me with alarm when I contemplate the future of India, if full responsible government is granted. Is the Madras labourer to be kept in Madras simply because the upper classes in Madras wish to have him there, or is the man to be allowed to leave Madras and better the conditions of his life?

Diwan Bahadur M. Ramachandra Rao: That is a question on which we differ.

Mr. B. Venkatapatiraju: Sir, I want to ask Mr. Allen whether he is quoting official figures because the latest report of the Emigration of Labour of the Assam Government gives on page 8 only Rs. 6-14-0, man, 3-14-0, woman and Rs. 3-7-10, child, and so on, as the average monthly wage including *ticca*, diet, rations, subsistence allowance and bonus per head.

Mr. B. C. Allen: The figures I read out to the House were copied from the Report here on page 8.

Mr. Chaman Lal: Sir, the Honourable Mr. Allen has read out to you certain figures relating to the wages earned by different plantation coolies. (*Cries of "Labourers"*). I do not see, Sir, how you are going to improve the lot of these poor devils by calling them labourers instead of coolies.

Mr. B. C. Allen: Sir, is it Parliamentary language to describe labourers as devils?

Mr. Chaman Lal: I do not know, Sir, where he got those figures from. I hold in my hand a volume entitled "Prices and Wages in India, 1923" and I read that in the year 1920-21, which are the latest figures they give, the wages earned in Sibsagar by non-Act labourers is Rs. 6-14-3 per month, women Rs. 5-14-10 and children Rs. 3-12-3. Sir, a question was put by the Honourable gentleman over there whether these wages were substantive wages—money wages—or not. In a note appended to these tables I read as follows:

"These statistics are compiled from the results of the report on emigrant labour in Assam and they are the average monthly cash wages calculated on the wages earned by the total number of coolies on the books for the months of September and March, including (and this is the most important point, Sir) *ticca*, diet, rations, subsistence allowance and bonus per head."

I ask you, Sir, is there any other part of India where coolies living, as the Honourable Mr. Joshi pointed out under conditions of slavery and semi-slavery, would be allowed to live on wages of this kind without serious menace of a dangerous agitation?

Mr. W. S. J. Willson: Except the coal mines.

Mr. Chaman Lal: The Honourable gentleman over there says, "Except the coal mines". I am glad for once he agrees with me. You ought to take steps to see that wages in these plantations and coal mines are advanced to a reasonable level. I find that Rs. 5-15-10 were the wages earned in 1913-14 and in 1920-21 the wages went up to the magnificent figure of Rs. 7-0-5 per month. I hold in my hand an estimate drawn up recently in Madras by a Missionary, the Revd. D. G. M. Leith, as to the actual minimum subsistence allowance of a working class family in Madras, which is supposed to be the poorest province as far as workers are concerned. He says that considering food for man, wife and two children, rent, clothing, fuel and miscellaneous, the total amount per month comes to something like Rs. 22-8-10 and that he himself leans to Rs. 24 per month; that he has made no provision for light; that he believes it would be correct to consider the number of children in an average working class family to be more than two; that this estimate does not make any provision for holidays, none for the children's education, none for saving for old age, none for charity, (and I would myself add none for religious dues and social expenses, sickness, marriages, funerals, and births). It must further be remembered that these calculations provide for a most terrible life of hardships; for nothing more than a loin-cloth and a head-cloth, the latter being used as a covering at night, for a dirty, insanitary hut unfit for human habitation. Mr. Leith says: "In the wet weather when they must all sleep in the same hut, perhaps 7 feet by 7 feet, well, it must be bestial." He asks: "How are the expenses to be met?" There is only one source: Diminish the quantity of food. As a man said to me—"sometimes we cook and sometimes we do not." That is the condition of workers on the tea plantations also, and I cannot for the life of me imagine that it should be possible for any humane person to stand up in justification of the conditions that prevail there.

Mr. B. C. Allen: May I rise to inquire, if the missionary referred to conditions in Madras or Assam? If they were the conditions in Assam, how did a Madras missionary know anything about them?

Mr. Chaman Lal: There is none so blind as he who will not see. If these are the conditions that prevail in Madras, if the minimum for a working class family is Rs. 24 in Madras, can you not imagine that it must be a terrible state of affairs for the workers on the tea plantations whose average wage according to these statistics is considerably less than Rs. 24? The average according to these figures works out to something like Rs. 16 or 17 a month. Is that not an atrocious state of affairs? I find in another official document, regarding the housing of these coolies (*A Voice: "Labourers"*)—the Committee found two different methods of supplying the needs of the coolies. The workers were housed in barrack lines and lived congregated together under more or less strict discipline. That is what my Honourable friend has referred to. They lived in conditions of semi-slavery. They lived in barracks. They were given fictitious wages and semi-starved, and you draw your profits every year from the tea plantations and raise the price of tea. "On the whole"—what this Commission say? They say: "On the whole wages have not kept pace with the rise in the cost of living." Of course, they have not kept pace. These driven workers have been starved. What are you doing to ameliorate their condition? What legislation have you undertaken for the purpose? Promises have been made that all sorts of legislation will be undertaken to do away with this state of things. But nothing has been done so far.

The Honourable Mr. A. C. Chatterjee: I rise to a point of order, Sir. Will the Honourable gentleman kindly specify when these promises were made and by whom?

Mr. Chaman Lal: I take it that when Mr. Joshi made that allegation and there was no denial it must be true. It is a fact, as the Honourable Member will find from the memorandum that was submitted to him, if he takes his memory as far back as two years, on behalf of the Trade Union Congress, on the Workmen's Breach of Contract Act and similar provision in the Indian Penal Code. That provision is still there in the Indian Penal Code, and it has not been repealed.

The Honourable Mr. A. C. Chatterjee: Did I make any promise?

Mr. Chaman Lal: As far as I know, it was the intention of Government to do away with that particular provision. If it has not yet been repealed, I hope the Honourable Member will give an undertaking to the House now that he intends to do away at once with this provision in the Indian Penal Code.

I have nothing more to say with regard to the condition of the coolies. I do think that Honourable Members will not deal lightly with this subject which is searing the heart of every humane person in India.

Mr. Bipin Chandra Pal: This question of emigration of labour to Assam has exercised us for the last forty years and more. Objection has been taken to the characterisation of this manner of recruitment and securing labour for Assam as a kind of *quasi-slavery*. But I remember when I was still a young man, and a very young man in college,—I remember that the Act, when it was first placed on the Statute-book, was described by one of the soberest politicians and publicists of Bengal, the late Rai Bahadur Kristo Das Pal, as *slave Act*. We had not these troublesome . . .

The Honourable Mr. A. C. Chatterjee: May I ask if the Honourable Member is referring to the Act of 1901? My information is that the late Rai Bahadur Kristo Das Pal died in 1884.

Mr. Bipin Chandra Pal: I know, but I am referring to the first Act. I am sorry my Honourable friend was thinking of his answer and did not listen to what I was saying. I said when this first Act was placed on the Statute-book—this Act has passed through many incarnations. In 1881 for the first time the violation of labour contracts in regard to tea garden plantations was made penal, people were penalised for the violation of these contracts. Before 1881 we had Act XIII, I believe, of 1859 which regulated these contracts, but in 1881 a special law was passed with a view to regulate emigration to Assam, and since then the fundamental principle of that law and administration also has practically continued. There have been amendments, there have been improvements in the old Act, but our complaint is this that, according to the Act of 1881, tea garden proprietors were authorised to arrest their labourers when they left the precincts of their garden and were found within five miles of their garden, without any warrant or any legal authority.

Mr. B. C. Allen: Is the Honourable Member justified in referring to a provision of the Act which has been repealed many years ago, and which has no connection whatever with this case?

Mr. Bipin Chandra Pal: This is the Assam Labour and Emigration Act, 1901 (VI of 1901), as modified up to 1st July 1910 and section 193 of this Act reads thus:

“Whoever being a labourer voluntarily and without reasonable cause absents himself from his labour for more than seven consecutive days or for more than”

This is not the section

Mr. President: I can help the Honourable Member. He cannot change the law at this time. The motion refers to the administration of it by the Honourable Member.

Mr. Bipin Chandra Pal: I cannot change the law. I know, Sir. I was referring to the section. The law is that, if a labourer has deserted a plantation and is found within five miles of it, the planter is authorised to arrest him without a warrant. That has been our complaint. I know the law is there. Though I have the honour of representing Calcutta I belong to Sylhet. Mr. Allen knows it. So I am familiar with the conditions of labour, if not in the Brahmaputra Valley, at least in the Surma Valley and I know this that in my district of Sylhet there are very few Act-labourers. They are free labourers there and the conditions of service there are infinitely better than the conditions of service in some of the upper reaches of Assam (4 Voice: “No.”) I know it has been admitted times without number by Government officials that good tea gardens do not want Act-labourers. It is only the mismanaged gardens and sometimes the unhealthy gardens that require Act-labourers. What we demand is that the operation of this law should be stricted as far as possible and all those gardens which cannot continue with the help of free labour must be closed. That is our contention and this, I think, can be to some extent done by sympathetic administration, sympathetic not towards capital

but sympathetic toward the labourer, of the law even as it is, and if that is done, a great deal of the complaint will be removed.

The Honourable Mr. A. C. Chatterjee: I shall first touch on the points that were raised by my Honourable friends, Mr. Venkatapatiraju and Mr. Ramachandra Rao. Mr. Venkatapatiraju objected to the fact that labourers were recruited now-a-days for Assam in his own districts and in the Madras Presidency generally on the ground that no steps were taken by the Central Government to see that these labourers when they reached Assam were properly looked after. I regret very much, Sir, that he has not really gone through the various items in the Demand for Internal Emigration for which he has proposed a reduction. If he had gone through the items, he would have found that in Assam we have got a travelling inspector, sub-assistants surgeons and various other people whose duty it is to look after the comforts of the labourers. But the real sting of his charge lay in the tail of it, that is to say, when he objected to any labourers going at all from the Agency Tracts which he represents. I confess that I was rather surprised at the line that my Honourable friend took. Mr. Allen has already dealt with this point to a certain extent. Does Mr. Venkatapatiraju suggest that we in the Central Government should prevent people in Madras from going to Assam if they want to go? It is for the Madras Government and for the people in Madras to safeguard their own interests if they wish to. I am sorry Mr. Ramachandra Rao is not here, but I can assure him that the Government of India did not take the initiative with regard to the emigration from Madras to Assam. The Madras Government have always taken the very greatest care in looking after the interests of labourers who migrate from Madras. Recently they were entirely satisfied that people going from Madras to Assam would be well looked after there and would work in satisfactory conditions. It was the Madras Government which suggested that they might be permitted to withdraw the embargo that they had hitherto placed over emigration from Madras to Assam. Would it have been consistent with the principle of provincial autonomy of which my friend is one of the protagonists for us to prevent the Madras labourer from going to Assam if both he and his Government wanted that this should be permitted? (Mr. B. Venkatapatiraju: “I mean assisted labour.”) I do not see where assisted labour comes in at all. As I was going to say, this labour which goes to Assam now is entirely free labour; there is no provision in the Assam Labour Emigration Act now in force which compels a man to execute any document binding himself for any length of time. Those provisions to which my Honourable friend, Mr. Bipin Chandra Pal, drew our attention, as I pointed out in answer to a question from the Chair, have been withdrawn by executive notification (Mr. Bipin Chandra Pal: “Thank you.”) I quite admit that they have not been repealed. My Honourable friend Mr. Joshi objected to the manner of administering the Act. The main feature of the administration of the Act is that these provisions have been withdrawn. Does he object to the withdrawal of these provisions relating to contract labour? (Voices: “No.”) Then Mr. Venkatapatiraju asked why the Workmen’s Breach of Contract Act has not yet been repealed. Last year, in speaking on this subject, the undertaking that I did give was that the repeal would take effect after three years from the date when I was speaking. There was no undertaking given that the Act of repeal would be passed either this session or the next session. If we do not fulfil, if we do not implement, the promise that I did make last year, then my Honourable friend would have a reason for taking us to task, but he is a little too previous now. He objected

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to the large number of *sardars* going about in his district. Well, if every *sardar* produces only one or two emigrants, it just shows how carefully the act of recruiting is done. If one *sardar* had recruited about 100 men,

then it could have been urged that these men were misled. 3 P.M. As a matter of fact, Sir, I shall myself never be a party to any ordinance or law which would restrict the free movement of labour from one part of India to another, unless it could be definitely shown that conditions were extremely unsatisfactory in the part to which labour wanted to migrate. The very fact that people from Madras are willing to go so far as Assam shows that the conditions which agricultural labourers meet with in Madras itself cannot be entirely healthy or entirely satisfactory.

Diwan Bahadur M. Ramachandra Rao: No, Sir.

The Honourable Mr. A. C. Chatterjee: My Honourable friend, Mr. Ramachandra Rao, said that they were going to develop the Agency Tracts and they wanted to get the labourers there. If he is going to develop the zamindari tracts there or any other tracts, he has only to pay decent wages and provide good conditions. There is no need

Diwan Bahadur M. Ramachandra Rao: May I point out that it is the Local Government who intend to do that and not myself. I have no property.

The Honourable Mr. A. C. Chatterjee: If he is speaking on behalf of the Local Government

Diwan Bahadur M. Ramachandra Rao: I would certainly not venture to speak on behalf of the Madras Government who have two representatives in this House. I was only speaking of the fact that the Madras Government had put forward a scheme for the development of the Agency Tracts, and that scheme was being given effect to, but on account of financial restriction it has been withdrawn.

The Honourable Mr. A. C. Chatterjee: Quite so. The Madras Government felt that they could not at present pay adequate wages to the labourers if they wanted to develop those tracts. In fairness to the labourers, they felt that they must give them freedom to go to any place where they could get decent conditions and decent wages. All that we have done is that we have not stood in the way of the Madras Government giving freedom to their own people.

Turning now to the speech of my Honourable friend, Mr. Joshi, I wish to refer to the fact that he objects to the agreements which are now made by the planters in Assam in order to protect themselves from the migration of labour from one garden to another. I was rather surprised to hear that argument from Mr. Joshi who, I believe, at various times rather flirts with trade unionism.

Mr. N. M. Joshi: Do trade unions restrict emigration?

The Honourable Mr. A. C. Chatterjee: Trade unions, so far as I know—I confess that my knowledge is not as extensive as that of my Honourable friend—trade unions object to men going and working on certain works unless certain conditions are satisfied. This is exactly the same thing. A trade union would expel a member from the society if that member went and worked at a particular shop or a particular works which was interdicted by the union. I do not see that there is really very much difference. I

am not talking on the merits of the case. I am only saying that I was surprised when my Honourable friend, Mr. Joshi, put forward this argument. Then, Sir, I was rather amused when my Honourable friend from the Punjab, who, I do not believe, has ever been to Assam, endorsed the view that the conditions in Assam were practically the same as slavery. In support of his argument, he read out a passage from the report of a Committee appointed by the Local Government to investigate the conditions of work in Assam. That passage, so far as I can remember, stated that the men were kept under very strict discipline. I thought, Sir, from what my Honourable friend said yesterday at question time that my Honourable friend himself is kept under very strict discipline by the leaders of his own party and I should like to know if he does not feel that he is also a slave. (Laughter.) I shall not at this hour of the day enter into the vexed question of the average wage of a labourer in Assam or of the average income of anybody in India, not even of the average income of a Member of the Legislature here. Those are very thorny questions. I do not pretend to have enough statistics on this subject. There has been a good deal of discussion already. The plain issue is: Has any one been really compelled to go to Assam and is a man free to go to Assam or not? The only restraint that is put now-a-days in Assam, so far as my knowledge goes, is under the Workmen's Breach of Contract Act and we have already promised to repeal that Act. If a man does not want to go to Assam there is nothing to compel him to go there. As I have said, I shall never be a party to preventing a man from going to Assam if he wishes to go there.

Mr. J. M. Turing (Madras: Nominated Official): Sir, my Honourable friend Mr. Ramachandra Rao has requested me to speak on this subject as I have some knowledge of these Agency Tracts, to which he has made a reference. I have only to say that that scheme was a scheme for a very considerable development of the Agency Tracts. It was, however, dependent, as most schemes are, on the provision of funds. I will not say that that scheme has been abandoned, but at least for the time being it has been held in abeyance. It depends, as all other important Madras schemes depend, on the reduction in the provincial contribution, which depends, if I have understood the Honourable Sir Basil Blackett correctly, on the maintenance of the salt-tax at at least Rs. 2 per maund. This is a point which I trust my Honourable friend Mr. Ramachandra Rao will remember when he comes to vote on that point. (Laughter.)

Mr. President: Reduction moved:

"That the demand under the head 'Emigration—Internal' be reduced by Rs. 100."

The motion was negatived.

Mr. President: The question is:

"That a sum not exceeding Rs. 57,000 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, 1925, in respect of 'Emigration—Internal'."

The motion was adopted.

DEMAND No. 38-B —EMIGRATION—EXTERNAL.

Mr. President: The question is:

"That a sum not exceeding Rs. 81,000 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, 1925, in respect of 'Emigration—External'."

The motion was adopted.

DEMAND NO. 39—JOINT STOCK COMPANIES.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,32,000 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, 1925, in respect of 'Joint Stock Companies'."

Dr. H. S. Gour: Sir, I should very briefly state the points I wish to make in connection with this motion.* Honourable Members are aware that during the last four years a very large number of Companies were floated in this country in which several hundred crores of rupees were invested. Honourable Members are also aware that a great number of shareholders and investors have lost their money. I wish, Sir, that the Government of India will consider the advisability of concerting some plan for the protection of these unwary shareholders and investors.

The other point I wish to make in connection with the Joint Stock Companies is that it is necessary that we should have in this country a Patents, Trade and Property Marks Registration Act. At present, so far as I am aware, trade and property marks cannot be registered in this country, and I think it is very necessary that we should assimilate the Indian law to the English law on the subject.

The third point is this. I have dealt with the investors on the flotation of companies and with the patents, but I wish now to deal with the actual management of companies by the Managing Agents. Honourable Members are aware that the shareholders in the various Joint Stock Companies live scattered throughout the length and breadth of this country. When the Managing Agents convene meetings of the Board of Directors the shareholders cannot attend. They are invited to attend but cannot attend. The Board of Directors therefore convene meetings and pass resolutions sometimes to the detriment of the mofussil shareholders. I want the Government to consider some means of protecting them against resolutions passed behind their backs and which might operate detrimentally to their interests.

Honourable Members have recently been in possession of revelations made in connection with the failure of the Alliance Bank. I venture to think that, if Government had taken timely action in the interests of the investors, this catastrophe might have been averted and the loss which the shareholders have suffered might have been minimized. I do not say that I am prepared with a cut-and-dried scheme for the purpose of protecting the shareholders and investors in public companies, but it has been stated that the wealth of India lies buried underground. I venture to submit, Sir, that for the development of trade and industries in this country, if this wealth is to be unearthed, the first thing necessary is to insure some measure of reasonable security to the investors, and I think, therefore, for the development of the country and the promotion of its commerce and industries, the Government should concert some plan for the protection of the people who invest in these concerns. On these grounds I move my motion.

Mr. President: The question is:

"That the demand under the head 'Joint Stock Companies' be reduced by Rs. 100."

Sir Campbell Rhodes: Sir, my Honourable friend has spoken with very deep feeling evidently from the bottom of his pocket. I am also a fellow-sufferer from the boom and if he wishes to add to his collection of dud

* "That the demand under the head 'Joint Stock Companies' be reduced by Rs. 100."

shares I can, I think, meet his requirements at quite a nominal cost! I think he has referred chiefly not to Managing Agents but to mis-Managing Agents. I am absolutely at one with him that any protection we can give to the investing public is very desirable in the way of encouraging investment in sound companies. But I suggest that, when Dr. Gour entrusts any money to any person for any special object, he does it because he trusts that person. And I suggest that, whatever protection the law attempts to give to shareholders, one fact will remain to the end, that you cannot protect your money unless you entrust it to people or firms whom you can trust. Sir, the Managing Agent also wants protection from the investing public. The investing public is often a mere speculator demanding a high dividend in order to get a high market value for the shares and to clear out, leaving a disgruntled shareholder for the poor Managing Agents to face when dividends are not so large. As regards the non-attendance at meetings, I do not quite know what my Honourable friend referred to when he said that resolutions were passed discriminating against the mofussil shareholders.

Dr. H. S. Gour: Detrimental to their interests.

Sir Campbell Rhodes: Detrimental to the interests of the mofussil shareholder in particular. I have had mofussil shareholders at my meetings. I remember distinctly at the final meeting of the Tarkesar Railway Company, when I handed the Railway over to the Government, that a shareholder came down from Burdwan, and finding there were Rs. 5,000 over which we could not divide amongst so large a number of shareholders, and that I proposed to divide it half to the war fund and half to the poor of Tarkesar, he solemnly suggested that we might each take half. I would suggest with due deference, that any protection one endeavours to give to the shareholder should be done with very great caution so as not to impede the development of industries and the free flow of money into sound propositions, and I would point out to the Government that in the case for instance of prospectuses, when they are issued, if Government were to exercise any further control than they do at present over the issue of these prospectuses, they might incur odium for any failure of a company which was floated on that prospectus. It is therefore, Sir, very desirable that Government should not give any endorsement at all in support of a prospectus that is issued as it might give the investing public a feeling that perhaps the Government are behind it. It is a point which I have strongly urged in Bengal where Directors of Industries have, I consider, gone too far in making statements which have been incorporated in prospectuses. I would, therefore, while welcoming any protection that can be given to the investing public, sound a note of warning.

Mr. H. G. Cocke (Bombay: European): Sir, it is very easy to make the suggestion that steps should be taken to protect shareholders from losing their money. It is quite a different thing to give them that protection. Joint stock companies have been in existence now for very many years. The first important Act in the United Kingdom was passed in 1862, and the first Indian Act in 1882, and the law has been amended mainly for the protection of shareholders since then. But I am afraid no law can ever protect a shareholder from putting his money into worthless concerns. The regulations regarding prospectuses certainly go further in the United Kingdom than they do in India, and that is one direction in which the law here might be altered. I should very much like to know from Government whether there is any idea of setting up a new

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committee to consider the Joint Stock Companies Acts with a view to bringing them up to date. I do not think you can protect the up-country shareholder. One piece of advice to the up-country shareholder, in order to prevent him losing his money, is not to put it into companies which have their registered offices far from his base. They have Post Office Cash Certificates, and they have got Government securities and they should be satisfied with the returns which these give.

The Honourable Sir Charles Innes: Sir, the first point that Dr. Gour made was that during the last few years very many unsound companies have been floated in India and a great many investors have lost their money.

The first point I should like to make in reply to that remark is that India is not the only country in the world where these unsound companies have been floated and where the unwary investor lost his money. In fact, the boom which succeeded the War extended over a great many countries with exactly the same result. At the same time I am inclined to agree with Dr. Gour that possibly we might do something in India to protect the investor against these unsound companies. I can assure Sir Campbell Rhodes at the same time that Government have not the slightest intention of making themselves responsible for prospectuses that may be issued by company promoters. But we have had this matter under consideration from a rather different point of view. Our attention was of course attracted to it when this boom was on. Our first idea was to copy the English law on the subject and to impose an *ad valorem* duty of 1 per cent. on the nominal capital of all companies registered under the Indian Companies Act. We thought of that definitely with the idea of preventing the flotation of unsound companies. We consulted commercial opinion about it all over India and we found that commercial opinion was exceedingly divided upon the subject. They thought that, while this expedient might not operate to prevent the flotation of unsound companies, it might to some extent hamper the flotation of sound companies. At any rate opinion as to the efficacy of the remedy was so divided that we decided to drop that proposal. And then we took up another proposal. It was suggested to us that the law should be amended so as to provide that the minimum subscription on which the Directors may proceed to allotment when a company commenced business should bear a reasonable proportion to the amount of the authorised capital. That suggestion was made because in 1918-1919 and 1919-1920 the figures given us by the Government of Bengal showed that the total nominal capital of companies floated in the Bengal Presidency increased by 80 per cent. and the paid-up capital only by 17 per cent. We communicated that suggestion to Local Governments and commercial bodies throughout India and there is considerable unanimity of opinion that that proposal is a very useful proposal and might well be incorporated in our Company law. We have not taken any action on those proposals because there were other proposals affecting the Indian Companies Act and we did not think it necessary, we did not think it wise, to take up the amendment of that Act piecemeal. But we have got various proposals for the amendment of that Act, and in reply to a question put by Mr. Cocke I may say that when opportunity serves and in due course we do hope to place before this Legislature proposals for the amendment of the Act.

Now, Sir, let me turn to the other question raised by Dr. Gour, namely, this old and vexed question of Managing Agents. I do not propose to spend much time in discussing that question, because Dr. Gour after all only indicated rather briefly that the question needed examination. I should just like to remind Dr. Gour, however, that the two principles which we have always followed in our Company law are these. The first principle is that direct interference by Government in the internal management and control of companies should be avoided. And the second principle is that the interests of investors and creditors should be safeguarded principally by providing for a full measure of publicity regarding the promotion and operation of trading companies. When our present Act was brought into force—I think it was in 1914 but I forget the exact date—the question of Managing Agents was very hotly discussed in the old Imperial Legislative Council. It was referred to a Select Committee. On that Committee there were three well-known protagonists against the managing agent system, Sir Ibrahim Rahimtoola, Mr. V. R. Pundit and Mr. Vijayaraghavachariar, and I should like to read to the House an extract from the report of that Select Committee on this subject of Managing Agents:

"While, on the one hand, we recognise that the protection of shareholders is a very important matter, on the other hand, it is obvious that any excessive restriction on the power either of Directors or Managing Agents, however laudable from that point of view, would certainly check legitimate commercial development. There is a point beyond which it is impossible for the ordinary civil law to intervene to protect persons who fail to exercise their powers as shareholders to control the conduct of the company of which they are members, but whilst fully recognising this, we are convinced that there is room for the imposition of wholesome restrictions in connection with the management of companies by Managing Agents in this country. We think that these clauses (*i.e.*, certain clauses proposed by Sir W. H. Clark) provide a reasonable measure of publicity and secure to a reasonable extent the principle that the Directors should be independent of Managing Agents."

Now, Sir, as a result of that Committee's Report, various amendments were carried out in the Indian Company law definitely in order that shareholders might get a reasonable measure of protection against Managing Agents who do not work properly; and I think, Sir, that this is a question in which there will be less and less need for any protection for shareholders as time goes on, because as I see—I read the company reports very often rather carefully—that shareholders specially in Bombay,—and I think my Honourable friend Sir Purshotamdas Thakurdas will bear me out here—shareholders are beginning to take more and more real interest in the affairs of the companies in which they have invested, and they do supervise very carefully the work not only of their Directors, but also of their Managing Agents of the companies. In fact, the whole theory of our Company law might be summed up in the Latin term with which Dr. Gour is no doubt familiar. "*Vigilantibus, non dormientibus, jura subveniunt*", that is to say, our law can only help those who keep awake and do not go to sleep.

Mr. W. S. J. Willson: Sir, as this matter is under consideration of the Government, I should like to ask the Honourable Member in charge to include within the scope of his consideration the question of newspapers. So far as I know, there is not in India one single newspaper which makes a practice of or is capable of giving a really good criticism of any impending flotation. I can quite sympathise with the newspapers, because it is a very dangerous thing to do so, no doubt, but, on the other hand, there are a considerable number of newspapers which have no hesitation in boosting up any company that may choose to advertise in their columns, and I am

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certain from my own observation that a good deal of professional gentlemen's money is lost in that way.

Honourable Sir Charles Innes: Sir, I can quite sympathise with the Honourable Member from Bengal. He has put his finger upon a real difficulty in India, namely, that in India we have not got, as we have got in England, a very powerful financial press to watch and criticize the prospectuses of new companies, and that is precisely the reason why, departing from the English practice, we have taken up this question of amending the Companies Act. But I think that the Government of India will be extremely chary of attempting any sort of supervision of the newspapers in the matter of their examination of prospectuses issued by company promoters.

Dr. H. S. Gour: Sir, in view of the assurance given by the Honourable Member in charge, I wish to withdraw my motion.

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

Mr. President: The question is:

"That a sum not exceeding Rs. 1,32,000 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, 1925, in respect of 'Joint Stock Companies'."

The motion was adopted.

DEMAND NO. 40—MISCELLANEOUS DEPARTMENTS.

Mr. President: The question is:

"That a sum not exceeding Rs. 14,47,000 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, 1925, in respect of 'Miscellaneous Departments'."

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural): Sir, I am sorry my friend Mr. Das is not here to move the reduction of which he has given notice, that is, "that the demand under sub-head 'British Empire Exhibition' be omitted." But, as the British Empire Exhibition is included in these Demands for Grants, I consider it my duty to oppose this, apart from the general principle. Why do I oppose this? Why do we need this British Empire Exhibition? India at least ought to have no interest at all in this Exhibition. (A Voice: "Why?") Because, what is India now? India is the maid of the Empire. India has a most humiliating position in the Empire and the least that India should do is to throw out any suggestion of association with this Empire Exhibition. The object of this is professedly in the interests of Indian trade and industry. But at bottom, this is a political propaganda on behalf of those who are our masters. I have read a pamphlet which was a sort of introduction to what was going to happen when the Exhibition was held. His Royal Highness the Prince of Wales, I suppose, is the President of the Exhibition Committee, and it was stated in that pamphlet that this Exhibition was held for the promotion of industries in the Empire. That was, of course, one of the objects. But the chief objects stated there was to show to the world that the British Empire which was one in war is one in peace. That was the object. Is the Empire one in peace? It was one in war. India was made to be one with the Empire in war. But today India is certainly not one with the Empire in peace, because India is not allowed to be. And therefore, Sir, it would be derogatory to the self-respect of any Indian Member of this Assembly, whether he is an

official, a non-official, elected or nominated, or by whatever name he goes, —for any Indian to associate himself with this grant. Sir, I can only call him an accomplice of his own national humiliation. Therefore, I consider it my duty to oppose it wholeheartedly.

Mr. R. D. Bell (Bombay: Nominated Official): Sir, I should like to say just a few words in qualification of what my Honourable friend has said about the objects of this Exhibition. He is quite correct in saying that the sole object of the Exhibition is not the promotion of this Empire in trade. But, when he said that the object of the Exhibition was to show that the Empire is one in peace as well as in war, he did not state that object quite correctly. It is true, Sir, that the Empire was one in war, and not only the Empire but a great many countries outside the Empire. And the reason of that unity was that we had a common cause and believed in the justice of that cause. Now, as a result of the war, there were, as the House knows, certain movements. In the political sphere there was a movement which resulted in the League of Nations. In the industrial sphere there was a movement which led to various conferences which had the object of improving and rendering more uniform the conditions of labour in various parts of the world. It is not uncommon to hear scoffers at the League of Nations and at other movements of a similar kind, but after all, whatever criticism may be made as to the practical value of such organisations, the ideals behind them are high. Now, Sir, it was such an ideal which led to the first steps which were taken so long ago as May 1919 to promote the British Empire Exhibition.

It was recognised by a number of people—you may call them idealists or by any other name you choose, but it was recognised by a number of people—that the example which the war had set should not be lost altogether and that some effort should be made for giving the Empire an opportunity to realise certain ideals which were common to all parts of it; so that, if any one is not acquainted with any other part of the Empire, this Exhibition provides him with an opportunity of finding out what he has in common with strangers and even antagonists, and when you find out what you have in common with others, you go a long way towards an amicable settlement of differences. In that sense, Sir, it is true that the British Empire Exhibition is the result of a political movement, but a political movement in the highest sense of that term, and that its object is not entirely the development of industry and trade. Looking at it in that way, it seems to me at the present time to be entirely in the interests of India to participate in the Exhibition. A very notable Indian, on his recent return from a world tour, said to his fellow-countrymen in Bombay, as the result of that tour, that it was time that Indians recognised that they were not the only nation in the world, and he added to these words that there was work to be done outside India as well as inside India; and I would add to these words a comment which was made quite recently in the London "Times" that for India at the present time there is probably more work to be done in London than in this country.

The Honourable Sir Charles Innes: Sir, I understand that no motion for reduction has been moved and that Mr. Jamnadas Mehta was, so to speak, merely letting off steam. In the circumstances, the House will perhaps excuse me if I treat the matter somewhat briefly. The first consideration I should like to place before the House is that a democratic Assembly inevitably inherits from its predecessor certain obligations in the matter of

[Sir Charles Innes.]

policy. Now, in everything that we have done in regard to the British Empire Exhibition, we have had the Indian Legislative Assembly behind us. On the strength of the votes and the Resolutions passed by the last Legislative Assembly, we have entered into commitments and contracts, and it would not be in accordance with the honour of India if by withdrawing at this stage the money necessary for carrying out our obligations in regard to this Empire Exhibition, we were unable to honour our contracts. That is the first and most material ground which I have to place before the House. For the rest, I would only express my profound disagreement with everything that Mr. Jamnadas Mehta said, and my conviction is that in all that he has said he has taken a wrong-headed attitude and view. I believe that India would have done herself incalculable harm if she had stood out of this Exhibition. I believe, Sir, that, if India adopted in regard to a matter of this kind an attitude of non-co-operation, she would injure herself not only with the British people but with every other part of the Empire. After all, the complaint which is so often made by India is that she is misunderstood, that when her people go abroad they are thought to belong to a nation which is not fully civilised. Could there be any better opportunity of dissipating these foolish suspicions or these foolish views than by participating in an Exhibition of this kind and showing to all the world what India can do in the way of art and in the way of industry? Sir, as I have said, there is no motion for a reduction before the House. I wish that there was one, for I believe that the House would adopt my view and unhesitatingly reject that expressed by Mr. Jamnadas Mehta.

Pandit Madan Mohan Malaviya: I am sure my Honourable friend, Sir Charles Innes, will withdraw the word "wrong-headed" which he used in criticising the views of my Honourable friend, Mr. Jamnadas Mehta.

The Honourable Sir Charles Innes: I substitute the word "wrong" for that.

Pandit Madan Mohan Malaviya: The question which has been raised by my Honourable friend, Mr. Mehta, is not so easy to dispose of, rather it would not be so easy to dispose of if we had a full House. The view that the Honourable Sir Charles Innes has put forward is a view entitled to consideration, but the other view is also entitled to consideration. Unfortunately, as the matter stands now, I do not think that any good will result from a discussion of the view which has been advanced by Mr. Mehta because there is no definite proposal before the House. But I wish to say in regard to what Sir Charles Innes has said regarding the opportunity now given to India to show what she possesses and what she stands for, that such opportunities have been abundant. Such an opportunity has not availed it in the previous exhibitions. Such an opportunity has not availed it in the fields where its gallant sons gave a proof of their valour. It has not availed India in the fields of civilisation, of spiritual knowledge, of the knowledge of arts, crafts and other industries of which India has given the world many exhibits. And it has not availed India in the Imperial Conference where the best talents of India have shown that they can measure their strength intellectually with the best Premiers of Europe. I do not think that India is going to get much benefit from this Exhibition, but, as I have said, the proposal is not in a definite form before the House and there is no use in discussing it. I only wish Sir

Charles Innes to know that there is another side to this question, and that there are many who feel that, if they had any power, they would abstain from sending anything of India to this Empire Exhibition in order to make known throughout the Empire the grievance which India has that even within the Empire His Majesty's fellow-subjects will not treat us as equals. They have refused to treat us as equals and I wish we could show to those who have done so, that we do not regard them as equals even for the purposes of an Empire Exhibition.

Mr. Jamnadas M. Mehta: Does the Honourable Member think that the Bombay Council has been foolish in accepting a motion to that effect?

The Honourable Sir Malcolm Hailey: The Honourable Member has used a very apposite expression.

Mr. Jamnadas M. Mehta: Then, Sir, I have been "foolish" in very good company.

Mr. K. Venkataramana Reddi (Guntur *cum* Nellore: Non-Muhammadan Rural): I want to ask one question: I had read, Sir, in the "Daily News" that a member of the House of Commons drew the attention of the Secretary of State to the fact that attempts were being made to secure Lama dances for the Exhibition at Wembley, and the Under Secretary of State answered that he was in communication with the Government of India in this matter. I want to know, Sir, how the matter stands.

The Honourable Sir Charles Innes: I will answer that question at once. We did get information to that effect. We wired at once to the Political Officer, Sikkim, to find out whether there was any objection. As far as I know, we are waiting an answer to that.

The Honourable Mr. A. C. Chatterjee: I understand that there is no definite motion of reduction on account of the British Empire Exhibition, but my Honourable friend opposite is suggesting the throwing out of the whole demand. I wish to point out to the House that this demand No. 40

Mr. Jamnadas M. Mehta: I am not going to a division.

The Honourable Mr. A. C. Chatterjee: I am glad to have that assurance. I was just going to point out to the House that this demand No. 40 includes not only the British Empire Exhibition on which there may be, I do not say there ought to be, a difference of opinion, but it also includes the Indian Stores Department to which I believe a very large number of Members of this House attached some importance. It also includes the Department of the Controller of Patents and Designs which has been completely Indianised and also the Department of Explosives which is very important, if my Honourable friends want to be saved from sudden death while travelling in railway trains and so forth.

Mr. President: The question is:

"That a sum not exceeding Rs. 14,47,000 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, 1925, in respect of 'Miscellaneous Departments'."

The motion was adopted.

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LEGISLATIVE ASSEMBLY.

[15TH MARCH 1924.]

DEMAND No. 41—CURRENCY.

Mr. President: The question is:

"That a sum not exceeding Rs. 37,58,000 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, 1925, in respect of 'Currency'."

Mr. Jamnadas M. Mehta: Sir, the hour is drawing near and I cannot make all the observations that I desire to make on the question before the House; but I want to point out, and I am sure the Honourable the Finance Member will admit, that this Currency Department is being used as the milch cow by the Government of India in order to enable them to balance their Budget. But for the income of this department and also the manner in which it is manipulated the Finance Member would have been compelled to admit for the seventh time that the normal revenues of this country are not sufficient to balance his Budget.

Well, Sir, there are three important matters on which I should like to have some reassuring statement made by the Finance Member. One is that, although there is a specific provision in law that the interest on the securities of the Paper Currency Reserve should be used for the purpose of reducing the securities created by the Government of India, that provision is not being followed. The second is that the excess in the Gold Standard Reserve of 40 millions is again not being used for the purpose of reducing the created securities but for revenue and the third is that the so-called Gold Standard Reserve has not any gold in it. On these three things the Indian public are very greatly exercised not because they have anything particularly to object to with regard to this procedure in normal times, but here we are in a peculiar financial condition; the currency operations of the Government of India during the last four or five years have not inspired confidence and when such is the case they ought to treat the currency question in a manner which will not rouse opposition or suspicion. Are they doing it to-day? The answer would be "No." Instead of reducing the created securities they are taking credit of the interest to revenue which is to some extent, as has been repeatedly said, not fair to the people who hold these currency notes. In normal times that would be all right. If our currency question was not full of trouble, if our revenues and expenditure normally balanced themselves, then perhaps I would agree that there is no harm in taking credit to revenue of the interest in the securities, but to-day the currency policy of the Government of India does not inspire confidence and under the circumstances it is not desirable, to do so, particularly without the sanction of the Legislature. If the Finance Member had come to the House and told us "Here you are, gentlemen, for the seventh time I am not able to balance my Budget. Will you help me by allowing me to take credit to revenue from this?", then the whole world would have known that Indian finances are still unbalanced. But to-day the impression is created that this very great financier from England has worked a miracle, that after six years of continuous deficits, and within 12 months, he has brought about an era in which he is able to say, "The unbalanced budget is no more". That wrong impression, I think, Sir, has been created as a result of the Finance Member's action in not coming to the Assembly first, obtaining its permission, showing his difficulties, and then taking credit to revenue of the interest from this Currency Reserve. That would have created the right impression in the country about the position of the Budget. But to-day a very false impression exists that Sir Basil Blackett has been fortunate

enough to balance the Budget. Similarly the same line of criticism would apply to the excess of the Gold Standard Reserve over £40 million which is still credited to revenue.

There is one thing more, Sir. I think the main objection he has in reducing the created securities is that it would cause a deflation of currency. As a matter of fact it need not. If Sir Basil Blackett will take power to advance to the Imperial Bank more monies on the security of the internal bills, then, without deflating the currency, he can reduce the amount of created securities. I would request him to attempt that. I was told that even these 12 crores are not digested by the trade. If that is so, I would not press him, but I would ask him still to make an attempt to increase the number of internal bills, so that without deflating the currency, of which he is afraid, it may be possible to reduce the created securities in the Paper Currency Reserve.

Well, Sir, the last thing is that in order to help the circulation of currency, we have off and on to coin rupees; and for that purpose silver is purchased in England. That is a question which has been long and bitterly discussed, and the demand of the Indian public has been that this purchase of silver for minting our currency should not be made in England. The history of the last 40 years' purchase has created an impression in the mind of the Indian public that the purchase of silver is undertaken by the Secretary of State at a time when the price of silver is at its highest, and that the vendors and the brokers in London being identical persons in most cases, it is to their interest to create practically a monopoly and charge the highest rate to the Indian Government when they are in need of silver; and therefore there has been a long-standing desire of the Indian public that the purchase of silver for currency purposes should not be made in England but should be made either in Bombay or in Calcutta by open tenders from all countries, so that the Indian people will get the minimum rate of current prices and not the maximum monopolist rate as they get in London. I suppose if the Finance Member can do that, he will achieve much greater good for the people of this country than by the method by which he has "apparently" balanced the Budget, which is really not balanced.

Mr. W. S. J. Willson: Sir, I have one very small point to make so that the Honourable Member may reply to it. In introducing his Budget, he explained to us that the amount of Treasury Bills outstanding on the 31st March, 1922, was 54 crores, and that the amount would be reduced to Rs. 2 crores by the 31st March next. I should be glad if the Finance Member would kindly explain to us where that money came from, and how the reduction has been brought about.

The Honourable Sir Basil Blackett: Sir, I will begin with the really outrageous charge that was made by Mr. Jamnadas Mehta in regard to the purchase of silver. Without any facts or figures or any evidence he has stated (*Mr. Jamnadas M. Mehta*: "5 o'clock is nearing") wildly that for a long period the Indian Government or the British Government or some British authorities have been deliberately making a profit for the city of London by buying silver at the highest possible price at the expense of the Indian tax-payer. That is the sort of charge that makes one tired. The Honourable Member knows that he would never say a word of that sort of any one individual among us or assert that we would be a party to that; yet he says, the Government of India or the British Government or some person unknown, who is known as the Government of India in its corporate

[Sir Basil Blackett.]

capacity, is capable of doing that sort of thing. It is a charge which ought not to have been made and I am sorry to see it made here. So far as the purchase of silver is concerned, the Honourable Member should not forget that there have been no purchases for the last four or five years and there is no probability of any immediate purchase. Therefore, that improper charge was entirely irrelevant to the discussion.

Then, the Honourable Member says that the Budget is not balanced, because we are taking to Revenue the interest on the Paper Currency securities. I would point out to him first of all that there is a surplus of 336 lakhs on the figures that I have given and that, if we do not take the interest on the Paper Currency Reserve to Revenue, the surplus would still be, I think, 2 or 3 lakhs, so that the statement that it is not balanced . . .

Mr. Jamnadas M. Mehta: And the excess of the Gold Standard Reserve.

The Honourable Sir Basil Blackett: The Honourable Member's statement referred entirely to the Paper Currency. He went on later to complain about the Gold Standard Reserve. My first answer to him is that the Budget is balanced. If he likes to be a purist in finance and demands that the Budget should be balanced without the Paper Currency Reserve, I will not stand in his way if he is prepared to vote for the salt tax at Rs. 2-8-0 a maund in order to balance the Budget. He goes on to say that the Budget has been introduced in this form without the House being informed that this was being done, and that it might be proper if it was done with the prior assent of the Legislature. The matter came up last year and a clause was included in the Finance Bill empowering the Government for the year 1923-24 to take as revenue the sum in question. A similar clause is being included this year. It is in the Finance Bill as circulated to the House.

Mr. Jamnadas M. Mehta: It has not yet been passed.

The Honourable Sir Basil Blackett: The question whether it is passed is as irrelevant as a great deal else of what the Honourable Member has said. The proposal was made directly and clearly and openly in the Finance Bill and the suggestion that it has been hidden has the same sort of foundation as some of the other suggestions that he made. The Honourable Member went on further to talk about the undesirability of using this money for revenue, and he said it ought to be used for reducing the created securities. He went on to say that it was desirable that the Government of India should take some steps to increase the amount of paper currency which they can create during the busy season in order to prevent stringency in the money market. I would like him to explain to himself first, and then when he is capable of doing that to other people, what use possibly could be made of this interest other than the use we are making of it, if it is not used to contract the currency. The provision in the Currency Act of 1920 is that for the time being the interest on these securities should be used to contract the currency, that is, a sum of money should be paid from our balance with the Imperial Bank for the cancellation of notes. At a time when we have just passed an Act enabling us to lend 12 crores to the Imperial Bank against *hundis*, the suggestion that we should follow up that action by contracting the currency at the same time by 5 or 6 crores is entirely contradictory. I do not understand how the Honourable Member would do it. He will see that his suggestions at the beginning and at the end of his

speech involve two entirely contradictory things. I ask him to consider where the Gold Standard Reserve came from. What does it represent? It represents the balance of the profits not pocketed by the accused person unknown on the purchase of silver. That 40 million sterling has been created entirely out of the difference between the value of the purchased silver and its value in the form of silver rupees. It represents the total of the profits thus secured *plus* the accumulated interest on the securities in which

they were invested. I have no time to say more. I have answered, I think, most of the points that were raised by the Honourable Member.

(It being Five of the Clock Mr. President proceeded to put the Questions.)

Pandit Shamlal Nehru: May I, Sir, ask a question as to where this Gold Standard Reserve is kept?

Mr. President: The Honourable Member is just 5 seconds too late.

The question is:

"That a sum not exceeding Rs. 37,58,000 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, 1925, in respect of 'Currency'."

The motion was adopted.

DEMAND NO. 42—MINT.

Mr. President: The question is:

"That a sum not exceeding Rs. 13,93,000 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, 1925, in respect of 'Mint'."

The motion was adopted.

DEMAND NO. 43—CIVIL WORKS—INCLUDING EXPENDITURE IN ENGLAND.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,39,69,000 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, 1925, in respect of 'Civil Works—including expenditure in England. (Under the control of the Public Works Department)'."

The motion was adopted.

DEMAND NO. 44—FAMINE RELIEF.

Mr. President: The question is:

"That a sum not exceeding Rs. 14,000 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, 1925, in respect of 'Famine Relief'."

The motion was adopted.

DEMAND NO. 45—SUPERANNUATION ALLOWANCES AND PENSIONS—INCLUDING EXPENDITURE IN ENGLAND.

Mr. President: The question is:

"That a sum not exceeding Rs. 29,00,000 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, 1925, in respect of 'Superannuation Allowances and Pensions—including expenditure in England'."

The motion was adopted.

DEMAND No. 46—STATIONERY AND PRINTING—INCLUDING EXPENDITURE IN ENGLAND.

Mr. President: The question is:

"That a sum not exceeding Rs. 48,38,000 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, 1925, in respect of 'Stationery and Printing—including expenditure in England'."

The motion was adopted.

DEMAND No. 47—MISCELLANEOUS.

Mr. President: The question is:

"That a sum not exceeding Rs. 48,22,000 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, 1925, in respect of 'Miscellaneous'."

The motion was adopted.

DEMAND No. 48—ADJUSTMENTS WITH PROVINCIAL GOVERNMENTS.

Mr. President: The question is:

"That a sum not exceeding Rs. 22,65,000 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, 1925, in respect of 'Adjustments with Provincial Governments'."

The motion was adopted.

DEMAND No. 49—REFUNDS.

Mr. President: The question is:

"That a sum not exceeding Rs. 9,76,000 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, 1925, in respect of 'Refunds'."

The motion was adopted.

DEMAND No. 50—NORTH-WEST FRONTIER PROVINCE.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,09,38,000 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, 1925, in respect of 'North-West Frontier Province'."

The motion was adopted.

DEMAND No. 51—BALUCHISTAN.

Mr. President: The question is:

"That a sum not exceeding Rs. 26,14,000 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, 1925, in respect of 'Baluchistan'."

The motion was adopted.

DEMAND No. 52—DELHI.

Mr. President: The question is:

"That a sum not exceeding Rs. 31,52,000 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, 1925, in respect of 'Delhi'."

The motion was adopted.

DEMAND No. 53—AJMER AND MERWARA.

Mr. President: The question is:

"That a sum not exceeding Rs. 14,96,000 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, 1925, in respect of 'Ajmer and Merwara'."

The motion was adopted.

DEMAND No. 54—ANDAMANS AND NICOBAR ISLANDS.

Mr. President: The question is:

"That a sum not exceeding Rs. 39,62,000 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, 1925, in respect of 'Andamans and Nicobar Islands'."

The motion was adopted.

DEMAND No. 55—RAJPUTANA.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,67,000 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, 1925, in respect of 'Rajputana'."

The motion was adopted.

DEMAND No. 56—CENTRAL INDIA.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,44,000 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, 1925, in respect of 'Central India'."

The motion was adopted.

DEMAND No. 57—HYDERABAD.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,97,000 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, 1925, in respect of 'Hyderabad'."

The motion was adopted.

DEMAND No. 58—EXPENDITURE IN ENGLAND UNDER THE CONTROL OF THE SECRETARY OF STATE FOR INDIA.

Mr. President: The question is:

"That a sum not exceeding Rs. 23,83,000 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, 1925, in respect of 'Expenditure in England under the control of the Secretary of State for India'."

The motion was adopted.

DEMAND No. 59—EXPENDITURE IN ENGLAND UNDER THE CONTROL OF THE HIGH COMMISSIONER FOR INDIA.

Mr. President: The question is:

"That a sum not exceeding Rs. 47,39,000 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, 1925, in respect of 'Expenditure in England under the control of the High Commissioner for India'."

The motion was adopted.

Expenditure charged to Capital.

DEMAND No. 60—RAILWAYS AND IRRIGATION WORKS.

Mr. President: The question is:

"That a sum not exceeding Rs. 29,97,61,000 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, 1925, in respect of 'Railways and Irrigation Works'."

The motion was adopted.

DEMAND No. 61—CAPITAL OUTLAY ON TELEGRAPHS.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,73,95,000 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, 1925, in respect of 'Capital Outlay on Telegraphs'."

The motion was adopted.

DEMAND No. 62—DELHI CAPITAL OUTLAY.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,42,97,000 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, 1925, in respect of 'Delhi Capital Outlay'."

The motion was adopted.

Disbursements of Loans and Advances.

DEMAND No. 63—INTEREST-FREE ADVANCES.

Mr. President: The question is:

"That a sum not exceeding Rs. 5,90,89,000 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, 1925, in respect of 'Interest-free Advances'."

The motion was adopted.

DEMAND No. 64—LOANS AND ADVANCES BEARING INTEREST.

Mr. President: The question is:

"That a sum not exceeding Rs. 14,15,26,000 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, 1925, in respect of 'Loans and Advances bearing interest'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 17th March, 1924.



LEGISLATIVE ASSEMBLY.

Monday, 17th March, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN:

Mr. Alexander Robert Loftus Tottenham, M.L.A. (Member, Central Board of Revenue).

STATEMENT LAID ON THE TABLE.

The Honourable Mr. A. O. Chatterjee (Industries Member): Sir, I lay on the table a statement furnished by the High Commissioner for India showing all cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half year ending the 31st December 1923.

ABSTRACT OF CASES in which Tenders, other than the lowest offering suitable goods, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering, greater facility of inspection, quicker delivery, etc.

HALF YEAR END D 31ST DECEMBER 1923.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
			£ s. d.	£ s. d.	
Canvas	C. 22-1429, 2nd July 1923.	Bates Bros. & Co., Ltd.	161 19 2	13 4 7	
Wire, Iron	C. 22-2493, 2nd July 1923.	Shropshire Iron Co., Ltd.	1,125 0 0	1,57 1 0	
Tumblers, etc.	C. 34-64, 9th July 1923.	R. Johnston & Co., Ltd.	4 10 0 (Swedish Glass.)	39 13 9 Czechoslovakian Glass.)	
Feze	C. 34-8287, 1st August 1923.	James Casson	291 13 4	353 6 8	
Glasses, Bubble	C. 37-571, 2nd August 1923.	Cooke, Troughton & Simms	57 0 0	74 1 2	In these cases the stores were urgently required by the Indenting Departments, and in order to meet their wishes the higher tender had to be accepted.
Ceila, Lec. Ancho	C. 37-3416, 21st August 1923.	General Electric Co., Ltd.	1,976 5 0	1,875 0 0	
Pipes, Cast Iron	C. 38-54164, 27th August 1923.	Stanton Ironworks Co., Ltd.	5,722 6 10	5,683 16 9	
Ribbon, Typewriter	C. 391-4235, 22nd August 1923.	Caribonum Co., Ltd.	353 15 0	312 0 0	
Theodolite	C. 42-162, 22nd September 1923.	Cooke, Troughton & Simms, Ltd.	48 0 0	45 0 0	
Mild Steel Rods	C. 4541-3-98, 23rd September 1923.	J. P. Melling	3,269 14 8	3,235 12 5	
	C. 47-43-543, 23rd September 1923.	R. Hill & Co., Ltd.	1,434 15 4	1,355 1 3	

Bridgework	C. 4980-4995, 16th October 1923.	Patent Shaft & Axletree Co., Ltd.	8,291 2 0	8,121 10 0	In these cases the stores were urgently required by the Indenting Departments, and in order to meet their wishes the higher tender had to be accepted.
Carsak Elements	C. 58-2-7939, 29th November 1923.	India Rubber Gutta Percha & Tel. Wks. Co., Ltd.	700 0 0	687 10 0	
Road Roller	C. 2975-2769, 4th July 1923.	Avoling & Porter, Ltd.	1,163 6 0	951 17 0	Better value, and the Burma Government had expressed a preference for this firm's Road Roller.
Platform Weighing Machines.	C. 3119-982, 14th July 1923.	Wm. Hodgson & Sons, (Weighing Machinists, Ltd.)	61 0 0	56 0 0	The machine offered was constructionally more suitable, and the difference in price was small.
Web Equipment	C. 3241-4026, 21st July 1923.	Mills Equipment Co., Ltd.	1,594 13 7	1,533 4 3	Greater reliability and better delivery.
Saws, Hack	C. 3889-3555, 30th July 1923.	Sanderson Bros. & Newbould, Ltd.	35 2 10	30 3 7	The samples submitted by this firm gave a better result on test, and the difference in price was small.
*Copper Plates	C. 3873-4406, 27th August 1923.	Linley & Co.	3,661 6 9	5,865 7 0 (French.)	The copper plates were urgently required by the Indenting railways. A foreign firm submitted a slightly lower tender but the delivery they offered was much longer than that of the tenders accepted.
Cells, Leclanche	C. 3903-4870, 28th August 1923.	General Electric Co., Ltd.	317 14 2 (Pt. order.)	312 10 0	Better quality, and difference in price small.
*Wheels, chilled Cast Iron.	C. 4176-4245, 10th September 1923.	Miller & Co., Ltd.	1,739 11 0	1,441 7 8	Indenting Officer asked for Miller & Co.'s wheels, but a Belgian firm, of whose work no experience had been gained, tendered at a lower price. This order was for about half the total quantity. The other part was given to the Belgian firm. It was not considered desirable to give them more as a first order in view of the great importance of correct manufacture of these wheels. The Railway concerned has been asked to compare the two supplies and to report for future guidance.

* In these cases the lowest tender was a foreign one.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Saws	C. 4900-5052, 17th September 1923.	Sanderson Bros. & Newbould, Ltd.	£ 66 1 10	£ s. d. 60 5 6	Test of samples showed this firm's saws to be of much better quality.
Bearing plates	C. 4425-5754, 22nd September 1923.	Guest, Keen & Nettlefolds, Ltd.	11,239 8 3	9,308 0 0	The North Western Railway pressed for very early delivery, the bearing plates being required for the Khyber Railway. This was the lowest tender offering delivery early enough to meet the railway's requirements.
*Steel Boiler Tubes	C. 4553-5797, 29th September 1923.	Ebbw Vale Steel Iron & Coal Co., Ltd.	4,333 6 8 (10,000 tubes.)	...	The tubes were demanded by telegram from the Agent, North Western Railway, to be ordered and shipped immediately.
Ditto	C. 4554-5797, 29th September 1923.	Tubes, Ltd.	5,684 5 0 (11,000 tubes.)	...	The French firm could not commence delivery in less than 24 months and an order for 5,000 tubes only was therefore given to them.
Ditto	C. 4555-5797, 29th September 1923.	Howell & Co.	5,684 5 0 (11,000 tubes.)	...	
Ditto	C. 4556-5797, 29th September 1923.	Chesterfield Tube Co.	3,79 0 0 (8,000 tubes.)	French for 4,000 tubes. £15,057 5 10	The next lowest tenderer (The Ebbw Vale Co.) were very slow in delivering a previous order and it was not considered advisable to allocate to them more than 10,000 tubes.
Lathes	C. 4586-5455, 2nd October 1923.	Holbrook & Sons	98 1 0	89 0 0	Superior workmanship and greater precision.
Materials for Carriages	C. 4596-4217, 2nd October 1923.	J. Levick, Ltd.	18,549 10 0	18,433 10 0	In view of the urgency of the requirements and of the more satisfactory delivery offered. The lowest tenderer had been very dilatory in effecting deliveries on his previous order.
Varnishes	C. 4640-5114, 4th October 1923.	Marry & Minton, Ltd.	330 8 4	314 0 0	Test of samples showed this firm's varnishes to be of superior quality.

STATEMENT LAID ON THE TABLE.					
Oil	C. 4931-6183, 8th October 1923.	Younghusband, Barnes & Co.	65 11 6	65 8 4	Lowest tenderer has refused to admit Indian Students and was therefore passed over.
*Syringes	C. 5108-846, 27th October 1923.	J. H. Montagu	409 18 0	377 4 0 (German Stores.)	Quicker delivery.
*Tyres and Rims, Carriage and Wagon.	C. 5320-6335, 5th November 1923.	Steel Coy. of Scotland, Ltd.	4,140 0 0	3,260 18 8 (Czecho-Slovakian.)	The lowest tenderer offered syringes made in Germany. Apart from the general difficulty in obtaining supplies from that source the German firm had been very dilatory in effecting deliveries on recent contracts.
*Wheels and Axles	C. 5322-6336, 5th November 1923.	Harrison & Camm, Ltd.	12,200 0 0	10,013 10 10 (Czecho-Slovakian.)	All the rings required were ordered from the lowest satisfactory tenderer (The Steel Coy. of Scotland), and 2,400 tyres out of 2,900 were ordered from the lowest tenderer (The Skoda Works of Czecho-Slovakia).
Springs	C. 5324-6334, 5th November 1923.	Willford & Co., Ltd.	2,250 0 0 (Pt. order.)	3,041 13 4	The remaining 500 tyres had to be ordered from the Steel Coy. of Scotland for the reason given against the wheels and axles, contract No. C. 5322.
Grinding Wheels	C. 5376-6338, 15th November 1923.	Universal Grinding Wheel Co., Ltd.	1,397 2 3	1,250 0 0	A foreign firm offered wheels and axles at a lower price but with protracted delivery.
					As, however, the North Western Railway asked for half the total quantity to reach India in January 1924, the High Commissioner, in order to comply with this request, ordered half from Harrison & Camm who quoted the lowest price for delivery within the required period, and half from the foreign firm.
					As the lowest tender came from a firm, regarding whose reliability there was not full assurance, it was considered advisable to give them only a portion of the total order. The balance was placed with the next lowest tenderer (Willford & Co.) who also quoted quicker delivery.
					Quality much superior.

* In these cases the lowest tender was foreign one.

Stores Ordered.	Contract Number.	Name of Contractor.	Amount of Contract.	Lowest Tender not accepted.	Reason for acceptance.
Varnish	C. 5630-6115, 19th November 1923.	E. Ingham Clark & Co., Ltd.	£ 1,718 15 0 (Pt. order.)	£ 1,687 10 0	Part of the requirements was ordered from E. I. Clark at a slightly higher price 3d per gallon, owing to the better quality of the varnish offered.
Files	C. 5763-7183, 26th November 1923.	Howell & Co., Ltd.	994 12 4	982 12 7	Better quality, and difference in price small.
Planes	C. 5804-7192, 27th November 1923.	E. A. & W. Greenslade, Ltd.	109 5 0	93 1 9	The samples submitted by this firm were much superior to the others.
Brass sheet, etc.	C. 6110-7232, 13th December 1923.	Chas. Clifford & Son, Ltd.	1,303 7 8	1,272 14 6	Superior trustworthiness. Trouble is being experienced in connection with a current contract with the lower tenderer.
Wrought-iron	C. 6193-5384, 19th December 1923.	W. & T. Avery, Ltd.	110 0 0	100 0 0	Messrs. Avery's type of bridge possesses certain advantages over that offered by the lower tenderer and is considered well worth the extra cost. The indent estimate (£115) is sufficient.
Pt.-er, tape	C. 6230-7362, 21st December 1923.	Waterlow & Sons, Ltd.	201 0 0 (Plus packing.)	166 5 0	2-5ths of the requirements were ordered from the lower tenderer (Mr. J. Wood Smith) as an experimental cheap supply, this firm not having made any previous supplies for the Government of India. The balance (3-5ths) was given to Messrs. Waterlow and Sons, whose tender sample was superior to that furnished by Mr. Wood Smith.
Paper, manilla	C. 6305-7736, 31st December 1923.	John Wild & Sons, Ltd.	57 3 5	54 3 4	Inferior quality of paper offered by lower tenderer.

QUESTIONS AND ANSWERS.

APPOINTMENT OF INDIANS TO THE CADRE OF TRAFFIC INSPECTORS ON RAILWAYS.

853. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the question No. 339, put in the Assembly by Sardar Kartar Singh and its answer given by Sir Charles Innes, will the Government be pleased to state if they are aware of any action taken by the Railway Administrations?

The Honourable Sir Charles Innes: As already stated by me last month, this matter was specially brought to the notice of Railway Administrations and from reports recently received it appears that out of 81 vacancies, temporary and permanent, which have occurred since last March on all lines 15 have been filled by Indians.

EXTENSION OF THE REFORMS TO THE NORTH-WEST FRONTIER PROVINCE.

854. ***Nawab Sir Sahibzada Abdul Qaiyum:** Will the Government be pleased to state if they contemplate taking any action in the matter of the extension of reforms to the North-West Frontier Province under the Government of India Act, 1919, and if so, how soon?

The Honourable Sir Malcolm Hailey: I can only say that the question will be considered in connection with the report of the North-West Frontier Inquiry Committee.

PAY OF THE CIVIL CLERICAL ESTABLISHMENT, NORTH-WEST FRONTIER PROVINCE.

855. ***Nawab Sir Sahibzada Abdul Qaiyum:** 1. Is it a fact that at the time of the separation of the North-West Frontier Province from the Punjab in 1901, it was laid down by Government as a general principle that the civil establishments (including clerical) in the new province should receive the same rates of pay as were then in force in the Punjab? If so,

- was this principle observed in fixing the rates of pay of the civil clerical establishments in the new province?
- has the local Administration, ever since the separation, been following and maintaining the Punjab standard of efficiency and rates of pay of their civil clerical establishments?

2. If the replies to (a) and (b) above be in the negative, will the Government be pleased to state why the principle has not been observed and on what principles the rates of pay of civil clerks in the North-West Frontier Province have been kept at a lower standard than those obtaining in the Punjab?

Mr. E. B. Howell: With your permission, Sir, and that of the Honourable Members concerned, I will answer Question No. 855 and Question No. 869 together. So far as officers of the Punjab Commission, the Provincial Civil Service, and members of subordinate graded services such as *tahsildars*, *naib tahsildars* and *munsiffs* were concerned, the principle was accepted by the Government of India and approved by the Secretary of State. In the case of clerical establishments it has also been accepted

subject to the proviso that the amount and character of the work done by the officials concerned is the same as in the Punjab.

(a) This disposes of (a).

(b) Consistent endeavour has been made to keep to Punjab standards of pay and efficiency and proposals for revision of pay in the North-West Frontier Province, including the case of office establishments, have been made with reference to Punjab standards. At the time of the last revision of pay of office establishments in the North-West Frontier Province in 1920 the corresponding scheme of the Punjab Government was not ready, but the general principles of both schemes were in general harmony. It was found, however, when the Punjab proposals took final form, that there were considerable differences in the average rates of pay in the two provinces. Fresh proposals for revision were submitted, based on the Punjab scales. These have been held over pending the result of inquiries instituted by the Government of the Punjab as to the possibility of effecting reductions in the pay of subordinate services owing to the fall in prices.

The second part of the question has been answered by the information already furnished.

PAY OF CLERKS OF THE IRRIGATION DEPARTMENT, N.-W. F. PROVINCE.

856. *Nawab Sir Sahibzada Abdul Qayum: Is it a fact that the pay of the civil clerks of the Irrigation Department in the N.-W. F. Province has been lately raised to the Punjab standard? If so, will Government please state why other clerks serving in the same province are being accorded a differential treatment?

Mr. E. B. Howell: With your permission, Sir, and that of the Honourable Members concerned, I will answer Questions No. 856 and No. 870 together. Yes, it is a fact.

As already explained, the treatment is not differential, although in practice, in other establishments, differences have arisen.

REVISION OF PAY OF CIVIL CLERKS IN THE N.-W. F. PROVINCE.

857. *Nawab Sir Sahibzada Abdul Qayum: (a) Have Government received copies of any Resolutions passed by the Civilian Clerks' Association, N.-W. F. Province, on the subject of revision of pay, and other subjects of importance to the civil clerks in the Province?

(b) If so, what action do Government propose to take on these Resolutions?

Mr. E. B. Howell: With your permission, Sir, and that of the Honourable Members concerned, I will answer Question No. 857 and Question No. 871 together.

(a) Yes.

(b) The revision of the pay of clerical establishments in the North-West Frontier Province has been held over pending the result of inquiries which have been instituted by the Punjab Government into the possibility of effecting reductions in the pay of subordinate services owing to the fall in prices.

INCOME-TAX ASSESSMENT IN THE KANGRA DISTRICT.

858. *Lala Hans Raj: (a) Is it a fact that Kangra District is attached to the Jullundhur Circle and the Income-tax Collector goes there once in a year for a couple of days and orders the former assesses and the newly proposed to bring their accounts to one place which is invariably at a distance of 40 to 60 miles journey on foot?

(b) Is it not a fact that those who have not kept any accounts are summarily assessed at the sweet will of the Collector and those who do produce their account books are told that their accounts are unreliable and unceremoniously taxed or their tax enhanced as the Collector wills?

(c) Are the Government aware that the Collector has taken as his standard of profit 20 p. c. on sales of sundry things, 12 per cent. on silver and 6 per cent. on gold in assessing these petty shop-keepers and, if so, from what data has he arrived at this rate of profits which nowhere exists?

The Honourable Sir Basil Blackett: (a) The Government have no information on the subject. If the assesses are put to any avoidable inconvenience the Commissioner would no doubt do his best to remedy matters if he were approached on the subject.

(b) Under section 23 (4) of the Income-tax Act, 1922, if an assessee produces no accounts the Income-tax Officer should make the assessment to the best of his judgment—that is, he must estimate the income. The Government do not understand what alternative course is open, except to declare that any one who does not choose to keep or produce accounts shall be exempt from income-tax.

(c) The Government have no information on the subject. If any assessee is dissatisfied with his assessment it is open to him to appeal to the Assistant Commissioner.

INCOME-TAX ASSESSMENT IN THE KANGRA DISTRICT.

859. *Lala Hans Raj: (a) Are the Government aware that the assessment of income-tax in the Kangra District has been made on the 9th February, 1924, for the year 1923-24 which ends on the 31st March, 1924, and if so, how far is it legal according to the Income-tax Act?

(b) Will the Government furnish a statement showing how many appeals against the income-tax orders were preferred in the years 1920-21 to 1922-23 from the Kangra District and how many, if any, were accepted?

(c) Is it a fact that Kangra District is attached for purposes of appeal to the Umballa Circle and that an officer comes all the way from there, at a distance of three hundred miles, to hear appeals at D. Lala, a cool place where the appellants have to go on foot from forty to sixty miles?

(d) Is it a fact that this officer has decided last year nearly fifty appeals in half an hour's time and dismissed all even if represented by lawyers?

(e) Do the Government propose to change the course of Income-tax appeals from the Assistant Commissioner, Income-tax, to the District Judges as in cases under the Land Acquisition Act?

The Honourable Sir Basil Blackett: (a) The Government do not understand the Honourable Member's question. The assessment for the year 1923-24 is of course to be made in the year 1923-24 on the income of the year 1922-23.

(b) In 1922-23 there were 53 appeals to the Assistant Commissioner, 8 of which were successful out of 40 disposed of. There were no review petitions to the Commissioner. The Government have no information in regard to the years 1920-21 and 1921-22.

(c) and (d). The Honourable Member is referred to the answer just given to part (a) of his last question No. 858.

(e) No.

PAY, ALLOWANCES AND HOURS OF WORK OF THE TELEGRAPH STAFF.

860. ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state whether it is a fact that the employes of the Telegraph Department are differently treated in the matter of pay, allowances and hours of work, from those of the Postal Department?

If so, will the Government be pleased to state the difference and the reasons for the same?

(b) Will the Government be pleased to state whether they have any proposals to do away with the difference by improving the lot of the postal employes?

The Honourable Mr. A. O. Chatterjee: As the answer to this question is rather long, if the Honourable Member has no objection, I shall lay it on the table.

(a) If, as is presumed, the inquiry relates to postal signallers and telegraphists in the Telegraph Branch, the reply on the first point is in the affirmative.

The scales of pay for the two classes of officials are as follows:—

Postal Signallers according to the locality	{	55-140
		50-140
		45-140
		40-130
		35-120
Telegraphists	{	General Service 80-750
		Local Service 55-150
		Station Service { 70-5-160
		60-5-150

Both classes of officials are ordinarily on duty for 50 hours a week but, whereas the work of postal signallers is usually done in the day, telegraphists are in many offices called upon to put in a regular turn of night duty. With respect to the reasons for the difference in the scales of pay, the Honourable Member's attention is invited to the reply† given by Sir S. D'A. Crookshank on the 26th September 1921, to part (b) of Mr. B. H. Jatkari's question No. 41. The reason why telegraphists are called upon to do night duty is that they are employed in busy centres.

With respect to the matter of allowances, by which is presumably meant local and house rent allowances, Government are not prepared to undertake the labour involved in the compilation of a statement comparing the allowances granted to the two classes of officials and explaining the reasons for all differences.

(b) The reply is in the negative. Government are not prepared to assimilate the rates of pay and allowances of postal signallers to those granted to telegraphists in the Telegraph Branch. The two cadres are entirely separate.

† Vide pages 993-94 of L. A. Debates, Vol. II.

DELAY BY THE GOVERNMENT PRESS, CALCUTTA, IN SUPPLYING GOVERNMENT PUBLICATIONS TO THE PUBLIC.

861. ***Mr. H. G. Cocke:** (a) Do Government propose to inquire into the delays which occur at the Government Press, Calcutta, in supplying Government publications, in view of the fact that copies of the corrections to the Income-Tax Manual written for from Bombay on the 23rd January last, with the remittance which had already been asked for by the Press, had not been received by 21st February, nor had any explanation of the delay been received?

(b) Are Government aware that the Government Press, Calcutta, is not permitted, under orders of Government, to send its publications by Value Payable Post?

(c) Are Government prepared to consider the withdrawal of the orders referred to?

The Honourable Mr. A. O. Chatterjee: (a), (b) and (c). Government are inquiring into the matters to which the Honourable Member has drawn attention.

ACCOMMODATION OF MEMBERS OF THE LEGISLATURE AT RAISINA.

862. ***Mr. Devaki Prasad Sinha:** (a) Will the Government be pleased to state what arrangements, if any, do Government contemplate for the accommodation of Members of the Legislatures at Raisina when the new buildings there are completed and the Secretariat located therein? Is the present arrangement likely to be continued?

(b) Have any replies been received to the tenders called for in connection with hotels in the new city?

(c) What rate per acre is Government asking for land in the case of hotel companies, theatre companies, or cinema companies?

(d) Has any hotel company sent in application for land for building purposes?

The Honourable Mr. A. O. Chatterjee: (a) The matter is under consideration.

(b) No tenders were received for the hotel sites advertised.

(c) One cinema company has acquired on perpetual lease a site at a premium of Rs. 7,500 per acre. The same figure has been asked for a theatre site and sites for hotels.

(d) Yes. Two applications were received from hotel companies but they were both subsequently withdrawn.

OFFICES ALLOTTED TO AN INSPECTOR OF POST OFFICES FOR INSPECTION PURPOSES.

863. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state the average number of offices that is generally placed under the jurisdiction of a single Inspector of Post Offices, and the standard by which it is determined?

Mr. G. R. Clarke: The question presumably relates to the number of offices allotted to an Inspector for inspection purposes. If so, the reply is that no fixed standard is possible. The number must necessarily vary according to the distance of one office from another and according to the means of locomotion available.

INCREASE IN THE NUMBER OF INSPECTORS OF POST OFFICES.

864. ***Mr. Amar Nath Dutt:** Is it a fact that the Director General of Posts and Telegraphs assured the Inspectors, in reply to their representations last year, that he would increase their number? Will the Government be pleased to state how many Inspectors have been increased since then?

The Honourable Mr. A. C. Chatterjee: No such assurance was given by the Director-General. In 1921 memorials were submitted by Inspectors of Post Offices praying, among other things, that they might be given the services of clerks and they were informed in reply that the Director-General would prefer to increase the number of sub-divisions, i.e., Inspectors' charges, rather than to provide Inspectors with clerks. Since then the volume of inspection work to be done by these officials has been reduced and traffic has been below normal. The necessity for increasing the number of sub-divisions has not therefore arisen.

ORDERLY PEONS FOR INSPECTORS OF POST OFFICES.

865. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state whether the Director General of Posts and Telegraphs gave the General Secretary of the All-India Postal Union to understand that he would consider the question of restoration of orderly peons to Inspectors of Post Offices, in the next year? If so, will the Government be pleased to state, whether it has been done? If not, will the Government be pleased to state the reasons, as also when the Government proposes to restore the same?

The Honourable Mr. A. C. Chatterjee: The Director-General informed the Honorary General Secretary, All-India Postal and R. M. S. Union, that the question of restoring the orderly peons *might be reconsidered during 1924-25* if this course were justified by the general financial situation. The Director-General is reconsidering the question.

REDUCTION OF THE ALLOWANCE OF RURAL BRANCH POSTMASTERS.

866. ***Mr. Amar Nath Dutt:** Is it a fact that the allowance of as many as 34 rural branch postmasters in the Nadia Division has been reduced by Rs. 3 to Rs. 4 a month and two sub-offices have been converted into extra-departmental branch offices and two or three other sub-offices are in contemplation of being reduced to the status of branch offices? Do the Government propose to reconsider the matter?

Mr. G. R. Clarke: The allowance of 20 extra-departmental branch postmasters were reduced by Rs. 3 and of 10 such officials by Rs. 4 but in no case is the revised amount less than the minimum of Rs. 6 prescribed by Government. One sub-office was reduced to the status of a departmental branch office and one to that of an extra-departmental branch office. In each of these cases the reduction was necessary in order to bring the cost of the office within its income. The conversion of 3 sub-offices into branch offices on the same grounds is under consideration, and I am inquiring whether such conversion is desirable.

CONTRIBUTION FROM RESIDENTS OF THE NADIA DISTRICT FOR VILLAGE POST OFFICES

867. ***Mr. Amar Nath Dutt:** Is it a fact that a large sum of money has been realised from the residents of some villages in the Nadia District, by way of contribution towards the maintenance of their village

post offices? Do the Government propose to consider the desirability of refunding the money so realised to the poor villagers without delay?

Mr. G. R. Clarke: A total sum of Rs. 141 has been realised from the villagers in respect of 3 post offices. I am inquiring into the question whether such a contribution was properly asked for in these cases.

RETRENCHMENT OF POSTMEN IN THE NADIA DIVISION.

868. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state the number of postmen curtailed in the Nadia Division during the year 1923-24, as also how their work has been distributed?

Mr. G. R. Clarke: In 4 post offices which had 2 postmen each but could not support more than one, one of the appointments was abolished and the work carried on with the remaining postman. In 3 post offices which had only one postman each but were nevertheless working at a loss, the appointment was abolished and the delivery of articles was entrusted to an extra-departmental agent on a small allowance. In each of the 5 other offices, one appointment of postman has been kept vacant as a measure of retrenchment and the delivery work has been redistributed among the remaining postmen.

PAY OF THE CIVIL CLERICAL ESTABLISHMENTS, NORTH-WEST FRONTIER PROVINCE.

†869. ***Maulvi Muhammad Yaqub:** (a) Is it a fact that at the time of separation of the North-West Frontier Province the Government of India and the Secretary of State had laid down a general principle that the civil establishments (including clerical) in the new Province should receive the same rates of pay as were then in force in the Punjab, and was this principle observed in fixing the rates of pay of civil clerical establishments in the new Province?

(b) Is it also a fact that the Local Administration of the N. W. F. Province has ever since the separation been following and maintaining the Punjab standard of efficiency and rates of pay of their civil clerical establishments?

(c) (i) If the reply to (a) and (b) be in the affirmative, will Government please state why the civil clerical establishments in the N. W. F. Province are being paid less pay since October 1920 than that allowed to their confreres in the Punjab.

(ii) If the reply to (a) and (b) be in the negative, will Government please state since when, why and on what general principles the rates of pay of civil clerks in the N. W. F. Province have been kept at a lower standard than that obtaining in the Punjab for the time being?

PAY OF CLERKS OF THE IRRIGATION DEPARTMENT, NORTH-WEST FRONTIER PROVINCE.

†870. ***Maulvi Muhammad Yaqub:** Is it a fact that the pay of civil clerks of the Irrigation Department in the N. W. F. Province has been raised to the Punjab level? If so, will Government please state why other civil clerks serving in the same Province are being accorded a differential treatment?

† See answer to Question No. 865.

† See answer to Question No. 866.

REVISION OF PAY OF CIVIL CLERKS, N. W. F. PROVINCE.

†871. ***Maulvi Muhammad Yaqub:** Have Government received copies of any Resolutions passed by the Civilian Clerks' Association, N. W. F. Province, on the subject of revision of pay and on other subjects of vital importance to the civil clerks in the Province? If so, what action do Government propose to take on those Resolutions?

EXPORT TRADE IN INDIAN COAL.

872. ***Mr. W. S. J. Willson:** In view of the Resolution of this Assembly that a countervailing duty on Natal Coal should be imposed in order to protect Bengal coal, do the Government propose to appoint an impartial Board of Inquiry to inquire into the loss of export markets, coal traffic facilities and railway freights, the increase of the railway freight rebate to Rs. 2 per ton, the institution of special allotments of wagons for mineral traffic, the provision of suitable types of wagons for such traffic, the provision of quick-running trains of full rakes, the reduction of shipping charges including the provision of modern appliances for tipping wagons, the elimination of dumping charges at the dock, the reduction of port charges, and especially with regard to the development of the new high-class coalfields of Karanpura and Talcher, and to inquire as to what is the best interests of the Railways and the coal trade as a whole including the possibility of reduction of railway freights to long-distance industrial centres, having regard to the needs of the industries established in the country? Also to inquire into the loading and grading conditions at the coalfields with special regard to combined working of groups for grading and despatch, and the discharging conditions and facilities at ports of imports?

The Honourable Sir Charles Innes: It has been suggested to Government that an inquiry should be instituted into the question whether measures could be taken to encourage the export trade in Indian coal, but no decision has yet been reached.

DISCOVERY OF A BOMB FACTORY AT MANIKTALA.

Mr. G. Pilcher (Bengal: European): May I, Sir, ask the Honourable the Home Member whether he can confirm, expand or deny certain assertions made in a telegram which reached me from Calcutta early yesterday morning? The telegram says:

"A complete bomb factory was unearthed by Calcutta Police Saturday in house at Maniktolla. Six live bombs of a new and particularly deadly type were recovered along with several similar weapons in process of manufacture and large quantity of explosives. Two Bengalis were caught red-handed, both being well known to the Police. It is believed that at least one other person managed to escape from the room before police were able to enter. The police have been aware for some time past that a revolutionary party have been manufacturing bombs with the object of carrying out programme of assassinating certain high police officers. The bombs found are a great improvement on the type used by Indian revolutionaries in the past. Previous bombs—including the bomb which was thrown at Lord Hardinge at Delhi, were made in cigarette tins bound round with wire and fitted with clamps. Latest discoveries however are made of cast iron in parts nearly half inch thick and closely resemble the Mills grenade used during the war. One of the men arrested served for some time in a Bengali regiment."

May I add, Sir, that I am asking this question for three reasons. The first is that although I received this early yesterday morning, I looked through the "Pioneer" which reached me at break-fast time this morning and

† See answer to Question No. 857.

found nothing at all relating to this incident. The second reason is that in Bengal we feel, especially since Mr. Day's murder, that so long as there are at large people of this character or type, always supposing they exist, there is nothing to prevent the summary murder of our friends and relatives in Calcutta on the ground that they possess an apparent resemblance to senior police officers. My third reason is that, if this information is confirmed, it goes far to establish the good faith of the Honourable the Home Member and the Bengal Government so often impugned in this House on the ground of arbitrary and unnecessary resort to the archaic machinery of Regulation III of 1818.

The Honourable Sir Malcolm Hailey (Home Member): Sir, the information to which Mr. Pilcher refers has appeared in this morning's telegrams and I have no reason to doubt its authenticity. At the same time I have not yet received from the Bengal Government an official confirmation of the details which have been given in the press. I am hoping to receive a telegram from them in the course of to-day and I shall be able perhaps to make a fuller statement on the subject. Like Mr. Pilcher I regard the news, if all the details are authentic, as of an exceedingly serious nature.

RULES UNDER SECTION 67 OF THE GOVERNMENT OF INDIA ACT.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): I. (i) Will the Government be pleased to state the objects and reasons that led them to make the further amendments to the Statutory Rules under section 67 of the Government of India Act?

(ii) Whether the sanction of the Secretary of State was applied for and obtained to these alterations?

(iii) Why the procedure contemplated by the proviso to section 129-A of laying the Rules in draft before both Houses of Parliament before bringing them into force has not been adopted or recommended by the Government of India to the Secretary of State?

(iv) Whether steps have been taken to lay the Rules as now made before both Houses of Parliament and, if so, what is the date on which the Government expect them to be so laid?

(v) Whether the Government will refrain from putting the Rules into force until Parliament has had at least some opportunity to consider them and the Members time to understand the curious and complicated processes contemplated by them?

Sir Henry Moncrieff Smith (Secretary, Legislative Department): In part (i) of his first question the Honourable Member asks what were the objects and reasons for the amendments of the Indian Legislative Rules which appeared in Saturday's Gazette. The reason for the amendments is a very simple one. The original rules made under the section 67 of the Government of India Act provided a procedure for legislation passed through the two Chambers in the ordinary course. There was no procedure for the special class of Bills dealt with under section 67B. The section itself merely lays down that where one Chamber has failed to pass a Bill in the form recommended by the Governor General, the Bill shall, if not already passed by the other Chamber in that form, be laid before that Chamber, and goes on to describe the consequences if the second Chamber consents to or fails to consent to the Bill. It does

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not lay down any rules of procedure dealing with the Bill in the second Chamber, and the ordinary rules would in many cases be inapplicable. Further, in cases where a recommendation is made during the course of the consideration of a Bill by a Chamber of the Legislature—that is to say, after amendments have already been made in the Bill as introduced—it is clearly necessary to lay down a procedure enabling the Chamber to come to a decision then whether it will or will not pass the Bill in the form recommended. Without rules the Chamber might be held, by reason of Standing Order 31, to be precluded from considering a motion proposing an amendment to any clause which, in the course of consideration, has already been amended and stands part of the Bill. Standing Order 31, as the House will remember, runs:

“A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session.”

There are other small difficulties in applying our ordinary Rules and the Standing Orders to section 67B; but I think I have said enough to show the Honourable Member that some special rules were necessary. Those portions of the rules which deal with dilatory motions are desirable, since Parliament clearly did not contemplate that it should be within the power of the Legislature to make a recommendation of the Governor General wholly ineffective.

Part (ii) of the question. This matter has been under the consideration of the Government of India for nearly two years. Various drafts of the rules have been prepared from time to time; and on the 8th November last the Government of India despatched certain amendments to the Secretary of State for his sanction; after further correspondence, the Secretary of State's sanction was asked, by a despatch of the 14th February 1924, for the rules substantially in the form in which they have now been made. Sanction to the rules as now published was received on the 8th March.

Part (iii). Discretion as to the procedure to be adopted in sanctioning rules under section 129A lies entirely with the Secretary of State. It is not for the Government of India to recommend to the Secretary of State which course he should adopt, nor can the Government of India say what considerations induced the Secretary of State to follow the ordinary procedure laid down in sub-section (3) of section 129A rather than the extraordinary procedure suggested by the Honourable Member which is laid down in the proviso to that sub-section.

Part (iv). The rules as now made will be forwarded to the Secretary of State by this week's mail (they were made too late to catch the last mail); and they will no doubt be laid before Parliament as soon as possible after they arrive.

Part (v). In this part of the question, the Honourable Member suggests that even after receiving sanction the Government of India should have refrained from making the rules until Parliament had had some opportunity of considering them. I have already explained that it lies with the Secretary of State to decide whether the rules should be laid in draft before Parliament, or whether he should sanction them first. As the Secretary of State has sanctioned these rules, it would serve no purpose for the Governor General in Council to delay making them; indeed, he is not constitutionally in a position to refrain from bringing them into force for the purpose suggested. Once the procedure adopted by the

Secretary of State in this case has been followed, the rules cannot be laid till they are made, and therefore, in fact, the sooner the rules are made the sooner can they be submitted for the consideration of Parliament. In the latter part of the question the Honourable Member suggests that the making of the rules should have been delayed in order to give the Assembly time to understand, as he says, “the curious and complicated processes contemplated by them”. I think if the Honourable Member studies the new rules again—possibly he has already done so by this time—he will find that they are neither curious nor complicated. The design of the draft was to utilise the ordinary procedure of legislation to the largest extent possible, and to refrain from introducing motions new to our procedure. As I have already pointed out, the rules in the first place, enable certain ordinary motions to be made which might otherwise have to be postponed till the following session by reason of Standing Order 31, and in the second place, apply some restriction to the making of certain other motions which would have the effect of unduly delaying the passage of the Bill. There is really little more in the rules; and the Government of India do not consider that any useful purpose would have been served by publishing the rules before they were made; nor indeed is any such procedure contemplated by the Act of Parliament.

The Honourable Member's second part of the question is

Mr. A. Rangaswami Iyengar: I have not yet put the second part of my question.

Mr. President: The Honourable Member has not yet put the second part of his question.

Mr. A. Rangaswami Iyengar: I suppose, Mr. President, I am at liberty to put supplementary questions to both the first and second parts of my question?

(Mr. President signified his assent.)

Mr. A. Rangaswami Iyengar: II (i) Are the Government aware that the new rules are designed to augment further the powers of exceptional legislation conferred by section 67-B, and that it is not competent to them to do so by exercising the powers of rule-making which do not apply to legislation coming under section 67-B, but only to legislation coming under section 67 of the Government of India Act.

Sir Henry Moncrieff Smith: The Government are certainly not aware that the new rules are designed to augment the powers of exceptional legislation conferred by section 67-B, nor indeed is such the case. Throughout the consideration of this matter, Government have subjected the rules to the minutest scrutiny with a view to assuring themselves that they do not go beyond the scope of section 67. They are, purely and simply, rules of procedure; they confer no powers. If they added in the slightest degree to the powers conferred by section 67-B, they would obviously be *ultra vires*, and the House may rest assured that they would never have received the sanction of the Secretary of State.

I am not quite sure that I understand what the Honourable Member means by the latter part of this question. I have assured him that we are perfectly convinced that the rules are not *ultra vires*. He seems to imply that rules made under section 67 cannot be applied to legislation coming under section 67-B, but must be confined to legislation undertaken in the ordinary course—he says under section 67—I presume he means

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under section 65. Section 67 (1) lays down "that rules may be made under this Act for regulating the course of business in the Chambers of the Indian Legislature". I presume the Honourable Member does not mean to suggest that it is not the business of the Legislature to consider Bills recommended by the Governor General under section 67-B. The section itself clearly requires the Legislature to do so. Possibly the Honourable Member has in mind sub-section (5) of section 67 which lays down that "rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section". It is, however, clear that there can be no intention in sub-section (5) to limit the rule-making power in sub-section (1). If it were so, we should be unable to make rules of procedure for the purpose of legislation passed in the ordinary course under section 65; section 67 itself gives no power to legislate.

Mr. A. Rangaswami Iyengar: May I ask, Sir, whether this procedure is intended to give the Governor General power to go to the House with different recommendations at different times and whether the rules in regard to dilatory motions are intended to arm the Government with the power to get over dilatory motions by the use of the exceptional powers given under section 67-B?

Sir Henry Moncrieff Smith: There are two questions here, Sir. The first question is, as I understand the Honourable Member, whether the rules are intended to enable the Governor General, once he has made a recommendation under section 67-B, at a further stage of the proceedings, to modify that recommendation. The answer to that is, the rules are not so intended, nor indeed could any such matter be provided for in the rules. If there is power to modify a recommendation, that power must be inherent in the section itself, and by no rules that we can frame under section 67 could we provide for such a procedure, however much we should like to.

The second question was in regard to dilatory motions. The Honourable Member stated that these rules regarding dilatory motions were framed for the purpose of enabling the Governor General to use his powers under section 67-B. That is not the case, Sir. The rules were framed for this purpose that, when the Governor General has made a recommendation under section 67-B, it should not be within the power of the House then to carry a motion which might have the effect of postponing the consideration of the Governor General's recommended Bill for a period possibly of six months.

Diwan Bahadur M. Ramachandra Rao: (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, may I ask the Honourable Member, seeing that he has stated that this matter has been under the consideration of the Government for two years, why a committee of this House was not summoned to examine this extremely intricate set of rules which has just been published, and whether it is courtesy shown to this House that these rules with regard to its own procedure should be submitted to the Secretary of State by the Government of India without this House having had any chance of criticising them?

Sir Henry Moncrieff Smith: There was no intention whatever, Sir, on the part of the Government of India to show any discourtesy to this House in the making of the rules, but the fact is that the making of rules under the Government of India Act, is purely an executive matter. They rest

between the Government of India and the Secretary of State, and the only interference that can come from the Legislature is from the Houses of Parliament in England. Standing Orders are different matter; Standing Orders are supplementary to the rules and, as the House knows, the House can itself amend these Standing Orders.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the effect of the rules now made with regard to dilatory motions is this that the Government introduce the Bill with the ordinary recommendation of the Government, namely, that it is a Government Bill, and that, if the House makes amendments therein, it is for the Home Member or the Member in charge of the Bill to say "Stop this or I will bring the special recommendation of the Viceroy" and forthwith it is attached to the Bill and appended to it there that, if it is not passed in the form recommended, the Viceroy will of course as a matter of automatic action proceed to certify it and make it law.

Sir Henry Moncrieff Smith: It certainly is the intention of the rules. Sir, that a procedure should be devised which will enable—not enable, because the section itself enables the Governor General to do that—which will provide that the recommendation made by the Governor General in the course of consideration of a Bill shall be considered by the House. There is undoubtedly a power under section 67B to enable the Governor General to make a recommendation in respect of a Bill which the House has already given leave to introduce. That recommendation can be made at any time in the course of the passage of the Bill through the Chamber.

The Honourable Member had another part to his question which was whether, if that recommendation were made, the rules provide that the Governor General should automatically then certify the Bill and make the Bill law. Well, if that was the Honourable Member's question, I may assure him that it is not the case. The law itself—not the rules—the law itself enables the Governor General to make it law in the form in which he has recommended after one Chamber has failed to pass it in the form recommended, but it does not by any means compel the Governor General to make it law. It is perfectly open to the Governor General to abandon any recommendation that he has submitted to the House.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, may I enquire whether these rules have been framed in consequence of any difficulty experienced by the Government during the last Assembly with reference to any particular Bill?

Sir Henry Moncrieff Smith: The Honourable Member no doubt has in mind the last Finance Bill. As it happened, by pure accident the recommendation of the Governor General in respect of the Finance Bill last March was made at a stage which enabled our ordinary rules of procedure to be applied. The Government in fact experienced no difficulty in regard to that particular Bill. But it is to meet numerous difficulties that can be anticipated, that may arise over any Bill, that the rules have been framed.

Dr. H. S. Gour: I take it, Sir, then, the Honourable Member means that these rules were not made *post facto* to overcome a difficulty that had arisen in practice but that these rules have been framed in view of difficulties that may arise in the future.

Sir Henry Moncrieff Smith: That is more or less correct, Sir. If in the last case of the last Finance Bill, the Governor General's recommendations

had been made possibly at any other stage of the Bill than at the stage at it was made, then we should have experienced difficulties.

Dr. H. S. Gour: If so, may I inquire what was the urgency of rushing these rules through this House?

Sir Henry Moncrieff Smith: It has taken us two years to rush them through.

Mr. A. Rangaswami Iyengar: May I take it, Sir, that it is the opinion of the Honourable Member that, when once the Viceroy has recommended a Bill to be passed by this Assembly in a particular form as being essential for the safety, tranquillity and interests of British India, it is open to him to refrain from certifying the Bill after the House has rejected it as entirely within his discretion to do so?

Sir Henry Moncrieff Smith: It is entirely within the Governor General's discretion to refrain from certifying a Bill which has been recommended. If the Governor General recommends a Bill to this House, and this House makes amendments in the Bill and passes the Bill in a particular form, which it is true is not the recommended form,—the Governor General can abandon his recommendation and allow the course of legislation to proceed. That is to say, the Bill would go to the other House and they would be asked to take into consideration the Bill as passed by the Assembly. That would be entirely irrespective of the recommendation.

Mr. A. Rangaswami Iyengar: I am asking, Sir, whether it would be consistent with that certification or recommendation for him to do so.

Sir Henry Moncrieff Smith: It might be inconsistent with the certification because the certification is that the passage of the Bill is essential for the safety, tranquillity or interests of British India, but up to that time there has been no certification. There has only been a recommendation to the House that it should pass the Bill in a particular form.

Mr. A. Rangaswami Iyengar: As essential to the

Sir Henry Moncrieff Smith: No, not essential. I fear the Honourable Member is making a mistake. That word does not apply to recommendations.

Dr. H. S. Gour: Is the Honourable Member aware of any precedent from the procedure of the House of Commons justifying these rules?

Sir Henry Moncrieff Smith: No, Sir. I do not know of any.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, will the Honourable Member refer to the new rule 36-A which runs as follows:

"Where a dilatory motion has been carried in respect of a Government Bill and the member in charge of the Bill intimates to the Chamber that it is proposed to re-introduce the Bill and to move the Governor General to make a recommendation in respect thereof such as is referred to in section 67B"

Will the Honourable Member be pleased to say under what provision of the Government of India Act or rules framed thereunder is it permissible for a Member in charge of a Bill to move the Governor General to make a recommendation under section 67B of the Government of India Act?

Sir Henry Moncrieff Smith: There is no provision of the Government of India Act, Sir, that enables the Government of India to move the Governor General to exercise his powers. It is not a motion put forward by

Government at all but I think the House will realise that it should be open to the Government of India at least to tender advice to the Governor General in the matter.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I do not understand one point. Sir Henry Moncrieff Smith said these new rules do not take away any powers given to the Assembly by the Government of India Act. The Government of India Act has given power to the House to make a dilatory motion.

The Honourable Sir Malcolm Hailey: No, Sir.

Mr. N. M. Joshi: We can move that the consideration of the Bill be postponed.

Mr. President: In view of the importance which Members attach to this subject—and I acknowledge that it is an important subject—I think we had better defer further questions on it till the House has had more time to study the rules. My Honourable friend, the Secretary in the Legislative Department, has had a fairly long innings and is still not out; so Members can ask further questions when they have considered the terms of the new Rules.

UNSTARRED QUESTIONS AND ANSWERS.

EFFECT OF THE ENHANCED SALT-TAX ON THE WORKING MAN'S EXPENSES.

204. Mr. H. G. Cocks: Will Government be pleased to state whether they have made any inquiries in various parts of the country as to the difference which the enhanced salt tax has made to the working man's expenses, and, if so, the result of those inquiries?

The Honourable Sir Basil Blackett: No specific or formal inquiry was undertaken. But the Government took steps to watch the movements of retail prices throughout India week by week, and to gather all the information they could as to the effect of the increase in price. The general tenor of the information received was that the increase was passing practically unnoticed by the bulk of the population. As stated a year ago during the Budget debates, the statistics show that the average cost to the consumer of the increase in the tax from Re. 1-4-0 to Rs. 2-8-0 per maund could not exceed 3 annas per head, or less than a rupee per family per annum. Judging by the average prices of retail salt during the past year this was on the whole an over-estimate.

IMPROVED SCALES OF PAY FOR POSTAL EMPLOYEES.

205. Mr. M. K. Acharya: (a) Will Government be pleased to say (1) whether any petition has been received this year from the Postal Employees Union either directly or through the Director General of Post Offices for sanction of improved scales of pay, (2) whether it is true that Government have declined to entertain the petition?

(b) Are Government prepared to reconsider whether out of the surplus postal revenues earned by the hard work of the employees of the Department a percentage may not be set apart for the improvement of the pay and prospects of the said employees periodically?

The Honourable Mr. A. C. Chatterjee: (a) The reply to both parts is in the affirmative.

(b) Government cannot accept the view that any further improvement is required at the present time in the pay of the employés of the Post Office. I would remind the Honourable Member that their pay was very substantially improved on the recommendations of a Committee in 1920 when price conditions were very much worse than they are at the present time, and in this connection I would invite my Honourable friend's attention to the views expressed by the Retrenchment Committee in paragraph 9 on page 284 of their Report. Apart from this I would point out that the estimated surplus of the Department for next year is only Rs. 24 lakhs as shown in the Profit and Loss account while the scales of pay which the Union have asked for would involve a further annual expenditure of not less than 3 crores of rupees on the Postal side only, apart from similar increases which would certainly be demanded by the Telegraph staff.

ORDERS FOR WAGONS FOR STATE RAILWAYS FROM INDIAN FIRMS.

206. **Mr. W. S. J. Willson:** (a) Is it a fact as stated in the "Statesman" of Thursday, 28th February 1924, that the tenders received by the Railway Board for building 3,000 wagons were mostly required for Company-managed railways?

(b) If so, will Government state why it is not proposed to order any wagons for State Railways from Indian firms this year, having regard to the 5 year programme which contemplated the building of 32,300 wagons in the 5 years commencing 1st April 1922, and to the communiqué dated 1st March 1918, which definitely pledged Government to purchase in India 2,500 broad gauge and 500 metre gauge wagons annually for 10 years

(c) Will Government state if their decision was arrived at before or after the receipt of the report of the Tariff Board.

(d) Are Government aware that the inevitable result of this decision will be that Indian wagon builders will be forced to close their workshops and to disperse their 5,000 employés whose wages aggregate to Rs. 25 lacs yearly?

(e) Is it a fact that a large number of wagons are at present laid off awaiting repairs?

(f) If the answer to part (e) is in the affirmative, do the Government intend to come to a very early arrangement for Indian wagon builders to undertake wagon repairs?

The Honourable Sir Charles Innes: (a) It is a fact that the 3,000 wagons referred to in the call for tenders were nearly all required for the Company-managed railways.

(b) A careful examination of the position undertaken at the instance of the Retrenchment Committee has shown that the State worked railways have at present as many wagons as they need and further provision during the current year could not be justified. I must further remind the Honourable Member that the guarantee given was not an absolute guarantee but was subject to important conditions particularly as to price.

(c) The tenders for the 3,000 wagons were received on the 22nd January and the recommendations of the Railway Board were made before receipt of the report of the Tariff Board.

(d) The firms in question will no doubt await the Tariff Board's report before taking the course of action suggested.

(e) Since the war repairs of wagons have been in arrears. The position has improved and it is hoped that normal conditions will be established in the near future.

(f) Proposals to place wagon repairs, which are in excess of the capacity of the railway repair shops, in the hands of private firms have been considered on several occasions in recent years. The difficulties involved are considerable—impossibility of guaranteeing continuity of any particular class of work, great variety of types of wagons and nature of work required and difficulty in arriving at satisfactory terms of payment. The proposals have been found impracticable.

NUMBER OF EUROPEAN AND INDIAN RESIDENTS AND POLITICAL AGENTS IN INDIAN STATES.

207. **Rai Sahib M. Harbilas Sarda:** Will Government be pleased to state the number of Europeans and Indians respectively employed by the Government of India in its political service as Residents and Political Agents in Indian States?

Mr. E. B. Howell: The number of Residents and Political Agents in Indian States is 19. All of them are Europeans.

INDIANS HOLDING MEDICAL APPOINTMENTS IN THE POLITICAL DEPARTMENT.

208. **Rai Sahib M. Harbilas Sarda:** Will the Government be pleased to state the number of Indians holding medical appointments in the Political Department of the Government of India but not employed in British provinces under the direct management of that Government?

Mr. E. B. Howell: The information required is being collected and will be supplied to the Honourable Member in due course.

LOCO. FOREMEN ON THE B. B. AND C. I. RAILWAY.

209. **Rai Sahib M. Harbilas Sarda:** Will Government be pleased to state the number of Foremen holding permanent appointments in the Loco. and Carriage Workshops of the B. B. & C. I. Railway at Ajmer and how many of these are Indians?

The Honourable Sir Charles Innes: Government have no information but will make inquiries.

MILITARY ASSISTANT AND SUB-ASSISTANT SURGEONS.

210. **Mr. K. G. Lohokare:** With reference to unstarred question No. 167 (b) will the Government be pleased to say:

(a) If they know that for a long period for both the Military Sub-Assistant Surgeons and Assistant Surgeons classes,

(i) the standard of admission was the Matriculation or its equivalent,

(ii) the course extended to three or four years during the same periods,

(iii) the final qualifying examination was the L. C. P. S. of Bombay in the Bombay Presidency, and an equivalent one in other presidencies.

- (b) If there was any difference in both the classes (i) in the standard of admission, (ii) syllabus, (iii) number of attendance days at the hospital, (iv) number of lectures and practical and clinical attendances in each subject—from the year in which Matriculation was the standard of admission for the Military Sub-Assistant Surgeon class in the medical schools?

Mr. E. Burdon: (a) (i). The Matriculation standard for admission to the Sub-Assistant Surgeon's course was not made compulsory till February 1919. Candidates for the Military Assistant Surgeon's class were admitted till 1920 on the result of a competitive examination held by the D. G., I.M.S., the standard of which was regarded as equivalent to that of the Matriculation examination.

(ii) The curriculum for Military Assistant Surgeons was extended from four to five years in 1919. The curriculum for Military Sub-Assistant Surgeons was extended from three to four years in 1906. It remains at four years to-day.

(iii) The L. C. P. S., Bombay, was not introduced by the College of Physicians and Surgeons till 1917. Before then, Sub-Assistant Surgeons were given a qualifying certificate by the Principals of the Medical Schools wherein they were trained. Military Assistant Surgeons obtained a qualifying certificate after an examination held by the D. G., I.M.S.

(b) The course of training for Military Assistant Surgeons is quite different from that for Sub-Assistant Surgeons. The former are educated at the Medical Colleges and attend similar classes to those studying for the University degrees. The latter are trained at the Medical Schools where the standards of equipment and teaching are entirely different.

MILITARY ASSISTANT AND SUB-ASSISTANT SURGEONS.

211. **Mr. K. G. Lechokar:** (1) Has the standard of admission for the Military Assistant Surgeons class been raised; if so,

- (i) When was the change introduced?
- (ii) What is the admission standard since then?
- (iii) Is it the same as required by the University of the Province in which the classes are located or is it such as is accepted by the General Medical Council?
- (iv) What is the period of instruction?
- (v) Is the syllabus that of any Indian University course or one accepted by the General Medical Council?
- (vi) Is the qualifying Diploma registrable in the United Kingdom?

(2) How many pupils have qualified themselves and been admitted to the cadre since the change?

(3) Do the Government know that—

- (i) the qualification which the Military S. A. S. hold is registrable in India,
- (ii) Military S. A. S. hold civil appointments in some places,
- (iii) Military S. A. S. Cantonment Hospitals have to treat the civil population,
- (iv) the Provincial Medical Registration Acts require that medical men in institutions maintained at public costs are registered?

Mr. E. Burdon: (1) Yes. The five-year curriculum was introduced in 1919. The system of admission by selection from the candidates with a raised standard of preliminary education was introduced in 1920.

(ii) The admission standard now is:

- (a) Preliminary examination in Arts recognised by the General Medical Council;
- (b) The Intermediate examination in Science of a recognised University or the Cambridge Senior Local examination, old standard according to the revised regulations for 1917, or any examination which is accepted by the Local Government as equivalent thereto;
- (c) The Intermediate Examination in Arts and Science of the Madras University, or an examination accepted by the Madras Syndicate as equivalent thereto or one of the examinations which are recognised by the General Medical Council.

(iii) Each University regulates its own standard of admission to its medical degrees. The standard is, at present, accepted by the General Medical Council.

(iv) Five years.

(v) Military Assistant Surgeons attend the same courses as laid down by the medical colleges to comply with the University regulations. These courses are, at present, accepted by the General Medical Council.

(vi) The M. B. degree of the Indian Universities is, at present, registrable in the United Kingdom. The qualifying diploma obtained up to now by the Military Assistant Surgeon is not registrable in the United Kingdom.

(2) None.

(3) (i), (ii), (iii), and (iv). Yes.

OPENING OF A BEEF SHOP NEAR THE HINDU QUARTERS IN RAISINA.

212. **Sardar Kartar Singh:** (a) Is it a fact that a beef shop has been opened near the Gol market in Raisina close to the quarters occupied by Hindus?

(b) In deference to Hindu feelings do the Government propose to order its removal to some other locality?

The Honourable Mr. A. C. Chatterjee: The meat shops are located on the outer edge of the Circular Market at Raisina, in a building which is altogether distinct from the Hexagonal Market in the centre. The Hexagonal Market itself is entirely reserved for the stalls of ordinary Indian food-stuffs and groceries. No one using the vegetable, fruit, poultry, milk or bread shops round the market need go near the building, inside which mutton and beef are on sale. In particular the shops set apart for the sale of beef are cut off from the mutton shops, and so placed as to be out of sight of anyone not actually entering them. Every precaution has thus been taken to provide facilities for marketing for all classes of the community without offending the susceptibilities of any particular section.

There are two quarters for clerks living in Indian style, the back compound wall of which is within 40 feet of the back of the beef shop. No Hindu is compelled to occupy these quarters.

Government do not propose to order the removal of the beef shop to any other locality.

ELECTION OF THE STANDING FINANCE COMMITTEE.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move:

"That this Assembly do proceed to the election in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number to which shall be added one member of the Assembly to be nominated by the Governor General. The member so nominated shall be Chairman of the Committee."

The motion was adopted.

Mr. President: As a result of the decision just made by the House I have to announce that nominations for this Committee will be received by the Secretary up till 3 o'clock on the afternoon of Wednesday, the 19th March, and the election, if necessary, will be held in this Chamber on Monday, the 24th March. The method of election will be the same as in the case of other Standing Committees.

THE BUDGET—THE INDIAN FINANCE BILL.

FINAL STAGE.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move:

"That the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to remit or vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to reduce the import and excise duties on motor spirit, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, be taken into consideration."

Sir, I have first of all an announcement to make. In accordance with what the Government understand to be the unanimous desire of this House and in response to views expressed to me personally from every quarter, the Governor General in Council has decided that the four Demands for Grants that were so fully considered by this House on Monday last in respect of Customs, Taxes on Income, Salt and Opium, are essential to the discharge of his responsibility. I have to lay a declaration* on the table accordingly. (Lays declaration on table). These four Demands will therefore be restored.

Two further reductions were made by the House during the course of the discussion of the Demands for Grants, namely, a reduction of Rs. 100 in the case of Forests and of Rs. 25 lakhs in the case of Railways. It is not proposed to restore these grants to their original figure. The total Railway grant asked for was Rs. 67,71,60,000. A reduction of Rs. 25 lakhs in this total can therefore be accepted as a reduction of estimate which does not require that the Government should take special steps to reduce necessary expenditure. In a vote of this size, it is of course quite possible that when the final out-turn of the year is known, we may find that under-spending to a larger amount than Rs. 25 lakhs may have occurred, while, on the other hand, in view of the nature of the Demand, namely, for the working expenses of the Railways, it is always possible

that if the year proves more prosperous than we have estimated, the growth of gross railway revenue will require larger spending on working expenses in which case we should of course have to come back for a supplementary demand. In accepting a reduction of 25 lakhs in respect of Railways, I desire on behalf of the Government to draw the attention of the House to a fact which is sometimes not sufficiently noticed, namely, that the figures of expenditure are estimates. They represent the best approximation which we can make to the amount which will be required for carrying on the services which the Government have to carry on for the year on the basis of a given policy. The Finance Department does its best to present estimates which are minimum estimates subject only to the necessity of avoiding, if possible, the risk of coming back for a supplementary grant. I heard one Member in the course of last week's debate suggest that the Government's unwillingness to make a reduction was due to what he called the doctrine of prestige, and I noticed a statement in one of the newspapers to-day to the effect that "it is well-known that all branches of Government keep some margin for cuts by the Assembly in the Budget estimates". That statement is, Sir, absolutely without foundation. No Finance Department that was worth its salt (Laughter) would dream of permitting itself to be put in such a position. The estimates are the estimates of what is required for carrying on the services on the basis of a given policy. The Government cannot deliberately introduce estimates leaving a nice little sum to be given away in the course of discussion. Obviously you cannot arrive at anything on that basis. The result must be that normally cuts are only possible in the Assembly if the Assembly either picks out particular items of expenditure and says "This should not be spent" or a particular policy and says "This policy must be modified with a view to introducing economy". General cuts without specifying the items in respect of which they are cut cannot be accepted by the Government as a rule, and if they are accepted for the time being, they cannot be further accepted as a basis for reducing the Government's estimates of the money required for the year to carry on the services—of the ways and means which they require. Instead of actually restoring a grant, it is possible, as was done last year, to include certain cuts in the figures of total expenditure under some such head as money probably required for supplementaries. We have got to work out a sound financial system to meet the situation in this House and we must, therefore, I think, keep in mind the impossibility of the Government drawing up their estimates in such a form that they can accept large cuts in the course of the discussion of the estimates. They may accept them as indications that special economy in particular directions is desired, but they cannot go on to accept them as modifying the estimates of the total revenue and the total expenditure as the Government see it before the year is begun.

The cut in Railways of Rs. 25 lakhs involves, in the form in which our estimates are presented, not a reduction in our expenditure but an increase in our estimate of revenues. The effect of the changes that have been made, including that cut and the adoption of the Railway estimate on the basis, for the time being, of non-separation and certain other minor changes that have been introduced in the expenditure side is as follows: The total revenue of the year is now estimated at Rs. 1,31,58,08,000. This revenue is on the basis of Rs. 2 salt tax. It corresponds to the figures printed in our estimates, and does not include any allowance for the time being for reduction in Provincial contributions. The expenditure is now estimated at Rs. 1,29,89,60,900, leaving a surplus of Rs. 1,68,47,100.

* Printed as an Appendix to these Proceedings.

1910

LEGISLATIVE ASSEMBLY.

[17TH MARCH 1924.]

[Sir Basil Blackett.]

That is, if the proposals which the Government made are accepted, and the Rs. 1½ crores distributed in relief of Provincial contributions, the final surplus for the year becomes Rs. 18,47,100.

When I spoke in reply to the general debate on the Budget discussion, in the interest of economy of time, and as we were all tired, I jettisoned quite a considerable cargo of answers to points that had been raised during the debate in the anticipation that I should have an opportunity of dealing with them when I came to move that the Finance Bill be taken into consideration. After a careful study of the Budget discussions I find that practically all the points with which I then postponed dealing have been raised again and answered in the course of the discussion on the Demands for Grants. The chief points which I find have not been touched on, or have been only insufficiently touched on, are certain references to the so-called luxury duties, in particular, the inclusion of glass bangles and motor cars in that category, excise duty on motor spirit, and the question of cotton excise. In regard to the so-called luxury duties, I do not think I need say more than that, while there might certainly be advantages in reducing the rate in some instances, we cannot afford to do so, and if there is any detriment caused to trade by those duties at the present time, it is not, in our opinion, so serious as to require a sacrifice of our revenue at present. The duty on motor spirit I think I can conveniently leave to be dealt with by my Honourable friend, Sir Charles Innes, when we come to the detailed discussion of the Finance Bill. In regard to cotton excise we have a discussion due next Thursday, and so I need not anticipate it now except perhaps to say that in existing circumstances we clearly cannot afford the loss of revenue involved. Moreover, and this is a point to which I would draw the attention of my Madras friends, the pledges given by the Government of India that they would so conduct, and are so conducting, their financial policy as to reduce and eventually extinguish the Provincial contributions at the earliest possible moment, are not, in my opinion, consistent with an immediate reduction in such a duty as the cotton excise duty or with any promise to give it any priority in present circumstances.

For debating purposes certain arguments were brought forward to prove that the Budget this year does not really balance itself. I do not think I need enter deeply into those particular arguments. It would be equally true to say that in estimating the Budget balance we have assumed incorrectly, if one or two speakers who spoke ought to be believed, that the income-tax will be renewed for the next year. The Budget estimates are introduced on the assumption that the existing taxation would be continued except in so far as suggestions are made for its reduction. But I cannot reiterate too often my view that we shall not have a really balanced Budget so long as we have nine crores of rupees of Provincial contributions between us and an actual surplus. We are relying, and so long as the Provincial contributions are there we must continue to rely, on what is admittedly a temporary form of revenue which we are under pledge to get rid of as soon as possible. This is a point which deserves special emphasis in view of some of the amendments which appear on the paper, and also in view of some of the things that were said in the course of the discussion on Demands for Grants about the Government of India's expenditure on education and other similar services. Eloquent appeals were made by Mr. Mahomed Yakub and by Pandit Madan Mohan Malaviya for additional contributions towards the Aligarh

and Benares Universities and more money was asked for in several directions for education. Now, I ask the House seriously to consider how we can be expected to provide money for new expenditure of this sort for beneficial purposes if we are to be denied the revenue necessary to meet our outgoings. I always start on the assumption that you cannot spend money that you have not got. We are all agreed I think that expenditure ought not to be incurred unless there is income out of which to meet it. Now, if once again in 1924-25 we start the year with the prospect of a deficit a year ahead, although we may balance this year—with the prospect of a deficit a year ahead unless we can make special reductions of expenditure, it obviously becomes the bounden duty of the Finance Department and of the Government of India to refuse every kind of demand for new expenditure, however beneficent, until it is assured that the Budget for the following year will be balanced without any increase of taxation.

One other point that was raised during the discussion last week I think still remains to be answered. That was raised by Mr. Willson. He inquired just before five o'clock on Saturday from what source we obtained money with which to reduce the volume of outstanding treasury bills in 1922-23 and 1923-24. The answer is that we have obtained the money out of the proceeds of longer term issues, either what we call long term debt or ten-year bonds. We have not, of course, reduced our total indebtedness during the period. We have simply converted the treasury bills into a longer term debt.

Apart from these particular questions which I have just been trying to answer, there have been a series of statements in the course of the debate from various quarters which I do not think I ought to leave unchallenged. Many of them seem to be widely believed in India simply because they have been made again and again, believed that is in accordance with the principle that what has been said three times is true. I may perhaps sum up the statements that I mean somewhat as follows:

1. The Government of India is the most extravagant Government in the world.
2. Our military expenditure is colossal.
3. There has been a vast increase in taxation in India in recent years in a way unparalleled elsewhere.
4. There has been a large increase in the numbers and in the pay of highly paid European officials, and large reductions could be effected by getting rid of such officials.

Let me take these statements in order. I have seen a good deal of the working of other administrations, both in England and on the Continent of Europe and in America, and, so far as the Central Government in India is concerned, nothing has surprised me personally more than the small number of highly paid officials at headquarters. If you consider the size of India and the thickness of its population I affirm that the really surprising thing about it is not its expensiveness but its cheapness. I can say without fear of contradiction that the average amount of taxation extracted from the Indian taxpayer for the purpose of meeting the expenditure of Government is far less in India than in any other civilised country.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): May I ask the Honourable Member whether that is commensurate with the average income in India?

The Honourable Sir Basil Blackett: It is possible that the reason for the lowness of the average income in India is the smallness of the Government of India's expenditure.

Sardar V. N. Mutalik (Guzarat and Deccan Sardars and Inamdars: Landholders): In making the statement that the Government of India have got fewer officers at the headquarters, has the Honourable Member taken into consideration the fact that there is a large number of officers at the headquarters of each Provincial Government?

The Honourable Sir Basil Blackett: If the Honourable Member would allow me to continue my speech he will find that I was going to answer that particular point.

This opinion is not my own merely. I have had my attention drawn to the debate on the Government of India Bill in 1919. Speaking in the House of Lords on the 12th December 1919, Lord Selborne, who has had wide experience of administration, said:

"The Government of India was originally formed on the most simple lines possible. Its tasks were to preserve order, to administer justice and to collect the revenue. It really was an absolutely ideal Government after the conception of government of the Manchester School. I do not suppose that such an economical Government has ever existed before in the history of the world and I do not suppose that the world will ever again see its like. It is quite extraordinary for what it has done with a very small man power and with the smallest possible budget."

We may take the figures of expenditure of Governments in India as estimated for the year 1924-25 at 211 crores, that is leaving out the charges for the working expenses of commercial departments, and including the expenditure of the Central Government and the Provincial Governments combined. The taxation per head in British India amounts to approximately 12 annas.* For the purpose of the comparison I will give the figures in English money and say 1s. It is approximately 1s. per head. In Japan in the year 1921-22 on the figures that I have the taxation per head was £2-11-0. In Java it was £1-12-0. In the Phillipines it was £1-18-0. In Egypt £2-3-0. Argentine, £4-13-0 and in New Zealand, £28

(At this stage Mr. Devaki Prasad Sinha rose to interrupt).

Mr. President: The time is past for asking these questions and Honourable Members must allow the Honourable the Finance Member to proceed.

Mr. Devaki Prasad Sinha: I am only trying . . .

Mr. President: I have informed the Honourable Member that the time is past for asking these questions.

The Honourable Sir Basil Blackett: If Honourable Members regret the statements they made during the week I only hope that they will take these figures and take them seriously. My Honourable friend Pandit Madan Mohan Malaviya has three times this session compared Japan with India in order to persuade us to take a leaf out of Japan's book. Let me compare the taxation in the two countries. Taxation in Japan went up by 600 per cent. in the 20 years before 1913-14. During the same period it went up in India by 40 per cent. and the increase since 1913-14 as far as I can make out has been less in India than in Japan. In regard to the military expenditure of India we have had considerable discussion and

* Afterwards corrected to 12s. (see page 1915 *infra*.)

I do not wish to be misunderstood. I have stated more than once that in my opinion that expenditure can be reduced and in normal circumstances we ought to be able to make some further reduction but it must be reduced gradually and I have also said that I do not think it is possible in the year 1924-25, the one we have now in hand, to reduce it below the figure at which we have put it. The amount taken in Japan by means of taxation for defence is many times greater than the amount taken in India. We come back to the point which I made last week that if military expenditure in India amounts to 28 per cent. of the total expenditure or 21 per cent. allowing for the commercial services the reason is possibly the result of the smallness of our other expenditure. The third point, namely, the vast increase of taxation which has been taking place in India, has already to some extent been dealt with in what I have said. It has increased from something below 1s. to 1s. per head whereas in New Zealand it is £28 a head. I agree with comments that Honourable Members are probably making in their minds and I agree with them strongly that mere money figures do not give you anything like the whole comparison and they never can. That is one of the reasons why I have always set my face against any attempt to present the position of any country in the form of a statement that its income per head is so much. That sort of statement is apt to be very misleading and there are many comments that can be made on these figures but none the less it is difficult to get away from the final comparison. One shilling per head in India. In Japan it was £2-11-0 and in New Zealand . . .

Mr. G. Pilcher (Bengal: European): I take it that the Finance Member is not making a mistake in saying repeatedly that it is 1s. in India. I am reluctant to intervene but I think it must be 10s.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): That does not make much difference.

The Honourable Sir Basil Blackett: That does make considerable difference, but it does not materially affect my argument. The figure has been copied from my own pencil writing and it is I think likely that there was a slip and that 10s. is correct. The third point is the vast increase in taxation. Now I find that there are many people who are paying to-day the same land revenue that they were paying in 1913-14. Prices have increased by 70 to 80 per cent. since 1913-14. A land owner who was paying say Rs. 150 for land assessment in 1913-14 and is paying the same to-day is really paying a very much smaller amount of taxation in terms of what money will buy. As regards the number of highly paid officials, as I have already said, the number of such officials is extremely low in India and so far from it being true that the number of Europeans employed is increasing rapidly it is rapidly decreasing. The increase in the pay of the all-India services on which some comment has been made has been considerably less than the rise in prices. I yield to no one in my desire to see the increasing association of Indians in the Government of India and the progressive realisation of the ideal of self-government but for this very reason I urge Members of this House not to be satisfied with repeating catchwords of the kind that I have been mentioning, catchwords about the extraordinary expensiveness of the present Government of India. They may not like it but they will not gain anything by saying it is expensive if that is not the fact. Repeated assertions of this sort do not help to make the Government more efficient and when the day comes when Honourable Members themselves take their place in the Government

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of India they may find themselves severely hampered by the expectations which they have created in the minds of more ignorant people of a reduction of expenditure which they will be entirely unable to effect and which they would be very unwise to attempt to effect. I thought it desirable to say that because it is so very frequently stated and the contrary is really the case. Let us consider and voice our objections to the present state of things, if we will, but let us be careful to be correct in our facts. We shall get more results by doing so.

I turn once again to the question which has been placed before the House for decision. It is no doubt impossible to tear the Budget for the year out of the political atmosphere in which everything is being discussed at present. At the same time I wish to make an appeal to all in this House on behalf of the Budget. The Budget has a right to claim consideration on merits. We are all working for India and we must consider the financial position of India on merits. The choice which has been put before the Assembly is between what in my views is the clear economic interest of India as a whole, namely, the fixation of the salt duty at Rs. 2 a maund, and on the other side a reduction of the salt duty to 1-4-0 in satisfaction of what I can only regard as almost fanatical prejudice against the tax, a prejudice in which the constitutional issue raised by the events of last year is confused with the economic merits of the tax and in which sentiment, amour propre and misread history have combined to obscure the issue. On financial and economic grounds I claim that there is absolutely no room for doubt that the salt duty should not be reduced below Rs. 2 per maund. As compared with Rs. 1-4-0 per maund the extra charge per head of the population is something like one anna and six pies per annum, less than half a rupee per family. If we are really thinking only of the poor man who has to pay the tax, if the burden of taxation on the poor man is our guiding motive, we could do very much more for him if we were to maintain the salt tax at Rs. 2-8-0 and use a crore or two of our surplus in reducing the cotton import duty, no doubt with a corresponding reduction in the excise. That would do much more for the poor man. As I said before, in my opinion a reduction of the salt tax below Rs. 2 is a luxury in which India ought not to indulge herself. If we insist on self-indulgence it will, I am afraid, be because we cannot or will not bring ourselves to do what in their heart of hearts I am perfectly confident a majority of this House believes to be right. It is not merely that if we reduce the salt tax to Rs. 1-4-0 we thereby postpone for one year and possibly more any beginning of relief to the Provinces, but we are doing a thing which is unsound financially; we are putting ourselves in the position of starting next year with a deficit to clear off in the year 1925-26, with a Budget which on the existing basis would balance on the wrong side. It is a course which no sound financial adviser, whether Indian or European, would ever advise. I appeal once again to the House to remember its responsibility, to accept the request the Government have made to the House, to join with it in examining the financial merits of the present position as it is disclosed and co-operate with the Government in maintaining a sound financial position. The House complains of limitations that have been put upon its responsibilities. Here is a case where the Government definitely and deliberately asks the House to share the responsibility fully. In order to do this the House must reach its decision on financial and economic grounds and must not be misled or led away by political considerations; although I may add in parenthesis that I do not think that

there would be any clearer way of demonstrating the fitness of this House for the responsibility which it asks for than if it would face this issue from the financial and economic standpoint and were to decide in favour of the two-rupee salt tax.

I should just like to correct my statement about taxation per head. It was 12 shillings not 12 annas, but my pencil figures had been mistyped. It makes no serious difference to the argument.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I rise to oppose the motion that the Finance Bill introduced by the Finance Member be taken into consideration. I do so with a full sense of the responsibility which this attitude casts upon me. I do so after fully weighing the possible advantages and the disadvantages of the course which I am going to ask the House to adopt. We have fully heard what the Honourable the Finance Member has said regarding the merits of the Bill and the constitutional desirability of this House accepting the Bill, of its sharing the responsibility with the Government of passing the Bill and of co-operating with the Government in this very important matter, whereby, in the view of the Honourable the Finance Member, this House will give proof of its fitness to receive a further measure of responsibility. Having heard all that, I feel, Sir, that the only course which a man in my position, representing the people of this country and desiring to serve their best interests, can take in reference to this Bill is to urge on the House that it should not be taken into consideration. There are many reasons which have led me to this conclusion. I will try to voice them as briefly as I can.

The constitutional situation in India before the war is well known to students of Indian history. When the war was going on India co-operated with the British Government. It sent over 10 lakhs of men to the various theatres of war and it contributed over two hundred millions of money to the war in various forms and ways. During the progress of the war and also when the war was over many English statesmen acknowledged very handsomely the loyal contribution of India to the success of the Allies. The then Prime Minister concluded a memorable speech in his own terse style by telling the House of Commons: "We have had four years of great brotherhood, let it not end there". He said that India and England had had four years of great brotherhood and that it should not end there. We were told that India would cease to be a dependency and would become a partner in the British commonwealth of free nations. When the Reforms Bill was introduced we were greatly disappointed. The country as a whole expressed its sense of disappointment in the clearest manner possible. Not merely those who have the honour of being described as Extremists, but even those who have the honour of being described as Moderates and Liberals urged with all the force born of a knowledge of facts and figures that there should be an element of responsibility introduced in the Central Government. The requests were not heeded. The Bill was passed in the form in which we now have it in the Government of India Act, 1919. Under that Act dyarchy was introduced into the provinces. Dyarchy has had its trial for three years, and I think there will be very few people found now either among officials or among non-officials who will not endorse the view that dyarchy as a system has failed. What is the spectacle now, when the first Councils which can claim truly to represent the people better than their predecessor did, have come into existence? In the Central Provinces the Council has thrown out the Budget and the Ministers have tendered

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their resignations. The Governor has had to resort to governing the province without the help of the new constitution. In Bengal, if newspaper reports speak correctly, the Swaraj party is going to throw out the Budget, and a similar situation will arise there. The significance of such events cannot be underestimated. There could not be a stronger, a more constitutional and a more vigorous protest against the system of dyarchy that has been introduced under the Reforms Act than has been launched by the members of the Swaraj party in the Central Provinces and which, as we are informed, is going to be launched by the Swaraj party in Bengal. In other Provinces it is only the fact that the party is not sufficiently strong numerically in order to be able to carry out this programme that has largely been responsible for the non-adoption of a similar course of action.

The Provinces have had three years of experience of the reforms. They have had the luxury of having their expenditure increased, largely increased; they have had the luxury of having Ministers appointed on salaries which the people did not approve, except in one Province; they have had the luxury of having debates conducted and part of the Government and transferred subjects conducted by Ministers who are supposed to represent the people. They have found that they have been worse off than they were before the reforms were introduced. They have found that the subjects which were transferred to them were transferred without the wherewithal to administer them, which is like handing over a baby to a nurse while we withhold from her the milk and the food with which the child should be fed. The transferred subjects have been starved. Progress has not been recorded where it should have been recorded in the beneficent services by which the people, the nation, can be built up. The experience has been a very sad one. So far, then, as the Provinces are concerned, there is only one verdict, in which, I hope, officials and non-officials will join, namely, that the system of dyarchy has failed, and that the sooner it is buried and replaced by another healthier and sounder system, the better will it be for the dignity and usefulness of the Government, and for the welfare of the people. There may be some Die-hards among officials who may adopt an attitude of *non possumus*, who may revel in the thought that full power has again been left to the Governor to carry on the administration as before, and who may show a determination to continue the administration without the reforms. Such men can have only a very short-lived satisfaction. The representatives of the people have told the Government that they will have to carry on the administration without their support unless and until they become fully responsible to them; and not the worst of the Die-hards can feel happy and comfortable under a constant pressure, under a constant sense of acting in opposition to the people whose salt he eats. Therefore, this state of things cannot be agreeable to even the Die-hards among the officials. I hope that their number is very small. I hope that I have done an injustice to them; and that although there may be some of them who may be described as Die-hards, I hope all officials who look at the question in a straightforward manner will agree in the opinion that this system of dyarchy has had its trial, has had its day, and must be buried.

Now, Sir, let us look at the Central Government. The Central Government is like the heart or the brain, whichever you please to call it, of the system of unitary administration which obtains in India. (*A Voice*: "Not the brain.") My friend whispers, "not the brain", shall we call it

the heart then? (*A Voice*: "Neither the brain nor the heart.") Well, I do not wish to speak in that style or to think in that style either. I do not mean any offence to any of the Members who constitute the Central Government, and I am sure that my Honourable friends who interjected also did not mean any personal offence to them. I am endeavouring to express the idea which I am sure is shared by many of my countrymen, both inside and outside this House, that the Central Government have outlived their time, have outlived their utility, and that the system stands now condemned in the eyes of all sensible people. It is a system which is quite unique, absolutely singular; it has no parallel to it. It is a system where a large electorate has been created; Members have been elected by the direct vote of such an electorate to sit in this Assembly, and the majority of the Assembly is composed of such elected Members, and where one great duty has been laid upon such elected Members, namely, of voting taxation, but where their power to deal with the monies raised by such taxation is severely limited. During the last three years of the existence of this Assembly 41 crores of new taxation have been added with the support of the Assembly, and yet the Assembly has not had the power to deal with a very large portion of the expenditure to meet which that taxation was imposed. To refer only to one item, the Army expenditure amounting to between 60 to 70 crores, is not votable. In this situation the Members who have come here to represent the people find that their position is absolutely uncomfortable. I can understand, Sir, Government carrying on their administration under the old system, where six or seven Members of the Viceroy's Council decided what should be done and what should not be done, what money should be raised, and how it should be spent. But, if you create a machinery like the present one which, as somebody said the other day, costs 10 lakhs a year to the country—perhaps that includes the Legislative Councils in the provinces—an Assembly which means so much of expenditure to the people and an Assembly which demands a considerable expenditure of the time, the valuable time, of business men from all parts of the country, but which has not the power to deal with the bulk of the taxation which is raised, such an Assembly affords a peculiarly unsatisfactory specimen of, or rather an apology for, a Legislative Assembly in the whole world. Where do we stand under this system? In this Assembly itself the non-votable items amount to a very considerable sum. When we come to deal with other items, we are required to raise taxation, and not only do the Government of India here have the power to spend it, but their chief, the boss of the Government, namely, the Secretary of State, has unlimited powers. He can borrow at his sweet will in defiance, in disregard, in almost contemptuous disregard, of the existence of the Government of India. That was illustrated in 1921 when a loan was raised at the rate of 7 shillings of interest not as it was understood at the time, at the instance of the Government of India, (*A Voice*: "At 7 per cent."), but without the knowledge or the consent of the Government of India. I speak subject to correction. We find that the Secretary of State can give increased pensions, can give increased allowances, can give increased salaries, without any reference to this Assembly which under the Act of 1919 is the only body in India which can pass a taxation Bill. We find that this Assembly passed a direct Resolution disapproving of the appointment of what is now known as the Lee Commission. The Government ignored that vote of the Assembly. The Commission was appointed, it has come out and is carrying on its investigation with the money that has been voted by the elected Members

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of the Legislative Assembly of India. Is there a parallel, Sir, to this state of things in any part of the world? I could understand, as I said, the system that obtained before this, when the entire responsibility for imposing taxation as well as for spending the money raised by it rested upon the Executive Council of the Government. But I submit there is no parallel for such a hybrid system as we find in existence to-day and of which we, by a misfortune, find ourselves the instruments at this moment.

Now, Sir, when we came to this Assembly in this state of affairs we put our heads together and we decided to offer our co-operation to the Government in order to rectify it. We put forward a demand, not that full self-government should be immediately established here. We put forward a demand that there should be a Round Table Conference representative of various interests in this country, European, Indian, official and non-official, which should meet and consider the situation, discuss the pros and cons of the problem, and try to convince some of us who urged advance towards responsible government that we were wrong and be prepared to be convinced by us who had studied the question and whom it deeply affected that those who did not agree with us in the beginning were in the wrong. I cannot imagine, Sir, a more reasonable attitude of mind on the part of the representatives of any people. I cannot imagine a more reasonable proposition put before any Government. And what was the response that this request met with? The response that it met with was dissertations on the incapacity of Indians for exercising larger powers than have been given to them under the Act.

The Honourable Sir Malcolm Hailey (Home Member): Will the Honourable Pandit kindly mention the source of these dissertations? They are unknown to me.

Pandit Madan Mohan Malaviya: Those who indulge in them know them better than I do. The Honourable the Home Member is one of those who talked of the incapacity of Indians to get a larger measure of self-government than at present.

The Honourable Sir Malcolm Hailey: I deny that. Besides, the Honourable Pandit originally charged me with asserting the incapacity of Indians to exercise greater advance. He knows that he is misrepresenting me.

Pandit Madan Mohan Malaviya: What the Honourable Member said and what I said is now printed in the pages of the Debates and I am simply repeating it in substance now. It is no good telling me what I said before. He did tell us that in his opinion we were not prepared at present to have self-government. He did tell us and he brought forward arguments to tell us that the Hindus and Muhammadans were divided. He did tell us that the state of the country was not such that self-government could be established here immediately. He did tell us that we were not prepared to defend our country. He did tell us that this was a factor which ought to be taken into account. I cannot be expected to reproduce *verbatim* what he said on these questions. The substance of what he said on all these points can only lead to one conclusion and that is that he urged that these were matters which stood in the way of the accomplishment of the desire which we had expressed. Now, Sir, it was not the Honourable the Home Member alone who treated us to arguments of that character. The Honourable the Finance Member also gave us a

lecture on that subject and there were other speakers who informed us again and again that the country was not prepared in its present state for any substantial advance in the direction of responsible government. I submit, Sir, that it was very cruel of officers of Government, of English officers of Government, to deal with this matter in the way in which they dealt with it. They well know how grateful the people of India are for the spread of education which the British Government have introduced in this country. They are always happy to acknowledge the benefits of that education. But they have during the last forty years urged a change in the system of government in order that the system of government should come into line with what is regarded as a civilised system of government. These Members have known, or ought to know, that ever since the Congress came into existence in 1885 proposition after proposition has been passed and put before the Government asking for changes in the system of government so that the people of India might have an opportunity of shaping their own destinies with the help of their British fellow subjects who were in this country and who would be in this country, even if full responsible government were introduced, for a considerable time. (*The Honourable Sir Malcolm Hailey*: "Thank you.") Their request was not fairly met. Now we find that, when we ask for a further change, arguments relating to divisions among the people, differences among the people and to the want of social conditions, upon which political institutions should rest, and with which Englishmen are familiar, are placed before us. I submit it is cruel to us; it is an insult to our intelligence. These English friends and others who take the same view must know, if they have read history to any purpose, that representative institutions have in all lands and climes been the source and instrument of normally developing the strength of the people in every possible direction. They have added to the physical strength and to the national stamina of the people. They have prepared them for national defence and in almost every direction in which human activities can go. They must know, Sir, that, if responsible government were introduced here, we Indians would also have the chance of showing that we can also bring about improvement in our social and political conditions. It is no good their taunting us with not being prepared for national defence. I do not make the present Members of Government responsible for our not having been prepared for national defence. It is the system which is to blame. It is the system which has denied to us the right to prepare ourselves for national defence. We condemn the system. We say let us have a chance now. Let us agree to replace this system by a healthy, an honourable and a national system and it will not be long before the Sikhs, the Mahrattas, the Rajputs, the Gurkhas, the Pathans and the Brahmans, who serve in His Majesty's army, will supply you with officers who have won the Victoria Cross and who will win the Victoria Cross in the fields of battle and bring honour to the name of India. We know that if we have the opportunity to do so, we shall create a national army; we shall create a citizen army which system will be much more economical and much sounder, so far as national defence is concerned, than the present mercenary system. But nothing of that kind can be done under the existing system, and what was the response to our proposal for a Conference? The utmost advance that the Honourable the Home Member, representing the Government of India, could make was to move in the direction of an inquiry by a Committee. Is that the way in which a proposal put forward by the representatives of the people should have been met? The

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Secretary of State endorsed the proposal: in fact the proposal had been put forward here after the approval of His Majesty's Secretary of State had been obtained. The responsibility for that proposal, I submit, rests more upon the Government of India than upon the Secretary of State in the situation in which we find it. The Government of India are on the spot. Many of the officers of the Government are not new to the country and know the state of the country. They know what has gone on, all the preparations the people have passed through. They were expected to inform His Majesty's Government that the time was ripe when an advance should be made in the direction of the introduction of a very large measure of responsibility in the government of the country. It was said, Sir, that the people had had only three years of experience. What a sad thing that any officer of Government or anybody who criticised our proposals should ignore even present-day history. Has any of these gentlemen studied the reports of the Indian National Congress for the last 38 or 39 years? Has he ever looked into the discussions on the question of national expenditure, military expenditure, civil expenditure; on the question of training Indians for the army; on the question of promoting education, in order that they may develop more patriotism and in order that they may live with their fellow-men on terms of perfect equality? Have our critics read those resolutions and debates wherein we have shown that we have views in every possible direction to urge for the improvement of the administration and for the welfare of the people. Little do they know how much of anxious thought was bestowed upon those subjects by the representatives of the people who have met for 38 or 39 years to deliberate upon the common concerns of the people of India. Little do they know how anxiously they have worked, how earnestly they have appealed to the Government in order that those proofs should be brought forward. Are these small Assemblies consisting of one hundred and odd members to be the only criterion by which the capacity of Indians should be judged? Are not the proceedings of the Indian National Congress for the past 38 or 39 years sufficiently reliable documents to speak of the capacity of Indians to carry on representative institutions? Are not they sufficient proof of the capacity of Indians to discuss these subjects without any religious intolerance? A study of those pages will reveal that Hindus, Muhammadans and Christians have come together without any religious difficulty being encountered, and that when a difficulty did arise it was only to be settled by their common consent as was the case at Lucknow. But the critics heed not, care not. They are content merely to tell us that we are not sufficiently advanced for a larger measure of responsible government. Now, Sir, I submit, this has naturally created very great disappointment in the country. Let me now turn to what has happened in England. Lord Olivier naturally spoke after he had happened in Government of India. His Lordship was new to the situation. He had not, I admit, sufficient time to study the subject, but some of us had hoped that he would take time to make his pronouncement acceptable to India.

The Honourable Mr. A. C. Chatterjee (Industries Member): You did not give him time.

Pandit Madan Mohan Malaviya: The Honourable Mr. Chatterjee tells me that we did not give His Lordship time. With all my respect for Mr. Chatterjee I cannot agree with him. I cannot agree that there was not time enough for the Secretary of State to make a sympathetic

pronouncement on the question. We wanted that he should have taken time to abstain from making a pronouncement on a very important and vital question and not dealt with it in the way in which he did. What is my complaint? My complaint is not that he did not promise to introduce responsible government immediately into this country. Mr. Chatterjee did not wait to hear what I was going to say. My complaint is that on the very little information that he had, and which alone he could have had, without waiting to study even the debates of this House Lord Olivier committed himself to the opinion that there shall not be any substantial change in the near future in the constitution of the Government of India, that the revision of the Government of India Act was at present out of the question. He did not even commit himself to the view that full Provincial autonomy would be introduced in the provinces. My complaint, my regret, is that His Lordship did not wait to study the question as it had been discussed and presented in this House for I submit that if he had, he would probably have made his pronouncement more sympathetically. I do not imagine that you can change an enactment in a day; my friends here are not under that impression. No one thinks that the Government of India Act can be changed in a day, and we all realise that it must take time. All that our proposals asked for was that a representative Round Table Conference should be convened in order that the *pros* and *cons* of the matter should be considered, the difficulties which beset the question, the advantages which would arise from the adoption of our proposals, might be fairly considered by all those interested in the matter, and that we might then make a report which the Government here might be able to support and the Government in England might be able to accept. But this was refused to us. The statement of the Secretary of State did not give us the slightest hope that there would be any such change introduced: indeed the Secretary of State has only discouraged us in regard to any substantial change in the constitution in the near future. That being the state of things, we naturally felt very much dissatisfied and subsequently there was a statement made by Mr. Richards in which he told us that there was no intention to revise the Act of 1919 before 1929. Now, Sir, this is the situation in which we find ourselves, and it is one which has given great dissatisfaction to the vast bulk of the people of this country. Here you have an Act against which protests have been made by numerous representatives of the people during the last four years. A request has formally been made on the part of the people by their elected spokesmen in the new Assembly for a representative Conference in order that the desirability of revising that Act might be considered. It has been refused by the Government of India and the Secretary of State. The other day one of the Honourable Members on the Government Benches bullied a Member on this side of the House by asking him to have the courage of his convictions regarding a particular statement. Does it show a courageous attitude on the part of the Government Members that they cannot face a Round Table Conference? Why cannot they agree to sit down at a Conference to have the *pros* and *cons* of the question considered, debated, reduced to writing, in order that the public of this country and the representatives of the public in the House of Commons might understand the question and be able to pronounce judgment as to whether we, the representatives of the people, are right or the Members on the Government Benches are right? They have not shown that courage; on the contrary, the Government of India, speaking through the

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Honourable the Home Member, showed their unwillingness to adopt this course. I cannot understand why there should be such unwillingness to call a Round Table Conference. The idea of a Round Table Conference seems to be like a red rag to a bull as far as the Government of India are concerned. The suggestion was first made in 1921, but unfortunately failed at the time. The proposal was again made early in 1922, but was not accepted by the Government of India.

Lieutenant-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): Why did it fail in 1921?

Pandit Madan Mohan Malaviya: Colonel Gidney knows very well why it failed. I will not waste my breath in discussing this matter. (Laughter on the part of the Honourable the Home Member.) The Honourable the Home Member laughs. If I were to mention all the facts the Honourable Member would cease to laugh. But I do not wish to waste the time of the House and do not wish to detain the House any longer, in fact I shall have to detain the House for a pretty long time without repeating what is already very well known. The Government of India showed much unwillingness and refused to call a Conference in 1922. When a Conference met in Bombay early in 1922, the proposal was made that they should do so. At that time I understood the difficulty that was felt was that there was an apprehension that certain activities of some of the representatives of the people might not be stopped and that the Government could not agree to call a Round Table Conference, until they felt assured that the atmosphere was calm. The atmosphere has been calm now for a long time. When we met and put forward a demand for a Conference in this Assembly, the atmosphere was calm. Nobody can say that there is at present any movement going on which is causing any serious anxiety to the Government, unless it be a movement of their own, a result of their own mistakes and errors of judgment. At this juncture there is nothing to stand in the way of a Round Table Conference being called, but the Government are still fighting shy of it. Now, Sir, if they must avoid an opportunity of discussion such as we have asked for, what is the position in which we find ourselves? The Government refuse to call even the Conference we have asked for, and the Honourable the Finance Member invites us to-day, on behalf of the Government, to support the Taxation Bill by our votes. Are the Government consistent in their attitude? (*The Honourable Sir Basil Blackett:* "Yes.") They are not. The Honourable the Finance Member must of course answer in the affirmative; he has no option and I do not blame him for it. (*The Honourable Sir Basil Blackett:* "Like George Washington, he speaks the truth.") I refuse to accept the truth of a remark which is not uttered sufficiently clearly for one to hear it. The Finance Member invites us to support the Taxation Bill. With what consistency can he ask us to do so? Does he realise the position in which we are placed? Does he realise that we feel that we should not support taxation unless we have the power to deal with the whole expenditure which has been incurred out of this taxation? Does he realise the position that the taxation proposed means something serious to the people? It so happens that in the present Finance Bill there is one item which deeply touches the poorest in the land, and that is the salt tax. He has unfortunately not been able to appreciate the position of us Indians with regard to the salt tax. He has quite seriously appealed to us more than once to take a calm, statesmanlike view of

the salt tax, and not throw away the money that would be available by raising the rate to Rs. 2. He has appealed to us several times and quite seriously, but he does not realise the position of us Indians. The salt tax was not wrongly described by the Secretary of State as an iniquitous and horrible tax. There has long been a feeling against the salt tax, not only among Indians, but also among Englishmen. I have not got the book with me, but I remember having read in the speeches of Professor Fawcett made in the seventies of the last century in a debate in which he drew pointed attention to the iniquity of the salt tax, where he pointed out that the people of India felt it a grievance that the rock salt mountain should be standing before them, and that they could not take out the salt without paying a tax; and where he or another writer pointed out that the vast sea-shore of India extends from one part of the country to another, and the people were not given the liberty to manufacture salt in order that they might use it for themselves and their cattle. The salt tax is peculiarly objectionable to us Indians; and yet what is the proposal of the Honourable the Finance Member? He must know that in 1840 the salt tax stood somewhere at 8 annas, that after the Mutiny it was raised to 12 annas, and that subsequently in 1878 it was raised to Rs. 2-8-0. It was brought down in 1882, during the time of Sir Evelyn Baring, to Rs. 2-0-0 per maund. And again only a few years afterwards it was raised to Rs. 2-8-0 per maund. It was reduced to Re. 1 per maund in 1907 and stood there until it was raised to Re. 1-4-0 per maund during the war in 1916. Last year it was raised to Rs. 2-8-0 per maund, not by the voice of the people, not by a vote of the Assembly, but in the teeth of the opposition of the Assembly, by certification by the Viceroy.

Now, Sir, the Honourable the Finance Member has told us that the increase he proposes in the salt tax will not cost more than 8 annas a year to a family, and I wish really he could realise what an increase of eight annas a year to a poor family may mean. He does not know the people as I do; he has not lived and moved among them, and I do not blame him for it. He has lived in a happier, brighter land; he cannot form an idea of the grinding poverty to which the bulk of my countrymen are subject and under which they live at present. He does not know, and yet he wants to assure the House that an increase of 8 annas a year would not really be felt by the people. If he will go out among the people, the people will tell him that he is mistaken. Last year, when the duty was raised, there was a most eloquent proof given that the duty should not have been raised by the small amount of salt that was consumed, by the decline in the consumption. That should have satisfied any accountant or any financier, but the lesson seems to have been ignored by the Honourable the Finance Member. The people evidently ate less salt last year than they should have done, but the Honourable the Finance Member tries to console himself with the thought that the people did not actually use less salt than they would have done but for the raising of the duty last year. He says the dealers in salt had, in anticipation of the raising of the duty, stored a good deal of salt, and that they did not purchase sufficient salt because they were expecting that the duty would be reduced. I would be sincerely glad, Sir, if that were a fact. (*The Honourable Sir Basil Blackett:* "It is.") My friend's assertion that it is, will not satisfy me. My friend found fault with me the other day when I said the Japanese worked 20 hours. He did not take note of the fact that that would be in double shifts. He now tells me in a positive

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statement which he makes that the people did eat as much salt last year as they should have eaten, in spite of the figures of the purchase of salt last year. He may be able to say so, Sir; I am not able to say he is wrong, I am not able to say he is right, but I am able to tell him that it is a matter upon which he should not make a pronouncement in the light-hearted manner he does. We know how an increase in the salt duty affects people. Let a poor man who goes to the *bania* to buy some provisions for his daily bread, let him say how much of salt he used to get before the duty was raised and how much he got after the duty had been raised last year. The Honourable Member can get tens of thousands of poor people, in the villages and in the cities, to give him information which might possibly lead him not to be so positive as he is in asserting what he has asserted.

Now the salt duty is one of the items involved in the Finance Bill. It is not necessary for the purposes of the earlier part of my argument that the duty to be raised should relate to salt, but it gives intensity to the appeal which I am making, in view of the constitutional situation in which we are placed, that we are asked to support the existing system of government with all its expenditure—I will not call it extravagance at this stage, I will deal with it later—with all its expenditure we are asked to support taxation on salt in order that this expenditure should be carried on as it is being carried on. I refuse, Sir, to support this taxation. I refuse, firstly, on the ground that if I support this taxation, I should have it in my power to reduce the expenditure wherever I think it possible. That liberty is refused to me, that liberty is refused to my countrymen sitting here as the representatives of the people of India. Long ago, a great Viceroy (Lord Mayo) said that the only justification for Englishmen being in India was that they should serve the good of India. He said: "The welfare of the people of India is our primary object. If we are not here for their good, we ought not to be here at all." And I want my English fellow-subjects to look at the question before us from the point of view of us Indians. They are educated men. They know that we too have by the grace of God received some education, that we are able to discuss matters with them, that we are able to appreciate the points raised by them—which should all lead them to think that it must be peculiarly galling to us educated Indians to find ourselves in the position in which we find ourselves to-day. Is there a single Englishman in this House or

1 P.M. outside who would like to be placed in the position in which we are, who, finding himself in that position by a stroke of misfortune which I hope will never befall him, would support such taxation, as we are asked by the Honourable the Finance Member to support in this House to-day?

This, Sir, is the constitutional aspect. So long as the Government of India Act is not revised, therefore, I find that, with my sense of self-respect, with the little conscience that God has given me, I cannot support taxation, either now or in future. Take away the Government of India Act if you please. That is a threat which has often times been uttered by not very responsible, thinking, people, but take the Government of India Act away if you so please. We shall not complain of it; but if you must govern India in the forms of civilized government, let reality be introduced in place of the sham that you have established here. (Hear, hear.) When Mr. Balfour went to America during the days of the war, he told the American people that the only form of government which was worthy of the name

was a government which was conducted according to the will of the people concerned. Judged by that test, where do the Government of India stand to-day? During the days of the war, when you wanted the support of India, when you wanted the support of the civilized world, when you wanted the support of America, you listened respectfully, willingly, acquiescingly to the proposals of the late Woodrow Wilson. You agreed that every nation should have the power of self-determination. You agreed that every people on earth should be given the opportunity to govern their own affairs, and we had hoped, as fondly as we had always hoped, that after the war, the system of government here would be modified in order to bring it into conformity with that statesman's declaration as to the true nature of a civilized government. Where do we find ourselves to-day? We are told there is a publication issued at Delhi which is called "India's Parliament". That publication—very pleasing to some of my friends sitting here,—gives a misleading idea to the people outside regarding the actual state of things in India. You invited India in recognition of her services during the war to be an original member of the League of Nations; you have invited representatives of India to represent India at the League of Nations and at the Imperial Conference. With all respect, and without meaning any disrespect to any individual, I say this is a fraud you are practising upon the civilized world. An Irish Member rightly hurled it at one of my countrymen that he was not at the Imperial Conference in the same capacity in which the representatives of free nations were there. Why further humiliate us by again inviting us to take part in conferences, in meetings of the League of Nations, where we cannot speak with the authority of the people whom we are supposed to represent there. I hope, Sir, none of my countrymen, elected by the people, will agree to appear to take part either in the meetings of the League of Nations or in the meetings of the Imperial Conference until India can elect her own representatives and send them, vested with the authority to represent India, to take part in those proceedings. That is the position. In this state of things we are asked to-day to vote this Finance Bill, and I submit, Sir, we cannot conscientiously, honourably do so.

Now, Sir, the next ground upon which I refuse to support this Bill is the extravagance of the expenditure of the Government of India. I listened with great attention to the remarks of the Honourable the Finance Member on the question of the extravagance of the Government of India. He tried to persuade us that we were all mistaken in thinking that the Government are extravagant. I assure him that, if he could persuade us to that view, we should be really, sincerely, grateful to him. For it is no satisfaction to any of us, Sir, to be spending our efforts and our time in urging a reduction oppressed with the idea that the Government of this country are very extravagant. But having heard my friend, I regret to say that I do not feel satisfied that he has put forward any argument which is worthy of attention from this House. His first point was that there were not too many officers. Who has said that there were too many officers? In fact, my friend was a little unfair in propounding his questions and then answering them. I am not unfamiliar, Sir,—and there are many Members of this House who are not unfamiliar—with the way in which a question is framed when a particular answer is sought to be given. In framing the question, my Honourable friend had in mind what he wanted to say, and one of the things he said we had urged was that there were too many European officers and there were too many officers in the government of this country. That there are too many European

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officers several of us have said and repeated, but none of us, so far as I remember, asserted that the number of officers in the Government of India or in the Provincial Governments even was larger than it should be. My friend said, it was not large. I say it is very small. It is much smaller than it should be. Let us have a chance, let us have an innings, and we shall appoint many more Ministers in charge of many more portfolios working for the good of the people much more than the present Ministers are working. I do not mean any offence to any individual. (Lieut.-Colonel H. A. J. Gidney: "Question.") My friend, Colonel Gidney, may put a question, but for goodness' sake, listen to what I am saying and probably you will not interrupt. Now, Sir, I do not know that my friend, Colonel Gidney, has studied this question about which he is interrupting, but I say probably the Honourable the Finance Member has. And he is right in saying—I agree with him when he says—that the number of officers in the Government of India is small; it is much smaller, I say, than it should be, and, if we had a chance, we would appoint many more officers in order that the many subjects which are at present in the charge of one Member should have a better chance of being adequately dealt with. The Government of India are proposing to separate the Railway Budget from the General Budget. That is a move in that direction. But the move has to be much larger, more comprehensive, more widespread, than perhaps the Government of India have contemplated. We are not quarrelling with that. The Honourable the Finance Member next said, we had urged that the Government were extravagant. Of course, we have urged that, but what is the nature of our complaint? Our complaint is that the salaries which we are paying to the European officers in this country are disproportionately high when you consider the national average income of the people. The Honourable Sir Basil Blackett gave us the figures of taxation in other countries. Never in my experience of public debates, either in this House or in other places, have I heard any responsible man mentioning merely the figures of taxation without at the same time referring to the national average income of the people taxed. I was surprised that the Honourable the Finance Member made no reference to the national average income of the people whose figures of taxation he mentioned. He did not tell us what the figure of taxation was in Japan, say 20 years ago. He did not tell us by how much it had risen before arriving at £2 10s. and he did not tell us what the rise in the average national income had been during those years. I hope, Sir, we are not so blind to the necessities of expenditure being incurred for national purposes, as the Honourable the Finance Member would lead one to suppose we were. We know that expenditure in this country is not at present as high as it should be if we were in a prosperous condition. Our complaint is that the present salaries are disproportionately high when you consider the national average income of the people of India. Let us have a chance of increasing that income. You have done comparatively little—I am very sorry to say it; it is no pleasure to me to find fault with my fellow-subjects who sit on the Government Benches; I am grieved to say that they have done little to promote the national average income. I wish that my friend, when he gave us figures of taxation, also told us about the respective national average incomes of the peoples whom he mentioned.

We know, Sir, that if a country prospers, the national expenditure must increase. I look forward, if I live, to the time when my people will have the power to administer the affairs of the country. I look forward to a large increase in our national expenditure. What is our national expenditure at present? Is the expenditure of a Government of 320 million people to be so paltry as it is? But whose fault is it that it is so paltry? It is the fault of the system of government which has prevailed here. It has failed to build up the national strength of the people. It is the fault of the system whereby the number of men who can pay income-tax on large incomes is unfortunately extremely small. After the war, when statesmen in England were considering how they were to reduce national debt and how they were to increase national expenditure, what did they think of? They knew that they could not tax the people further and that they must lower taxation. But they thought of providing larger amounts on employment, larger amounts on producing more wealth in order that that wealth might be taxed for the common good. That was the way in which Englishmen proceeded. That is the way in which we Indians, who have the benefit of studying your literature, of studying the literature of other countries, and of studying the systems of government which obtain in other countries, should proceed. We shall so proceed if you will only help us to obtain the power to do so.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): That is the reason why you should give some of the money asked for in the Finance Bill.

Pandit Madan Mohan Malaviya: Now, Sir, the Honourable the Finance Member told us that our military expenditure was not so great as we imagined it was, and he told us that we should remember the military expenditure of Japan. I do not know what my Honourable friend intended to say. He was not quite clear to me. If he means to tell us that military expenditure in Japan can have any reasonable comparison with the extravagance of the military expenditure in India, I join issue with him. I will be prepared to go with him into the question of military expenditure in Japan and, speaking for myself and for my fellow colleagues in this House and outside it, I will venture in all humility to say, that if this system of military expenditure in Japan were adopted after we have risen to the national average income of Japan, not a single Indian Member of this House would refuse to support that expenditure. But how is that expenditure built up? I thought before I heard the Honourable the Finance Member that the Japanese had proved that they were the most economical people on earth, that their military system was the most economical system that existed on this earth, and that they combined efficiency with economy. In the year 1868 there was the great revolution in Japan. The condition of the people was then most regrettable. A few European Powers had a few years before that time bombarded Japan and tried to subjugate it. The people of Japan restored their Emperor, the Mikado, in 1868, and that was the revolution. It was the beginning of a new chapter in Japan. In a few years' time they began to enlist their army, and in the course of a few years they introduced a system of conscription under which they created a citizen army and they have gone on adding to the strength of that citizen army until now it is difficult to find out what is the total strength of their militia. They do not let the outside world know what the total strength of their militia is, and they do not let the outside world know what the total amount that they are really spending.

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on their military departments is. That is the way of the Japanese. The Japanese system is built up upon a patriotic basis. The Japanese Emperor issued a rescript in which it was pointed out that it was the duty of every son of Japan to enlist himself in the national army and to prepare to defend his country. Says Mr. Alfred Stead in his book "On Great Japan":

"Since 1882, this rescript forms part of the equipment of every soldier, and great Generals like Kuroki think a day ill-begun in which they have not saluted the Emperor's portrait and read the edict. The first of the five articles of this says: 'The principal duty of soldiers is loyalty to Sovereign and country. It is not probable that any one born in this country will be wanting in patriotism; but for soldiers this virtue is so essential that unless a man be strong in patriotism he will be unfitted for his service. Disloyal men are like dolls, however expert and skilful they may be in their military art and science, and a troop which is well trained and led but lacks patriotism is like a band without a chief'."

Now, this is the foundation of the national army of Japan. How well they have trained themselves for national defence the whole world knows. In 1894, only 22 years after they began to organise their army they distinguished themselves in the war with China, and in 1904 they inflicted a defeat on Russia which was then regarded as the strongest power in Europe. They have maintained their position and have risen steadily in the estimation of their fellow-men all over the world by the excellence and the efficiency of their national system of defence. Adopt by all means a system like what the Japanese have adopted, and you will see light where you see darkness at present, you will see clear guidance where you find confusion at present, and you will be able to effect a large reduction in the expenditure on the Army in India. But so long as you merely tell us that Japan is spending a lot of money, that cannot carry any weight with us, nor will it carry conviction to us.

Now, Sir, the Honourable the Finance Member also told us that taxation in India had risen from something less than one shilling to one shilling. He made that statement very positively and compared it with £2-12-0 in Japan, £28 in New Zealand and so on in various other countries. The positive tone of his statement took me by surprise. Later on, when his attention was drawn to the fact that it might be 12 shillings

The Honourable Sir Basil Blackett: I said 12 annas, but should have said 12 shillings.

Pandit Madan Mohan Malaviya: The Honourable Member said 12 annas or one shilling. I have got that down clearly, but I do not want to find fault with him. I will try to set a better example. We must recognise that the Honourable the Finance Member had no intention to make an incorrect statement; it was entirely due to an oversight that he made it. Therefore, I am not finding fault with him for that. But, what I wish to draw attention to is that when my Honourable friend spoke of the increase in taxation, he did not also tell us—he will agree as a financier who has been brought out to India in order to set her finances in order—he must agree as a student of finance that he should have told us, it was his duty to have told this House, by how much the national average income of the Indian has risen during all these years. Without that data I think he was wrong in making the statement he did. At any rate he should have mentioned that fact as an important one for consideration. I should like to know by how much the national average income of the people of India had risen during the last three decades. For the

last 40 years nearly Indians have been trying to persuade the Government to institute an inquiry into the national average income of the people. In 1882 or about that period, during the time of Lord Ripon, there was an inquiry made. The results were published in 1888. That report is still available and that report is eloquent of the fact that the income of the people of India has been miserably poor. When that report was published, Lord Curzon felt very uncomfortable. Mr. William Digby, an Englishman to whom India is deeply indebted for all the valuable services he rendered to her cause and whose name she cherishes with gratitude, in his book on "Prosperous British India" gave proof after proof from official quotations to show that the average income of the people of India was less than one anna per head per day. Lord Curzon disputed that statement and put it at a little more than Rs. 30 a year. I do not remember the exact figure. My friend tells me that there was a difference of Rs. 10 per annum in the two estimates. Since that time repeated requests have been made to the Government of India and to the Government in England to institute a regular inquiry to find out the average national income of the people. The Government have burked the inquiry; Government have not taken up the inquiry up to this time. What good is it then for any Government Member to get up and tell us that the national income is not so low as it is represented by some Members of this House to be? Nobody means to be dogmatic in an assertion like that. The assertion is made in order to arrest attention, in order that the matter may be investigated, in order that the truth may be established. Does anybody on the Government Benches think that any Member of this House would have any satisfaction in feeling that the national income of the Indian has been going down? We would all rejoice if the national income has been rising. We would all pray to hear that it has risen. But a mere assertion of even an irresponsible man will not satisfy us. We want an investigation. Why do you not face that investigation? Let us sit down and find out the facts and publish them to the world. Let us speak the truth and shame a certain person. We want to know if the national income has increased. We would be glad to hear that it had done so. We would then gladly assent to an increase of national expenditure. But, so long as we are not satisfied that it has increased, we cannot but complain that the expenditure is disproportionate to the income of the people. I wish to repeat that our contention is not that the salaries which are paid are *per se* extravagant. Our contention is not that the expenditure which is incurred on the administration of the Government of India is *per se* more than what it should be in any country. Our whole contention is that, compared to the national average income of the people, the expenditure is extravagant, that is, if you compare the salaries you give to the Britishers in England, it is extravagant. We urge the Indianisation of the services not because we have a dislike towards or hatred of our English fellow subjects but because we want that there should be more Indians employed in order that they may play the part that God and nature meant them to play in their own country and also because the employment of Indians will be more economical. Let me assure all my European friends that no Indian would debase himself by desiring any ill to any of his European fellow subjects. We do not wish it; we should be ashamed if we thought ill of any of our fellow subjects. We wish you to remain here with us as fellow subjects. We wish you to remain here as fellow subjects with the high sense of an Englishman's duty of promoting the good of the country in which he finds his lot cast. We will welcome you, we will respect you, we will honour you. We have had a race of Englishmen

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represented by Allan Octavious Hume, Sir William Wedderburn, William Digby, Charles Bradlaugh, Dr. Annie Besant, and others, whom we have honoured for the services they have rendered to the cause of India. We would honour every one of you fellow subjects if you worked only in that spirit to help us to rise out of the unfortunate position into which by the vicissitudes of time and fortune we have fallen.

Now, Sir

Mr. President: I do not wish to interrupt the Honourable gentleman but if he desires to go on much longer I think I had better adjourn for the usual lunch interval.

Pandit Madan Mohan Malaviya: I did not know, Sir, that the time was flying so rapidly. As it is I have to go on for some time yet.

Mr. President: I think I had better adjourn and the Honourable Member can resume after the lunch interval.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Chairman (Mr. K. C. Neogy) in the Chair.

Pandit Madan Mohan Malaviya: Sir, I wish to draw attention to the extravagance in military expenditure from two points of view; from the point of view, firstly, of comparing it for a while with the expenditure on the Army in Japan, and secondly, from the point of view of further economies being brought about in that expenditure. As regards the first, with reference to the opinion expressed by the Honourable the Finance Member about military expenditure in Japan, in support of what I urged in the earlier part of the day, namely, that expenditure on the army in Japan was economical, let me read a passage from an article on Japan in the *Encyclopædia Britannica*, in which I find it stated as follows:

"From 1872-1896, the ordinary expenditures of the Army varied from three-quarters of a million sterling to 1½ millions, and the extraordinary outlays ranged from a few thousands of pounds to a quarter of a million. Not once in the whole period of 25 years—if 1877 (the year of the Satsuma rebellion be excepted)—did the State's total expenditures on account of the army exceed 1½ million sterling; and it redounds to the credit of Japan's financial management that she was able to organize, equip and maintain such a force at such a small cost. In 1896, as shown above, she virtually doubled her army, and a proportionate increase of expenditure ensued, the outlays for maintenance jumping at once from an average of about 1½ millions sterling to £2¼ millions, and growing thenceforth with the organization of the new army, until in the year (1903) preceding the outbreak of war with Russia, they reached the figure of 4 millions. Then, again, in 1906, six divisions were added, and additional expenses had to be incurred on account of the new overseas garrisons: so that, in 1909, the ordinary outlays reached the total of 7 millions, or about one-seventh of the ordinary revenue of the State."

I find from the *Statesman's Year Book*, 1923, that the total revenue in 1923 was 1,482 million yens, and the expenditure on the Army was 196 millions. That is between one-seventh and one-eighth of the total revenue. I am surprised therefore that the Honourable the Finance Member should have been led into thinking and saying that the expenditure in Japan on the army was high.

The Honourable Sir Malcolm Hailey: He was speaking of defence expenditure, which includes the army and navy.

Pandit Madan Mohan Malaviya: It will take further time to go into the question of navy. But, as the Honourable the Finance Member referred to the army, I have referred to it and I leave it at that.

The Honourable Sir Malcolm Hailey: He used the word "defence" (An Honourable Member: "The defence expenditure in Japan is six times higher than in India.")

Pandit Madan Mohan Malaviya: When we have the control of our country as the Japanese have control of their country, I expect that our expenditure on these subjects will be much higher than what it is in Japan.

Now, Sir, I will turn to the question of how this expenditure might be reduced at this juncture, even so far as the present year is concerned. I am glad His Excellency the Commander-in-Chief is here now. The other day when I referred to the question of internal security troops, I did not have the privilege of His Excellency's presence in the House. I wish to say again, therefore, as I said the other day, that I have not yet understood why there should be 27,000 British troops retained for internal security. I urged nearly four years ago, when I had the privilege of appearing before the Military Requirements Committee over which His Excellency the Commander-in-Chief presided, that the expenditure of the army should be largely reduced by the adoption of a national system of defence and I urged further that the British internal security troops should be disbanded as they were not needed for the purposes of preserving internal security. I learnt the other day from the Secretary to the Army Department that the number of those troops now stands at 27,000. I should like to know from His Excellency or somebody representing him why the whole of these troops cannot be disbanded and why a saving of nearly seven crores and a half cannot be effected without reducing the number of fighting units. I understood His Excellency the other day to say that so long as he was responsible for advising the Government of India for the defence of the country, he could not advise the reduction of any further troops in the fighting units. I understand that view. But I request His Excellency to enlighten the House why the internal security troops cannot be disbanded either entirely or largely. I submit that they should be disbanded. I think it is a very great wrong to this country to keep 27,000 British soldiers in the country for the purpose of preserving internal security. I have asked on more than one occasion that there should be a statement to show on how many occasions the British troops have had to be called out in order to preserve internal order. My own impression is that they have been so utilised on very few occasions and I will contend that even on these few occasions it was really not necessary to call out these troops to preserve internal order. From that view I should say that these troops should be disbanded. If it should be necessary to add any further troops to the rest of the army for the purpose of internal security, I think they can be obtained by substituting, if necessary, a larger number of Indians in the place of the internal security British troops. In that way also I feel that the maintenance of the military expenditure at its present high level is not advisable. That is another ground on which I cannot support the proposal relating to the Finance Bill which is before the House. A reference has been made to the Indian Territorial Force. I fully know that His Excellency the Commander-in-Chief is anxious to develop this force and we feel grateful to him for the interest he has taken in it. But our contention has been, and it is to-day,

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that the measures adopted are inadequate, that they are very unsatisfactory from the point of view of experiment and of satisfying the sentiment of the Indians to a certain extent. But what is needed is a policy which will give us a larger Indian army, which is the only way of making an effective reduction in expenditure on the regular army. Towards that end a larger policy is demanded. So far as the college at Dehra Dun is concerned, we are grateful for its establishment, but the feeling among us is that the college should be better equipped, better developed, should impart education which any cadet needs in order to qualify him so as to take up an officer's post in the army in India; that a few, not all of them, may, after a time, be sent to England for further training there, but that the main portion of the training should be completed here and should be imparted to a much larger number of young men than is the case at present. The college should be expanded into a military college which should be expected to meet the requirements of training Indians as officers of the Indian Army in full measure. If that is done it is true that it will not help to reduce the Budget at once, but it will in future years, and if a policy like that were adopted, we would feel that we had some satisfaction and that we should support the Budget to some extent for the present.

The third ground on which I regret I must refuse to support the Finance Bill is the want of confidence that many of us feel in the Government of India as at present constituted. I have dwelt in the previous part of the discussion on two aspects, the constitutional aspect, namely, the defects of the Government of India Act and the necessity of revising it; in the second part I have dealt with the extravagance of the system of administration both in the civil and military departments. Now I will deal with the question of the want of confidence which we Indians feel in the Government of India as at present constituted. We feel that they have failed to protect India's financial interests; we feel that in regard to the question of the army the Government of India have failed to plead with the British Government to reduce military expenditure in India and also failed to save India from having to bear the burden of military expenditure, although the British Army in India is not merely for the purpose of protecting India, but also to maintain the prestige of the British Government in the Far East. We also feel that in the matter of the Lee Commission the Government of India have failed to represent to the Government in England, effectively, the undesirability of sending out the Lee Commission when the Assembly had twice made a protest against it. That is only one of many instances. Government may have protested; I hope they did; I do not know; but my point is, that as the Government of India are constituted, they are not able to protect India's interests in matters financial. The Secretary of State can borrow money without referring to the Government of India; can give increased pensions and allowances without the consent of the Government of India. As the Government of India are constituted they are not able to protect India's financial interests. We also feel that, as far as the financial management of the Government here is concerned, they have a very unsatisfactory policy. Finance Members have been appointed without sufficient consideration. Without meaning any personal disrespect, I should like to draw the attention of the House to some of the recent appointments in the Government, and the House will at once see the importance of the question to which I refer. You want a financier who can frame a national policy for India and who will have the strength to put that policy before Government and

have it accepted. But what has been the policy? How often has not one of the civilian members of the Government been appointed Finance Member? Without intending any disrespect to the Honourable the Home Member, I would recall that for some years he was Finance Member. It was at that time that we had that trouble over Reverse Council Bills. Of course he did his best undoubtedly according to his light. But the unfortunate part of it was the belief that was entertained by some Members of the Government of India and the Secretary of State perhaps that anybody who belongs to the Civil Service is fit to take up any appointment which he may be called upon to fill. In that view you appointed a gentleman who, although he was able to do the work in a way, was not able to understand the finances of India and protect them in the right way. We had therefore all these troubles, scandals and losses during his time. Now we have brought out a trained financier from England. I should like to say without any disrespect to the Honourable the Finance Member, who is a capable financier—I suppose he is as capable a financier as the Government of India could select at this time—that the main point we wish the Government to consider and represent to the Secretary of State is that, in order to protect the finances of India, an Indian financier should be appointed. My objection is not a personal one to any particular gentleman. My objection is that you appoint an Honourable gentleman to the most important office in the Government of India so far as the country's finances are concerned, and without his having a sufficiently long experience of the country, you put upon him the responsibility, the burden, the necessity, of balancing the Budget of India, of promoting economy in the expenditure of India, and of helping India forward financially in all the numerous directions in which national activities must go. Without the smallest intention to show any disrespect to the particular gentleman concerned, I say this is a wrong policy. You want at this juncture to select an Indian of outstanding merit as a financier and let him shoulder the burden, let him give you proof whether an Indian can or cannot manage the finances of India. I will not refer to individuals, I will not refer to personalities, but I have before my mind not one, but several Indians who could give an honourable account of themselves if they were asked to take up the responsibilities of the Finance Member of the Government of India. I think the time has come when, without any disparagement to the English Members who have held this office, without any desire to hurt their personal feelings, I should ask that the Finance Member of the Government of India should be an Indian, who could share the responsibility and the burden of administering the finances of his country.

You have an excellent example of the wisdom of such an appointment so far as the Military Department is concerned. You have Sir Bhupendra Nath Mitra as the Military Adviser to the Government in the Accounts Department; and I think His Excellency the Commander-in-Chief will bear testimony to the high worth which he has shown and the absolute trustworthiness with which he has discharged the duties of his high and important office. Is it impossible to find an Indian financier, an Indian business man, who has the whole experience of a life-time in India, who knows the needs of India, to take up this high responsibility? I think, Sir, it can be done and the fact that it has not been done is another matter for complaint with us.

The Government have failed in another matter which touches the people very vitally, namely, their personal liberty. We know that during the last three or four years the Government of India

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have not respected the liberty of Indians as they should have done as the custodians of the interests of the people. During the last three years a policy of repression has gone on in many Provinces. The Government of India were expected to restrain this policy, to call a halt to this policy. The Government of India have failed to do so. It is a matter which causes great grief to us that since 1921, only shortly after the reforms were introduced, there has been a wave of repression in this country which knows no parallel in the previous years of the existence of British-Indian administration. In this period men quite as honourable as any Member who has ever sat on the Government of India Benches, have been thrown into the jails, have been deprived of their liberty, have been subjected to hardships, for no other reason than that the Governments of some Provinces resorted to a repressive law which was meant for a time when bombs were flying about in Bengal, when anarchical crimes were going on in Bengal, and which was never meant to be used in these peaceful times. I refer to the Indian Criminal Law Amendment Act, Part II, of 1908. Under that law the Government of Bengal first acted under the impulse given to it by an English paper in Calcutta after the unfortunate events which took place in Bombay in 1921 on the arrival of His Royal Highness the Prince of Wales. We regretted those events; everybody regretted them. But while the Bombay Government kept its head cool, while the Government of Bombay did not introduce either the Criminal Law Amendment Act or any other Act to suppress the activities of the people at the place where these unfortunate occurrences had taken place, under the evil inspiration derived from an article which appeared in a Calcutta daily the Government of Bengal long before the Prince was due there introduced this Criminal Law Amendment Act into Bengal. Under the operation of that Act a large number of honourable Indians, at the head of whom stood Mr. C. R. Das, were prosecuted and imprisoned. No evidence was adduced that they had committed an unlawful act. The only evidence that was adduced was that they belonged to the Congress Volunteers and that the Congress Volunteers had been declared an unlawful association by His Excellency the Governor of Bengal.

Perhaps some of my friends might think that I refer to this matter—I have referred to it more than once—with a light heart. They would be wrong. Let me assure them that I refer to this matter with great grief, with great reluctance, and that I refer to it because I cannot forget the hardships, the indignity, the unjustifiable suffering to which a large number of my esteemed fellow-countrymen were subjected under the operation of this evil law which was applied, extended to Bengal without the smallest justification. It was next introduced into the United Provinces. Four days before the arrival of His Royal Highness the Prince of Wales, when everybody should have expected that the Government would relax their repressive policy, that the Government would do everything which was possible to conciliate the people and to induce them to offer the loyal welcome that they desired it to offer to His Royal Highness the Prince of Wales, the Government introduced this evil law into the Province. Under the operation of that law my Honourable friend Pandit Motilal Nehru and fifty-five other gentlemen who were sitting on the Provincial Congress Committee discussing the affairs of the Congress were arrested, prosecuted and imprisoned. Under the operation of the same law, many hundreds of others in the United Provinces were prosecuted and thrown

into jails, separated for months together from their wives and children, separated for months together from their business pursuits, and subjected to the indignity of being put into His Majesty's jails. The same evil policy was pursued in the Punjab. A few days after the introduction of the law in Bengal, the law was extended to the Punjab also. Remember, please,—the Members of this Council will remember that His Royal Highness was still somewhere in the Bombay Presidency, that it was a long time after he came that he went to Bengal, that it was a long time after he came that he went to the United Provinces, and that it was a long time after he came that he went to the Punjab. But during this interval the Governments of these provinces had put this law into operation and put thousands of respectable Indians into jails. One should have expected that this policy would soon be abandoned; but even after His Royal Highness bid good-bye to India, this policy was kept up, and to-day—I do not know if all the prisoners who were then imprisoned are yet free— but even to-day there are a number of persons who were either imprisoned then or who were imprisoned later under the provisions of this law, who are still undergoing imprisonment.

Section 144 of the Criminal Procedure Code was abused, misused, in subjecting a number of persons to undue restraint. Men going to preside over meetings were told that they could not do so; men going to deliver an address to the people were told that they could not do so. The Seditious Meetings Act was applied, and a number of persons were bound over under sections 107 and 108 of the Code of Criminal Procedure. Among the persons who were so imprisoned, I cannot forget Babu Bhagwandas, a scholar leading a saintly life at Benares, who was hauled up under section 107 or section 108 and who was subjected to all the indignity appertaining to that position. Now, this went on for a long time. Even now the Government have not withdrawn this enactment so far as some provinces are concerned. We have in this House expressed on more than one occasion our opinion that the repressive laws should be withdrawn. The House will remember that the Committee which sat on the Repressive Laws recommended that this law should be withdrawn, though they were of opinion that the law could not be repealed at the time when they reported; but from the passage which the Honourable the Home Member read to this House the other day, the House will remember that the Government contemplated introducing a Bill early in 1922 which would help them, according to their ideas, to repeal this enactment. The Government have not found time to give effect to that desire. Do they entertain that desire at this time to give effect to that desire? I do not know; I speak subject to correction, but the Government have certainly not introduced a Bill which was meant to enable them to withdraw the Indian Criminal Law Amendment Act. The Government have also not released political prisoners. They are undergoing imprisonment under various enactments. On the contrary, Regulation III of 1818, which the Repressive Laws Committee had recommended should be withdrawn, has not yet been withdrawn, and under the operation of that Regulation, I understand a number of persons in Bengal have been deported. This is the situation so far as the Government's action towards the people is concerned. I ask any Member of this House to point to any period in the history of the British Indian administration in which so many respectable persons, so many innocent persons, were prosecuted and imprisoned and subjected to indignities and hardships under the operation of laws which were never meant to apply to such persons,

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and to tell us then whether there is any reason why we should feel confidence in the Government of India as constituted at present. We have asked for the release of political prisoners, but the Government have not yet responded. Mahatma Gandhi who, as the Secretary of State rightly indicated, should not have been imprisoned, was released, because it was said that the doctors had advised that he should be released. Leaving that one case at that, we do not know whether any other political prisoner has yet been released. The House recommended the other day the release of Sardar Kharak Singh. We have not yet heard what decision the Government have arrived at in the matter; but he is not the only person about whom we are anxious. There are numerous persons, respectable and innocent persons, who are unjustly undergoing imprisonment, while we are having our dinners and our parties, and holding our receptions and enjoying life. It fills me with grief, it fills me with a sense of shame, that we should be unable to save our fellow men from this indignity and hardship; it fills me with a sense of grief that we should be unable to persuade this Government which have invited us to represent the people here, to adopt the right course in relation to these gentlemen who are unjustly undergoing imprisonment.

Now this is so far as liberty of association and speech is concerned. Even in this matter the Government of India, as it is at present constituted, have given further proof why we should have no confidence in them. I will refer to general situation arising out of the deposition of the Maharaja of Nabha. Since the Maharaja of Nabha is one

The Honourable Sir Malcolm Hailey: I am afraid I must protest.

Pandit Madan Mohan Malaviya: Protest to the Chair, not to me.

The Honourable Sir Malcolm Hailey: I am protesting to the Chair, and I hope the Chair will support me. It is improper to discuss on the floor of this House the merits or demerits of the Maharaja of Nabha or the action taken by Government in connection with what the Honourable Member called the deposition of the Maharaja of Nabha and what of course was his abdication.

Pandit Madan Mohan Malaviya: Sir, I should like the Honourable the Home Member, when he protested against this reference by me to the deposition of the Maharaja of Nabha, or his abdication as he puts it, to refer you to some rule or law by which this discussion can be shut out.

The Honourable Sir Malcolm Hailey: Legislative Rule No. 23.

Pandit Madan Mohan Malaviya: Sir, Legislative Rule 23 at page 67 refers to Resolutions. It debars a Resolution, it does not bar a discussion in this House relating to the affairs of any Prince in alliance with His Majesty. That rule says:

"Every Resolution shall be in the form of a specific recommendation."

Then it says:

"And no Resolution shall be moved in regard to any of the following subjects:

(b) Any matter affecting the relations of any of the foregoing authorities with any Prince or Chief under the suzerainty of His Majesty or relating to the affairs of any such Prince or Chief or the Administration of any such Prince or Chief."

If I was moving a Resolution, the Honourable the Home Member would have a right to raise this objection. I am not moving a Resolution. I submit, Sir, that I am entitled, that every Member of this House is entitled to refer to a matter of this character which affects any Ruling Prince who is in alliance with His Majesty the King Emperor.

The Honourable Sir Malcolm Hailey: Before you decide, Sir, perhaps you will allow me to quote the actual facts. You will find that in our Legislative Rules, we have certain restrictions on subjects of discussion which apply firstly to Questions and secondly to Resolutions. You will find those relating to the subject-matter of Questions in Rule 8, page 63. You will find those relating to Resolutions in Legislative Rule 23 which will be found at page 67. Now, both of those are identical in scope, obviously the intention being that certain subjects should not be brought under discussion. That is the reason why the Legislative

3 P.M. Rules place that restriction both in regard to Questions and to Resolutions. Now, the Rules do not, I admit, specifically provide anywhere any restrictions on subjects which may be discussed in the course of motions for adjournments or on Bills. But it has been invariably the practice in this House to apply those rules and restrictions which relate to Questions and to Resolutions to discussions on motions arising in the course, for instance, of the Budget debate or in the course of the discussion of Bills. That is the effect of the President's rulings given not once, but several times, lately in the course of our Budget discussion, and I submit, Sir, that they apply equally to a motion for rejection of a Bill such as has been put forward to-day. I ask you, Sir, to maintain that practice.

Dr. H. S. Gour (Central Provinces, Hindi Divisions: Non-Muhamadan): Sir, before you decide that question, may I draw your attention to the very rules to which the Honourable the Home Member has adverted? Pages 64 and 68, last clauses:

"If any doubt arises whether any question is or is not within the restrictions imposed by sub-rule (1), the Governor General shall decide the point, and his decision shall be final."

Then again on page 68, it is stated:

"The decision of the Governor General on the point whether any Resolution is or is not within the restrictions imposed by sub-rule (1) shall be final."

The Honourable Sir Malcolm Hailey: He resolves the President's doubt finally. The Governor General resolves the doubt which the President may feel on the subject.

Dr. H. S. Gour: Now, Sir, these two clauses therefore vest the final authority as regards the decision in the Governor General, and therefore, so far as the President is concerned, he is not the ultimate deciding authority. We are told by the Honourable the Home Member that it has been the practice of this House that the provision of these rules has been enlarged in practice during the last three years and that the discussion of subjects dealt with in these rules has been prohibited. Well, Sir, I speak subject to correction, I am not aware of any practice to that effect, and I appeal to you as an old Member of this House to refer to any practice embodied in any order passed by the President on that subject. I go further. Even assuming for the sake of argument that the President had given a ruling, with due respect to the President I submit that he could not whittle down the effect of the plain provisions of these Standing Orders upon which the Honourable the Home Member himself relies. The

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Honourable the Home Member admits that there is no explicit rule barring discussion. But, he says, that the spirit of these two rules has the effect of preventing a discussion as to matters upon which Questions and Resolutions are barred. I beg to join issue on that point with the Honourable the Home Member. It is a well-known provision of law that what the law does not prohibit, it permits, and therefore I submit that under the plain rules of construction, where the Standing Orders and rules do not prohibit, they permit.

Pandit Madan Mohan Malaviya: Before you give your ruling, Sir, I wish to draw your attention further to the point raised by Dr. Gour. The rules to which the Honourable the Home Member has referred specifically refer, one to a Question and the other to a Resolution. And the Honourable the Home Member has not been able to draw your attention to any rule forbidding reference to any of the Indian Ruling Princes in the discussions of this House. That is the first point.

The second point is, if I am not mistaken, that this very House did deal with the Princes' Protection Bill. That Bill was intended to confer protection on Indian Princes from the criticisms of certain newspapers. If this House was permitted to deal with that point, I cannot understand how the Honourable the Home Member can raise an objection to reference being made to any Indian Ruling Prince, either to his abdication or to any other matter. Besides that, I also submit that you have to consider what the situation would be like if the objection of the Honourable the Home Member is upheld. There are no prohibitions in the rules against a reference being made to any Indian Ruling Prince, and this is the only Legislative Assembly where any matter relating to Indian Princes could be discussed. My Honourable friend, Dr. Gour, further draws my attention to section 67 of the Government of India Act, which says:

"It shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of either Chamber of the Indian Legislature any measure affecting the relations of the Government with foreign Princes or States."

We were not introducing any measure laying down that the subjects of His Highness the Maharaja of Nabha should pay a certain tax or do something else. I wanted to refer to an event which related to the Maharaja of Nabha himself because he was a friend of His Majesty by a treaty. He has been dealt with in a certain way.

The Honourable Sir Malcolm Hailey: Before you give your ruling, I should like to draw your attention to two facts referred to by Dr. Gour and the Pandit.

Mr. V. J. Patel (Bombay City: Non-Muhammadian Urban): May I be permitted to refer to Standing Order No. 29 printed at page 83 of this Manual? You have got to distinguish between notice of Resolutions and Questions on the one hand and the right of a Member to make speeches in this Assembly on the other. The subject-matter of speeches is dealt with separately from that of Resolutions and Questions, and if you will allow me to read Standing Order 29 printed at page 83 of this Manual. It says:

"The matter of every speech shall be strictly relevant to the matter before the Assembly."

So the only question you have got to decide now is whether the subject-matter to which my Honourable friend, the Pandit, has made reference,

is relevant to question in issue. That is the question before us. The Standing Order further lays down certain limitations:

"A member while speaking shall not—

(i) refer to any matter of fact on which a judicial decision is pending; . . ."

That is not the question here.

"(ii) make a personal charge against a member;

(iii) make use of offensive expressions regarding the conduct of the Indian or any local Legislature;

(iv) reflect upon the conduct of His Majesty the King or the Governor General or any Governor (as distinct from the Governments of which they are respectively the heads) or any Court of Law in the exercise of its judicial functions;

(v) utter treasonable, seditious or defamatory words; or

(vi) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Assembly."

These are the only cases in which you can refuse my Honourable friend leave to refer to such matters.

(At this stage, Mr. President resumed the Chair.)

Colonel Sir Henry Stanyon (United Provinces: European): I also refer to the rule quoted by the last speaker, Rule 29, which lays down that the matter of every speech shall be strictly relevant to the matter before the Assembly. The matter before the Assembly is whether the Finance Bill shall be considered; but, leaving that aside, if the matter is of such a character as could not be included in a question or could not be made the subject-matter of a Resolution, then *a fortiori* no debate upon it should ever take place.

Pandit Madan Mohan Malaviya: In your absence, Sir, the Honourable the Home Member resorted for the third time to an objection that I could not refer to anything relating to the Maharaja of Nabha. He did not hear what I was going to say but has unfortunately shown nervousness every time I endeavoured to refer to this question. He has shown lack of courage, a charge which he brought against a fellow Member the other day. I wish he had the courage to hear what I was going to say instead of taking shelter behind a technical objection. But in this case even his technical objection will not bar what I am going to submit to this House and it is fortunate that you are here, so that we may proceed with the matter in a sufficiently rapid manner. I was giving my reasons for want of confidence in the Government of India as it is constituted, as a ground for my refusal to support the Finance Bill which is before the House. In doing so I urged that the Government of India had failed to protect the liberty of my fellow subjects and I was going to refer to the action which has been taken in relation to a number of my fellow subjects in British India at a certain place which is in Nabha territory, but my point of reference to-day is not the incident that took place, is not so much what happened at Nabha and the responsibility for it as the fact that a number of my fellow-men, who were the subjects of His Majesty living in British India, lost their lives and the Government of India have not yet instituted an inquiry, so far as this House is aware, except the magisterial inquiry to which reference was made the other day. I want to know whether I can or cannot refer to a question affecting the lives of so many of our fellow-men. I know that if in an Indian State an Indian subject of His Majesty was killed that would be a ground for the deposition of the Indian Prince who might have been instrumental in bringing about his

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death. I know that if a number of His Majesty's Indian subjects were unjustly locked up in the jail of some Indian Prince,—I mean no disrespect to any Indian Prince,—I am sure that matter could be raised and discussed here in order that the Government of India might take action regarding it.

Mr. President: The Honourable Member is wrong in his interpretation. This matter was raised in the Budget debate last year by my Honourable friend who is not here to-day, our present Deputy President. He proceeded to discuss a matter relating to the territory of an Indian State and I ruled him out of order and I adhere to that ruling now.

Dr. H. S. Gour: May I just point out what transpired during your temporary absence.

Mr. President: Order, order. I have nothing to do with what transpired in my absence. I may inform the House that any one authorised to occupy the Chair holds all the powers which the Chair possesses and is fully entitled to their exercise. No appeal could be made to me from anything that he ruled. I cannot be made a court of appeal on matters of which I have no cognisance.

Dr. H. S. Gour: That is exactly the point. When your predecessor occupied the Chair, the Chair had not given any decision. The matter was laid before him and before he could decide you resumed the Chair.

Mr. President: Even those facts are facts of which I was not aware until the Member informed me. I can only take cognisance of matters arising on points of order presented to me when I am in the Chair, and I have told the Honourable Member that this subject was raised last year in the Budget debate and I ruled that matters taking place in the territory of an Indian State are not in order.

Dr. H. S. Gour: I do not think my friend the Panditji has broken any rule since you returned to occupy the Chair. He has not done so. We were continuing a discussion which began during your temporary absence and the Pandit was merely referring to the discussion which was then proceeding. He has not mentioned that matter at all. The Honourable the Home Member objected to a part of his speech in which he referred to the abdication of His Highness the Maharaja of Nabha (*Pandit Madan Mohan Malaviya*: "The deposition.") Thereupon the Honourable the Home Member said he wanted a ruling from the Chair whether there was . . .

Mr. President: Is the Honourable Member now referring to what happened to His Highness the late Maharaja of Nabha?

Pandit Madan Mohan Malaviya: If you will kindly let me proceed, Sir . . .

Mr. President: Dr. Gour has put to me what appears to make a hypothetical point of order. If he is referring to the Maharaja of Nabha he is out of order.

The Honourable Sir Malcolm Hailey: That is the point I took exception to.

Pandit Madan Mohan Malaviya: With every deference to your ruling, Sir, you will permit me to enter my protest against the view that I am

barred from referring to any Indian Ruling Prince who is in alliance with His Majesty the King Emperor and whose subjects are moving into British territory and into whose territory British Indian subjects are moving.

With that much so far as the Maharaja is concerned. I will now come, Sir, to events here in British India. Those are that many residents of the Ferozepore district and of districts adjoining it are reported to have lost their lives when they were going to a Gurdwara which is at Gangsar. They were going there with the distinct and avowed object of paying a visit to the shrine and reading the holy Granth Sahib there; that in the course of that visit they were fired upon and they lost their lives. This House discussed this matter in an indirect way the other day and we had hoped that the Government of India would by this time have ordered a public inquiry by a committee which will inspire confidence to investigate the affair and find out how this happened.

Mr. President: Did these matters take place on the territory of an Indian State or not?

Pandit Madan Mohan Malaviya: One bad affair of the many to which I am going to refer happened in the territory of an Indian Prince. But there are many other things to which I am going to refer which did not happen there. For instance the march of the men through British territory and the loss of life which occurred in it. Some of them lost their lives in the territory of an Indian Prince, but several others lost their lives in British territory. They received their wounds in the territory of an Indian Prince and they were on their way to their homes in British territory when many of them died. Now, Sir, what was the number of the deaths that took place, what was the number of injuries that were inflicted,—we are not yet in a position to say, but their number was large. The other day you will remember, Sir, that one Mr. Day was unfortunately killed in Calcutta. His Excellency the Governor General expressed his great grief over the event, and rightly so, and expressed his sympathy with those whom the deceased had left behind. In this matter it has been alleged that the deaths that took place were many: we do not know whether they died exactly within the limits of an Indian Prince's State or whether they died outside, but there were many men who were residents of the Ferozepore district and other districts, and this is a fact about which there is absolutely no doubt from the inquiries I have made. Many men received injuries and some of them succumbed to the injuries they received. The Government of India have not, so far as I am aware, except for the expression used by the Honourable the Home Member that he deplored the event and the deaths—the Government of India, and particularly His Excellency the Viceroy, have not yet made any pronouncement which might show how the matter was being viewed by them.

Sir Campbell Rhodes (Bengal: European): In defence of the memory of Mr. Day I should like to point out that when Mr. Day was murdered, he was walking along Chowringhee alone, taking an early walk in the morning for the benefit of his health and that he was not connected with any agitation or anything of that sort.

Pandit Madan Mohan Malaviya: I am sorry, Sir, the Honourable Member has interrupted me. I mentioned that. I think the Viceroy rightly expressed sympathy with the man and his family. I grieve for his death, I deplore that anybody should have taken his life, I thought that was clear.

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but what I was going to submit, Sir, is that there were a number of our fellow-subjects living in British India, some of them have lost their lives, and several of them have received injuries, and an appeal has been made in this House to institute a public inquiry by a Committee which would command public confidence, which might sift the facts, and place them before the public. But the Government have not responded. The other day Captain Orr's unfortunate case occurred and we know that His Majesty's Government were prepared—at least that was the impression created by the papers—even to go to war with a neighbouring Prince, with an independent Prince, in order to vindicate the right of the British Government to see that their subjects are not maltreated, not exposed to death or injury by the subjects of another Prince or Ruler. Why . . .

Mr. President: I cannot allow the Honourable Member to proceed on those lines. It is obvious that, in substance, this is a matter which took place in the territory of an Indian State. There are many matters which are in order, so I must ask the Honourable Member to address himself to those.

Pandit Madan Mohan Malaviya: My point, Sir, is that the Government of India as they are constituted are not protecting the civil liberty of my fellow-subjects, and that is the point I am endeavouring to establish; and I say that when the Government fail to offer protection to their subjects, when they fail to make an inquiry even into what has happened to them, that Government cease to enjoy popular confidence.

I will now refer in the next instance to the question of religious liberty. But before I give up that point, I wish to say this also, that British subjects have every right in British India to discuss matters in British territory—outside this Council it may be for the present, for of course I must bow to your ruling—and British subjects have in British India every right to discuss matters relating to Indian Princes who are in alliance with His Majesty because British subjects in British India pay taxes, the taxes maintain the army, the army may be employed in fighting an Indian Prince or in supporting him, and therefore it is the inherent right of every British Indian subject to discuss matters relating to any Indian Prince. The Gurdwara Prabandhak Committee, which has its headquarters at Amritsar, is a religious body which represents Sikh religious public opinion. It thought it its duty to protest at Amritsar, not within the territory of an Indian Prince, against the action that had been taken by the Government against an Indian Prince. The Government seem to have taken umbrage at that attitude of the Gurdwara Prabandhak Committee. The Members of the Committee had only a short time before been declared by the Government to be representatives of a large body of the Sikh religious public opinion. On their having passed certain Resolutions condemning the action of the Government taken against a particular Indian Prince, the Government of the Punjab declared them to be an unlawful association. Under that declaration a number of members of the Gurdwara Prabandhak Committee are being prosecuted. I submit, Sir, that the Government should have stopped such prosecution, should have told the Government of the Punjab to withdraw the declaration in question and not prosecute anybody under the cloak of an Act which throws very little responsibility upon the Governor, which gives very little opportunity to those who are being prosecuted to establish their defence, because there is no other defence which is permissible in such cases except that they are not members of the declared

Association. Though there are other sections also under which they are being tried, this section should certainly not have been applied. They should not have been declared an unlawful association, and the Government, I submit, have failed to give them that protection in the matter of their civil religious liberty which they had a right to expect.

Lastly, Sir, the Government of India have not been able to protect the religious liberty of His Majesty's subjects in British India. It generally happens, Sir, that when Indian subjects of His Majesty go on a pilgrimage to any shrine or temple the Government do not give them up entirely to the mercy of those with whom they have to deal. And here I will submit that any British subject who is going on a pilgrimage to any shrine or any temple or any mosque, though it may happen to be situated outside British India, is entitled to protection from the Government of India through the Local Government in the territories of which the place of pilgrimage may be situated. This protection also the Government of India have failed to give to my Sikh fellow-subjects who were going to a religious shrine in order to perform their religious duties. Now, Sir, in all these matters, I submit, the Government have failed to carry the people with them. The Government have lost the confidence of the people and, so long as they are carrying on this administration in the manner in which they are carrying it on, I think it will be wrong on my part and I will not be doing my duty by my people if I lend them my support so far as the Finance Bill is concerned.

The situation has now resolved itself into this. I have shown that on the ground of the constitution as laid down in the Government of India Act being defective we have objection to supporting the Taxation Bill. I have fully described the constitution as it stands. I will refer to only one passage from the Report of Lord Durham which shows that the situation in Canada in 1834 was very much like what we find here under the present constitution of the Government of India. Before responsible government was introduced in Canada the situation there was very much like what we find here. Lord Durham in his report stated:

"The powers for which the Assembly contended, appear in both instances to be such as it was perfectly justified in demanding."

These are the powers which we want—the power to control our domestic affairs in the Home Department, in the Finance Department, in the Industries Department and all the other departments of the Government of India subject to such understanding as may be arrived at for a short period in relation to the army and navy and to foreign and political relations.

Lord Durham went on to say:

"It is difficult to conceive what could have been their theory of government who imagined that in any colony of England a body invested with the name and character of a representative Assembly, could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature. It was a vain delusion to imagine that by mere limitations in the Constitutional Act, or an exclusive system of government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator; while those laws were carried into effect or evaded; and the whole business of the country was conducted by men, in whose intentions or capacity it had not the slightest confidence. Yet such was the limitation placed on the authority of the Assembly of Lower Canada; it might refuse or pass laws, vote or withhold supplies, but it could exercise no influence on the nomination of a single servant of the Crown. The Executive Council, the law officers, and whatever heads of departments

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are known to the administrative system of the Province, were placed in power, without any regard to the wishes of the people or their representatives; nor indeed are there wanting instances in which a mere hostility to the majority of the Assembly elevated the most incompetent persons to posts of honour and trust. However decidedly the Assembly might condemn the policy of the Government, the persons who had advised that policy retained their offices and their power of giving bad advice. If a law was passed after repeated conflicts, it had to be carried into effect by those who had most strenuously opposed it. The wisdom of adopting the true principle of representative government and facilitating the management of public affairs, by entrusting it to the persons who have the confidence of the representative body, has never been recognised in the government of the North American Colonies. All the officers of Government were independent of the Assembly; and that body which had nothing to say to their appointment, was left to get on as it best might, with a set of public functionaries, whose paramount feeling may not unfairly be said to have been one of hostility to itself."

Now, Sir, that is very much the situation here with some alterations which I need not wait to emphasise. That is generally the situation in which this Assembly finds itself. Here we have got an Executive Government controlling the destinies of Indians. We are an elected majority in this House but the appointments in the Executive Government are not made after consulting the sense of this Assembly. The Members who sit on the Government Benches are entirely independent. They might insult us. They might flout public opinion. They might show the utmost disregard for the lives and liberties of His Majesty's subjects. They may treat them with contempt, and yet they can sit and draw their salaries and exercise the power which their positions give them. This is a situation which is entirely intolerable. I hope that these reasons will convince every Indian and many Europeans—if not all Europeans—that we cannot, situated as we are, lend our support to the Bill which has been brought forward by the Honourable the Finance Member. It might be urged, how will the affairs of the country be carried on? Under the enactment called the Government of India Act of 1919, the certification of any measure which the Viceroy is advised to consider desirable in the public interest is possible. We cannot lend our moral support and vote to the maintenance of this taxation unless the representatives of the people of this country have a voice in the expenditure of the money raised by taxation, unless we are put in a position to exercise the same rights and privileges which the members of every Legislature in the world exercise. Unless that is done we cannot support such taxation. I hope the reasons that I have given will satisfy every elected member of this House of the justice of the attitude I have taken, and I hope they will lend me their support in order that the present system may be ended as soon as possible, and that we may have a regular system of responsible government under which the representatives of the people, men who have the entire confidence of the people, may carry on the administration of the domestic affairs of this country. For these reasons I oppose the motion which has been put before the House by the Finance Member that the Finance Bill be taken into consideration.

The Honourable Sir Malcolm Hailey: I did not realize that the House would desire to close so early a discussion so interesting; but no one else has risen to speak, I assume, because Pandit Madan Mohan Malaviya has exhausted discussion. He has taken us, or those of us who cared to follow him, over a field of thought so wide that I hesitate to enumerate his topics; it is difficult to decide in my own mind whether he really desires that the motion for consideration should be rejected because we were opposed to

the Resolution for a Round Table Conference or whether it must be rejected because we have taken action in regard to the affairs of a certain Indian State; or whether it is something connected with the treatment of what are known as the Akalis; or whether it is something connected with some one or other of the almost innumerable wrongs which he laid to our charge over unnumbered years and in every sphere of our administration. (*A Voice: "Altogether."*) In one way I am not sorry, though for other reasons I might feel some kind of regret. I am not sorry that the Honourable Pandit has put forward this motion, for it has brought us once more to a clear understanding of the situation. I shall not go back as far as the Honourable Pandit; I shall not seek to refer to the history of the Congress for the last 39 years; but I shall content myself with what has happened in the last few months at Delhi.

Take the events which led up to the experience of those last months. We had had three years' experience in the previous Assembly of the Government of India Act. We found ourselves in association with men who were prepared to work that Act, and did so in good earnest. I repeat what I have expressed before, that India has real reason to be grateful to them. They showed how representatives of the public, working in co-operation with the Executive, but not in such co-operation as excluded full criticism and strong opposition where necessary, could effect great advance in popular legislation, and exert great influence over the whole course of the administration. That Assembly was dissolved. A large number of public men who had hitherto decided that they were unable to accept the terms of this Act, or co-operate in any sense in its working, then decided that they had been wrong in their attitude, and that they would come into the Assembly. Now I am not going to refer once again to the manifesto of October last. We have seen its terms a good deal, a great deal, quoted in England. We ourselves have been somewhat more chary of referring to it, because we had no desire, when once our friends had joined us here, to pin them down to the exact programme which they had set forth there. They had come in with us; we hoped that they would work with us; we desired no more; we limited ourselves to that position. But I confess, Sir, that we have from the first been in some doubt as to their policy. We began with what we now know as the constitutional Resolution. Admittedly that Resolution was put forward as a compromise between differing sections of our new friends. We found reasons why we ourselves could not accept it; the Home Government equally found reasons why they could not accept it. All through those discussions we were in doubt what it really meant. We were in doubt how far that compromise had gone. We were in doubt whether it was not really intended, after all, merely to cloak a desire on the part of many of our friends for a complete reversal of the constitution or something even more far-reaching. That debate ended; there followed the Secretary of State's speech in the House of Lords, which was received with considerable dissatisfaction by many of our friends in the Councils. We then proceeded to deal with the Budget. On the first day of the Demands for Grants the House united in throwing out four of our principal Demands. They stated that this had been done to demonstrate a principle. We were still unaware what principle they were demonstrating; we were still entirely unaware what their motives were; we were still entirely unaware whether this was some obscure form of co-operation, or was really a demonstration of an underlying but hitherto veiled desire completely to wreck the constitution. Then, for reasons which were equally obscure to us, there was next day a sudden change; we found the House prepared to pass our Demands for Grants, not without criticism, for they gave us much constructive

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criticism of the type which we have hitherto found to have a great effect on the administration. Day after day passed and I found the Honourable Pandit saying "Aye" constantly to motions which were put forward. Other Honourable Members who may be said to represent the extreme wing of his party, were, some of us noticed at the time, absent in different parts of this building

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): I hope the Honourable Member will make it clear which Honourable Pandit he means. I was lying ill in bed and was not in the House all through the debate.

The Honourable Sir Malcolm Hailey: Pandit Madan Mohan Malaviya.

Pandit Madan Mohan Malaviya: I did not catch what the Honourable Member said.

The Honourable Sir Malcolm Hailey: We thought then that the House at large

Pandit Madan Mohan Malaviya: My friend is mistaken, Sir, in thinking I said "Aye". I did not oppose the grants—that was all that I did. Except those that I definitely voted against, I did not oppose the grants. I do not remember saying "Aye" to any grant as far as I remember. If I did I did not intend to.

The Honourable Sir Malcolm Hailey: I am sorry that I thought he was saying "Aye"; but there were many grants at all events to which he gave his tacit blessing. We thought then that the House, having made what it deemed to be a demonstration, was once more prepared to advance to constructive work with us on the Budget. Now there is once more a sudden and equally inexplicable change; the Honourable Pandit comes forward with a clear denunciation of the whole of our policy in the past and a profession of total inability to accept the motion put forward by the Finance Member. His specific ground—I will take that as being his real ground—his specific ground is that we would not agree to a Round Table Conference. I will take the rest of his speech—and I must do so if I am not to be equally exhausting to the House—as having perhaps less direct reference to the real point at issue. I have been trying to probe in my mind the reasons which have led to this fresh sudden change of attitude. I have noticed of course that in many papers, which were formerly in the habit of supporting many of my Honourable friends, a series of severe and even acrid criticisms persisted in their course, that they should have thrown out the Budget as a whole, that they should not have voted a single grant—in fact, a good deal of scorn was poured on them. Is it that reason? (*Pandit Madan Mohan Malaviya:* "No.") Is that the reason that induced them to go back to the complete policy of wreckage of the constitution? (*Mr. Rangaswami Iyengar:* "Certainly not.") Then if they have not been influenced by a desire to get square with their newspaper critics, I must look elsewhere. I have noticed in many parts of the House a difficulty arising from the fact that an enhanced salt rate would provide means of relieving the Provinces of their Provincial contributions. But equally I know that there is some hesitation on the part of provincial Members in openly voting for anything like a Rs. 2 salt rate much as they might in their hearts desire it. Was it to catch their votes that this motion was put forward? Was the inducement

offered to them that, if the House were to throw out the Finance Bill as a whole, this would leave it to Government to certify at an enhanced rate of salt tax, leaving them the benefit of the rate without the responsibility of passing it? Was it really felt that it would be easier to take that course and thus to relieve provincial Members of the necessity of voting one way or the other? Is that the reason at the back of my Honourable friend's mind? This time no one interrupts me. Then again, I noticed that there were motions on the paper for reducing the salt rate to just a few annas, seven annas, eight annas, and the like.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): As a preliminary to the total abolition.

The Honourable Sir Malcolm Hailey: Was it felt by the Honourable Pandit Malaviya that it would be a much easier course to get a vote against the Finance Bill as a whole than to run the risk of a party defeat on the proposal to reduce the salt tax to seven annas? Is that his motive?

Mr. V. J. Patel: You cannot understand it.

The Honourable Sir Malcolm Hailey: No, I cannot; and no one has helped us with an explanation; but it is not my poor brain alone which has broken down under the strain of conjecture. I notice that the country has found equal difficulty in appreciating these tactics. Veteran politicians, versed in every constitutional art of Europe, have found it equally difficult to appreciate the tactics of my Honourable friends.

Now, Sir, what is it that the Honourable Pandit is asking. He is dissatisfied with our reply on the proposal for a Round Table Conference. I am not going again into that controversy; we have already, I think, justified ourselves on that score and I am willing to leave the verdict with the outside world; but I will go into the consequences of the action he proposes. He says clearly and explicitly that, so long as he is dissatisfied with the attitude of Government, he will not join in voting for any taxation at all. I see the Honourable Pandit nods his head. I am glad for one thing, Sir. It does not affect me personally, for I am about to enjoy a brief period of leisure, and during the month of May I hope to be in England. But I am glad for those Members who might otherwise have to travel through an Indian summer for a special session to consider a proposal for dealing with the Tariff Report; for the Tariff Report assumes legislation regarding our customs duties. Obviously, the Honourable Pandit and his party will not be prepared to assist in any operation of that kind. It is just an extreme statement of that description which brings home the real nature of the course which he proposes. The real fact is clear; and there is now no need to conceal it further, that the Honourable Pandit, feeling as he does that there is much that is wrong in our administration, has at last cast off all thought of co-operation of any kind with Government. He has joined that faction which is determined that it can only get its way by a complete wreckage of our present constitution with all its consequences to India and to the Empire. It may be a satisfaction to the more extreme section of the party which stood for that objective in the past, and which stands for that to-day, to secure him as a recruit; my own belief is, that on a calmer reflection, he will regret that he has given them that sort of satisfaction. It should be perfectly clear to him that there never was any real intention on the part of that extreme section of co-operating either with those Members who supported our constitution in the past or with those who stand for the

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constitution to-day. It should be perfectly clear that that section which announced that it would secure its way by civil disobedience, which announced that it would secure its way by mass movement, with all its consequences of disorder and disaster, has never changed its ideals and has never changed its methods. Then I am astonished to see that one who refused to join them in the past, decides to join them here to-day I should be still more astonished if those others who refused to join them in the past were to follow his lead to-day. For what does it mean? After all, let us look the facts clearly in the face. I am not going into any arguments as to whether we have rightly exercised or not that trusteeship which the United Kingdom has always felt that she had for India. I am not going here into the question whether that trusteeship was, as one Member took on himself to inform us, fraudulent. But there is no doubt that the British nation will not give further constitutional advance to India unless it is satisfied that the measure of advance given is likely to be worked to the real advantage of India. That is the bare and fundamental fact, and it will not be altered by any argument used here regarding the way in which the trusteeship of the British Parliament has been exercised. And I ask Honourable Members here to look that fact squarely in the face. The British Parliament after many years, as the Honourable Pandit Madan Mohan Malaviya pointed out himself, after many years of demand from India, at length started India on the road to responsible Government. It made its first step in the form of a transitional constitution. What does the Honourable Pandit and those whom he asks to support him propose to do to-day? He proposes to throw that constitution back into the face of the British Parliament. And he thinks that by doing so the day of responsible Government will be hastened. (Pandit Madan Mohan Malaviya: "Yes.") Then I pity his lack of political sagacity; for this is a question of statesmanship pure and simple. I have very deliberately, throughout this discussion, avoided any use of provocative or contentious language; I merely appeal to my friends here to view the facts in their true perspective and in their effect on India. It would be easy to use language in this respect which might rouse feelings of bitterness and resentment among my friends opposite; I have no desire to do so. I merely ask them to look at the facts dispassionately and with only one view, namely, will this or will this not help India forward on the path of responsible Government? Believe me, it is of little advantage to make a gesture or a demonstration of dissatisfaction if that in itself is likely to turn to your disadvantage or the disadvantage of India. It is exactly a gesture of dissatisfaction of this type, exactly a sign of impatience, exactly, if I may say so, a demonstration of irresponsibility, which will make it impossible for the British Parliament to consider a further advance. The King's Government has to be carried on. You are dissatisfied with the rate of constitutional advance; you do not aid in proving that advance justified; you simply refuse Government their finances. That is not responsibility. You refuse the taxation which Government have put forward, not because you object to it in itself, but for other reasons, knowing well that it will have to be certified under reserve powers, for otherwise the Government would come to an end. You shelter yourself behind the fact that others will exercise a responsibility, necessary and proper in itself, which you will not assume. You are offered the choice of different rates of salt tax; the decision lies entirely with you; but for reasons unconnected with the salt-tax you refuse to exercise that choice. That again is not a proof of responsibility. It is on that ground that I appeal to Honourable Members opposite to consider only the

one factor I am putting before them, namely, that to follow the Honourable Pandit Malaviya in this vote will inevitably set them back with the British Parliament. Now I know no section of the British Parliament which will be influenced in the slightest by such action. To two of the three parties in it I need not refer. But let me quote once again the words that were used by the present Premier as to the manner in which his party was likely to view action of this kind:

"No party in Great Britain will be cowed by threats of force or by policies designed to bring Government to a stand-still; and if any sections in India are under the delusion that that is not so, events will very sadly disappoint them. I would urge upon all the best friends of India to come nearer to us rather than to stand apart from us, to get at our reason and our good will. When an appeal is made to revolutionary methods, whether those methods are active force or passive force, a reaction towards the opposite extreme is bound to come, and men and parties of the most sincere good will are hustled off the stage, whilst the two forms of reaction—that of the Right and of the Left—kick and tear and sweat against each other until the failure of both has been demonstrated."

I never have accused my friends opposite of a desire to promote actual revolution. I do not desire to do so now. But they are joining a form of obstruction which may have disastrous consequences on the internal affairs of India and will undoubtedly prejudice their case with those who in the long run must dictate the pace at which India can advance towards responsible Government. And I ask them to hesitate before they follow the Honourable Pandit in doing so.

Pandit Motilal Nehru: Sir, I had no intention to take part in this debate, as I did not feel well and strong enough to do so. But the speech with which the Honourable the Home Member has just treated the House has inspired in me the strength which would otherwise be wanting. The Honourable the Home Member has on more occasions than one, during my brief experience of this House, by his special polemics shown himself to be a past master in the art which is usually practised by the whole of the Government of India. That art is the art of "divide and rule." We have seen on many occasions that the great argument which he has against any proposition which is advanced by this section of the House is to point out to those who he fears will follow us into the lobby and vote in favour of that proposition, the grave danger in which they stand if they do so. He is never remiss in pointing out to the non-Swarajists the dangers of their associating themselves with the Swarajists, to those who are not in the Nationalist Party the very grave and serious dangers of their joining or voting with the Nationalist Party; and to-day, Sir, we have witnessed an exhibition of that art almost to perfection. My Honourable friend has told those who are not for a wrecking policy to beware how they cast in their lot with those who openly and professedly, before they came into this Assembly, were wreckers, whose object was to make the Government impossible. He has reminded those who were very anxious and keen about seeing the Report of the Tariff Committee, that if they in any way lent their support to this party—he did not call it a party of revolution, but he said enough to identify this party with a party of revolution—if they identified themselves with this party they would have no chance to see the report of the Tariff Committee put into operation, there would be no taxation, the Government would come to a standstill, there would be no meeting of this Assembly and no discussion of the Tariff Committee's report. I need not go further into the various means which were adopted by my Honourable friend. I am here now to make as simple and as plain a statement as my Honourable friend has made on behalf of Government.

[Pandit Motilal Nehru.]

Sir, the position to-day is exactly the same as it was on the day when this session opened. My Honourable friend has refrained from criticising the Swarajist manifesto—I consider it to be one of the greatest honours that was reserved for me in my life to be the author of that manifesto—he has reserved his remarks thinking that thereby he was sparing me. To-day he referred to it only to say that enough had been said about it in the House of Lords. I repeat that that manifesto is a document of which I shall ever be proud. It is a document which clearly and unequivocally states the case of the Swarajists on which they sought election to this Assembly and the Provincial Councils. They adhere to that as their case to-day as Swarajists. I took pains to point out on previous occasions as to how it was that I, a sworn Swarajist, a confirmed Swarajist, was using the instruments and the means that lay at my disposal in this Assembly to push forward the national demand and to see what response that demand elicited from the authorities before whom it was pressed. I said in terms which cannot admit of any doubt that we had come into this Assembly, non-co-operators as we were, to offer you our co-operation, but on our own terms. Those terms were not dictated by a spirit of hostility to the Government but were considered in consultation with other friends who were not Swarajists. Those terms were put before the whole country and opinions were invited. All schools of thought, all shades of opinion concurred that we could not in the interests of our country put the national demand lower than what we had put it. Having satisfied ourselves as to the nature of the demand and the acceptance it had found in the whole country, we put it forward not on behalf of the Swarajists alone, not on behalf of any particular section but, as I submitted when I was moving my amendment to the motion of my Honourable friend Mr. Rangachariar, we put it forward on behalf of the country. I scrupulously and studiously kept back all ideas and all policies which are attributed to Swarajists as well as those which, though not attributed to them, are really theirs. I said that I was for the moment sinking my identity as a Swarajist, not because I had ceased to be a Swarajist but because I had adopted certain principles which were common to me and other sections of Nationalists. We adopted those principles in order to see whether there had been that change of heart in the Government for which we had been looking during the last four years. A minimum demand, a very reasonable demand, was accordingly put forward. It was carried by an overwhelming majority of this House, supported not merely by Swarajists, not merely by members of the Nationalist party but also by independent members who did not belong to any party. That clearly shows that, so far as this country is concerned, it was taken to be a real and national demand and not simply an extravagant demand made only with the object of provoking a negative reply and then assuming an attitude of hostility to the Government. Now what followed. After that demand was put through in this House, there was a speech by the Secretary of State for India in the House of Lords. That speech, I have already submitted, was conceived in a very good spirit but, when we came to look for the substance, we found that it promised nothing. It gave nothing except hopes for the future and pious wishes for our advancement. When I had the honour of addressing this House after that speech was received in this country, I made it clear that, however high the purpose of the Indian Government or that of the British Cabinet may be, we had long since ceased to be satisfied with high purposes and mere declarations of high purposes. What we wanted was action, something done along with the declaration of high policy.

We have been waiting for that. We suggested various things. Nothing has been done. Then, Sir, what did we do. This Budget came up. We made up our minds to throw it out, not as my Honourable friend the Home Member has put it, in pursuance of the policy of the Swarajists—I made that perfectly clear—but because, apart from being one of the methods which was in the minds of the Swarajists, it was also a well known constitutional method of putting grievances before supplies. This method being accepted by the party was put into operation. Now, on the first day we threw out all the grants that came up on that day. That was on Monday last. Then we met and we came to the conclusion that it was after all a farce first going into one lobby and then into another, spending the whole day in that way and with what object? The upshot would have been that, as soon as we had done going into and coming out of the lobbies, an order would come stating that His Excellency the Viceroy had been pleased to restore all the grants we had refused. I made it quite clear that we were not really refusing supplies, because it was not in our power to do so. We were simply doing all that we could do, that is to say, we were refusing to be any parties to the supplies which the Government of India wanted in order to run the Government of the country without consultation with us and without our having the slightest power to control the Executive. That was the idea. We made it clear. In coming to the conclusion we did, I am pleased to say that we were influenced also by the position of the Labour Government and by various other considerations. We thought that we had on the first day established the principle. My friend the Home Member says he has not been able to understand what that principle was. I thought I would be accused of citing matters of elementary learning when I cited certain extracts from well known books. In fact my friend the Honourable Mr. Chatterjee said that he knew those books 30 years ago, thereby implying that I was simply wasting the time of the Council in citing authorities of that character which were the A. B. C. of political science. I find, if my friend the Home Member will pardon me for saying so, that at least he has not profited by that elementary learning, because to-day he again stands up and says "I cannot see what principle has been established". I submit, Sir, that it is one of the oldest principles that it is the inherent right of those who can grant supplies also to refuse supplies. As I pointed out then, the reason why supplies are refused is that certain grave grievances have remained unredressed in spite of all the efforts, in spite of all the available remedies, having been used. Now, Sir, that was the principle which we wanted to establish. That principle is established in free countries not merely fictitiously as we were compelled to do here, but really and in actual fact. In those countries supplies are actually refused and the Government really comes to a standstill if they are refused. I admit it that we are not capable of achieving any such results in this country. But at any rate the least that we can do is to say that we shall be no parties to granting supplies. We adopt that procedure, for what it is worth, to have as much effect as it can possibly have having regard to our disabilities.

Then, Sir, I made a statement before this House after we came to the conclusion I have referred to. I made the statement that we had established the principle according to our own judgment—of course opinions must differ—I do not expect that the Honourable the Home Member will agree with us on that point; and I said that we shall leave—I have not got the exact words before me, but I remember having said that we shall leave the discussion on the remaining grants to take its ordinary course, and such

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of our friends as were interested in discussing those grants on the merits, such as had studied them, would take part in the discussion. I confessed at the time and I confess now that I did not study any part of the Budget from that point of view; the other Members did discuss it and thereby showed that we are not here, as Lord Olivier put it, like children who refuse to play. We know how to play, and we showed we could if we chose to criticise the Budget and, on the question of principle the rejection of the first four grants was taken to be enough. It has been suggested by the Honourable Home Member that this is a sudden change of attitude. Is it a sudden change, as he calls it? After having sent in amendments for the reduction of the various taxes, this apparently sudden change, says the Honourable the Home Member, is due to certain adverse criticism which has appeared in the press. Now, Sir, there has been both adverse and favourable criticism. Perhaps the Honourable the Home Member has an eye only to adverse criticism, but criticism of any kind has nothing whatever to do with the real merits of this proposition. Suppose, however, that it is adverse criticism which has led us to raise the present question and which led my Honourable friend, Pandit Madan Mohan Malaviya, to move the rejection of the Finance Bill—does that fact in any way detract from the soundness of his arguments, if they are sound on the merits? But, Sir, I deny that any amount of adverse criticism could in the least affect us or our attitude in this matter. We are here representing our constituencies, representing the people of India; we are here to do our duties regardless of anything that might be said in this House or outside this House. We are here to do our duty according to our own lights, and we cannot do any better.

Now, Sir, after the discussion of the Demands, we have here the Finance Bill confronting us. What is our position in regard to that? I should like to know what the Honourable the Home Member expected it would be? I am sure he did not expect us to say "Aye" to the motion. He might have heard "Ayes", as he did in the case of my Honourable friend, Pandit Madan Mohan Malaviya, who informs us he never voted on any of the Demands. It is obvious that the Finance Bill, as it stands, could not possibly have our approval. Well, if it did not have our entire approval, was it merely the amendments of the various clauses proposing reductions of the various taxes that would have satisfied us? Was that all we wanted? Now, Sir, what reason had my Honourable friend to make that guess? After the statement I made that these Demands will now be discussed in the ordinary course no division was called for during the whole of the debate on the remaining grants with the exception of two. All the Demands were discussed and finished. The whole idea was to put forward all the objections that could be raised on the merits. Now what was happening in the meanwhile? Barely 10 minutes had elapsed since I had sat down on Tuesday last after making the statement which has been referred to, when a cablegram was seen on the notice board of the Assembly stating that Professor Richards, M.P., had answered in the affirmative a leading question put by a member of the House that it was not the intention in any way to interfere with the ten years' programme laid down by the Act. The words of the Under Secretary were "That is the position" or "That is exactly the position" or something of that kind. Now, Sir, that was the first experience that we had of the change of heart immediately after I had made that statement. Day after day

elapsed and there was no sign of a Committee, a Parliamentary Committee, or even a Departmental Committee to be appointed by the Government of India. Not that a Departmental Committee would have satisfied us but I mention it to show that even the least thing that they could do was not done. And what do we find to-day? When we come to this House we find—not that we did not expect it—the very first announcement made is that the Demands that had been refused have been restored. Two or three days previously in the last issue of the Government Gazette we were treated with another little warning in the shape of new rules. What are these new rules? It has been in a manner admitted by the Honourable Sir Henry Moncrieff Smith that the Government have taken the power which the existing rules did not give them, but he said it was a power derivable from the Government of India Act and was rightly derived from it. He was further questioned as to what the Member in charge of a particular Bill might do and it was pointed out to him that after amendments to a Bill had been allowed by the House and the Bill as amended was about to be put to the vote of the House, there was nothing to prevent the Member in charge from getting up and saying "Thus far and no further. Wait, I am going to get a recommendation from the Viceroy and you will have to follow that recommendation. If you do not, then a certificate will follow." It is said that these rules had been under consideration for the last two years. I do not doubt that statement but they were sent to England only in November last, which is after the date of the manifesto which has been so much talked about. It is permissible to have a shrewd suspicion that they were meant as a counterblast, as something to meet the situation which would be created if that manifesto were to be acted upon. But what is our position after the passing of those rules? We are mere automatons here; a button is pressed in the Government House and the marionettes of this House begin to dance. That is the true description of this House. We may pass amendments, we may be ready to pass a Bill as amended, but at any time it may be taken away from our hands and the Government may do as they please and call upon us to pass it as recommended by the Viceroy.

Now, Sir, these things have happened, besides the criticism in the newspapers to which the Honourable the Home Member has referred and these things have had their due weight with us. We gave enough time at least for some indication of the mind of the Government and of the manner in which it was proposed to deal with our proposition but we have been told up to this only one thing and that is that the Government pin their faith to the Government of India Act as it stands and are not prepared to consider the revision of that Act by the appointment of a Royal Commission or a Round Table Conference. I wish to say one word about this Round Table Conference. The whole thing has been misunderstood. I tried my best to explain the position in my speech in support of the amendment to Mr. Rangachariar's proposition. I said that this Round Table Conference was to be a representative conference of every conceivable interest in this country; that we wanted all of us to put our heads together and devise a constitution which was best suited to the genius of the people and the requirements of the country. That did not mean that we were going to slavishly follow any Parliamentary system adopted in a particular part of the world. It was for the representatives of the people to come together and the very first thing they

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would have to do would be to decide whether any of the existing systems which have been tried in America, in England or elsewhere, or an imitation thereof would be suitable to this country or not. Our position in regard to the Government of India Act, Sir, is that it is a false beginning. You assume too much when you say to us, you people of India will have to train yourselves in parliamentary institutions before you aspire to have parliamentary rights. Your conception of parliamentary duties, parliamentary rights and parliamentary procedure may be quite different to what the genius of the people might dictate to its representatives. It is not a matter which could be disposed of in a day or two, in a week or two weeks or even in a month or two months. It requires very careful deliberation by all the members of the Round Table Conference, perhaps the taking of evidence, and a number of other things. It was not, as easily supposed, something in the nature of asking for an immediate grant of responsible government, but it certainly was a demand for an immediate admission of the claim to responsible government. That was not the same thing as actually giving or establishing responsible government. Now, Sir, it is stated in the report of the speech of Lord Olivier which I have before me:

"We claim to know by centuries of experience in Europe and America the laws and conditions indispensable for the stable working of that system, which is not native to India."

"That claim admits the whole of my case. I do not want a system which is not native to India. What I want the Round Table Conference to determine is a system which is native to India and of which you have no experience in Europe or America. Your experience of centuries of Europe and America will not avail you in the least to find out what system is native to India. Lord Olivier goes on to say:

"And it is perfectly plain to us that those conditions are not established in India and cannot be established in a few months by this kind of deliberation at a Round Table Conference, or the premature appointment of a Commission under the Government of India Act."

That is a misconception of the whole case. We do not want this Round Table Conference or a Royal Commission to, as it were by magic, create conditions which do not exist in this country. We want to investigate the conditions which do exist in this country, and with full regard to these conditions and the capacity of the people, we want this Round Table Conference to arrive at a system of government, which may turn out to have many things in common with the parliamentary systems you know but not necessarily so. That, Sir, was not a thing as to which anybody could say offhand, "Oh, we are not going to consider it at all". But that is in effect what was said, and therefore we said we were thoroughly dissatisfied. Now we are told that, whatever we may say, whatever we may do, the British nation will not give any further advance unless it is satisfied that such advance will be for the benefit of the country. That is said to be the plain fact and it means that the British Parliament must in all events be the sole arbiter of the measure, the manner and the time of each advance. Now, that is a proposition, Sir, which we cannot accept, and as long as you insist upon that, so long we shall insist upon the contrary. Meanwhile whatever means are available to us we shall employ them if they are legitimate and peaceful means. We have come here to employ the means which are available to us under the Statute and under the rules, and so long as we employ those means you cannot refer to such

action as may possibly be taken or is being actually taken outside this House. We are here Swarajists and non-Swarajists, members of the Nationalist Party, to stand upon our rights as representatives of the people—rights which we derive from the Statute itself—and which we can only exercise within the four corners of the Statute and within the rules. And, therefore, so long as we are here, we must, if we want to do our duty, conform to the Act and to the rules. That is very different to what we may do outside but you cannot say, "Oh, you have changed yourselves". We have not changed ourselves at all. It all depends upon the surroundings and upon the circumstances. I said plainly and unequivocally in my first speech in this House addressing myself specially to the Treasury Bench—"We are here to offer you our co-operation, accept it if you like, and if you do, we are your men. If you do not, well we shall go out—you call it the wilderness, be it so; we shall go out into the wilderness but we do not in the least intend to deviate from the line of policy which we have laid down for ourselves outside this House." I submit it is not fair for the Honourable the Home Member to rely upon the policies and the lines of action which are open to us and which we do not mean to abandon—to rely upon them and ask those who have made up their minds as to the reasonableness of the demand which was put forward by the nation and the unsatisfactory nature of the response which has been given by the Government not to join the Nationalist Party. Given that the demand is a reasonable one, given that the answer is a most unsatisfactory one, there is open to us no other policy, no other principle, no other doctrine than the one we have adopted and no hair-splitting arguments can avoid the inevitable result that we must refuse supplies. That is what we have agreed upon and everybody knows it. The Honourable the Home Member said he is not aware of the constitution of this party. He has read all the adverse criticism of their action but not the rules of this party which have been published from time to time; even the names of the members have been published—there is no secret about it.

Now, Sir, I do not want to take up much more time of the House but would like to make one or two observations before I sit down. I have been at great pains to discover the meaning of certain very simple English words and have often wondered whether they retained the same meaning as I was taught at school and college, which they still retain in the dictionary, or whether they should be more properly used in a sense which is not explained in the books. What is said is "If you act in a particular way you are irresponsible; the Government would take it as a demonstration of irresponsibility". Now, Sir, I thought that responsibility arose out of a man's own action, his own word, his own deed. How is one man responsible for another's words or deeds, I fail to see. It is you who frame your Budget; it is you who raise the income, it is you who regulate the expenditure, and you say "If you do not say 'ditto' to what we say or do you are an irresponsible person". And then it was said—my Honourable friend the Finance Member said—that we shall by not acting as we are told be proving our unfitness for our duties. Now, Sir, however able my Honourable friend the Finance Member may be in his finance, I do not think he has any right to tell me or any other Member of the House that we are not fit to discharge our duties as Members of this House. I do not pretend to be an expert in his line, but there are things in which I think my Honourable friend will not pretend to be any better than I. But what is fitness? Fitness here means, if you see eye to eye with the Government, you are fit for responsible government. If you do certain

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things which will please the Government, you are fit. I should have considered our fitness in relation to the people whom we represent, and not in relation to the Government. Whether we are fit to represent them it is for them and not for the Government to say.

Then, Sir, there is much talk of political responsibility. But I ask can there be any political responsibility without political rights in the particular department in which responsibility is cast upon a particular person?

I will not now detain the House any longer, but would like again to make it perfectly clear that what we are now doing is being done not because we have changed our minds by reason of the adverse criticism or the taunts that have been levelled at us in this House and outside it, but because we have now given up all hope of our demand being conceded. There is no sign that there will be an early compliance even with what little was foreshadowed in the speeches in this House and in the House of Lords. What we are doing, I say again, merely amounts to the strongest protest we can make. We are using the strongest weapon available to us. We can do no more. I expect that in the step proposed to be taken the House is with me—I beg the House to vote with one voice in support of my Honourable friend Pandit Malaviya, and to reject the motion to take the Bill into consideration. It will then not be necessary for us to go into the amendments proposed which were put in as a matter of ordinary precaution. My Honourable and learned friend the Home Member has misunderstood the object of the amendment. We put forward a proposition as the first to be considered. That proposition is the best, the most suited, the most liked. If that fails, as a precautionary measure, we put in a certain number of subsidiary propositions. That does not mean that the latter by reason merely of being put in first contradict the former or weaken our position when we support the main proposition. Sir, I hope I have made my position clear and I do not wish to detain the House any longer. I beg all the Members or at least all the elected Members of this House to vote in a body in support of Pandit Madan Mohan Malaviya's contention against the motion.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I rise to support the motion that the Finance Bill be taken into consideration. I need hardly assure my Honourable friends, the two esteemed Pandits, that I rise to support this motion with a heavy heart but after full conviction and with full determination. I have said on previous occasions, either when criticising Government or speaking on political Resolutions of other sorts, that, when the occasion arises, it is the duty of every person in this House to face it according to the best of his convictions. I feel, Sir, to-day that the occasion has arisen when I ought to, despite it be my misfortune to differ from several esteemed Members of this House, I mean especially the Indians. I ought to say frankly what I consider to be the undesirable results if this motion is carried and ask the House to give consideration to what I put before them. We are discussing the motion that the Finance Bill be taken into consideration. Most of the speeches on this motion have gone on lines which may justly be called more political than economical or purely financial. This perhaps is in keeping with the general atmosphere which is prevailing in the country and the general atmosphere which has prevailed in this House since we met here. There is a wide awakening in the country that the form of the

Government, the details regarding the constitution, and the other details, are not such as can meet with the approval of the country. The country at large has no patience with it. The country demands that an onward march be made to the next stage of progress. It is, therefore, only right that, when persons of the standing and of the sobriety of my esteemed friends, the two Pandits, get up to oppose this motion, perhaps for the first time since the Indian Councils ever met, an attitude which will rank as one without parallel till now at least with the Central Government, they should put before the Assembly what they consider to be the main underlying reasons why they recommend the House to reject the Finance Bill. May I, Sir, therefore, also ask the House to excuse me if I do not give my support to the motion that I rise to support from the point of view either of economy or of finance. The Honourable Pandit Malaviya, Sir, has told the House at great length and in great detail the number of grievances under which India is smarting to-day. To few of those would I take exception; with many of those I would agree. In fact, I have myself ventilated some similar complaints before now. But what is the relief, Sir, that is being sought to-day? The relief that this House is recommended to seek to-day is in the direction of refusing what is called the sinews of war, when this House, as a whole,—rightly or wrongly, according to the opinions of some Members of this House—voted the Budget. Having voted the Budget, I feel that it is hardly right to refuse the means by which you get the sinews of war, the means by which you get money on a basis of taxation which has been prevalent for 1, 2, 3 or 4 years in the past. For, in the Finance Bill, as far as I remember, there is no proposal to increase taxation this year, and I submit that, if the suggestion of my Honourable friends, the Pandits, is to be carried out, the country stands this year at any rate to lose, as far as the masses are concerned, more than to gain. I would be at once asked, "What is the remedy? How long shall we continue under these galling circumstances and restrictions on our powers?" The reply is not very easy to give. In fact, I cannot put my finger on a certain button and say, "Here is the remedy." But I should like, Sir, to put before my friends here in this House one aspect of the situation as it strikes me and which gives me just a tiny little ray of hope, if you like to call it so. Till now, India has had experience of Liberal and Conservative Governments in power. Only two months back has India had the pleasure of being governed from London by a Cabinet which consists of Labour Members. If I mistake not, the Resolution moved in this House to send congratulations to the Labour Cabinet had the hearty support of my esteemed friend Pandit Motilal Nehru. Not, Sir, that I rely very much on help from London. I believe much more in self-help. But if, after all, a little friendly push from London is necessary—and none here will dare say that it is not necessary—I think there is more chance of India getting it from the Labour Government and it would not be justifiable to despair simply because we did not fare better till now under the Conservative Government.

Pandit Motilal Nehru: My support was more an act of courtesy than anything else.

Sir Purshotamdas Thakurdas: May I submit, Sir, to the Honourable Pandit that even that act of courtesy would, I think, be very fully appreciated if it was followed by a little more patience

Pandit Motilal Nehru: It was an act of courtesy and an indication of good will.

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[17TH MARCH 1921.]

Sir Purshotamdas Thakurdas: And a little more confidence in the same persons. Sir, Lord Olivier's speech in the House of Lords has been criticised in the country as being extremely unsatisfactory. I think as an announcement by a Secretary of State from London, Lord Olivier's speech, as far as I am aware, strikes quite a different note from the speeches that we have been accustomed to till now from Secretaries of State in London regarding India. I do not wish to go into the details of it because the speech was delivered about a fortnight back and everybody must have thoroughly read and digested it. But I would like to point out that in that speech Lord Olivier does justice to India and Indian opinion in more directions than one, justice which till now was almost denied. May I, Sir, ask if it would be too much, if it would be a sheer waste of time and nothing else if I plead that a fair trial may be given to this Party in power or rather to this Party that is in office and not still in power? I am afraid the only reason for the recommendation before the House that this motion be rejected can be said to be impatience. It is not that I do not understand and do not appreciate the mentality of those who are impatient and who got impatient. In fact, I feel that it is most human for those who have been waiting and watching for so many years to get impatient. But, may I put against that, the reasons why a little more self-control and a little more patience may be exercised at this stage? For, Sir, if the Finance Bill is to be rejected, what is it that we are faced with? I leave aside the question or the charge that will be laid at our doors that we have been precipitating things and that we have shown undue haste. But we will surely be told that this Assembly voted supplies and refused to vote the money with which to carry out those orders of the Assembly. Am I asking my Honourable friends too much if I ask them to consider whether this step of theirs will not give one more handle to those die-hard, —and that there are many nobody will deny,—who revel in misrepresenting India and in misrepresenting India's ambitions and India's aspirations in the wrong way in London? Is that not to be counted with, and is that risk to be completely overlooked?

Besides these three points, there is a fourth one, a more concrete consideration which I would like the House to consider. If the Finance Bill is not to be considered by this House, the result will inevitably be, more or less certainly, certification, and under that certification, unless His Excellency the Viceroy chooses to certify the salt tax at Rs. 1-4-0, the salt tax would be certified at Rs. 2.

Mr. V. J. Patel: On his own responsibility.

Sir Purshotamdas Thakurdas: On his own responsibility, my Honourable friends says. I am afraid many things have been done by the Government of India this session on their own responsibility, but there the thing stands. If the salt tax is certified at Rs. 2, it means an avoidable twelve annas more for the salt consumer as this House can fix and can ensure Rs. 1-4-0 per maund and no more.

Mr. V. J. Patel: There are higher considerations.

Sir Purshotamdas Thakurdas: And I have referred to many of the higher considerations. Now, Sir, this, in round figures, would amount to between 3 and 4 crores of rupees. So strong I understand were the feelings of the last Assembly and so great is the solicitation of practically this whole House, as far as I have been able to judge it till now, regarding the salt duty being as low as possible, that I feel that if we can just help the lowering of the salt duty to the figure of Rs. 1-4-0 which we can easily do, it may be worth while perhaps to consider this Finance Bill. I am not, Sir, refer-

ring at great length to the other consideration which also ought not to escape the attention of this House. For instance, there are one or two very important amendments which are necessary in the Finance Bill, especially in connection with the gold thread import duty which Government proposes to put down at 15 per cent. and which if retained there will positively kill that industry which has barely begun to find its legs during the last year or two.

I confess, Sir, that the position in connection with the political outlook in India is most difficult. I admit, and I think it will be generally admitted, that it is one without a parallel either in this part of the world or perhaps in the whole world. For a number of years we continued to pay taxes without representation. Now, Sir, we are having representation without responsibility. We have been asking Government to couple the representation that we have with more responsibility, and the delay that is occurring in this is telling heavily upon India and upon Indians.

I have been told—we have heard it before now and I am sure every Member of this House wants it—that what we aim at is bloodless revolution and peaceful evolution. I heard from some Honourable Member the other day that that is our goal. May I ask, Sir, if in order to attain these, namely, peaceful evolution with bloodless revolution, it is too much to ask that statesmanship of the very highest quality be exercised and also patience and self-control. May I appeal to the House in the interests of India to exercise these and consider the Finance Bill on its merits.

Mr. President: The question is:

“That the Bill to fix the duty on salt manufactured in, or imported by land into certain parts of British India, to remit or vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, to reduce the import and excise duties on motor spirit, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax be taken into consideration.”

The Assembly divided:

AYES—57.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Aiyar, Mr. A. V. V.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chaudhri, Mr.
Allen, Mr. B. C.
Bahawal Baksh, Chaudhri.
Bell, Mr. R. D.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Butler, Mr. M. S. D.
Calvert, Mr. H.
Chatterjee, The Honourable Mr. A. C.
Clarke, Mr. G. R.
Cooke, Mr. H. G.
Dalal, Sardar B. A.
Dumasia, Mr. N. M.
Dunk, Mr. H. R.
Faridoonji, Mr. R.
Fleming, Mr. E. G.
Fraser, Sir Gordon.
Ghulam Bari, Khan Sahib.
Gidney, Lieut.-Col. H. A. J.
Hailey, The Honourable Sir Malcolm.
Hindley, Mr. C. D. M.

Hira Singh, Sardar Bahadur Captain.
Holme, Mr. H. E.
Howell, Mr. E. B.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Joshi, Mr. N. M.
Lindsay, Mr. Darcy.
Makan, Mr. M. E.
Moir, Mr. T. E.
Moncrieff Smith, Sir Henry.
Muhammad Ismail, Khan Bahadur Saiyid.
Nag, Mr. G. C.
O'Malley, Mr. L. S. S.
Owens, Lieut.-Colonel F. C.
Pal, Mr. Bipin Chandra.
Percival, Mr. P. E.
Pilcher, Mr. G.
Purshotamdas Thakurdas, Sir.
Rajan Bakhsh Shah, Mukfidum Syed.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Tottenham, Mr. A. R. L.
Turing, Mr. J. M.
Ujagar Singh Bedi, Baba.
Willson, Mr. W. S. J.

NOES—60.

Abdul Haye, Mr.
 Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aney, Mr. M. S.
 Belvi, Mr. D. V.
 Bhat, Mr. K. Sadasiva.
 Chaman Lal, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. Bhubanananda.
 Das, Mr. Nilakantha.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Govind Das, Seth.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Kartar Singh, Sardar.
 Kazim Ali, Mr. M.
 Kelkar, Mr. N. C.
 Kidwai, Shaikh Mushir Hosain.
 Kun, Maung.
 Lohokare, Mr. K. G.
 Malaviya, Pandit Krishna Kant.
 Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
 Misra, Mr. Sambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi Sayad.
 Mutalik, Sardar V. N.
 Nambiyar, Mr. K. K.
 Narayanas, Mr.
 Nehru, Dr. Kishenlal.
 Nenru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Phookun, Mr. Tarun Ram.
 Piyare Lal, Lala.
 Ramachandra Rao, Diwan Bahadur M.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Roy, Mr. Bhabendra Chandra.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Shafee, Maulvi Muhammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 18th March 1924.

APPENDIX.

Declaration by the Governor General in Council under section 67-A (7) of the Government of India Act regarding certain demands refused by the Assembly.

In pursuance of section 67-A (7) of the Government of India Act the Governor General in Council is pleased to declare that the following Demands which have been refused by the Legislative Assembly are essential to the discharge of his responsibilities, namely:—

Number of Demand.	Service to which Demand relates.	Amount of Demand refused by the Legislative Assembly.
		Rs.
1	Customs	71,84,000
2	Taxes on Income	61,32,000
3	Salt	1,06,55,000
4	Opium	2,07,31,000

A. C. McWATTERS,
Secretary to the Government of India.

DELHI,

The 17th March, 1924.

LEGISLATIVE ASSEMBLY.

Tuesday, 18th March, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock.
Mr. President in the Chair.

MEMBER SWORN.

Raj Bahadur Raj Narain, M.L.A. (Delhi: Nominated Non-Official).

QUESTIONS AND ANSWERS.

ASSESSMENT TO INCOME-TAX IN THE KANGRA DISTRICT.

873. ***Lala Hans Raj:** (a) Will the Government be pleased to furnish a statement of Income-Tax collected in the Kangra District from 1920 to 1924?

(b) Is it not a fact that there is no industry in that District except the industry of tea or any other organised trade?

(c) From what sort of people are the returns of Income-Tax being collected?

(d) Is it not a fact that in small towns and villages petty shop-keepers are assessed to income-tax?

(e) Is it not a fact that these shop-keepers are illiterate and cannot keep *Bahi khatas* of their daily sundry sales of small dealings and are hence unable to produce regular amounts of their annual incomes before the Income-Tax Collector?

The Honourable Sir Basil Blackett: (a), (b), (c) and (e) The Government have not this information and do not consider that any useful purpose will be served by calling for it.

(d) If any person is dissatisfied with his assessment he should appeal to the Assistant Commissioner.

EXTENSION OF THE TIME FOR THE GENERAL DISCUSSION OF THE BUDGET.

874. ***Khan Bahadur Sarfaraz Hussain Khan:** Are the Government prepared to recommend to His Excellency the Governor General that His Excellency be pleased to extend the time for the general discussion of the Budget from 2 to 3 days?

The Honourable Sir Basil Blackett: The point raised will be considered next year.

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DISPENSARY IN RAISINA.

875. ***Khan Bahadur Sarfaraz Hussain Khan**: Will the Government be pleased to state:

(a) Whether there is any Dispensary in Raisina?

(b) If not, are they prepared to keep one?

Mr. M. S. D. Butler: (a) There is a dispensary at the Construction Hospital, Raisina.

(b) This does not arise.

ACCIDENT ON THE ROHILKHUND AND KUMAON RAILWAY.

Mr. C. S. Ranga Iyer (Rohilkhund and Kumaon Divisions: Non-Muhammadan Rural): I desire to draw the attention of Government to the recent railway disaster on the Rohilkhund and Kumaon Railway as also the heavy casualties which have occurred? Will the Government be pleased to make a statement?

The Honourable Sir Charles Innes (Commerce Member): I am afraid, Sir, that I can add very little to what has already appeared in the press regarding this most deplorable accident, but I am very glad to have this opportunity of expressing on behalf of Government, and I am sure on behalf of every Member of this House, our sympathy with the relations of those who were killed in it and with the injured. We have been in communication with the railway authorities on the subject and the only additional information that I have got is as follows. According to the report received by the Railway Board:

"No. 7 Up Rohilkhund and Kumaon Railway mixed train while passing over the Ramganj bridge at 19 hours on the 14th March was struck by a severe cyclone. Five third class bogie carriages were blown over, two falling into the river and three on to the dry bed. Four of the five fell roof downwards and were completely smashed the passengers in them being imprisoned in the debris. Railway and district officers were at the scene of the accident within an hour and medical assistance accompanied the relief train. According to the latest estimate the casualties are, killed 24, injured 57. Of the latter two have since died in hospital as the result of their injuries. It is feared that there may be some further addition to the death roll in the case of the submerged carriages which have not yet been lifted."

Salvage operations are still going on and I am informed that they are being conducted in the presence not only of the civil officers but also of Members of the local Legislative Council. I have only to add that an inquiry into the accident has already been ordered and I believe is now being conducted.

Mr. C. S. Ranga Iyer: Was the bridge in a proper condition before the accident occurred?

The Honourable Sir Charles Innes: I understand, Sir, that the bridge was quite in proper condition and that the cause of the accident was a cyclone which blew the rear carriages of the train over the bridge.

Mr. C. S. Ranga Iyer: Are the Government aware that the Rohilkhund and Kumaon Railway, if I may say so, is one of the most rotten railways in Upper India, that the trains do not move at a greater velocity than a *Bail gadi* and that the railway equipment is not up to the mark? Any one who travels in that railway will I believe have that experience.

Mr. Gaya Prasad Singh (Tirhut Division: Non-Muhammadan): It cannot be worse than the B. N. W. Railway, Sir.

The Honourable Sir Charles Innes: The first thing I have to say, Sir, is that the Rohilkhund and Kumaon Railway administration cannot be held responsible for an act of God. As regards the statement that the condition of the railway is not good, I have only to say that the accident took place on a bridge which belongs to the Oudh and Rohilkhund Railway and not to the Rohilkhund and Kumaon Railway.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Will Government see to it, Sir, that adequate compensation is paid to the injured and compensation allowance to the families of those who have been killed?

The Honourable Sir Charles Innes: I am sure, Sir, that the railway administration will do whatever is proper.

Mr. C. S. Ranga Iyer: Will the Government be pleased to publish the full particulars about this accident after further inquiry and also the names of the gentlemen who either met with death or sustained serious injury?

The Honourable Sir Charles Innes: I think, Sir, the railway administration have done all that they can to give all the facts to the press and I have no doubt that they will continue to do so.

Diwan Bahadur M. Ramachandra Rao (Godavari cum Kistna: Non-Muhammadan Rural): Sir, I did not catch the Honourable Member's reply. May I ask him whether he proposes to hold an inquiry into the circumstances which led to this accident?

The Honourable Sir Charles Innes: Yes, Sir, the inquiry is now being held and will be conducted by the Senior Government Inspector of the Circle. A Magistrate will also be a member of the Court of Inquiry.

Sir Campbell Rhodes (Bengal: European): Sir, the question of which I gave private notice was practically identical with that put in by my Honourable friend, Mr. Ranga Iyer. I wanted the House to have the latest information, and I also wanted to give the House an opportunity, which has already been availed of, of expressing its sympathy with the relatives and the injured.

DISCOVERY OF A BOMB FACTORY AT MANIKTALA.

Mr. G. Plicher (Bengal: European): May I, Sir, ask the Honourable the Home Member if he has any additional information to give to the House regarding the discovery of a bomb manufactory in Calcutta, because the information in the newspapers is still extraordinarily deficient?

The Honourable Sir Malcolm Hailey (Home Member): I will ascertain, Sir, and if I receive any information, I will, with the permission of the Chair, give it to the House later in the morning.

UNSTARRED QUESTION AND ANSWER.

ANGLO-INDIANS, HINDUS AND MUHAMMADANS IN THE SUBORDINATE ACCOUNTS SERVICE.

213. **Haji Wajihuddin**: 1. Will the Government be pleased to lay on the table:

(a) A statement showing the number of Anglo-Indian, Hindu and Muhammadan candidates who were (i) admitted, (ii) declared to be passed concessionally, (iii) passed by merit, in the Subordinate Accounts Service examination held in November 1923?

(b) A statement giving the number of European, Hindu and Muhammadan examiners who examined the papers that were set in the last examination?

2. Is it a fact that the proportion of successful candidates to the number of failures is abnormally large in the case of Muhammadans? If the reply is in the affirmative, do the Government propose to investigate its causes and devise means to improve the situation?

3. Are the Government prepared to take immediate measures to remove the deficiency of Muhammadans in the Subordinate Accounts Service?

The Honourable Sir Basil Blackett: The Government have not got the information. They are making inquiries and the Honourable Member will be informed of the result in due course.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I have a Message from His Excellency the Governor General which I desire to hand in to you.

(Hands Message to Mr. President.)

Mr. President: Message from His Excellency:

"In pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, I, Rufus Daniel, Earl of Reading, do recommend to the Legislative Assembly that it do pass the Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax, in the form hereto annexed.

Dated March 18th, 1924

(Sd.) *READING,*

Viceroy and Governor General."

The Honourable Sir Basil Blackett: Sir, in connection with the message which has just been read to the House I desire to take this opportunity of explaining what the recommended Bill contains. It is in certain aspects identical with the Finance Bill which was considered or not considered yesterday, but it is an emasculated Bill which does not contain anything in regard to the Indian tariff with the one exception of the provision for duty on splints and veneers. The other proposed changes in the tariff have not been included. The clause in relation to the salt tax proposes to fix that tax at one rupee four annas per maund. And the explanation, Sir, of the changes that have been made is that the Bill now includes only such items as are, in the opinion of the Governor General, essential this year for the safety, tranquillity or interests of British India. With your leave, Sir, I propose, at the conclusion of the business which is down on the paper for to-day, to move for leave to introduce the Bill, and if that motion is carried, to move that its further stages be taken.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President: I have to acquaint the House that the assent of His Excellency the Governor General has been given to the following Bills passed by both Chambers of the Indian Legislature:

1. The Indian Cotton Cess (Amendment) Act, 1924,
2. The Cantonments Act, 1924,
3. The Immigration into India Act, 1924,
4. The Central Board of Revenue Act, 1924,
5. The Indian Penal Code (Amendment) Act, 1924.

THE COURT-FEES (AMENDMENT) BILL.

The Honourable Sir Malcolm Hailey (Home Member): Sir, I beg to move for leave to introduce a Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870. The Bill has been placed in the hands of Honourable Members together with a somewhat full Statement of Objects and Reasons. Our Act is an old one, it has been the subject of many discrepant judgments of Courts, and a further difficulty has been introduced by the fact that in 1920 judicial stamps became a provincial subject. There has therefore been a good deal of provincial legislation in regard to the Schedules. Our object has been to revise and bring the whole Act up to date; but we have had to recognize the difficulties that have been due to provincial legislation. Our object in producing the Bill has not been to increase its financial incidence; indeed we do not ourselves assume that it will have any direct financial effect. The work of drafting has been one of great difficulty, and I should like to express the obligations of my Department, and I hope it will eventually prove to be the obligations of the Assembly, to Mr. Percival, one of our own Members, who has put much time and labour into the task of revising the Act. It is of course not a measure with which we want to proceed in any haste. If the House accepts my present motion, I shall afterwards, at some suitable date, seek for reference to a Select Committee. Meanwhile, however, I should propose to publish the Bill and to seek the opinions of Local Governments on it in order that, when the Select Committee meets, which will I hope be some time before the September session, it should have in its possession the opinions that have been recorded by the Local Governments and by the Courts or legal bodies affected. Sir, I beg for leave.

Mr. President: The question is:

"That leave be given to introduce a Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870."

The motion was adopted.

The Honourable Sir Malcolm Hailey: I introduce the Bill.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

Mr. M. S. D. Butler (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be circulated for the purpose of eliciting opinion thereon."

Sir, when I introduced this Bill I explained its provisions, and the deplorable conditions which made its enactment necessary, in some detail, as the Government were anxious to sound public opinion before proceeding any further. I will read to the House what I said at the time:

"What we want"

I said:

"is to collect opinions and to get recognition of the fact that the evil does exist, for we know that, once it is recognized that the evil does exist, some way out of it is sure to be found if those who are interested in putting an end to it, put their heads together. I may say also that we do not propose to rush the Bill. There will be an interval for friendly and informal discussion with those who are most interested in the matter, and then when we have gathered the general sense, we shall decide what further line to take on the subject."

In particular, Sir, I promised to consult my Honourable friend, Khan Bahadur Sarfaraz Hussain Khan, who at the time expressed a little doubt as to the wisdom of bringing forward the Bill. Well, Sir, there has been a full discussion with various Members of an informal nature, and the feeling seems to be that, on its merits, the Bill is all right, and that it is a step in the right direction, though it will not prove a complete cure for all the evils. At the same time Honourable Members are anxious that they should have an opportunity of consulting their constituents before the matter goes any further. Government would of course have preferred to have got the Bill through this session, so as to prevent all, or at any rate most, of the hardship which is bound to be experienced again this year if the conditions of the pilgrimage of last year are repeated. At the same time, as I have explained, we do not want to rush the Bill, and we have therefore decided that the best plan will be to put up with the difficulties for another year, and to move that the Bill be circulated for the purpose of eliciting opinion thereon. I trust that in this decision we shall have the support of the House.

It only remains for me to appeal to Honourable Members to put the facts squarely before their constituents when they go to their homes. The facts are that the problem of destitution among pilgrims is increasing every year. In 1921 we had to repatriate $4\frac{1}{2}$ per cent. of the pilgrims who went to the Hedjaz. In 1922 we had to repatriate $8\frac{1}{2}$ per cent., and in 1923 the figure rose to $11\frac{1}{2}$ per cent. It is also a fact that a very large number of deaths do occur each year in the Hedjaz, and on the way back to India, through privation; and it is also a fact, which is vouched for by the Muhammadan community at Jeddah, that the name of the Indian pilgrim there has become a by-word. The good name of India is therefore suffering from the condition of affairs which prevails year by year in the Hedjaz. It is also a fact, which I think Honourable Members should also put to their constituents, that the three big pilgrim-producing centres, by which I mean Egypt, the Dutch East Indies and Malaya, all have a provision, which we do not have, by which pilgrims who start on their journey provide either by a system of deposits or of return tickets for their return. This being so, Government feel that really there can be no strong religious objection to the Bill we are discussing. If the other great Muhammadan countries see no religious objection, there seems to be no reason why India

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should see any. Finally, I have put to Members that there is a financial question involved. Hitherto Government have stepped into the gap, and have provided the necessary money to bring back the pilgrims who are left destitute, when private charity has failed, and large sums of money have been involved in this. Now last year the Standing Finance Committee of the Assembly, when Government went to it for money, raised objection to the expenditure of Government money on religious pilgrimages. The Members of the Committee took not only general objections, but urged that what was done for one community should be done for another, or that what was done at all. Government do not want to see this religious issue raised, but the difficulty is there, and I trust that when Honourable Members place the facts before their constituents they will also impress upon them that, if they do not see their way to compelling pilgrims to provide the money for their own return, they should devise some arrangement by which charitable funds will be available for providing for them. With these few words, Sir, I move the motion which stands in my name.

Mr. President: The question is:

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be circulated for the purpose of eliciting opinion thereon."

Haji Wajihuddin (Cities of the United Provinces: Muhammadan Urban): Sir, I am obliged to my Honourable friend, Mr. Butler, for the motion to have the Bill circulated for eliciting public opinion before referring it to Select Committee, or taking further steps on the same.

I think it my duty to put before the House my own experience with regard to the question. It will probably not be out of place, Sir, if at the outset I give a short account of the causes which have compelled the Government of India to introduce a measure of this nature.

As is well known to the House, Sir, a number of Indian pilgrims to the Hedjaz from time to time find themselves stranded at Jeddah after performance of the holy pilgrimage without means of subsistence and unable to return to their homes, for the following reasons amongst others:

1. Provision of insufficient money by the intending pilgrims.
2. Loss of currency notes, hundies and in some cases of return tickets, especially during the *ahram* period.
3. Monopoly of shipping by one or two recognised firms at high rates of fares.
4. Getting robbed by Bedouins or losing money in circumstances over which the pilgrims have no control.

In the past the situation has been met partly by private subscriptions and partly by the Government of India. For sometime things have gone on in this way and year after year we find the number of such destitute pilgrims increasing and long experience shows that these haphazard methods of repatriating the destitute pilgrims is not only inconvenient but also unsatisfactory.

So the Government of India, after consideration of the problem and after inviting the opinions of certain representative Muhammadans, issued a communiqué from Simla on the 1st June, 1921, seeking monetary assistance from the Muslim community and the Princes and Ruling Chiefs of Indian States for the object of repatriating destitute pilgrims and proposing to augment the contribution thus collected by a substantial grant.

[Haji Wajihuddin.]

A cursory view of the succeeding events shows that it proved a complete failure and during eight months the said funds could not be raised above the low figures of Rs. 8,000.

The Government of India, realising this failure, took the matter again in hand and suggested that by an enactment it should be made compulsory for all the intending pilgrims to purchase return tickets before embarking on the voyage so that only those who could bear the pilgrimage expenses at both ends might be granted the necessary passports. Consequently a meeting of the Muslim Members of both the Houses was held on the 18th February 1922, under the presidency of the Honourable Dr. Mian Sir Muhammad Shafi, K.C.S.I., C.I.E., for the purpose of discussing the problem of easy repatriation of indigent pilgrims without a yearly strain on the finances of the Government.

After the Honourable President Mian Sahib had explained the situation in detail, I myself strongly opposed the measure and suggested the formation of a committee for the purpose of raising funds for this object which was agreed to; the Secretaryship was consequently entrusted to me and the work began in earnest under the valuable and experienced guidance of the Honourable Mian Sahib and with the help of Sir Henry Sharp, C.I.E., and Kanwar Maharaj Singh, C.I.E., the then Secretary and Deputy Secretary, respectively, to the Education and Health Department of the Government of India. Appeals were widely circulated among the Muslim Princes and Rulers of Indian States, Government officials and prominent men of the Muslim community at large.

Among the Ruling Chiefs His Highness the Nawab of Bahawalpur made a liberal donation of Rs. 5,000 and His Highness the Nawab of Tonk Rs. 500.

I regret to say that this example was hardly followed by any one and from some States I received very discouraging answers and objections.

But having placed our trust in God and hoping against hope we continued our efforts. Putting aside the thousands of printed appeals which I circulated at my own cost and expense I issued a large number of typed private letters to notable persons and officials seeking assistance at their hands. At last this plan succeeded to a certain extent in the collection of a total sum of about Rs. 35,000 which was hardly sufficient to repatriate destitute pilgrims in that year, that is, 1922. It is of course noteworthy that, in spite of no increase in the total number of outward Indian Hedjaz pilgrims in 1922, as compared with the previous year, the number of indigent pilgrims enormously increased (that is, in 1921 there were about 500, in 1922, 1,106, while in 1923, it went up to 2,765).

I am no doubt, Sir, thankful for the sympathetic attitude and substantial help given on my request by the Government of India in the form of a grant to meet the return passage of all destitute pilgrims in 1923 with the exception of Rs. 2,500 contributed by the Central Haj Committee which was left in hand from the collection of the previous year.

In March last, the Committee again discussed the problem and came to the conclusion that the only really satisfactory solution of the problem of repatriation lay in instituting a system of compulsory return tickets, which placed the Government of India in a position to introduce such legislation. I myself have fortunately been to the holy pilgrimage twice and have seen many instances with my own eyes, and have also gained some experience

in working on behalf of the Central Haj Committee. I find no alternative but the consideration of a measure in whatever form it may be approved but of course with certain necessary conditions to safeguard the interests of pilgrims which I intend to suggest if I am given a chance. But, Sir, as a Member of this House, think it necessary that before asking further step in the matter, to avoid the possibility of creating unpleasantness and misunderstanding on the part of the Government, who have so far very sympathetically dealt the situation, that there should not be an endeavour to hurry the Bill through and to have it passed without consulting the esteemed opinion of the leading and experienced Ulemas on the subject who will no doubt observe the situation most carefully in the light of the yearly increase in the number of destitute pilgrims which, Sir, according to Mr. Butler's statement, has gone up for the last 3 years from 4½ per cent. to 11½ per cent. and which I think requires immediate attention; and I hope, Sir, that the circulation of the Bill will create an atmosphere of happiness and confidence and will remove all future obstacles in getting the Bill passed. With these words, Sir, I agree to the circulation of the Bill.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, when the Bill was first introduced, I opposed it. I then gave notice that the Bill should be circulated for eliciting public opinion. Therefore I am very thankful to the Honourable Member in charge of the Bill who has moved the same motion to-day. I may draw your attention and the attention of the House this time to the fact that the Mussalmans generally oppose the Bill on religious grounds; and in the very beginning I made it quite clear that on purely sanitary grounds I would welcome the Bill, but on religious grounds there was undoubtedly some suspicion. I will just read to you a letter which I have received from a member of the Bar in Patna, to whom I referred this matter. This is the letter:

"I am very much indebted to you for your letter, dated 9th February 1924, and the members of the Bar very much appreciate your religious sentiments concerning the proposed amendment of the Indian Merchant Shipping Act. The considered opinion of the members of my Bar are briefly these:

1. We should strongly oppose the amendment of section 205 of the Act by the introduction of another section 205A as contemplated by Government. There should not be any limit of the pilgrim season. It is an unjust interference with our religious rights. Further, any limiting of the pilgrim season would increase the congestion of pilgrims in the city of Bombay as well as in the pilgrim ships and instead of improving the sanitary conditions of that town or the pilgrim ships it would considerably increase congestion which might be dangerous to life. Furthermore, if pilgrim seasons are limited it would tend to further increase passage fares and the owners of ships and the brokers and other intermediaries would make a huge profit to the prejudice of the pilgrims as in case of limited pilgrim season they would be able to dictate their own terms to the pilgrims which would entail considerable hardship on the poorer section of the pilgrims. We all know that many people like to visit the holy places in the month of *Rajab* in order to be present on the 27th of *Rajab*, the night of *Meraj* and many people like to spend the whole of the holy month of *Ramzan* there and some even like to be present there in the month of *Rabi-ul-awal* to attend *Milad Majlis* which, I am told, are celebrated there throughout that month. Therefore from the religious point of view no limit of pilgrim season can be effected and this would be an interference with our religious rights which would be greatly resented throughout the country.
2. We must also oppose the introduction of section 208A after section 208 of the Act. The introduction of compulsory return passages for pilgrims would entail considerable hardship on the poorer classes as this would act as a deterrent on many people. I am told that rich pilgrims gladly

[Khan Bahadur Sarfaraz Hussain Khan.]

bring back one or two standard poorer pilgrims at Jeddah with them and private charity is not lacking in that respect in order to warrant any interference or concern on the part of the Government. We all know that Pan-Islamism is a bogey to all the European Powers especially to our benign Government which boasts of a large population of Moslem subjects than any two Moslem Governments put together and we all know that there is an attempt on the part of all the European Powers to discourage the exodus of pilgrims to the Hedjaz and congregation there. Our Holy Prophet has laid much stress on *Haj* which is one of the tenets of Islam for giving an opportunity to all the Moslems of the distant countries to congregate together at a particular place in order to exchange their views on various subjects. This is an example of the great fraternity of Islam which the Christian powers are bent upon breaking up though they proclaim to the world that the lesson of universal brotherhood has been given to the world by Islam. Any such attempt on the part of our Government should be opposed tooth and nail because the underlying motive is not to ameliorate the conditions of the pilgrims but to drive an axe at the root of our religion."

What I apprehended at the time when the Bill was introduced, was that the result of the Bill if passed into law would be the same as that which occurred at Jaito. The Sikhs proceeded to the place for performing their religious rites. They were not allowed to proceed, and on the ground of the preservation of peace and order things happened which prevented their performing their religious ceremonies. The result was turmoil, ending in agitation. The same may take place on a much wider and grander scale, if the Muhammadans get the impression that their Haj will be stopped, under the pretext of grounds of sanitation. It was on such an assumption that I opposed the Bill at the time of its introduction, and from the letter I have just read, it is not improbable that, if the Bill is passed into law, there may be complications in the near future. Since the Honourable Member in charge of the Bill has moved that the Bill be circulated for eliciting opinion thereon, for which I am thankful to him, there is no reason why any one should object.

Captain Ajab Khan (Punjab: Nominated Non-Official): Sir, I extend my hearty support to the Bill. I must say at the outset that the Bill does not go far enough to protect pilgrims from the various extortions and other troubles that befall them in Syria and Hedjaz. I do not claim to be a scholar of religious matters but I have seen Hedjaz myself and was there for six months. My experience is that the pilgrims from other parts of the world do not undergo any such trouble as the Indian pilgrims do. All of them come with return tickets and all of them are sent back and none of them are left in the streets of Jeddah. The mere provision of a return ticket however will not remedy all the troubles which the pilgrims undergo at the present time. It is a very important question for the Indian Mussalmans to consider that it is only the Indians who are seen in the streets of Jeddah, left to the mercy of charitable people. If I may be allowed to say so, in Mecca itself there are so many endowments of Indian Mussalmans, princes and other charitable people, that their total value exceeds £ three crores. But they are not in the custody of anybody and are not looked after and protected properly. They are being utilised merely by other people who do not deserve any help and are not entitled to their use and thus the object for which they are really provided is defeated. There are various other troubles to which the pilgrims are subjected. Unless a thorough investigation is made of this question, I do not think this sympathetic piece of legislation will improve the condition of the Indian pilgrims satisfactorily. At Jeddah itself there is a British Agent

who looks after all the British interests. He is under the Foreign Office of Egypt and I am sorry to say that, though very sympathetic, he is not very conversant with the ways of Indians and also with the customs of their country. Among other things, there must be a strong Indian representative at Jeddah instead of the low paid small officials and he should be responsible to look after the needs and troubles of Indian pilgrims and try to put them right. I reserve my further remarks on this subject for a future occasion. At this time I give my hearty support to the Bill.

Mr. President: The question is:

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

AMENDMENT OF STANDING ORDERS.

Mr. President: I have to move:

"That the Report of the Select Committee on the Standing Orders be taken into consideration."

The motion was adopted.

Mr. President: The Report has been in the hands of Honourable Members for some time. No changes of substance have been effected in the Standing Order as referred by the Assembly to the Select Committee and I propose to put the Standing Order in three sections.

Sub-order*(1) was added to the Standing Order.

Mr. President: The question is:

"That sub-order (2) which runs as follows be added to the Standing Order:

"(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Assembly is not present, the chairman of the Committee shall either suspend the meeting until a quorum is present or adjourn the Committee to some future day."

Mr. K. Rama Aiyangar (Madura and Ramnad cum Tinnevely: Non-Muhammadan Rural): Sir, the amendment that stands in my name is a formal one. I thought it better that the words I have suggested may also be included in sub-order (2). My amendment is as follows:

"(a) For the words 'If at the time' the words 'If at a suitable time' be substituted; and

(b) the words 'of which due notice is given' be inserted after the words 'Select Committee'."

These are the two amendments that I propose to the Standing Order. But they do not affect the main question. Oftentimes we find that Committee meetings are called at about 10-30 A.M. even on holidays, which is very inconvenient, and in some cases I have known that notice had not gone to

"(1) At the time of the appointment by the Assembly of the members of a Select Committee the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be fixed by the Assembly."

[Mr. K. Rama Aiyangar.]

some of the members. I do not mean to say that these would be disregarded hereafter, but whatever it is, when a rule is framed it is better that safeguards be also there. I therefore propose that these words be introduced.

Mr. President: The question is:

'That in the proposed Standing Order 40A (2):

(a) for the words 'If at the time' the words 'If at a suitable time' be substituted."

The Honourable Sir Malcolm Hailey (Home Member): I readily admit the difficulty to which Mr. Rama Aiyangar refers. It certainly happens that, owing to pressure of work in the House and to other causes, we sometimes have to call a meeting of a Select Committee at times which Members find inconvenient. I think one of the great inconveniences which has been experienced in the course of the present session is due to the fact that the Legislative Department, which summons Select Committees and fixes times for their meetings, has not always been in possession of the fact that other Committees, which do not fall within the scope of work of the Legislative Department, have been sitting at the same time. We are endeavouring to surmount this difficulty by asking other Departments to inform the Legislative Department, which will attempt to co-ordinate the times of these various meetings. Select Committees should not, of course, be called at times which are unsuitable to their members; equally they should not be called in such manner that due notice cannot be given to all members; and I agree that it is inadvisable to put off a Select Committee meeting merely because members have been unable to attend on account of the unsuitability of the time. But if I may say so, the proposed amendment would not secure the object which the Mover desires; on the contrary it would have other results which I think he has not foreseen. It would be best if I read the words of the Standing Order with the additional words inserted, as suggested by the Honourable Mover:

"If at a suitable time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Assembly is not present, the chairman of the Committee shall either suspend the meeting until a quorum is present or adjourn the Committee to some future day."

The result of that would be that, if a meeting had been fixed for an unsuitable time, or if due notice had not been given, then the chairman could not adjourn the meeting, even though a quorum were not present. That is not the result which the Honourable Member desires to obtain. If I may suggest to him, the question of fixing a suitable time for meetings of the Select Committee and of giving due notice to members is not necessarily connected with the question of appointing a quorum. We here seek merely to provide for the provision of a quorum and the adjournment of meetings if that quorum is not present. His object is to issue a warning to those who assemble Select Committees that they should fix a suitable time and give due notice to the members. If that object is to be attained, it must be attained by a different method, either by a change in another rule or by admonition offered to the Department in charge. I do not think that anything would be gained by inserting the words suggested by him in the Standing Order as framed by the Select Committee who sat on these rules: on the contrary, as pointed out, it would result in placing the chairman in an exceedingly embarrassing position.

Mr. K. Rama Aiyangar: Sir, may I point out that it is made a point here that the chairman shall report the fact to the Assembly, and it becomes an important matter that members of the Select Committee, even if they had no notice, will be reported to the Assembly as having been absent. Of course members of the Select Committee should be given the convenience and notice required. I have no objection to instructions being issued that a suitable time should be fixed and notice should be given to them. I do not press the motion.

Mr. President: The chairman of the Select Committee will only take action under this order when it has happened twice. At the next meeting following the attention of the chairman can be drawn to the fact that the previous time was unsuitable and in the interest of the measure of which he is in charge he will naturally find a suitable time.

The motion* was, by leave of the Assembly, withdrawn.

The second motion† was also, by leave of the Assembly, withdrawn.

Sub-order (2)‡ was added to Standing Order 40-A.

Sub-order (3)§ was added to Standing Order 40-A.

Amended Standing Order 40-A was added to the Standing Orders.

THE INDIAN FINANCE BILL.

The Honourable Sir Basil Blackett (Finance Member): I beg leave to introduce a Bill to fix the duty on salt manufactured in, or imported by land into, certain parts of British India, to vary certain duties leviable under the Indian Tariff Act, 1894, to fix maximum rates of postage under the Indian Post Office Act, 1898, further to amend the Indian Paper Currency Act, 1923, and to fix rates of income-tax.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I take the earliest possible opportunity of opposing this motion to introduce the Bill in the way in which it has been introduced. Before I go further I should like at once to disclaim any intention on my own part or on the part of any Member of this House to offer any personal insult or affront to His Excellency the Viceroy. I say so, Sir, because it has been brought to my notice that on a former occasion, when the introduction of a Bill under somewhat similar circumstances was opposed in this House, it was interpreted to mean something in the nature of a discourtesy to His Excellency. Nothing is farther from our minds than a

* "That in the proposed Standing Order 40A (2):

(a) for the words 'If at the time' the words 'If at a suitable time' be substituted."

† That in the proposed Standing Order 40A (2):

(b) the words 'of which due notice is given' be inserted after the words 'Select Committee'."

‡ "(2) If at the time fixed for any meeting of the Select Committee, or if at any time during any such meeting, the quorum of members fixed by the Assembly is not present, the chairman of the Committee shall either suspend the meeting until a quorum is present or adjourn the Committee to some future day."

§ (3) Where the Select Committee has been adjourned in pursuance of sub-order (2) on two successive dates fixed for meetings of the Committee, the chairman shall report the fact to the Assembly.

[Pandit Motilal Nehru.]

desire to show His Excellency or any Member of the Government any personal discourtesy by opposing this motion. On the contrary, Sir, the view that we take of the matter is that the procedure adopted on behalf of the Government is an affront to this House involving contempt for the vote of this House which was recorded yesterday. As I then pointed out, the new rules which have been taken advantage of in re-introducing the Bill in its present form were only published last week. They were partly discussed yesterday on the floor of this House. The pistol, which was loaded yesterday, is levelled at our heads to-day. Under those very rules this Bill is now brought forward with the recommendation of His Excellency. It is now being introduced, and the next motion will be to consider it and to pass it in terms of the recommendation. If I stand up to oppose it, I do so because the rules permit me to take that course, and I submit that I am within my rights in opposing the introduction of this Bill at the earliest possible opportunity. Sir, apart from the fact that the rules under which this Bill is sought to be re-introduced are unconstitutional in their nature, a question which I will not go into on this occasion, we have the further fact that this House, or at least the elected Members of this House, have been taken by surprise. It is true that by the courtesy of the Honourable the Home Member I was informed on the telephone last night at about 11 o'clock that the Bill was to be re-introduced this morning with the recommendation of His Excellency. But it is obvious, Sir, that at that late hour in the night I could not possibly inform the Members who had dispersed that same evening and some of whom had gone to their respective homes. I was not on the same advantageous ground as the Honourable the Home Member was in regard to the supporters of the Government. We find to-day that the place of our esteemed Colleague, Mr. K. C. Roy, is occupied by an equally estimable gentleman, but it is not for us to fill up any vacant places in the manner in which the Government can. We know that Mr. K. C. Roy has gone on a deputation as a member of a Committee. I am not aware if he has ceased to be a Member of this House.

The Honourable Sir Malcolm Hailey (Home Member): Certainly.

Sir Henry Moncrieff Smith (Secretary, Legislative Department): Sir, as I took His Excellency's orders in the matter, I can assure the Honourable Member that Mr. K. C. Roy has ceased to be a Member of this House.

Pandit Madan Mohan Malaviya: Has he resigned?

Sir Henry Moncrieff Smith: He has resigned.

The Honourable Sir Malcolm Hailey: Mr. K. C. Roy resigned before the gentleman who now occupies his place was appointed.

Pandit Madan Mohan Malaviya: Has Mr. Rangachariar also resigned?

The Honourable Sir Malcolm Hailey: I have not yet heard whether Mr. Rangachariar has resigned.

Pandit Madan Mohan Malaviya: Will the Honourable the Home Member inform the House when he received the information from Mr. Roy that he had resigned.

Mr. President: That is a matter of the interpretation of the rules and concerns the Governor General and not the Governor General in Council.

Pandit Motilal Nehru: As you are aware a question on the subject was submitted to you, Sir, by my friend, Mr. Devaki Prasad Sinha, from Bihar. That question was intended to elicit the information which has now been partly furnished by my friend, the Home Member, and my friend, Sir Henry Moncrieff Smith. I am sorry, Sir, that at question time perhaps it escaped your notice and my friend, Mr. Devaki Prasad Sinha, was not called upon to put the question

Mr. President: The Member did submit a question and I sent a message to him through the Secretary of the Assembly that, had that question been submitted to me in the ordinary course, I should have had to disallow it as a matter which did not concern the Governor General in Council under rule 7. That matter is solely in the charge of the Governor General. I had no choice in the matter.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, I am sorry to say, as you refer to my question, that the Secretary told me that a part of my question was disallowed and that I was only allowed to put the part of my question which was in order. In spite of that I was not allowed to put my question

Mr. President: The Honourable Member has no grievance at all. In the first place he gave me private notice of the question at ten minutes to eleven, which is too short a period of notice for a question requiring my consideration, and as I pointed out to the Pandit (Pandit Motilal Nehru), if that question had been submitted in the ordinary course, I should have had to disallow it under the rules.

Mr. Devaki Prasad Sinha: Mr. Ranga Iyer also put in his question at the same time and he was allowed.

Mr. President: Because Mr. Ranga Iyer's question was in order.

Mr. Devaki Prasad Sinha: I was told part of my question was in order, but even then I was not allowed to put it.

Pandit Motilal Nehru: Sir, I leave that matter there. The fact remains that here is a gentleman occupying the place of another gentleman who is now on the high seas. We are informed that he resigned before the gentleman, we have the pleasure to find among ourselves to-day, was appointed. All that information is certainly enough to satisfy the requirements of the rules, but, as was suggested by some friend in the House, we do not know whether the resignation of Mr. K. C. Roy was submitted in writing before he left, or whether it was received by wire from Bombay, or by wireless from mid-ocean. However that may be, we have the disadvantage now of having to deal with this measure at a time when we could not be expected to be fully prepared for it. The usual course, as the House is aware, was for this Bill, after it was thrown out by this House, to be laid before the other House. (Mr. President here shook his head in dissent.) That was under the old rules, Sir; that is how I understand them. It would come back to this House only after passing through the other. However that may be, Sir, I do not pretend to be an expert in the procedure of the two Houses, and am only speaking from information. At any rate the fact remains that there has been some unnecessary haste uncalled for in the circumstances, even in the case of a Finance

[Pandit Motilal Nehru.]

Bill; but I do not put my opposition solely on that ground. My main grounds for opposing the Bill are the same as were put before this House first at great length by my friend, Pandit Madan Mohan Malaviya (Hear, hear) and then by myself. Of course those grounds do not appeal to my friend, the Honourable the Home Member, and he says "Hear, hear". but I did not hear one word from him yesterday to refute the arguments my friend, Pandit Madan Mohan Malaviya, had advanced.

The Honourable Sir Basil Blackett: Do not waste your time on that.

Pandit Motilal Nehru: Whatever is unanswerable, it is a waste of time to answer. Now, Sir, I have only to make an appeal to this House, and particularly to those Honourable Members who either did not take part in the voting yesterday, or who voted in favour of the motion of the Honourable the Finance Member. I appeal to them to consider the circumstances under which the present Bill is being re-introduced. I know there have been some modifications in it. The Honourable the Finance Member has by reason of those modifications been pleased to describe it as an emasculated Bill. Of course any alterations in a Bill which are in favour of the subject and which the subject considers as an improvement on the Bill are, in the eyes of the Finance Department, an emasculation of the Bill.

The Honourable Sir Basil Blackett: Three or four of the alterations 12 No. 11. are increases of taxation.

Pandit Motilal Nehru: But they are all in favour of the subject.

The Honourable Sir Basil Blackett: No.

Pandit Motilal Nehru: My friend will permit me to say that, in spite of my general ignorance of finance, I know this much--that certain duties which were proposed to be levied had really the effect of protecting the interests of the people. However, I need not go further into the matter. What I was submitting--and I was addressing myself specially to the Members of the House who did not vote yesterday or who voted in favour of the motion of the Honourable the Finance Member was that the circumstances to-day are entirely different. The re-introduction of this Bill does not merely mean the carrying through of a finance measure. The circumstances under which it is put forward and sought to be carried through are circumstances which amount, as I have already said, to an affront to the House. I do hope and trust that all Honourable Members will be jealous of the dignity and the honour of the House. I appeal to their own sense of honour, I appeal to one and all of them, at least on this ground if on no other, to vote against this measure.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock, on Wednesday, the 19th March, 1924.

LEGISLATIVE ASSEMBLY.

Wednesday, 19th March, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN:

Mr. Harry Tonkinson, C.I.E., M.L.A. (Home Department: Nominated Official).

QUESTIONS AND ANSWERS.

WORKS COMMITTEES IN THE GOVERNMENT OF INDIA PRESSES.

876. ***Haji Wajihuddin:** (a) Will the Government be pleased to state whether the Works Committees appointed in the Government of India Presses at Calcutta, Delhi and Simla after the labour troubles in 1920 are still functioning and, if so, are any reports on the working of these Committees received by Government and what action is taken on them?

(b) Is it a fact that the Works Committee in the Delhi Press was dissolved soon after the present Deputy Superintendent took over charge, and that the said officer instead of trying to make the Committee a success exercised undue pressure on the workmen to dissolve the Committee?

The Honourable Mr. A. C. Chatterjee: The answer to both parts of the question is in the negative.

WORKING HOURS IN THE DELHI PRESS.

877. ***Haji Wajihuddin:** Will the Government be pleased to state:

(a) The normal working hours of the foremen section-holders and head reader in the Delhi and Simla Presses.

(b) Is it a fact that the above mentioned officials in the Delhi Press are forced to work from 7 A.M. to 6-30 P.M. even when morning overtime is not worked by men over whom they supervise?

(c) How do the working hours of these officials compare with those of foremen and other heads of sections in other Government of India establishments worked under the Factories Act?

The Honourable Mr. A. C. Chatterjee: (a) The normal working hours are as follows:

In Delhi.

Mondays to Fridays—9 to 6-30 with two half-hour intervals.
Saturdays—9 to 3-30 with two half-hour intervals.

In Simla.

Mondays to Fridays—9 to 6-30 with an interval of an hour.
Saturdays—9-30 to 2-30.

But it should be added that during the current legislative session it has been the rule for all the workers in Delhi to work two hours overtime from 7 A.M. to 9 A.M.

(b) The answer to the second part of the question is No.

(c) The normal hours as given are approximately similar to those in other Government establishments. But with the added overtime which has been necessary lately in the Delhi Press the hours there are in excess of the average for Government of India factories. I may add that this overtime is necessitated by the work of the Legislature. At the same time they are within the limitations prescribed in the Indian Factories Act and much below the hours that used to be worked in Government presses three or four years ago.

CASUAL LEAVE AND HOLIDAYS OF THE STAFF OF THE DELHI PRESS.

878. ***Haji Wajihuddin:** (a) Will the Government be pleased to state whether in October last certain orders were issued by them restricting casual leave and holidays in the Secretariat and if so, please lay a copy on the table?

(b) Is it a fact that the said orders have been made applicable to the Government Presses at Simla and Delhi, but not to the Calcutta Press, the Stationery Office and to the other Government factories? If so, why not?

(c) Is it a fact that under the said orders as applied to the Delhi Press a large number of Hindu and Muhammanadan holidays have been abolished while all important Christian holidays are retained?

(d) Will the Government be pleased to state if the gazetted holidays *Basant Panchmi* and *Sheoratri* were observed as holidays in most of the Secretariat offices?

(e) Is it a fact that in the Delhi Press the said holidays were treated as full working days and the concessions previously allowed to men when booked to attend on gazetted holidays were not allowed and an hour's early leave usually granted for the performance of *Puja* and prayers on such days was not given?

(f) Is it a fact that the usual working hours of the Delhi Press employes are from sunrise to sunset and even later up to 9 P.M. in winter, and if so, do the Government propose to continue the concessions previously allowed to them for performing *Puja* and prayers when they are called upon to attend on important festivals?

The Honourable Mr. A. C. Chatterjee: (a) Yes. Copies have been placed in the Library.

(b) Yes. The orders are intended to apply to Government of India offices at Delhi and Simla.

(c) No. The question of the allocation of holidays in the Press is still under consideration.

(d) Yes, so far as Hindus are concerned.

(e) Yes.

(f) The usual working hours have already been given to part (a) of the Honourable Member's previous question. Government hope that with the close of the Legislative session, some reduction will be effected in the hours worked, but the form which this reduction takes must depend on administrative convenience.

OVERTIME IN THE DELHI PRESS.

879. ***Haji Wajihuddin:** Is it a fact:

(a) That previously when men in the Delhi Press were booked to attend on holidays their special overtime was counted from an hour earlier than on full working days?

(b) That on the above noted concession being withdrawn the men petitioned the Manager, but instead of their petition being considered a number of signatories were called in and scolded by the Accountant and told that if they made such applications in future they would be brought under reduction?

The Honourable Mr. A. C. Chatterjee: (a) Yes.

(b) The answer is in the negative. One man was reprimanded for appending a false name to the petition.

PROVIDENT FUND FOR PRESS EMPLOYEES.

880. ***Haji Wajihuddin:** (a) Will the Government be pleased to state if in their Resolution of July 1920 they promised the benefits of a Provident Fund to their Press employes? If so, how far has the scheme progressed and how many more years will it take to bring it into operation?

(b) Do the Government propose to pay the arrears of employes' share of the Fund to compensate them for the loss?

The Honourable Mr. A. C. Chatterjee: (a) Yes. The Government of India are in communication with the Secretary of State on the subject.

(b) This will be considered.

EXCLUSION OF PRESS WORKERS FROM THE BENEFITS OF THE CIVIL SERVICE REGULATIONS AND THE FUNDAMENTAL RULES.

881. ***Haji Wajihuddin:** Will the Government be pleased to state if it is proposed to exclude the press workers from the benefits of C. S. R. and Fundamental Rules? If so, in what manner will the employes be compensated for the serious change in the conditions of their service?

The Honourable Mr. A. C. Chatterjee: I presume the Honourable Member is referring to the leave rules which the Retrenchment Committee on page 255 of their Report considered unsuitable to the conditions of industrial labour. The question is being examined, but no proposals have yet been framed.

QUARTERS FOR PRESS EMPLOYEES.

882. ***Haji Wajihuddin:** (a) Is it a fact that when a quarter allotted to a press employé is shared by another press employé owing to separate accommodation not being available full rent is recovered from both? If so, why and under what rules?

(b) Is it a fact that a large number of Secretariat staff share quarters and chum and mess together and that rent is deducted only from the man to whom the quarter is allotted? If so, why is a differential treatment accorded to the press employés?

The Honourable Mr. A. C. Chatterjee: (a) No. Press employés in Delhi pay rent subject to a maximum of 5 per cent. of salary. When this concession was sanctioned it was stipulated that if two or more press employés occupied the same accommodation the rent recoverable would be 5 per cent. of salary from each person, up to a limit of the assessed rent of the quarters.

(b) Government are not aware that a large number of the Secretariat staff share quarters. In their case the assessed rent is recovered from the person to whom the quarter is allotted. The stipulation referred to in the first part of my answer was not applied to them, as the concession rate of rent was not so applied.

COST OF THE SIMLA SESSION OF THE INDIAN LEGISLATURE IN 1923.

Mr. Darcy Lindsay (Bengal: European): Sir, I have given private notice of a question which, with your permission, I will put to the Honourable the Finance Member. Has the attention of Government been drawn to the statements appearing in the press to the effect that the Honourable Dr. Mian Sir Muhammad Shafi stated in the Council of State that the cost of a Simla session of four weeks' duration amounted to Rs. 1,28,00,000, of which 99 lakhs goes to the Assembly and 29 lakhs to the Council of State. What is the correct figure?

The Honourable Sir Basil Blackett (Finance Member): I am glad to have an opportunity of correcting an arithmetical error that has crept into the press. The statement that was made by the Honourable the Law Member in another place was that the cost of the Simla session of 1923, which lasted approximately four weeks, was Rs. 1,28,00,000. That has been copied in the press as Rs. 1,28,00,000.

PERSONAL POWER OF THE GOVERNOR GENERAL.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, with your permission, I will put a question of which I have given private notice.

(a) With reference to the answer given, on Monday the 17th March 1924, by the Honourable Sir Henry Moncrieff Smith, to my supplementary question regarding Rule 36A of the Indian Legislative Rules, will

the Honourable Member refer to the following statement made by the Honourable Sir Malcolm Hailey, in the Legislative Assembly on the 26th January 1922:

"It is not the function of the Governor General in Council to make recommendations to the Governor General, in regard to the exercise of his personal power, nor can they in any way seek to sway his decision"—(vide Legislative Assembly Debates, 26th January 1922, page 1968)?

(b) Will the Honourable Member be pleased to state whether, in view of the above statement made by the Honourable Sir Malcolm Hailey, an exception has been made in Legislative Rule 36A, in so far as it contemplates the Governor General being moved by the Governor General in Council, in regard to the exercise of his personal power under section 67B of the Government of India Act?

Sir Henry Moncrieff Smith (Secretary, Legislative Department): The intention of Rule 36A merely is to afford to the Governor General an opportunity for deciding whether he will exercise his power of recommendation under section 67B, and I quite admit that it would have been better had the rule been so worded. I must congratulate the Honourable Member on his detection of this somewhat unhappily worded phrase. I must also congratulate him on his excellent memory. There is no intention to depart from the principle laid down in the statement of the Honourable Sir Malcolm Hailey to which Mr. Neogy has referred. He may rest assured that the Governor General in Council cannot, will not, and in fact, dare not, attempt to control or sway the Governor General's discretion as to the exercise of his personal statutory powers?

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I ask, Sir, if it is open to the Governor General in Council to afford His Excellency the Governor General an opportunity of considering whether he shall exercise these statutory powers under section 67B, whether it will not be open to Members of this House also to move the Governor General in Council to afford in similar circumstances an opportunity to the Governor General to consider questions of certification and to consider the opinion of this House on such questions of certification?

Sir Henry Moncrieff Smith: I am not quite sure whether I understand the Honourable Member's question, Sir.

Mr. A. Rangaswami Iyengar: I will put it categorically. I understood Sir Henry Moncrieff Smith to mean that this rule is only intended to afford the Governor General an opportunity of exercising his mind on the question whether he should exercise the powers under section 67B of the Government of India Act. If it is open to the Governor General in Council to do that in respect of the power vested in him, I ask whether it is not open to the House here to move the Governor General in Council so to give the Governor General the opportunity which this rule says the Governor General in Council is entitled to afford to His Excellency the Governor General. In other words, whether we in the Assembly can move the Governor General to take the action suggested.

Sir Henry Moncrieff Smith: The rule, as it stands, Sir, deals with a Government Bill. But I should imagine that, if any Member of this House dealing with a private Bill wished to approach the Governor General and

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ask him to consider whether he would not exercise his powers of recommendation in respect of that private Bill, there would be nothing to prevent the Honourable Member from so doing.

Mr. A. Rangaswami Iyengar: I ask, Sir, whether it is open to this House to ask the Governor General to refrain from exercising the power. The question is, if he is to be afforded the opportunity of considering whether he should exercise the power or not, whether this House also may not move the Governor General in Council to ask the Governor General to refrain from exercising the power.

The Honourable Sir Malcolm Hailey (Home Member): Is the Honourable Member asking for an interpretation of any of our Rules or Standing Orders? They are as open to him as they are to us.

Mr. A. Rangaswami Iyengar: I am asking, Sir, in view of the words used in this rule, namely, "that when the Member in charge of a Government Bill intimates to the Chamber that it is proposed to re-introduce the Bill and to move the Governor General to make a recommendation in respect thereof", when the Governor General in Council has got the opportunity or the right to move the Governor General to take action under section 67B, whether it is not open to this House to move the Governor General in Council to ask that the Governor General should not take the action suggested.

The Honourable Sir Malcolm Hailey: The Honourable Member is taking advantage of words, which, my Honourable friend, Sir Henry Moncrieff Smith, has already stated, might have been somewhat differently phrased. If the Honourable Member desires that, in order to bring out the real meaning of the rule, it should be amended, we should be perfectly prepared to do so. The meaning is that the Governor General should have an opportunity of considering the case. If the rule is altered in that sense, then obviously the further implication which the Honourable Member wishes to attach to the rule would not arise and it would not carry the corollary that further powers should be given to this House.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): May I ask the Honourable the Home Member whether, in the contingency referred to by Mr. Iyengar, this Assembly cannot take steps under the Rules or Standing Orders relating to communications by means of an address to make a recommendation like that?

The Honourable Sir Malcolm Hailey: The interpretation of those rules, Sir, is with the Honourable the President and not with us.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): In view of the difficulties pointed out by Mr. Iyengar, may I ask whether the Honourable the Home Member will consent to have all the Rules referred to a committee of this House, though I understand that these Rules have to go before Parliament.

Sir Henry Moncrieff Smith: I explained the other day, Sir, that the rule-making power under section 129A or section 67 is a purely executive act. Moreover, section 129A itself, I think, makes that very clear.

(*Diwan Bahadur M. Ramachandra Rao*: "I do not dispute that at all.") It says:

"Rules shall be made by the Governor General in Council with the sanction of the Secretary of State in Council and shall not be subject to repeal or alteration by the Indian Legislature or by local Legislature."

I think that the enactment was so framed to make it perfectly clear that the making of rules is to be purely an executive act.

Mr. A. Rangaswami Iyengar: May I ask, Sir, if, notwithstanding the fact that this rule-making power is vested in the executive Government, with which, we have been told, this Council is not concerned, the making of these rules was as a matter of fact undertaken by a committee on which Indian opinion was represented and it was laid in draft before both Houses of Parliament and finally approved, or if, in respect of rules of such a far-reaching character as these, the whole thing has been done behind the back of this House and of Indian opinion and without giving Parliament or this Assembly an opportunity of expressing their views?

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): May I also draw the attention of the Governor General in Council to the very rule referred to by Sir Henry Moncrieff Smith to the effect that the rules are to be made by the Governor General in Council?—in consequence of which, the Governor General in Council, being at least responsible to this House, though not at present responsible, it would have been wise for the Governor General in Council to have taken this House into confidence before formulating these rules, the legality of which is seriously in question in view of the provisions of section 67B which only provides in that where either Chamber of the Indian Legislature refuses leave to introduce or fails to pass in a form recommended by the Governor General, then the Governor General may certify. It is only in that one short narrow contingency, that is where the Indian Legislature refuses leave to introduce or fails to pass in the manner laid down in the section, that the Governor General may certify. The rules now made leave a wider door open to the Governor General to exercise the power. It confers on the Governor General in Council a right of suspensory veto, as it were, to a provision of a Bill after its introduction which has not received the acceptance of this House. And I submit, in so far as it confers upon the Members of the Government the power to suspend the progress of the Bill till they have consulted the Governor General, the rules contravene the essential principle underlying section 67B of the Government of India Act.

The Honourable Sir Malcolm Hailey: Is the Honourable Member asking a question?

Dr. H. S. Gour: I simply wanted to know whether this fact has been adverted to by the Governor General in Council in framing the rules.

Sir Henry Moncrieff Smith: I am not quite sure what the Honourable Member's fact is: he expresses an opinion that the rules are *ultra vires*. As I explained the day before yesterday, the Governor General in Council is perfectly satisfied that these rules are not *ultra vires*. The Honourable Member seems to think that these rules are made under section 67B. They are not made under that section; they are made under

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section 67, which enables rules to be made for the conduct of business in both Chambers of the Indian Legislature. They do apply, practically all of them, to Bills dealt with by special procedure under section 67B. There is nothing whatever to prevent rules being made under section 67 to apply to any course of legislation in this Chamber or the other.

Dr. H. S. Gour: The question I asked the Honourable Member, Sir Henry Moncrieff Smith, was whether the rules made under the Government of India Act could be made so as to contravene the explicit provisions of a particular section, such as section 67B, which deals with one contingency and one contingency only, and whether, by the rules made under the general powers of section 129 of the Government of India Act, the narrow provisions of section 67B could be widened.

Sir Henry Moncrieff Smith: Does the Honourable Member ask whether it is open to make rules to contravene a provision of the Government of India Act? That, I understood, is his question, and, of course, the answer is, most certainly not. It is impossible to make rules that are repugnant to any provisions of that Act. If the rules are so made, they are to that extent void, as the Honourable Member will find by looking at his Government of India Act.

Mr. C. Duraiswami Aiyangar: May I suggest one or two things in this connection? In matters like these, when rules of considerable importance have to be framed instead of communicating these rules to the Honourable Members of this House by means of a notification in the Gazette, I think, Sir, it would be much better if His Excellency the Governor General chooses to communicate the same through the President to this House, and the Members of this House may be permitted on such an occasion to express their views upon the rules or communications so made by His Excellency the Governor General. I wish to state that in all matters of importance which are connected with the conduct of the business of this Assembly, whatever it may be, it will be better if His Excellency the Governor General sends such communications to this House direct through the President instead of making the Honourable Members of this House look into the Gazette for their information.

Sir Henry Moncrieff Smith: The method adopted for publishing these rules does not seem to have prevented the House from availing itself of opportunities to give their views at some length.

Diwan Bahadur M. Ramachandra Rao: May I know, Sir, when that opportunity arose? Is it after the rules have been framed by the Governor General in Council and laid before the Houses of Parliament or before? May I suggest, Sir, that there is nothing in section 129A to prevent the Governor General in Council, if they were so minded, to have appointed a Committee before these rules were submitted to the Secretary of State in Council?

Sir Henry Moncrieff Smith: There is nothing to prevent it, Sir, but such a thing has never been done.

Diwan Bahadur M. Ramachandra Rao: May I know, Sir, why it was not done? In view of the fact that these rules are to bind the House, may I know why such a course could not have been taken?

Sir Henry Moncrieff Smith: It binds the House no more than any other rule in the little blue book which the Honourable Member has in his hand.

Dr. H. S. Gour: The Honourable Member says that it has never been done. Had such rules been framed before this time?

Sir Henry Moncrieff Smith: The Honourable Member has had this little blue book in his hand for about three years. If he will look at it he will find that it contains a considerable number of rules. I am surprised that he was not aware of it till now.

Mr. A. Rangaswami Iyengar: Is it a fact that, when the rules were originally framed, there was a Committee which sat upon it here in this country, and that Indian opinion was represented on it?

The Honourable Sir Malcolm Hailey: There was what is known as the Reforms Advisory Committee, but, I am not sure how far they dealt with the Legislative rules. They dealt with a large number of subjects such as the Devolution Rules and the rules flowing from the Government of India Act generally. I cannot at the moment tax my memory as to whether they dealt with the Legislative rules or not. My recollection is that these rules were modelled with the necessary modifications, on the rules of the old Imperial Legislative Council.

Mr. A. Rangaswami Iyengar: May I say, Sir, that so far as my memory goes, I have seen these draft rules in the hands of the non-official Members of the Advisory Committee that was set up to discuss them, and the discussion also is one of the many things we had before us. We discussed the rules when they were made.

The Honourable Sir Malcolm Hailey: I did not know that the matters referred to the Advisory Committee were communicated to others also; but I will ascertain the exact facts as to what questions were referred to them.

Diwan Bahadur M. Ramachandra Rao: I may say that I was a member of an Advisory Committee in Madras and that the rules regarding business were discussed by that Advisory Committee.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Instead of raising a hornet's nest round the heads of the Executive by introducing these amendments, would it not have been better to have dissolved this Chamber?

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): With reference to section 67 of the Act which says that the rules regarding the course of business are to be framed in this country, are Government satisfied that these rules in question are only rules regulating the course of procedure and not infringing on the rights of the Legislature under section 65 of the Government of India Act?

Sir Henry Moncrieff Smith: We are quite satisfied, Sir, and so is the Secretary of State.

STATEMENT LAID ON THE TABLE.

The Honourable Sir Malcolm Hailey (Home Member): Sir, I lay on the table a statement promised in reply to Mr. Bhabendra Chandra Roy's question asked on the 1st March, 1924, regarding the total cost incurred on Committees and Commissions in 1923-24.

Statement of the cost so far as is known to central revenues of Committees and Commissions sitting during 1923-24.

Serial No.	Name of Committee or Commission.	Date on which appointed.	Cost.	REMARKS.
			Rs.	
1	Committee to make recommendations regarding the reorganization of the administrative methods of the Forest Department.	21-11-23	4,450	Approximate.
2	The Tariff Board	5-7-23	1,49,320	Estimated.
3	The Indian Mercantile Marine Committee.	12-2-23	1,24,500	Do.
4	Coal Dust Committee	12-11-23	7,560	Do.
5	Statute Law Revision Committee	24-9-23	1,147	Actual.
6	Indian Retrenchment Committee	8-11-23	21,000	Do.
7	Locomotive Standardisation Committee.	15-3-23	...	Unknown.
8	Royal Commission on Superior Civil Services in India.	6-11-23	3,60,000	Estimated.
9	Committee on Police Uniforms	26-9-23	1,500	Do.
10	Staff Selection Board Committee	25-7-23	Nil.	No expenditure was incurred.
11	Indian Bar Committee	23-11-23	1,12,000	Estimated.
12	Civil Justice Committee	4-2-24	50,000	Do.
	Total	...	7,71,477	

STATE PRISONERS IN BENGAL.

The Honourable Sir Malcolm Hailey (Home Member): If you will allow me, Sir, I will make a statement which I promised on the 25th February to give the House in connection with certain matters relating to the treatment of State prisoners in Bengal, that is, prisoners confined under Regulation III. Non-official visitors have been specially appointed by the Government of Bengal to visit the State prisoners confined in the various jails. I do not propose to publish the names of these visitors, but will communicate them privately to any Member of the House who wishes to know them. The dates on which they were appointed to the various jails are:

Midnapore Jail	26th Novr. 1923.
Dacca Jail	3rd Decr. 1923.
Presidency Jail	21st Decr. 1923.
Alipore Central Jail	21st Decr. 1923.

One of these visitors is allowed to visit and interview the State prisoners in the jail to which he has been appointed every month and to make any remarks or suggestions in the special book kept in charge of the Superintendent of the Jail. The Superintendent submits, with such remarks as he thinks necessary, a copy of these entries to the Local Government.

As regards newspapers and books, each State prisoner may be given one of three English papers and one Indian newspaper. The Indian paper he may select from a list of 16 papers. He may also be allowed to subscribe to any periodical or magazine published in Great Britain and to any of the papers mentioned in the list referred to. Books and magazines, both in the vernacular and in English, may also be allowed both from the jail library and from outside provided they are passed by the Superintendent of the Jail. It is considered desirable to encourage the perusal of suitable literature and so far as practicable facilities should be given for obtaining it.

DISCOVERY OF A BOMB FACTORY AT MANIKTALA.

The Honourable Sir Malcolm Hailey (Home Member): I promised yesterday in reply to Mr. Pilcher, that I will give any further information I had on the subject of the notice which appeared in the press relating to the discovery of bombs in Calcutta. He asked me whether that information was authentic. I have received a telegram from the Government of Bengal which shows that the information communicated to the press was in substance authentic. I do not think it advisable to read to the House the full details now sent to me, as they mention the names of several persons who must shortly be the subject of judicial proceedings. Suffice it to say there was a discovery of what appeared to be a manufactory of bombs, 5 highly efficient cast-iron bombs and one empty, as well as a quantity of caps and explosive chemicals such as picrate were found. A number of persons have been arrested in consequence of this discovery.

THE INDIAN COINAGE (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move:

"That the amendment made by the Council of State in the Bill further to amend the Indian Coinage Act, 1906, for certain purposes, be taken into consideration."

The amendment in question will be found at the very end of the Bill in the proviso to clause 3. That proviso as it left this House made arrangements for a period of six months between the notification of the withdrawal of the legal tender character of a coin and the date when it should cease to be legal tender at a Government treasury. In the Council of State that figure was altered from 6 to 12 after discussion. In the view of the Government, the period of six months is reasonably sufficient and it is possible that a period of twelve months may be inconvenient in certain cases. The matter, however, is one which is not of considerable importance, and I propose to move in due course that this House do agree with the Council of State in this matter.

The motion was adopted.

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LEGISLATIVE ASSEMBLY.

[19TH MARCH 1924.]

Mr. President: Amendment made:

"The word 'twelve' in the second last line of clause 3 has been substituted for the word 'six'."

The question I have to put is:

"That this House doth agree with the other Chamber in that amendment."

The motion was adopted.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move:

"That the Report of the Select Committee on the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2 and 3, as amended by the Select Committee, were added to the Bill.

Clauses 4, 5, 6, 7 and 8 were added to the Bill.

Clauses 9 and 10, as amended by the Select Committee, were added to the Bill.

The Honourable Sir Basil Blackett: I beg to move:

"That in clause 11, for all the words after the words 'commencing on that date' the following be substituted, namely: 'and to be chargeable for the year commencing on the first day of April, 1924, at the rate or rates applicable for those years to the total income of an individual, in respect of the income, profits and gains and of the total income, respectively, of every association of individuals for which no rate of tax has been otherwise laid down by law'."

This amendment is moved purely as a matter of machinery. At the time when the Select Committee had the Indian Income-tax (Amendment) Bill before them they did not know whether this or the Bill which imposes income-tax for the year would have precedence, and if this Bill had been passed by the time that the other Bill came on, a clause to that effect would have been included in the other Bill. As things are now, it is desirable to include the clause in this Bill.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): I should like to have some explanation with regard to the exact meaning of this amendment. It states:

"Income-tax and super-tax shall be chargeable for the year commencing on the first day of April, 1924, at the rate or rates applicable for those years . . ."

I suppose the words "rate or rates" are used because even in the same year there may be one rate with regard to income from one source and another rate with regard to income from another source. But I do not understand why the words "those years" are used. What is the antecedent of "those", and can a rate or rates applicable for two different years be applied in respect of the assessment of one year?

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

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The Honourable Sir Basil Blackett: I think the Honourable Member has failed to read the clause as a whole. It would read thus:

"The amendments made in the said Act by sections 3, 7 and 8 shall have effect as if they had been made on the first day of April, 1923, and income-tax and super-tax shall be deemed to have been chargeable for the year commencing on that date and to be chargeable for the year commencing on the first day of April, 1924,"

that is, from 1923-24.

Sir P. S. Sivaswamy Aiyer: Your amendment is 1924.

The Honourable Sir Basil Blackett: "The year commencing on that date" is already in the clause before the new amendment comes in. The years 1923 and 1924 are the two years which are in question.

Sir P. S. Sivaswamy Aiyer: You want to make an assessment for both the years?

The Honourable Sir Basil Blackett: Yes.

The motion was adopted.

Clause 11, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Basil Blackett: I move that the Bill, as amended, be passed.

Mr. President: The question is:

"That the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, as amended, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 20th March, 1924.

LEGISLATIVE ASSEMBLY.

Thursday, 20th March, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

RESERVATION OF THIRD CLASS ACCOMMODATION ON THE KALKA-SIMLA RAILWAY DURING THE MOVE OF THE GOVERNMENT OF INDIA.

883. ***Shaikh Mushir Hosain Kidwai:** (a) Is it a fact that in previous years 8 or 9 seated 3rd class compartments were reserved on the Kalka-Simla Railway for passengers on applications made to the Station Master of Kalka or Simla?

(b) Has the attention of the Government been drawn to the notice, dated the 3rd March 1924, issued by the Assistant Traffic Superintendent, Kalka-Simla Railway, to the effect that during the forthcoming move of the Government of India offices no accommodation in the 3rd class other than a 47 or 48 seated 3rd class carriage can be reserved?

(c) Are the Government aware that this will cause considerable hardship and inconvenience to the ministerial staff of the Government of India who are not eligible for 2nd class travelling allowance?

(d) If so, will Government be pleased to take immediate steps to have the notice rescinded and issue instructions to the railway authorities of the Kalka-Simla Railway to resume the previous practice of reserving 8 or 9 seated 3rd class compartments on the Kalka-Simla Railway?

The Honourable Sir Charles Innes: (a) Yes.

(b), (c) and (d). The Government have seen the notice issued by the Assistant Traffic Superintendent as regards the reservation of third class compartments on the Kalka-Simla Railway. They understand that this notice was issued because it had been ascertained that the members of the ministerial staff of the Government of India who are eligible for second or intermediate class travelling allowance were in the habit of reserving for themselves the 8 or 9-seated third class end compartments of the bogie carriages and it was thought that this practice was unfair to the ordinary third class travelling public.

The Government have been in communication with the Agent of the North Western Railway on the subject and they understand that he is prepared to consider whether the notice should not be cancelled and the effect on the traffic in question watched for another year.

Mr. Harchandrai Vishindas: Are there not extra trains provided when the Government of India are on the move to Simla?

The Honourable Sir Charles Innes: I think there are.

Mr. Harchandrai Vishindas: Will it be any hardship to the third class passengers ordinarily to have the 48-seated third class compartment? Do they need the 8 or 9-seated compartment?

The Honourable Sir Charles Innes: I understand it is the view of the railway that the third class passengers do need all the accommodation provided for them.

Mr. Harchandrai Vishindas: Is not the number of passengers travelling during the move of the Government so small as not to affect the public?

The Honourable Sir Charles Innes: The number of passengers during the move is, I understand, particularly large.

Mr. A. Rangaswami Iyengar: How does it become unfair to the third class passengers if the ministerial staff get inter class allowance and travel third class?

The Honourable Sir Charles Innes: What I said was that it was the view of the Railway that it was unfair. I did not say it was my own view.

Mr. A. Rangaswami Iyengar: May I know why these clerks should be deprived of their ordinary facilities of railway traffic because they draw an allowance and deal with it as they are entitled to deal with it?

The Honourable Sir Charles Innes: I think the correct way of looking at the position is this. The railways ordinarily try to study the convenience of their passengers. That is to say, they allow people to reserve compartments provided the full fares are paid. But at times of rush railways are sometimes compelled in the general interest to withdraw this concession of allowing people to reserve compartments. But still, as I have said, the Agent of the North Western Railway has agreed to consider whether this notice should not be cancelled.

Mr. K. Ahmed: Is it not a fact that a similar measure was adopted last year and at the request of some of the Honourable Members of this House the notice was withdrawn?

The Honourable Sir Charles Innes: I do not remember that, Sir, but the practice to which the railway has just taken objection has been in force for years.

Shalkh Mushir Hosain Kidwai: For the convenience of pardah ladies would it not be possible to reserve these compartments, the railway not being the loser by any means?

The Honourable Sir Charles Innes: I have no doubt that it would be more convenient to pardah ladies if they were allowed to reserve these compartments.

MOTOR VEHICLES FOR THE ROYAL AIR FORCE.

884. ***Sardar Gulab Singh:** (a) Is it a fact that some motor vehicles are attached to the head office of the Royal Air Force at Delhi?

(b) Does a similar arrangement exist in the case of other offices of the Army Headquarters?

(c) If not, will Government please state the reasons why a special concession has been granted to the head office of the Royal Air Force in regard to motor vehicles?

Mr. E. Burdon: (a) Yes.

(b) No motor vehicles are attached to Army Headquarters.

(c) Army Headquarters is a staff formation and the Royal Air Force Headquarters is the headquarters of an executive command. It is for this reason that a small allotment of mechanical transport is given to the Royal Air Force Headquarters. I may mention that the Headquarters of all subordinate Royal Air Force formations in India and elsewhere have to be similarly equipped.

FINANCE SECTION OF THE ROYAL AIR FORCE HEADQUARTERS.

885. ***Sardar Gulab Singh:** (a) Is it a fact that the grant for the Finance Section attached to the Royal Air Force Headquarters is provided in the non-voted Army Estimates, whereas the grants for the other Finance Sections attached to Army Headquarters are provided in the voted Civil Estimates?

(b) If the reply to (a) is in the affirmative, will Government please state the reasons why the budget grant for the Finance Section attached to the Royal Air Force Headquarters should not be transferred from the non-voted Army Estimates to the voted Civil Estimates?

The Honourable Sir Basil Blackett: (a) The reply is in the affirmative.

(b) The Finance Section of the Royal Air Force Headquarters is a part of the office of the Controller, Royal Air Force Accounts, who, in addition to the duties of a Controller of Military Accounts, performs the duties of a Deputy Financial Adviser in regard to the expenditure of the Royal Air Force. The object of this arrangement is to avoid unnecessary duplication of establishments. In accordance with the principles governing the classification of expenditure in the public accounts, the charges are correctly shown under the Army Estimates.

NUMBER OF OFFICERS PERMITTED TO RETIRE ON PROPORTIONATE PENSIONS.

886. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state the number of officers who were permitted to retire before the prescribed period of service on proportionate pensions under the "premature retirement rules" specifying in each case the class of service to which they belonged, period of service and the amount of pension sanctioned?

The Honourable Sir Malcolm Hailey: A statement is laid on the table giving the information up to the 31st December, 1923. Pensions are

calculated in the manner stated in the second schedule to the Premature Retirement Rules published in the Government of India Gazette under Home Department Notification No. 868-22, dated the 1st March, 1924. The Government of India have no information as to the actual amount of pensions paid as the amounts are not separated in our accounts.

Mr. Devaki Prasad Sinha: Is it not a fact that many of these officers who at first applied for proportionate pension subsequently withdrew their applications?

The Honourable Sir Malcolm Hailey: I think there have been cases of some officers withdrawing their applications. I could not state the number.

Mr. Devaki Prasad Sinha: Is it a fact that a large number of these applications came from police officers?

The Honourable Sir Malcolm Hailey: The House may be interested to hear the numbers which I have laid on the table:

List showing the number of officers of All-India Services who have been permitted to retire on proportionate pension (up to 31st December 1923).

Service.	Total number of retirement.
Indian Civil Service	69
Indian Police Service	97
Indian Service of Engineers	54
Indian Educational Service	32
Indian Forest Service	20
Indian Agricultural Service	10
Indian Veterinary Service	5
Grand Total	287

Mr. A. Rangaswami Iyengar: May I know, Sir, whether in the rules which have recently been published a new definition has been given of "existing and accruing rights under the Act"?

The Honourable Sir Malcolm Hailey: No, Sir, I think not.

PERMANENT SETTLEMENT IN MADRAS.

887. ***Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state whether the proceedings in respect of a Resolution recommending the introduction of permanent settlement passed by the Madras Legislative Council, were submitted to the Government of India?

(b) If the answer is in the affirmative, is it a fact that the Government of India negatived the proposal; if so, will the Government be pleased to state the policy they had in view in negativing the proposal?

(c) Was any scheme or proposal received from the Madras Government subsequent to the action taken by the Government of India on that Resolution?

Mr. M. S. D. Butler: (a) and (b). The Honourable Member is referred to the statement made by the Honourable Sir A. R. Knapp on the subject in the course of his speech in the Madras Legislative Council on 13th December 1923 (pages 386-387 of the Proceedings). The Government of India have nothing to add to that statement except that the proceedings of the Madras Legislative Council referred to in part (a) of the question accompanied the Madras Government's letter of the 6th February, 1922.

(c) On 21st February, 1924, the Madras Government submitted a Bill for the previous sanction of the Governor General. It was returned with the Governor General's orders upon it on the 15th March, 1924.

Mr. A. Rangaswami Iyengar: Am I to take it that it has received the Governor General's sanction?

Mr. M. S. D. Butler: I think if the Honourable Member will wait a few days he will see what the Bill is which is being introduced in the Madras Legislative Council.

Mr. A. Rangaswami Iyengar: I want to know whether the Bill which was here for the sanction of the Governor General has received such sanction.

Mr. M. S. D. Butler: I said the Bill had been returned with the Governor General's orders, and it will be seen in the course of a few days what course the Madras Government are taking in the matter.

Mr. A. Rangaswami Iyengar: Am I to take it that the Honourable Member does not want to lay that information before us in this House?

Mr. M. S. D. Butler: I am not prepared at this stage to lay any correspondence on the table. The Madras Government are about to introduce a Bill.

Mr. A. Rangaswami Iyengar: Not even the information as to whether it has been sanctioned for introduction in the Madras Legislative Council?

Mr. M. S. D. Butler: No.

PROPOSED RAILWAY BETWEEN HYDERABAD (DECCAN) AND DELHI.

888. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state whether there is any truth in the rumour that proposals are under consideration to open a new Railway line connecting Hyderabad (Deccan) with Delhi, which would be shorter than the existing one? If so, what is the estimated cost of such a line?

The Honourable Sir Charles Innes: The Ballarshah Warangal Railway in the Nizam's Dominions and the Itarsi Nagpur Railway, now under construction, will, when opened, afford a new route between Hyderabad (Deccan) and Delhi, which will be shorter than the present one.

The estimated cost of these two lines will be about Rs. 604 lakhs.

EXPENDITURE ON THE ECCLESIASTICAL ESTABLISHMENT.

889. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state what necessitated them to put the expenditure on the Ecclesiastical Department in the Budget Estimate, 1924-25, at Rs. 18,75,000 over and above the actual amount spent in 1914?

Mr. M. S. D. Butler: As stated in my reply to a question put in this Assembly on the 11th March, 1924, the increased expenditure is almost entirely due to the revision of pay and allowances, and to the inclusion of leave allowances not previously shown under this heading.

FORESTS AREA UNDER THE GOVERNMENT OF INDIA AND REVENUE DERIVED THEREFROM.

890. ***Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state the total area of forests under their control and what use they are put to?

(b) Do the Government derive any revenue from them? If so, how much?

Mr. M. S. D. Butler: (a) The latest returns are for 1922-23. The area then under control of the Government of India was 3,920 square miles. The revenue amounted to Rs. 23,43,415.

(b) The forests of the Andamans and North-West Frontier Province are worked chiefly for the supply of timber. The remaining forests are mostly scrub forests conserved for agricultural and climatic reasons.

TERMS OF REFERENCE OF THE TAXATION COMMITTEE.

891. ***Mr. K. Venkataramana Reddi:** Are the Government prepared to reconsider the terms of reference of the Taxation Committee so as to include specifically a direction to inquire into the wealth of the people of India, its distribution per head and the incidence of taxation in proportion to the wealth? If not, why not?

The Honourable Sir Basil Blackett: The Government do not consider it desirable to alter the terms of reference.

WIRELESS BRANCH OF THE TELEGRAPH DEPARTMENT.

892. ***Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state the number of men employed in the Wireless Branch of the Telegraph Department, who draw a salary of Rs. 200 and above per month? Of these how many are Indians?

(b) Will the Government be pleased to state the approximate total expenditure incurred annually in respect of the Instruction Establishment of the Wireless Branch?

(c) How many men were trained in the Instruction Establishment during the year 1921-23? Of these how many are Indians?

Mr. G. R. Clarke: (a) 92, of whom 17 are Indians.

(b) Approximately Rs. 7,500 per annum, and the Instructional Officer and his assistants are employed on general Divisional work in connection with both the Engineering and Experimental Divisions when not employed on instruction.

(c) During 1921-23 excluding 323 British military officers and military other ranks for whose instruction appropriate fees were charged, 128 men were trained of which 29 were Indians. Of this number 128, 106 of whom

17 were Indians were trained for the Department; the remaining 22 of whom 12 were Indians were trained for other authorities, such as the Indo-European Telegraph Department and Indian States. They were charged appropriate fees.

SALT FACTORIES IN MADRAS.

893. ***Mr. K. Venkataramana Reddi:** (a) Will the Government be pleased to state the number of salt manufacturing factories in the Madras Presidency?

(b) How many were abolished in 1923-24 and how many they propose to abolish in future?

(c) Will the Government be pleased to state the reason why they have been abolished?

(d) Have the Government received any memorial from Kaja Kodanda Ramiah Pantulu Garu, Nizampatam, Repalli taluq, Guntur district, in regard to the proposed closure of the salt factory at Nizampatam? If so, what action do the Government propose to take upon it?

The Honourable Sir Basil Blackett: (a), (b) and (c). The number of salt manufacturing factories in the Madras Presidency was 49 at the close of 1922-23. The Local Government have ordered the closure of 4 factories from the beginning of the 1924 season and they have no proposals for further closure at present under consideration. They report that these factories were very inconveniently situated with no proper means of communication. Their brine supply was unsatisfactory and their outturn poor, and the licensees were involved in heavy indebtedness to Government. It is also stated that in one case the soil was unsuitable, in another labour was not procurable and in a third heavy damage was done by the recent cyclone to the factory which is not worth repairing.

(d) The gentleman named addressed a memorial to the Government of India in January last but as it was not submitted through the Local Government as required by the rules for the submission of petitions to the Government of India, it was returned to the memorialist for compliance with the rules.

Mr. R. K. Shanmukham Chetty: Is Government aware of the fact that very nearly 80 per cent. of the salt consumed in India is imported salt, and if so, has Government ever inquired into the possibility of meeting all the supply of salt from local manufacturers?

The Honourable Sir Basil Blackett: I am not certain about the first part of question 2. I believe the figures given are approximately correct. The reply to the second part is in the affirmative.

Mr. R. K. Shanmukham Chetty: Have they considered the possibility of meeting all the demand in India by salt manufactured in India? I understand the Honourable Member answered in the affirmative, and if so, what is the conclusion arrived at,—what steps have they taken?

The Honourable Sir Basil Blackett: An inquiry took place about 1906. I do not carry in my mind the whole of its conclusions, but one may judge by the fact that since then imported salt has continued to come in, that they came to the conclusion that it is not possible to supply the whole from India.

Sir Purshotamdas Thakurdas: May I ask, Sir, if the report of the inquiry conducted in 1906 is available to the public?

The Honourable Sir Basil Blackett: I do not know; I will find out and will let the Honourable Member know.

Mr. Gaya Prasad Singh: Since that report was published, has there been any difference in the quantity of salt imported from foreign countries? Or has there been any reduction in the amount of salt imported into this country from foreign countries?

The Honourable Sir Basil Blackett: If the Honourable Member will study the sea-borne trade for the last 20 years, he will find out.

MILITARY, DIPLOMATIC AND CONSULAR EXPENDITURE IN PERSIA.

894. ***Mr. K. Venkataramana Reddi:** (a) What is the approximate total expenditure incurred on sending Indian troops to East Persia?

(b) What is the total amount of diplomatic and consular expenditure incurred by the Government of India in Persia during 1922-23?

Mr. E. Burdon: (a) Military expenditure in East Persia was not recorded separately in the accounts and I regret, therefore, that it is not possible to furnish the information desired by the Honourable Member.

(b) Rs. 19,84,342.

Mr. Chaman Lal: On what ground do Government justify the expenditure in East Persia?

Mr. E. Burdon: There is no expenditure from Indian revenues at present at all.

Mr. Chaman Lal: On what grounds do Government justify the sending of Indian troops to East Persia?

Mr. President: The Honourable Member should give notice of the question.

EXPORT DUTY ON RAW HIDES AND SKINS.

895. ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state who was responsible for the reduction of the duty on the export of raw skins and hides from 15 per cent. to 5 per cent. *ad valorem*?

(b) Are the Government aware that this reduction from 15 to 5 per cent. does not constitute a sufficient protection to the tanning industry? Have they received representation from anywhere to that effect?

(c) Is it a fact that the Director of Industries in Madras had expressed himself strongly against the reduction of the duty? If so, will the Government be pleased to lay on the table a statement of his views?

The Honourable Sir Charles Innes: (a) The Indian Legislature.

(b) Representations in the sense suggested have been received, but the Honourable Member should read the debates on the subject in this House last March.

(c) The Government have no information.

Sir Gordon Fraser: Is it not a fact that the value of raw hides has increased nearly 100 per cent. during the past 18 months, and that this result is entirely due to the legitimate laws of supply and demand, the main demand being for export, and that the export duty of 15 per cent. on the export of raw hides can very well be reintroduced?

The Honourable Sir Charles Innes: I believe that it is a fact that the price of raw hides has gone up in the last few months. But if that is so, I welcome that increase of price, because it shows that the trade, which had almost been killed, is beginning to revive; and as regards the Honourable Member's second part of the question, I suggest that the whole question was discussed in this House last March, and that the Honourable Member could have been present had he so desired.

Mr. R. K. Shanmukham Chetty: Are Government aware of the fact that, as a result of this reduction in the export duty, there is very great danger of the tanning industry in India being exterminated?

The Honourable Sir Charles Innes: I am not at all aware of that fact, Sir.

Mr. R. K. Shanmukham Chetty: I give it to the Honourable Member as a fact.

The Honourable Sir Charles Innes: I am afraid I cannot accept it from the Honourable Member.

Mr. R. K. Shanmukham Chetty: But whether the fact is correct or not, will the Honourable Member inquire?

EXPORT TRADE IN RAW HIDES AND SKINS.

896. ***Haji S. A. K. Jeelani:** (a) Is it a fact that Madras Presidency is the chief seat and centre of the tanning industry?

(b) Are the Government aware that those who are interested in the export business of raw hides and skins are foreign traders?

The Honourable Mr. A. C. Chatterjee: (a) The Madras Presidency is one of the chief centres of the tanning industry.

(b) No. Many Indian merchants are large shippers of raw hides and skins.

Sir Gordon Fraser: Are Government aware of the fact that the export trade in raw hides benefits only the middleman and the foreign consumer, to the very great detriment of an old established indigenous Indian industry?

The Honourable Mr. A. C. Chatterjee: No, Sir, I do not think that is exactly the fact.

Mr. R. K. Shanmukham Chetty: Are Government aware of the economic law that as far as possible, if raw products can be turned into manufactured articles in the country, they ought not to be allowed to be exported to other countries?

The Honourable Mr. A. C. Chatterjee: I think the statement of the Honourable Member is a little too wide.

Sir Gordon Fraser: Are Government aware of the fact that the only market in the world open to the tanning industry of Indian tanners of hides is Great Britain, and that all the other countries which import raw hides from India put a prohibitive duty on the tanned article to prevent importation into their countries?

The Honourable Sir Charles Innes: I am quite aware of those two facts, Sir, and that is one of the reasons why we put this export duty on raw hides, with a rebate in favour of Empire countries, and the result was that the English tanner took no greater proportion of our raw hides than before, and that, when the trade in our raw hides began to revive, Germany and the other continental countries again came into the market.

Sir Gordon Fraser: Is it not a fact that the reduced exports of raw hides during the year 1920-21 and 1921-22 were due not to the export duty but to the disorganization of the European markets?

The Honourable Sir Charles Innes: I agree, Sir, that the reduction in the export of raw hides was mainly due to the stagnation of the hide trade.

Sir Gordon Fraser: Is it not a fact that the reduction in the shipment of tanned hides during those years was due to the fact that the Home Government placed on the market a stock of something like 120,000 bales of tanned hides, and hence it was impossible for the Indian tanners to find a market in Great Britain for the output of their tanneries?

The Honourable Sir Charles Innes: I agree, Sir, that the stocks held by the British Government at the end of the war were the main cause why the Madras tanning industry was not in a flourishing condition in 1921-22; but I think if the Honourable Member will examine the statistics, he will find that the exports of tanned hides or semi-tanned hides (because the industry in Madras only half tans) are very nearly reaching the pre-war level, while exports of raw hides are still a long way below the pre-war level.

Mr. A. Rangaswami Iyengar: Are we to take it that the Government of India refuse to give the Madras tanning industry another chance of revival by the reimposition of this duty on export of hides?

The Honourable Sir Charles Innes: The Government of India at present, Sir, have no intention of making any proposals to the Legislature for increasing the export duty on raw hides.

EXPORT DUTY ON RAW HIDES AND SKINS.

897. ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state on whose suggestion or with what aim an export duty of 15 per cent. *ad valorem* on the export of raw skins and hides began to be levied from the year 1921?

(b) Are the Government aware that after the imposition of that duty there had been a vigorous revival of the tanning industry in the Madras Presidency, specially in low class hides?

The Honourable Sir Charles Innes: (a) The export duty on raw hides and skins was imposed in 1919 in the hope of encouraging the tanning industry in India and of retaining within the Empire a key industry.

(b) If the Honourable Member will examine the statistics on this subject in the sea-borne trade returns which are in the Library, he will find that they do not bear out his contention; I will just give those statistics in view of what Mr. Shanmukham Chetty has said: The export of tanned hides in 1921 was 5,449 tons, and in 1922, 8,854 tons. In those two years, the export duty on raw hides was 15 per cent. In 1923 the export of tanned hides was 13,592 tons, and in nine months of that year the export duty was only 5 per cent.

EXPORT OF RAW HIDES AND SKINS.

898. ***Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state the amount of customs receipts on this item of export of raw skins and hides from the years 1921-22, 1922-23, 1923-24?

(b) Will the Government be pleased to state the total tonnage of raw skins and hides shipped out of India for the two years when the 15 per cent. duty was being levied?

(c) Are the Government aware that a major portion of this trade is with countries avowedly protectionists, other than the United Kingdom?

The Honourable Sir Charles Innes: (a) Customs receipts realised from export duty on raw hides and skins during 1921-22, 1922-23 and the 10 months of 1923-24 are Rs. 51, 43 and 20 lakhs, respectively.

(b) The total tonnage of raw hides and skins, exported out of India in each of the two last years, namely, 1921-22 and 1922-23, when the 15 per cent. duty was in force, was 48,458 and 45,727 respectively.

(c) Over three quarters of the total exports of raw hides and skins from India in 1921-22 and 1922-23 were shipped to the United States of America, Germany, Italy and Spain. These countries adopt protective tariffs.

RAILWAY COLONY AT JONESGANJ, AJMER.

899. ***Mr. N. M. Joshi:** Will Government be pleased to state:—

(a) Whether the authorities of the B. B. & C. I. Railway Company in India, with the sanction of the Government Consulting Engineers, Bombay, founded a Workmen's Colony, named Jonesganj, at Ajmer, for the employes of the Carriage and Wagon Department under the terms recorded in resolution No. 207 of the official meeting of 1891 of the Rajputana Malwa State Railway?

(b) Whether the minutes of the meeting were as usual subsequently confirmed by the Government of India and the Board of Directors of the Company?

(c) Whether in pursuance of the above-mentioned resolution, the Railway authorities made over to the Colony Committee in 1891, for the said Colony, 98½ bighas of land which had been acquired for railway purposes for Rs. 5,800 from Sardar Ameen Chand under an indenture dated 18th October 1879, and about 200 houses have been built upon that land?

The Honourable Sir Charles Innes: I propose, Sir, to answer Questions 899 to 903 together.

The information asked for in this and the four questions following is being obtained from the Railway Administration concerned and will be communicated to the Honourable Member on receipt.

RAILWAY COLONY AT JONESGANJ, AJMER.

900. ***Mr. N. M. Joshi:** Will Government be pleased to state whether the terms embodied in resolution No. 207 of the official meeting of 1891 of the Rajputana Malwa State Railway included the following:

(1) that the Railway should allow free use of land and grant leases in due form;

+ For Answer to this Question—see Answer below Question No. 899.

- (2) that the colonists should be the owners of the houses and defray all costs and expenses of construction, maintenance, repairs, etc., of the houses;
- (3) that the affairs of the Colony be managed by a Committee to be formed by the house-owners, the Carriage and Wagon Superintendent of the Railway exercising control in a general way; and
- (4) that the Colony Committee should buy the houses of men dying or leaving the station.

RAILWAY COLONY AT JONESGANJ, AJMER.

†901. *Mr. N. M. Joshi: Will Government be pleased to state whether it is a fact that, instead of granting leases in *due form* to Colonists of Jonesganj at Ajmer, the Company's authorities in India subsequently prepared printed leases in which the ownership of the men to the houses was made obscure and the men were persuaded to sign these leases while all the transactions relating to advances, recoveries, etc., were worked out and acted upon in accordance with the terms recorded in the resolution No. 207 of the official meetings of 1891 of the Rajputana Malwa State Railway?

RAILWAY COLONY AT JONESGANJ, AJMER.

†902. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether it is a fact that the Carriage and Wagon Superintendent in his letter, No. 8128-A., dated 30th May 1898, reported to the authorities at Bombay that the valuation of the houses taken over from the Jonesganj colonists leaving the village was made at "the present value at current rates"?

(b) Will they be further pleased to state whether the Carriage and Wagon Superintendent in his letter, No. 1431-R. S., dated 30th January 1917, to the address of the Agent, B. B. & C. I. Railway, proposed to wind up the colony by realising the railway cost of the land from the accumulated amount of the village funds and to divide the vacant land proportionately among the colonists?

RAILWAY COLONY AT JONESGANJ, AJMER.

†903. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether it is a fact that the present authorities of the B. B. & C. I. Railway Company in India deny the rights of the Jonesganj colonists under the authorised terms as recorded in the resolution of 1891, and have taken over houses of several families at less than the market price under the arbitrary power inserted in the subsequent lease?

(b) If the answer to the above be in the affirmative, do Government propose to direct the railway company to deal with the colonists according to the original agreement as recorded in the minutes of the official meetings and sanctioned by the highest authorities? If not, why not?

ORIGINAL MAJOR WORKS IN THE N. W. F. PROVINCE AND BALUCHISTAN.

904. *Mr. Gaya Prasad Singh: Will the Government kindly furnish a statement showing separately Original Major Works which are proposed to be undertaken in Baluchistan, and the N.-W. Frontier Province in 1924-25, indicating the amount of expenditure they would involve, and the necessity for their being undertaken at a time of admitted financial stringency?

Mr. E. B. Howell: A statement giving the required information is laid on the table.

† For Answer to this Question—see Answer below Question No. 899.

QUESTIONS AND ANSWERS.

2005

Statement of Original Major Works to be undertaken in the North-West Frontier Province and Baluchistan in 1924-25.

Province.	Works.	Amount.	Reasons for Works.
North-West Frontier Province.	Jandola-Sarwakai Road	Rs. 9,08,000	These works form part of the Waziristan Scheme.
	Kotkai Scout Post	9,000	
	Sarwakai Scout Post	4,53,000	
	Splitoi " "	87,000	
	Chagmalai " "	70,000	
	Jandola " "	6,34,000	
	Spinwam " "	2,39,000	
	Shewa " "	99,000	
	* Nima Liara " "	50,000	
	Khirmi " "	88,000	
	Girmi " "	68,000	
	Murtaza " "	1,49,000	
	Spinkai Kach " "	72,000	
	Miranshah Fort Extension	1,98,500	
Ditto	Scout Post	21,500	Necessitated by great overcrowding in present buildings. Reconstruction of these buildings which were destroyed during the Afghan war of 1919 is necessary. Heavy and yearly increasing traffic. Completion of accommodation necessitated by intense overcrowding with loss of personnel. Resumption of wheeled traffic with Kullachi, the former road having been destroyed by floods to the great detriment of trade. The work has been waiting since 1914 for execution. The road needs widening and work has been in progress since 1920-21.
	Bova Scout Post	32,000	
	Datta Khel Scout Post	10,55,000	
	Praband-Ghazni Khel Road	28,000	
	East police station, Peshawar.	85,800	
	Frontier Constabulary and Civil posts at Urazinda.	20,000	
	Widening Mardan-Charsadda Road.	1,71,600	
	* Frontier Constabulary posts with water supply and hospital at Draban.	2,14,600	
	* Construction of Hathala-Kullachi Road.		
	Widening Hazara Trunk road.	3,000	
Baluchistan	Total North-West Frontier Province.	47,56,000	The Police force is at present housed in old, cramped, insanitary and deteriorated buildings in three different parts of the station and some have to reside in the bazar. In the interest of health, control, discipline and efficiency concentration in imperative and will be effected by the scheme sanctioned which is very economical, as it enables Government to utilise certain buildings already in existence. Undertaken to find a water supply which can be used for irrigating cultivable lands. Potentially remunerative.
	Police Lines at Quetta	24,500	
	Deep well boring at Quetta	89,000	
	Total Baluchistan	1,18,500	
GRAND TOTAL		48,69,500	

* New Works. All other works are Works in progress.

UTILISATION OF THE SERVICES OF THE LAW OFFICERS OF THE BENGAL GOVERNMENT.

905. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to furnish a statement of the past four years, giving the names of the law officers of the Bengal Government, who were paid for services rendered to the Central Government, together with the amount paid to each, and also the nature of the services rendered?

(b) How long do the Government of India propose to indent upon the law officers of the Bengal Government for services to the Central Government?

The Honourable Sir Malcolm Hailey: (a) The information for the three years from the 1st April 1921 is being collected.

(b) The Government of India have no present intention of revising the system.

CIVIL JUSTICE COMMITTEE.

906. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state the circumstances which led to the appointment by the Governor General in Council of a Committee to inquire into the delays in the disposal of civil suits and appeals? What is the estimated cost of the Committee, and who are the members?

(b) With reference to the above, why was not the Legislative Assembly given an opportunity of expressing its opinion?

(c) Will the Government be pleased to state why the different Local Governments, and the High Courts were not in the first instance asked to devise means for the speedy disposal of civil suits and appeals?

The Honourable Sir Malcolm Hailey: I can add but little information on this subject to that given in the resolution of the 24th January 1924; in the correspondence annexed to that resolution; in my reply to Mr. Duraiswami Aiyangar's question No. 300 on the 12th February 1924; and in my speech on the 20th February 1924, which is reported on pages 853-854 of the Legislative Assembly Debates of this session.

The suggestion that a Committee should be appointed to inquire into certain aspects of the administration of civil justice had been for a considerable time under the consideration of the Government of India. On receipt of most of the replies to the Home Department letter of the 25th June 1923, included in the correspondence to which I have referred, it was decided in October last that the Committee should be appointed and this decision was made public in that month. Though the Resolution only issued on the 24th January 1924, the decision to appoint the Committee had been taken at a time when the Assembly had been dissolved.

Mr. C. Duraiswami Aiyangar: May I know whether the Honourable the Home Member has requested His Excellency the Governor General to enlarge the scope of that inquiry by including criminal administration as well as the strength of the establishment?

The Honourable Sir Malcolm Hailey: I think in the course of our previous debate, that matter was referred to and I said that I would then consider whether any enlargement of the scope of the inquiry was possible without an undue extension of the time which that inquiry would take. I regret I have not been able to take the matter up.

Mr. C. Duraiswami Aiyangar: Will the Honourable the Home Member be pleased to consider whether putting a few more questions, to the witnesses who are examined by the Committee may not involve a large expenditure of time and on that account make economic use of the money by requesting His Excellency to include this item also in the scope of the Committee's inquiry?

The Honourable Sir Malcolm Hailey: That possibility will form one element in the consideration, Sir.

Mr. Gaya Prasad Singh: Is it in contemplation to appoint another Committee in regard to criminal administration and spend another big sum of money on it?

The Honourable Sir Malcolm Hailey: We have no present intention of doing so.

COMPENSATION IN RESPECT OF SUFFERING OR DAMAGE CAUSED BY ENEMY ACTION DURING THE LATE WAR.

907. ***Mr. Gaya Prasad Singh:** (a) Is it not a fact that a sum of Rs. 25 lakhs is intended to be given to private individuals domiciled in India, by way of compensation in respect of suffering or damage caused by enemy action during the late war?

(b) Will the Government kindly state who has the power of admitting claims, and awarding compensation? Is it open to private individuals to submit their claims now?

(c) How did the Government invite private individuals to submit their claims; and will the Government be pleased to give the reference to any Press Communiqué, notices, advertisements, etc., which may have been issued in this connection?

(d) Will the Government be pleased to state the total amount of claim which is to be paid to Indians, and the total amount to be paid to Europeans?

(e) Will the Government be pleased to lay before the Legislative Assembly a statement, giving the names of persons, the amount claimed and admitted, and the nature of the suffering or damage caused in each case before the money is actually disbursed? And when is such a statement likely to be furnished?

Sir Henry Moncrieff Smith: The answer is a very long one, Sir, and I therefore ask the Honourable Member to permit me to treat his question as if it had not been starred and to lay the answer on the table.

(a) The reply is in the affirmative.

(b) and (c). I will answer (b) and (c) together if the Honourable Member has no objection.

The Government of India invited private individuals to submit their claims through Local Governments in 8 successive Press Communiqués dated 15th November 1919, 20th May 1920 and 28th October 1920. Copies of the Press Communiqués are laid on the Table.

In the Press Communiqué of 20th May 1920, the 30th June 1920 was fixed as the final date for the submission of claims to Local Governments. The Press Communiqué of 28th October 1920 extended the period for submission of claims to allow inclusion of all claims that could be preferred

in time for incorporation in the total of the claims against Germany for reparations which, under the terms of the Treaty of Versailles, had to be fixed by the Reparation Commission on 1st May 1921.

The Government of India are not in a position to give a definite reply to the Honourable Member's question as to whether fresh claims will be admitted now. It seems unlikely, however, that this will be found advisable in view of the ample opportunities already afforded to claimants to submit their claims.

As the grant of Rs. 25 lakhs has only recently been voted by this Assembly, the Government of India have not yet considered the question of the manner in which and the agency by which the admission and disposal of claims should be effected.

(d) The figures of amounts payable are not available at this stage as the claims have not yet been assessed. The test applied in deciding which claims should be settled in the United Kingdom out of the amount voted by Parliament for the purpose and which should be settled in India out of the 25 lakhs is that of *domicile*, permanent not temporary or service. As a result the great majority of the claims by Europeans received by the Government of India have been transferred to the United Kingdom. The remainder are claims by Europeans domiciled in India. These will absorb a very small portion of the 25 lakhs, the bulk of which will, therefore, go to Indians.

(e) As requested by the Standing Finance Committee a statement giving the names of claimants, nature of claim, amount claimed and amount of compensation awarded will be laid before the Assembly after the claims have been settled, but the Government of India are not prepared to give any undertaking to lay such a statement before the Assembly prior to the settlement of the claims and are inclined to doubt whether, in view of the large number of claims to be dealt with, any useful purpose would be served thereby.

No approximate date can at present be given by which the proposals for distribution will be complete.

Press Communiqué, dated 28th October 1920.

In a Press Communiqué dated 20th May 1920, the Government of India announced the procedure to be followed by persons having claims for reparation against Germany and her allies in the late war, and it was intimated that such claims should be submitted to Local Governments and Administrations not later than the 30th June. It has now been brought to the notice of the Government of India that there is a considerable number of persons who, from ignorance either of the procedure to be adopted or of the circumstances in which reparation can be claimed, have not yet submitted their claims. For the benefit, therefore, of such persons the classes of damage for which reparation can be claimed and the decisions of the London Reparation Committee in connection with such claims are indicated below :—

A. Reparation may be claimed in respect of damages falling under the following categories :—

- (1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.
- (2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation), of exposure at sea or of being forced to labour, wherever arising, and to the surviving dependents of such victims.

- (3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.
- (4) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.
- (5) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.
- (6) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

B. The decisions of the London Reparation Committee are as follows :—

- (1) The damage in respect of which reparation is claimed must be assessed on a reasonable basis at whatever sum a jury would be likely to award in a civil action. It would not, for instance, include loss of wages unless incident to personal injury or imprisonment. Reasonable compensation for pain and suffering may be claimed. Claims should be checked and verified as far as possible by the local Custodians of Enemy Property or other officers appointed for this purpose. Statutory declarations, and particulars and proof by certificate or otherwise of personal injuries will be required in support of claims. The Government of India is held responsible for rejecting untruthful or unreasonable claims.
- (2) Claims on Germany are not negatived because the damage done has been covered by insurance.
- (3) Property in respect of which compensation for damage may be claimed means physical property, and does not include industrial property such as a copyright or a patent or rights under a contract such as a mortgage.
- (4) Claims may be preferred through the Government of India both by foreigners who are members of the Crew or passengers on British Ships or by British nationals on foreign ships (sunk or injured by the enemy).
- (5) Interest from the date of the damage should not be included in claims presented to the Reparation Commission.
- (6) The amount of claims should be stated in rupees at the value current at the time when the claim arose. The conversion of these claims into the exchange value current at the date of the presentation of the claim to Germany will be calculated in the United Kingdom.
- (7) A claim can only be made in respect of illness if directly due to operations of war.
- (8) Persons domiciled in a British Dominion should prefer their claims to the Government of the Dominion to which they belong.

As all claims have to be forwarded through Local Governments and Administrations, have to be scrutinised by the Government of India and then forwarded to the India Office to be prepared for presentation to the Reparation Commission before 1st May 1921, any further claims that are still to be made should be submitted as soon as possible, particular attention being paid to compliance with the requirements as to statutory declarations and proof detailed in paragraph B (1) above. It will probably not be possible to prepare for presentation claims received by the Government of India after 15th December 1920.

Press Communiqué, dated 15th November 1919.

It is notified for general information that compensation can be claimed from the late enemy Governments in accordance with the Reparation clauses of the Treaty of Peace in respect of damage falling under the following categories :—

- (1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.

- (2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation), of exposure at sea or of being forced to labour, wherever arising, and to the surviving dependents of such victims.
- (3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.
- (4) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.
- (5) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.
- (6) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

2. Persons or firms desiring to register their claims should apply to the Local Government or Administration within whose jurisdiction they reside or carry on business. Any other information required on the subject may be obtained from the Local Government or Administration concerned. It is desirable that the claims should be substantiated as fully as possible.

Press Communiqué, dated 20th May 1920.

In the Press Communiqué dated the 15th November 1919, it was notified that compensation could be claimed from the late enemy Governments in accordance with the Reparation clauses of the Treaty of Peace (Annex I of Section I of Part VIII) in respect of damages falling under the following categories :—

- (1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.
- (2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, deportation, internment or evacuation), of exposure at sea or of being forced to labour, wherever arising, and to the surviving dependents of such victims.
- (3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.
- (4) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.
- (5) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.
- (6) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

2. The Government of India have now received the decisions of the London Reparation Committee on certain doubtful points arising out of the interpretation of the above clauses. The decisions which are of general interest are reproduced below :—

- (1) The damage in respect of which reparation is claimed must be assessed on a reasonable basis at whatever sum a jury would be likely to award in a civil action. It would not, for instance, include loss of wages unless incident to personal injury or imprisonment. Reasonable compensation for pain and suffering may be claimed. Claims should be checked and verified as far

as possible by the local Custodians of Enemy Property or other officers appointed for this purpose. Statutory declarations, and particulars and proof by certificate or otherwise of personal injuries will be required in support of claims. The Government of India is held responsible for rejecting untruthful or unreasonable claims.

- (2) Claims on Germany are not negated because the damage done has been covered by insurance.
- (3) Property in respect of which compensation for damage may be claimed means physical property, and does not include industrial property such as a copyright or a patent or rights under a contract such as a mortgage.
- (4) Claims may be preferred through the Government of India both by foreigners who are members of the Crew or passengers on British Ships or by British nationals on foreign ships (sunk or injured by the enemy).
- (5) Interest from the date of the damage should not be included in claims presented to the Reparation Commission.
- (6) The amount of claims should be stated in rupees, at the value current at the time when the claim arose. The conversion of these claims into the exchange value current at the date of the presentation of the claim to Germany will be calculated in the United Kingdom.
- (7) A claim can only be made in respect of illness if directly due to operations of war.
- (8) Persons domiciled in a British Dominion should prefer their claims to the Government of the Dominion to which they belong.

3. Claims should be submitted to Local Governments and Administrations as soon as possible and in no case later than the 30th June, 1920.

TAXATION COMMITTEE.

908. *Mr. Gaya Prasad Singh: (a) Will the Government be pleased to state the circumstances relating to the appointment of a Committee on Indian taxation at an estimated cost of Rs. 2 lakhs? And what is the scope of such a Committee?

(b) Was the Legislative Assembly consulted before the Committee was appointed? And if not, why not?

The Honourable Sir Basil Blackett: (a) I would refer the Honourable Member to pages 100—101 of the Proceedings of the Standing Finance Committee, Volume III, No. 4, wherein the circumstances leading to the proposal to appoint such a Committee were explained and to the terms of reference of the Committee given by me in answer to question No. 316 by Mr. Rangaswami Iyengar on the 18th February 1924.

(b) The Committee has not yet been actually appointed, but the necessary provision for its expenses was included in Demand Grant No. 47 which was voted by the Assembly on March 15th.

REMOVAL OF THE DISTRICT JAIL, DELHI, FROM ITS PRESENT SITE.

909. *Mr. Gaya Prasad Singh: Will the Government be pleased to say if there is any proposal for the removal of the District Jail, Delhi, from its present site? If the answer to the above be in the affirmative, why is an expenditure of Rs. 18,800 being incurred for the remodelling of its main gate?

The Honourable Sir Malcolm Hailey: There is no proposal to remove the District Jail, Delhi, from its present site. The remodelling of the main gate is necessary to render it safe and less accessible of entrance by easy climbing.

AEROLOGICAL OBSERVATORIES.

910. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state how many Aerological Observatories there are in India, and where? What are the functions of such an Observatory?

(b) When was the Aerological Observatory established at Agra, and what has been the total amount of expenditure so far, recurring and non-recurring?

The Honourable Mr. A. C. Chatterjee: (a) There is only one Aerological Observatory which is at Agra. Its functions are to determine weather conditions by means of observations at different heights and to maintain sub-stations, now 8 in number, for the observations of upper air currents in other parts of India.

(b) In April 1913. The total expenditure up to the end of 1922-23 has been approximately Rs. 3.1 lakhs recurring, and Rs. 0.9 lakhs non-recurring, or a total of Rs. 4 lakhs.

NEW CHAMBERS OF THE LEGISLATURE AT RAISINA.

911. ***Mr. Gaya Prasad Singh:** When are the new Chambers of the Legislature likely to be ready for occupation at Raisina?

The Honourable Mr. A. C. Chatterjee: It is hoped that it will be possible to hold the session of February—March 1926 in the two new Chambers. It is, however, improbable that the whole building will be completely finished by that date.

LONGWOOD HOTEL, SIMLA.

912. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it not a fact that the Associated Hotels Company, when it was asked to sell the Longwood property was definitely informed that it would be used for the purpose of accommodating Members of the Legislature?

(b) If so, do the Government propose to reserve it for the express purpose for which it was taken?

The Honourable Mr. A. C. Chatterjee: (a) Not so far as Government are aware.

(b) The Honourable Member's attention is drawn to my reply to part (a) at starred question 619 of 8th March 1924.

Khan Bahadur Sarfaraz Hussain Khan: Are the Government of India aware that the Associated Hotels Company had informed the Secretary to the Government, Public Works Department, that the Longwood Hotel was required for Members of the Indian Legislature?

The Honourable Mr. A. C. Chatterjee: No, Sir.

Mr. K. C. Neogy: Will it surprise the Honourable Member to know that the notice that was issued under the Land Acquisition Act was as follows:

"Notice is hereby given that the house and estate known as Longwood Hotel, Simla, consisting of 4.30 acres, more or less, of land situated in Simla, and bounded as below and recently marked out and measured, is about to be taken by Government for providing residential accommodation for the Members of the Reformed Legislative Council at Simla."

The Honourable Mr. A. C. Chatterjee: I shall accept that fact from the Honourable Member, Sir.

Mr. K. C. Neogy: In view of this fact will the Honourable Member be pleased to reserve this hotel exclusively for the use of the Members of the Legislature?

The Honourable Mr. A. C. Chatterjee: No, Sir, not unless I find it economical for Government to do so.

Khan Bahadur Sarfaraz Hussain Khan: If the Assembly Chamber at Simla is not occupied by Members, will it be rented?

The Honourable Mr. A. C. Chatterjee: I shall have the greatest pleasure in renting it to the Honourable Member if he will pay me a good sum for it.

Mr. K. C. Neogy: Have the Government received any letter from the Associated Hotels of Simla complaining against the present practice of Government running a hotel in Simla?

The Honourable Mr. A. C. Chatterjee: I have not seen any such letter, Sir, myself, except that a copy was sent to me privately this morning.

Pandit Shamlal Nehru: When this building was given on lease or contract, was any tender or offer invited?

The Honourable Mr. A. C. Chatterjee: The building has not been given on lease or contract to anybody.

Mr. Devaki Prasad Sinha: Is any other Government quarter, in Delhi or Simla, let out to private persons whenever it is empty?

The Honourable Mr. A. C. Chatterjee: Most certainly, Sir.

Mr. K. Ahmed: Do Government propose for the benefit of the public to allow the representatives of the country to occupy Longwood Hotel and ask the military officers to go and live either in Summer Hill quarters or on the Cart Road quarters instead of in the Longwood Hotel which is situated in the elevated place, and its upper storey of the old block is preferred by all the Members of the Legislature, Sir?

The Honourable Mr. A. C. Chatterjee: I am not sure that I have understood the question. I do not exactly know who the representatives of the country are.

Mr. K. Ahmed: The Members of the Indian Legislature are the representatives of the country, and the Honourable Member knows it. In view of that fact, Sir, the best quarters, the upper storey of the old block of the Longwood Hotel, should be reserved for them and the Military people who are living there should be removed to some other quarters, such as the Summer Hill or the Cart Road quarters.

The Honourable Mr. A. C. Chatterjee: The Cart Road quarters are meant for orthodox persons and I do not suppose they will agree to live in the upper blocks of Longwood Hotel, and I have already indicated in an answer to a question the other day that the suggestion of the Honourable Member will be taken into consideration.

Mr. K. Ahmed: Do Government propose to remove the military gentlemen, who are living upstairs of the old Block to the ground floor for the convenience of the Members of the Legislature?

The Honourable Mr. A. C. Chatterjee: No, not so long

Mr. K. Ahmed: If not, why not? The Honourable Member knows that it is convenient perhaps for the old military people to mount on their horses with their implements, swords and other materials from the ground floor instead?

Mr. K. C. Neogy: Will the Government be pleased to say if they have examined the legal position as to whether it is permissible for them to acquire private property under the Land Acquisition Act for one object, and then utilise it for another?

The Honourable Mr. A. C. Chatterjee: I have not examined the question from that standpoint. But I think that, if Government have acquired the land for a public purpose, they can continue to use it for any purpose they like.

Mr. K. C. Neogy: Acquired for a specific public purpose?

Pandit Shamlal Nehru: Will the Honourable Member kindly go into the matter?

The Honourable Mr. A. C. Chatterjee: I have already promised to do so.

USE OF LONGWOOD HOTEL BY COMMERCIAL TRAVELLERS AND OTHER MEMBERS OF THE PUBLIC.

913. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that during the past two years commercial travellers and other members of the public have obtained board and lodging at Longwood Hotel, and if so, by whose authority and at what rate?

(b) Are the Government aware that the owners of other hotels in Simla resent the fact that the Government are competing with them in their business in that Government having purchased Longwood as a residence for Members of the Legislature, now use the place for other purposes?

The Honourable Mr. A. C. Chatterjee: (a) During the past two years persons other than those entitled to live in Longwood Hotel have been accommodated, on giving a promise that they would vacate immediately if the rooms they occupied were required for any one entitled to accommodation. Such persons were charged the same rates as Government officials. The allotments were made by the Superintending Engineer, in accordance with paragraph 307 of the Public Works Department Code.

(b) The answer is in the negative.

ALLOWANCE OF MORE TIME TO THE ASSEMBLY TO STUDY THE BUDGET.

914. ***Mr. Gaya Prasad Singh:** Are the Government aware that the time allotted to the Legislative Assembly between the presentation of the Budget and the general discussion is very short? And will the Government be pleased to make arrangements in future so that more time be given to the House to study the Budget before the general discussion?

The Honourable Sir Basil Blackett: I will answer this question and question No. 915 together. The Government are not aware that there has been any general desire to discuss the financial aspects of the Budget this year. The point raised will be considered next year.

EXTENSION OF THE TIME ALLOWED FOR THE GENERAL DISCUSSION ON THE BUDGET.

†915. ***Mr. Gaya Prasad Singh:** Are the Government aware of the fact that there is considerable dissatisfaction felt by members of the Assembly

† For answer to this Question—see answer below Question No. 914.

owing to the fact that a large number of them were not given an opportunity of taking part in the general discussion on the Budget? And will the Government be pleased to bring this fact to the notice of the Governor General in Council, with a view to give more time for general discussion on the Budget in future?

EMPLOYMENT OF THE MILITARY TO QUELL INTERNAL DISTURBANCES.

916. **Mr. Kumar Sankar Ray:** On how many occasions, for how long, in what number and where was the army requisitioned to quell internal disturbances in India during the last ten years?

Mr. E. Burdon: The information available as to the number of occasions on which troops were called out in aid of the civil power and as to the number of troops employed on those occasions, down to the end of the year 1922, was furnished in the answer† which I gave in this Assembly to starred question No. 289 on the 23rd July 1923. The number of occasions on which troops were so called out during 1923, was 36 and the total number of troops that were employed was 4 Cavalry Regiments, 9 battalions of Infantry and 7 sections of Armoured Cars. The periods for which those troops were employed varied during all the years in question from a few hours to several weeks. I lay on the table a list of the places in which troops were so employed during the years 1921, 1922 and 1923.

Places at which troops were employed.

Rae Bareilly.	Lucknow.	Karachi.
Tonk Rajputana.	Surat.	Moghalpura.
Fyzabad District.	Jubbulpore.	Raipur.
Parol.	Bombay.	Heran.
Nagpur.	Bahadurgarh.	Hyderabad (Sind).
Calcutta.	Ferozepore Jhirka.	Gurdaspur.
Nankhanna Sahib.	Broach.	Sheikpura.
Patna.	Santa Cruz.	Gurranwala.
Anandpur.	Ahmedabad.	Lyallpur.
Mukhsar.	Bellary.	Birang Khera.
Hoshiarpur.	Bihar.	Muga.
Almora.	Muktesar.	Sialkot.
Malegaon.	Phillaur.	Hasanabdal.
Shillong.	Dehra Dun.	Kutra.
Chittagong.	Mawana.	Rawalpindi.
Madras.	Guntur.	Jaipur State.
Aligarh.	Ludhiana.	Naraseputnam.
Mhow.	Jullundur.	Arikkod.
Karur.	Indore.	Cherakhpur.
Saharanpur.	Cawnpore.	Sarwala.
Meerut.	Allahabad.	Kurhial.
Delhi.	Ghaziabad.	Jandiala.
Tatipur.	Agra.	Kathiawar.
Multan.	Bareilly.	Gujarat.
Ahmednagar.	Gorakhpur.	Gonda.
Dinapur.	Faridpur.	Bangalore.
Muzzaffarpur.	Shahjahanpur.	Rohat.
Lahore.	Moulmein.	Garkahankur.
Amritsar.	Ajmer.	Ambala.
Nabha.		

† Vide p. 4839 of L. A. Debates, Vol. III.

TROOPS EMPLOYED TO PROTECT THE DIFFERENT FRONTIERS.

917. ***Mr. Kumar Sankar Ray:** How many soldiers of different grades are stationed to protect the different frontiers, and at what cost per year?

Mr. E. Burdon: It would be impracticable within the scope of an answer to a question to give the Honourable Member the information for which he asks. But if he can make it convenient to call upon me in my office, I shall be glad to explain to him on a map the general distribution of the Army in India.

The book recently issued by my department, "The Evolution of the Army in India", particularly Chapter III and the Army Estimates will furnish the remaining information which the Honourable Member desires.

PAY AND STAFF PAY OF BRITISH OFFICERS SERVING WITH THE INDIAN ARMY.

918. ***Mr. Kumar Sankar Ray:** Whether it is a fact that the pay and staff pay of the British officers serving with the Indian army are in every case considerably higher than the pay of the British officer serving at home or with British troops in India? If so, what and why is this difference?

Mr. E. Burdon: A British Service officer, that is to say, an officer of the British Army, serving with a regiment of the British Army stationed in India, receives ordinarily a higher rate of pay than he receives when serving with a unit in the United Kingdom. The additional pay is given as compensation for serving in India instead of in the home country. A British officer serving with a regiment of the Indian Army receives a higher rate of pay than the British Service officer serving with a British Army unit in India; the reason for this further difference being that the British officer of the Indian Army has undertaken the obligation of continuous service in India. On the other hand, both British Service officers and Indian Service officers receive the same rates of pay while serving in appointments which are purely Indian Army appointments, for example, appointments on the staff. The rates of pay of British Service officers and Indian Service officers when serving in the different appointments in India which are open to them are given in the Pay and Allowance Regulations of the Army in India. It would, I am afraid, be impracticable to repeat the details within the scope of a reply to a question.

PREFERENTIAL RATES GRANTED BY CERTAIN RAILWAYS ON GOODS SHIPPED BY A PARTICULAR NON-INDIAN LINE OF STEAMERS.

919. ***Mr. Kumar Sankar Ray:** Are the Government aware that some railways in India grant low or preferential rates on condition that the goods are shipped by a particular non-Indian line of steamers? If so, what are the railway companies and why do they do so? If the Government do not know anything, do they propose to inquire if there is any foundation for this allegation?

The Honourable Sir Charles Innes: The reply to the first part of the question is in the negative. If the Honourable Member can give particulars of any rate of the kind suggested the matter will be investigated.

LOANS TO VILLAGERS BY THE POSTAL SAVINGS BANK.

920. ***Mr. Kumar Sankar Ray:** If the Government have in contemplation any scheme of enlarging the scope of the Postal Savings Bank so as to give facilities to village people to get loans on easy terms?

The Honourable Sir Basil Blackett: The answer is in the negative.

ALLOWANCES TO POSTAL OFFICIALS IN ASSAM.

921. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether the Superintendents of post offices in the province of Assam including Sylhet and the Inspectors posted in all the districts of Assam except Sylhet are paid Assam allowance while the Inspectors in the Sylhet district are not paid any such allowance?

(b) Will the Government be pleased to state the reasons for such discrimination?

(c) Will the Government be pleased to state the reasons for denying Assam allowance to the head clerks of the offices of Superintendents in the province of Assam who belong to the Inspector's Cadre?

The Honourable Mr. A. C. Chatterjee: (a) All the Superintendents and Inspectors of Post Offices in Assam with the exception of the Inspector in the Sylhet District are in receipt of local allowances.

(b) and (c). It was decided in 1894 that no special pay was necessary for Inspectors in Sylhet. The matter is receiving attention.

LOCAL ALLOWANCE TO POSTAL AND TELEGRAPH STAFF EMPLOYED IN ASSAM.

922. ***Mr. Amar Nath Dutt:** (i) Will the Government be pleased to state if a special Assam allowance is paid to, (1) Telegraphists, (2) R. M. S. sorters, (3) post office clerks, (4) postmen, (5) men of inferior service, (a) in the departmental telegraph office, (b) in the post office, and (c) in the R. M. S.?

(ii) If any discrimination is made in granting Assam allowance to any particular class of employé stated above, will the Government be pleased to state the reasons for the same?

The Honourable Mr. A. C. Chatterjee: (i) Local allowances are granted to officials of all the classes named with the exception of those in inferior service.

(ii) It is not necessary to grant any allowance to men in inferior service because they are recruited locally.

EMPLOYMENT OF POSTMEN AND MENIAL STAFF ON GUARD DUTY AT NIGHT.

923. ***Mr. Amar Nath Dutt:** (a) Are postmen and menials required to keep night guard in any post offices in India and Burma?

(b) Are Government aware that the postmen and menials who are required to keep night guard have to do so after performing full day's work?

(c) Will the Government be pleased to state whether the Director General of Posts and Telegraphs, issued a circular order directing that the guarding of offices by postmen and menials should cease? If so, will the Government be pleased to state why the postmen and menials are still required to guard post offices at night?

(d) Will the Government be pleased to state whether they propose to exempt postmen and menials from guard duty?

The Honourable Mr. A. C. Chatterjee: (a) The reply is in the negative. In cases in which the cash and other valuables in a post office cannot conveniently be removed to the local police station for the night and a *chowkidar* is not employed, a postman or menial is required to sleep near the cash chest.

(b) In view of the reply to (a), the fact that the official concerned has done a full day's work does not involve the hardship which is implied in the question.

(c) Orders were issued by the Director-General on 24th November 1921, to the effect that the arrangement described in the reply to part (a) should be discontinued. I understand that it has not been possible to give complete effect to these orders owing to the financial stringency.

(d) Government propose to leave it to the Director-General to give effect to his orders as funds are available for the purpose.

Pandit Shamlal Nehru: Is it not a fact that many of the post offices are not supplied with iron safes? If so, how can the postmaster be held responsible for the safe custody of the cash?

Mr. G. R. Clarke: In a large number of small post offices in which the cash is kept it is kept in the local police station.

SYSTEM OF APPEALS IN THE POST OFFICE.

924. **Mr. Amar Nath Dutt:** (a) Has the attention of the Government been drawn to an article under the heading "Appeal System in the Post Office" published in "Labour" for January, 1924?

(b) Are the Government aware that the appellate authority does not give any reason whatever for rejecting appeals made by postal and R. M. S. employes but rejects the appeal with remarks like "I see no reason to interfere with the orders passed. The appeal is rejected"?

(c) Has the attention of the Government been drawn to the paragraph in the aforesaid article in "Labour" containing a reference to the system of appeal obtaining in the Post Office in New Zealand where there is an independent board of appeal?

(d) Are the Government aware that the appeal system in the Indian Post Office is not considered satisfactory by the postal and R. M. S. employes as disclosed in the aforesaid article of "Labour"?

(e) Do the Government propose to improve the system of appeal so as to secure the confidence of the staff, (1) by furnishing the appellants with copies of all papers and documents in connection with the case, (2) by allowing the appellant to be represented by a person chosen by him before the appellate authority, and (3) by requiring the appellate authority to give full reasons for rejecting any appeal?

The Honourable Mr. A. C. Chatterjee: (a) and (c). Yes.

(b) The Honourable Member's attention is invited to the reply given by me to Mr. Chaman Lal's question (No. 806) on the subject on the 14th instant.

(d) No.

(e) Under the rules an appellant is entitled, for the purposes of his appeal, to be supplied with (i) a copy of the memorandum of charges given to him before he was punished; (ii) a copy of his explanation or defence; (iii) a copy of the original order of punishment, or an extract therefrom relating to himself, and (iv) a copy of the appellate order of the authority to whom an appeal has been made, or an extract therefrom, at the discretion of the officer to whom the order is sent for communication to the appellant. Government do not propose to alter the system.

UNSTARRED QUESTIONS AND ANSWERS.

CLOSING OF POST OFFICES IN THE PUNJAB.

214. **Chaudhri Bahawal Baksh:** Is it a fact that owing to the increase in postage rates and consequent reduction in correspondence, some post offices in the Punjab had to be closed?

Mr. G. R. Clarke: The facts are not altogether as stated. Certain post offices were closed because they were found to be unremunerative and orders for retrenchment had been issued. As a matter of fact many small post offices were found to be unsuitably situated. They were closed and other offices opened in places where they were more likely to pay their way.

THEFT AND PILFERAGE ON THE NORTH-WESTERN RAILWAY.

215. **Chaudhri Bahawal Baksh:** (a) Will the Government please state the number of the cases instituted for theft and pilferage on the North-Western Railway during the last year?

(b) What decisions were arrived at in such cases and how many persons were convicted?

(c) Has the railway police taken any serious measures to put a stop to this pernicious evil, and thereby safeguard the belongings of the passengers?

The Honourable Sir Charles Innes: (a) and (b). Government regret it has not been possible to collect complete information, but the figures relating to Punjab and Sind Provinces, so far as they are available, show that in the former during the year 1923, 647 cases were challaned and conviction was obtained in 563 cases, the total number of persons convicted being 616. In Sind the total number of cases was 552 and in 109 cases conviction was obtained.

(c) The matter is receiving the special attention both of the Police and the Railway Administration.

MUHAMMADANS EMPLOYED ON THE NORTH-WESTERN RAILWAY.

216. **Chaudhri Bahawal Baksh:** (a) Will the Government please state the number and proportion of Muhammadans employed on the N. W. R. as guards, station masters, ticket collectors and ticket checkers and telegraph clerks?

(b) Do the Government propose to issue orders immediately for raising the percentage of Muhammadan employes on the said railway in proportion to their population in the Punjab?

The Honourable Sir Charles Innes: (a) The Government must ask to be excused from the labour of collecting the information asked for. The policy to be followed in this matter is expressed in the Resolution passed by this Assembly on March 10, 1923. The Agent of the North-Western Railway was asked to give effect to this policy and the Government do not doubt that he is doing so.

PROPOSED RAILWAY FROM GUJRAT TO SARGODHA AND KHUSHAB.

217. **Chaudhri Bahawal Baksh:** (a) With reference to the reply given to my unstarred question No. 116 by Mr. Parsons, are the Government

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aware that since the survey of 1914 for the projected railway line from Gujrat to Sargodha and Khushab, the entire area through which it will pass is now irrigated by canals, in consequence of which traffic in produce and passengers has increased considerably?

(b) If so, do the Government propose to review the position at an early date?

The Honourable Sir Charles Innes: (a) The Government are aware that the entire area has been irrigated since the survey of 1914. This was anticipated and the effect taken into account when considering the prospects of the project.

(b) In the circumstances there is no need to review the position at present.

MUHAMMADANS IN POSTAL EMPLOYMENT.

218. **Chaudhri Bahawal Baksh:** (a) Are the Government aware that the proportion of Muhammadans in postal employment in the Punjab, especially in the Gujrat Division, is very low?

(b) If so, has any superior officer taken any notice of it, and if so, with what result?

Mr. G. B. Clarke: (a) The answer is in the negative. The proportion of Muhammadans is actually higher than that of other communities.

(b) Does not arise.

RESOLUTION RE ABOLITION OF THE COTTON EXCISE DUTY.

Mr. Kasturbhai Lalbhai (Ahmedabad Millowners' Association: Indian Commerce): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date."

Broadly speaking, Sir, the questions of the cotton excise duty and protection are independent of each other and capable of discussion and examination each on its own merits. I propose, therefore, to deal with them accordingly.

First then I take the question of the abolition of the excise duty. From whichever point of view, political, economic or financial, this duty is viewed, one cannot help coming to the conclusion that the abolition of this impost is so imperative, that it cannot be effected a day too soon. In the age we are living in, Sir, political domination is sought to be utilised for economic domination of the subject race and the levy of the cotton excise is an instance in point.

Whatever financial justification may now be urged for the continuance of this impost by the Treasury Benches, this duty is a standing emblem of India's political subservience. It is not possible, Sir, for India to forget the history of this unfortunate impost, and the keen sense of injustice done to her by Britain.

I shall not enter into the commercial policy of the British in India from very early times. But I may rest content with quoting the late Mr. Romesh Chandra Dutt's observations:

"That the production of raw materials in India for British industries and the consumption of British manufactures in India were the twofold objects of the early commercial policy of England."

The abolition of customs duty on British piece-goods in spite of their financial difficulties and consequent revenue considerations by the Government of India, in the seventies, was in pursuance of that commercial policy. It may be remembered, Sir, that the financial situation was not favourable for the sacrifice of revenue which the abolition of the duty entailed; moreover that abolition dealt a blow to the whole scheme of general import duties; yet the Government of India repealed the cotton import duties at the instance of the British manufacturer. When, therefore, in the nineties, the depreciation in the sterling value of the rupee forced the Government of India to impose customs duties on cotton goods, the imposition of a countervailing excise duty was but a necessary corollary of the policy followed till then.

When this excise duty was first imposed, there was a chorus of just protest against it. The whole of India stood as one man in opposing it. The Indian National Congress condemned it; and last but not the least, the Government of India as then constituted, long before the days of the Morley-Minto reforms, also entered their protest against this levy. Mr Playfair, representing non-official European interests in the Supreme Council, observed then that the taxation proposed was, first, an interference with an industry which the Government have every interest to encourage in order to reduce pauperism, and secondly, an enhancement of the cost of a necessity to the poor throughout India. He added:

"Each of these objections is weighty in itself but taken together they form a menace to an industry that, at all events, is deserving of consideration, if it is not entitled, as the Honourable Mr. Westland has admitted, to the fostering care of the Government of India. It is one of those industries to which the members of the Famine Commission referred as helping towards a solution of the difficulties, that must arise with the recurrence of times of famine if the people of this country continue to be wholly or even principally dependent upon agricultural pursuits."

Sir, even when it was subsequently proved by experience, as was urged from the very beginning, that there was little or practically no competition between Lancashire and India, the excise duty was still maintained in the teeth of all opposition because Lancashire, as the late Mr. Gokhale said, was uneasy at the progress "the mill industry had made in this country and wanted to handicap that industry in regard to its further progress". Whenever the question of these duties was raised, the Lancashire philanthropist is seen jumping up with all his solicitude for the Indian masses. But when during the war, prices of cloth were soaring and India was on the verge of a cloth famine, it was the Indian cotton millowner who came forward to supply standard cloth to the masses of this country at a price fixed by Government. Government could neither ask Lancashire nor Japan to reduce their prices for the benefit of the Indian consumer.

Cotton excise came to be imposed upon us not because the interests of India required it, not because the Government of India wanted it, but because Lancashire thought that its interests required it and the Secretary of State dictated it. The ostensible reason for the levy was the protective character of the proposed customs duty, which offended against

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the so-called free trade policy of Britain. India may have been crying herself hoarse for protection; but then had she any right to determine for herself what was best in her interests? The trustee was there 6,000 miles away to safeguard her interests. We could not be put in mind more eloquently of the stern reality of our state of subjection and of our trustee's angle of vision.

The matter, Sir, does not rest there. The Indian National Congress year after year continued its protests; so also did various Indian commercial interests. In fact all classes of people were united in their demand for the repeal of this iniquitous and highly objectionable impost. All Indian Members, excepting one official Indian, were unanimous in supporting Mr. (now Sir) Maneckji Dadabhoy's motion in the Imperial Legislative Council in 1911 for its repeal. A scrutiny of the division will show the diversity of interests that had combined in urging the abolition of the excise duty; and who could accuse the late Mr. Gokhale or the Honourable Pandit Madan Mohan Malaviya of either being pro-capitalist or of not having the interests of the masses at heart? But this expression of the united voice of all classes of people unfortunately fell absolutely flat on the Government of India.

The Government of Lord Hardinge however became alive to the baneful effect of the cotton excise duty and His Lordship declared the intention of the Government of India to abolish the duty as soon as financial considerations permitted. The declaration in 1916 was no doubt a palliative to the long-standing grievance. It is 8 years now since that declaration was made, and it is a pity that one has yet to move a Resolution to ask the Government to take action. I ask, Sir, is it politically sagacious to add to the sense of subordination, injustice and resentment? That the Indian cotton excise duty cannot be defended or justified on any grounds was also accepted by the Honourable Sir Malcolm Hailey when in charge of the Finance portfolio. He observed during the Budget discussions of March 1922:

"I will admit all the theoretical arguments against the cotton duty. I admit that it has also an unhappy history. I admit that in itself it is not a good tax, because it is a tax on production and not on profits. But I say let us have this tax if it is only for six months until the Fiscal Commission can give us a scientific readjustment which will give us money without reproducing the undesirable incidence of the present tax."

These words, Sir, gave us hope that Government were in earnest to remedy the wrong without delay. Four times six months have, however, passed since he made that statement. The Fiscal Commission, after a very elaborate and costly inquiry, made its recommendations unanimously condemning the cotton excise duty and advising Government "to clean the slate". The majority of the Indian members on the Commission recommended its immediate abolition in the following words:

"In the interests of India's national self-respect it is in our opinion essential that the duty should be abolished at once. The imposition of cotton excise duties is one of the principal causes of estrangement between the two countries, England and India. Farsighted statesmanship demands that this cause should be removed. The Indian sentiment on the question is decisive. The evidence placed before us conclusively proved this. It would be unwise to deal with the question by resorting to expedients which will not be acceptable to the Indian people. The best mode of promoting cordial relations and better understanding between the peoples of the two countries is boldly to face the problem and in a spirit of political sagacity to abolish the cotton excise duty at once."

But, Sir, the official psychology is a puzzle to me when I find the Honourable the Commerce Member saying a few months after:

"However authoritative the report of the Fiscal Commission may be, that report cannot and does not relieve the Government of its responsibility."

From this it will be clear that every time pressure was brought to bear upon the Government they have found some pretext or other to evade the abolition of this impost. What I say is further amply borne out by Sir Charles Innes' reply to my question saying:

"The Government examined the recommendations of the Fiscal Commission in regard to the cotton excise duty and came to the conclusion that the immediate abolition of the duty was not a practical proposition."

What impression does this convey to an impartial observer about Government's sincerity and honesty of purpose? In 1916 a declaration is made, in 1921 a Commission is appointed to inquire into the fiscal policy of the Government of India; that Commission after elaborate inquiry makes a unanimous and considered recommendation for the abolition of the Cotton Excise duty; in 1922, during the progress of the Commission's inquiry the Finance Member urged the continuance of the duty only for a few months; in 1923 responsible members of Government give unambiguous and definite hopes of an early abolition of the duty; and in 1924 abolition of the duty is said to be not "a practical proposition". This is to say the least a camouflage and playing with the strong feelings of the people and solemn pledges of Government. So I urge, Sir, that the existing cotton excise duty ought to go at once.

Even if we look at this duty from the standpoint of the accepted principles of taxation, the levy of this duty cannot be supported.

In its inception, the cotton excise duty was not levied for revenue considerations. The profession then was that the levy was necessary to counteract the protective effect of customs duty. The principle of protection has now been accepted not only here but also in England which is taking measures to protect its dyestuffs and other industries from foreign competition. Hence it cannot lie in the mouth of the Government of India to support the maintenance of this duty on the ground of counteracting the protective character, if any, of the customs duty raised solely for revenue purposes, and, to be fair to the Government of India, I must acknowledge that they do not now attempt to justify the levy on that ground. Whatever the ground at the inception, after the declaration of 1916, they seem to rest their case practically on financial considerations alone. It is rather distressing to find, Sir, that an unjust impost is levied and different reasons are pleaded at different times suitable to the occasion. Sir, even if you look at this duty purely from revenue considerations, I submit, it is entirely unjustifiable. Cloth is an article of universal consumption and the levy therefore must press disproportionately upon the poorer classes of the community. I say this on the authority of the late Mr. Gokhale. While supporting Sir Maneckji Dadabhoy's motion for the repeal of cotton excise, he observed:

"Even from the financial standpoint the duties are objectionable. I contend, Sir, that the main burden of these duties falls on the poorest classes of this country. Normally the duties fall on the consumer. They do not fall on the producer except in abnormal circumstances."

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We do not find a parallel of such a tax in any country of the world. Even when England had to raise revenues by high tariffs during the war, it was not considered necessary to levy any excise duty on piece-goods. Hence it is, Sir, that the majority of Indian members on the Fiscal Commission urge that the real remedy to put Imperial finance on a sound basis is to take immediate measures to fill the reservoir of India's national wealth, from which State revenue can be easily drawn. The best way to replenish the reservoir is to stimulate industrial development by a policy of protection. After citing the instances of protectionist countries they recommended that the real remedy is to improve the economic condition of India by promoting its industrial development and not by imposing excise duties on local manufactures.

This takes me, Sir, to the second part of my resolution which also presents another phase of the case for the abolition of cotton excise. The recent world war has shown how essential it is for every country to be absolutely self-contained with regard to her necessities. There need be, therefore, no two opinions that India ought to be able to produce all the cloth required for her home consumption. But India can produce to-day only 40 per cent. of her needs. It is said in certain quarters that the Indian mill industry does not require protection as it is found to be steadily growing without it. Growth there has been, but the test is in the pace of it. Look at the achievement of America and Japan. We have the natural advantages in raw materials which America has. Still during the past 30 years (1892 to 1922), the increase of spindles in India is 3,900,000 as against 21,600,000 in America and the increase in looms is 109,000 as against 338,000 in America. We have further to remember that the population of America is one-third that of India. Take again the case of Japan. She has to import the raw materials from India and outside and she lacks the vast market that we have at our door. Yet Japan which had only 38,000 spindles and 5,000 looms in 1892 claimed 4,500,000 spindles and 61,000 looms working *day and night* in 1922. This means Japan has 9,000,000 spindles and 122,000 looms working ten hours a day as in India. The strides made by Japan become still more marked when we remember that the population of Japan is only a sixth of that of India. Both America and Japan have practically secured their home markets against foreign competitors and now manufacture largely for exports. These results could not have been achieved but for active protective measures. The mill industry has been growing in India for more than 60 years and we are barely able to meet 40 per cent. of our normal requirements. At this rate of progress, it will take us well nigh a century to clothe our own people, even if their requirements remain what they are to-day.

I ask this House whether it would feel satisfied at this rate of progress? Sir, the natural advantages which India possesses give us an additional reason why the industry ought to be developed as early as possible, by at least removing all clogs like the excise duty, and the high duty on mill stores and machinery. The absence of protection has resulted in the inroads on our market by Japan. It had practically no exports of cloth to India till 1909-1910, while its annual average of exports to India for the five years from 1918-19 to 1922-23 comes to 135,000,000 yards. Japan has already secured its home market against foreigners by a tariff wall

of 20 per cent. duty on cloth on an average and still higher duty on yarn. Even America with all her natural resources and efficiency has thought fit to protect its textile industry by an import duty of 40 per cent. while the Government of India are complacently thinking of its temporary financial needs of the day. I make bold to say, Sir, that in these days of world competition no truly national Government would have treated this foremost and essential industry in the manner the Government of India have been doing.

Even nearer home, we find our neighbours, the premier Indian States of Hyderabad, Mysore, Baroda and Gwalior actively giving all possible facilities and fostering the textile industry within their territories. There is neither a super-tax, nor a high rate of income-tax as in British India and the States have made concessions by offering capital free of or at a nominal rate of interest, by free grants of land, etc. Do the Government of India wish that the centre of gravity of the textile industry should be shifted to the Indian States making British India the poorer to that extent?

Again, due to want of industrial development, India has to export her raw materials and import manufactured goods. This results not only in congestion in agricultural employment, but further causes a huge annual drain of over 60 crores of rupees.

From any point of view you look at the industry, you cannot but feel that it deserves special attention and encouragement. India can ill afford to wait for an indefinite length of time and leave the industry to attain its full height at the present snail speed. But, though I may strongly desire protection for the industry to bring about an early consummation of making India self-sufficient in her primary needs, all that I urge by the second part of my Resolution is an early inquiry into the matter. As the Government of India have already accepted the principle of protection, I need not take up the time of this House in establishing the desirability of an investigation to apply that principle to the Indian textile industry?

Sir, before I close, I may be permitted to meet some objections usually advanced against the repeal of the cotton excise impost. It is said that the existing import duty already protects Indian cotton mills. Sir, I am not prepared to accept this contention. Our import duties are purely revenue duties and have been imposed without an inquiry into the protective requirements of our industries. They do not imply "any policy that will inspire confidence and encourage enterprise". So long as this essential is wanting, a high revenue tariff can never develop any industry as a protective tariff, high or low, would do.

It has been suggested, Sir, that if the duty is repealed, it will go to swell the pockets of the industrialists and the consumer will be where he is. This suggestion loses sight of the fact that the excise duty is levied on production and its effect is to increase the manufacturing charges by about 9 per cent. Now what is the natural corollary when these charges are done away with? The cost of production is lowered and to that extent the article tends to sell cheaper and the consumer benefits. Assuming, however, that the millowner benefits, the higher profits will naturally induce more capital and lead to a quicker development of the industry, which, in turn, will benefit the State, the country and the consumer. The State will get additional revenue, the country

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will get the benefits of fuller industrial development and the consumer will get the benefit of keener competition among home producers. It will be clear, therefore, that the advantage to the millowners, if any, will be small and for a comparatively short period.

It is urged by some that whatever the case for a repeal of excise duties, when the customs duty stood at $3\frac{1}{2}$ per cent., the raising of the customs duty to 11 per cent. has taken the wind out of my sail. I have, in part, already replied to this objection, so far as the objection suggests the protective character of our customs tariff. If, however, all the various taxes that the Indian mills have to pay are taken into consideration, the total tax borne by the Indian mills is not $3\frac{1}{2}$ per cent. *ad valorem* on the cloth but it works out somewhere at 10 per cent. In fact, the industry has to pay something like 5 per cent. taxes more than any other industries in India. When we consider the climatic and various other disadvantages under which Indian cotton mills have to work, the burden becomes greater than that borne by the importer. On the other hand the Japanese enjoy the benefit of lesser taxation, cheap female labour, long working hours, State aid in the form of loans at nominal rates of interest and specially low freight rates.

Another argument likely to be advanced is the effect of the repeal of the cotton excise duty on the handloom industry. I may assure this House that I yield to none in my desire to see a happy India with its cottage industries, the foremost being handloom weaving; and if it is desired to attain that end by stopping altogether competition with the power loom industry, I shall not stand in the way by taking up the cudgels on behalf of the Indian mill industry. But, if you honestly and sincerely believe in the cottage industry of hand spinning and weaving, raise the tariff wall on all the foreign piece-goods brought into India so high as to prevent their imports; and then think of an equally high countervailing duty on Indian mills. But if Government had really the interests of the hand loom weaver at heart they would not have levied an import duty on yarns. One of the immediate objectives of the cotton excise impost on cloth was to permit Lancashire to compete with Indian cloth of low counts. It has failed to achieve that object and to profess to have it now in the interest of the hand loom industry is, to say the least, not honest. The Fiscal Commission also does not ask for the continuance of excise to protect the handloom industry, but suggests better means which Government, to my knowledge, have not yet adopted.

I hope Government will accept the proposition I have placed before the House to-day. If, however, they raise the plea of financial considerations I say, Sir, that the key of a satisfactory solution of the plea is in their own hands. They are experts and possess necessary intimate knowledge to advise the House as to the proper ways and means. The Honourable Finance Member may yet question me as to how I propose to meet the deficit of Rs. 1½ crores that may be caused by the abolition of the cotton excise duty. With due deference to the Honourable Member I submit, Sir, that his estimate of the receipts is too optimistic. The tendency of cloth prices is downwards and the volume of business is also smaller. There is every likelihood of a lesser production due to short time work and stoppages, etc. The output, therefore, being smaller in bulk and value, the receipts from excise will also be much lower than what they have been during the last three years. We must remember that the

pre-war receipt used to be between Rs. 40 to 45 lakhs. Since then there has been an increase of only about 25 per cent. in the productive capacity of the industry. To cover this deficit whatever it may be I would ask the House to press for retrenchment. I may be also permitted to state that in 1861, which was a year of deficit, financial considerations did not deter Government from reducing the duty on imported yarns at the behest of Lancashire. They had in subsequent years to remove the duty on yarn and cloth, and lastly on all imported goods, though they did retain the tax on the poor man's salt. In 1896, when they imposed the excise tax on mill cloth and freed imported yarns from all taxes, the measure resulted in a loss of about half a crore of rupees. For some years past, the Government have been foregoing their considerable opium revenue for the uplift of China. These instances show, Sir, that where there is a will there is a way. And, therefore, all that is wanted is a sincere and honest desire on the part of the Government to do away with the cotton excise duty. I refuse to believe that Government which could find out the ways and means for making a gift of a hundred and fifty crores to the Home Government or of raising a revenue of 50 crores to meet their growing expenditure is at the end of their resources when they are called upon to forego a comparatively small amount of revenue from an admittedly inequitable impost like cotton excise.

In conclusion, I urge, Sir, that the claims to protection of the premier Indian industry which I have the honour to represent in this House should be considered without any further delay. I also claim that the excise duty ought to be immediately abolished, because—

- (1) it was never levied to further India's interest;
- (2) it has very humiliating and unpleasant associations;
- (3) it has been condemned by official, non-official and expert opinion;
- (4) its abolition was solemnly pledged by His Majesty's highest representative in India;
- (5) the promise of its abolition has been reiterated by responsible representative of the Government of India;
- (6) it has been a clog on the normal progress of the industry, and
- (7) last but not the least, it is a standing emblem of India's subjection and an insult to our national sense of self-respect.

With these words, Sir, I commend the Resolution for the acceptance of this Honourable House.

Mr. R. D. Bell (Bombay: Nominated Official): I have, as an official, special reasons for being interested in the Indian textile industry, and I wish to treat the subject a little more broadly than did the Honourable Mover and to refer more specially to one branch of the industry with which he dealt somewhat sketchily. A question of this kind must be considered from what the Honourable the Finance Member described during the Budget debate as a national point of view. Within that national point of view I agree that the subject must also be looked at from a protectionist point of view, that is to say, in so far as protection has been recognised as a policy by this Assembly. From this aspect, I hope we shall get rid of one argument which was put forward by the Honourable Mover. This duty is no longer a countervailing duty and I do not suppose that any one in this House would have any hesitation as to his vote if the idea was that the excise duty was to be continued as a countervailing duty. I know that

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there is an argument that its political history cannot be forgotten, but to that I shall come later. The duty is a revenue duty. It is also in one of its aspects a protective duty; and it is this aspect which I wish specially to bring to the notice of the House. In doing so, I should like to say at the outset that, while I look at the figures to some extent in opposition to arguments of the Honourable Mover, I should like to express my sympathy, and no doubt, the sympathy of the House, with the mill industry in its present position. There is no doubt that the mill industry is passing through a critical time. It does no good to say that this time will pass away. If you look at the experience of other countries, and in particular of Lancashire, it is very difficult to say how long this critical time will last. But against that must be set the causes of this crisis, and again I think there will be no doubt on the part of the House when they put it down to the high price of cotton. In other words, the last remedy which ought to be sought for the mill industry at the present moment is an increase in the price of cotton piece-goods. What is wanted for the resuscitation of the industry is not an increase but a very large decrease in the price of cotton piece-goods through a reduction in the price of cotton. In order to get a proper view of the whole of the textile industry in India, in which I include the hand-loom industry as well as the mill industry, I should like to explain first to the House what is the consumption position. I do not think it is necessary to go further back than the year 1896-97 when the excise duty was first introduced on its present basis and I shall try to make statistics as brief as possible. They are very dull and it is very difficult to put the case concisely before the House without the use of graphs. But if we begin with the year 1896-97 we shall see clearly what the effects on consumption, on mill production, on hand loom production and on imports have been during the existence of the excise duty. To some extent the figures are confused by war conditions after the year 1913-14 and again by post-war conditions and I shall therefore try to separate the figures for war and post-war periods from those for pre-war periods as far as possible. With the mill industry itself there is fortunately little difficulty in presenting the picture because that industry has, year after year, steadily increased its output. That is not so with imports. They vary from year to year and it is not a fair comparison to take the figures in any one year and compare them with the figures of any other year. So, as a rule, I shall take the averages of five years in discussing imports and the output of the hand-looms. Now one curious and very important feature of the whole position is the increase of consumption in India of piece-goods. I do not know that this fact is always fully recognised. One hears so much about the growing poverty of the people that an impression may be left on Members that increasing imports must mean diminishing production in India, but it is not so. I find that, over the 20 years following the introduction of the excise duty, the consumption of piece-goods for the five years ending 1915-16 was 52 per cent. higher than it had been 15 or 20 years before. I admit that the figure of 52 per cent. is probably on the high side because the imports into India of cotton piece-goods in the two years before the war were abnormally high and were probably not fully consumed. If we take the later figures I find that in the three years ending 1922-23 the consumption was 30 per cent. higher than it was 20 years earlier and that for the last five years ending 1922-23 it was 19 per cent. higher, so that undoubtedly the consumption of Indian piece-goods in the last 25 years or so has increased by probably as much as 80 per cent.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly Non-Muham-madan Rural): What about hand woven goods?

Mr. R. D. Bell: I shall come to these. This consumption includes imported piece-goods, mill made piece-goods and hand woven goods. Now the reason why there appears to have been a falling off in consumption in recent years as compared with the five years ending 1915-16 is that imports have in these later years very greatly diminished. I find that in the last five years imports were 40 per cent. lower than they were during the 5 years commencing with 1896-97 and were 55 per cent. lower than during the two pre-war years. I should just like for the moment to put against these figures of decrease in imports the figures for the increased mill production in India. The Indian mill production in 1922-23, I am speaking now of cloth, not yarn,—was 389 per cent. more than it was in 1896-97, during which period imports decreased by 40 per cent. Probably the increase might have been even greater but for the difficulties in importing machinery and other plant during the war. But even if we take the period up to 1915-16—and I take this period because it was during this period that imports increased more or less steadily—if we take the twenty years ending 1915-16 we find that the mill production of cloth in India increased over four quinquennia by 252 per cent. against an increase of 29 per cent. in imports, consumption at the same time having apparently increased by 52 per cent. Well, Sir, with these general remarks on the consumption position, the marked decrease in imports in recent years and the very large increase in Indian mill production I shall pass on to the position of the hand-loom industry. There is a very common impression that the cottage crafts of India are dying crafts and I have myself received the most extraordinary estimates of the position of the hand-loom industry. I have heard it suggested that its output is probably 2 per cent. of the mill industry. During the Budget debate Pandit Madan Mohan Malaviya, in describing the harm which he alleged had been done to the material progress of India by British administration, referred to the fact that piece-goods had been imported from India up to the year 1815. I think he said that India had been an exporter to England up to the year 1815. He did not put against that fact this one, that the exports of Indian piece-goods by sea in the last five years have averaged 162 million yards with another 32 million yards exported by land. But I think the popular estimate of the position of the hand-loom industry may be inferred from a note in a book written on this very fiscal question by a Professor of Economics. I am sorry to say that he belongs to Bombay, so I will not give his name. But in this book in discussing this very question he says, referring to the year 1882:

“It could have been argued that some protection to the Indian hand loom industry existed, but it is well known that by this time (1882) this industry had ceased to be of any importance.”

Well, Sir, all I can say is that 14 years after 1882, in the five years beginning 1896-97 the hand-looms of India consumed exactly $2\frac{1}{2}$ times as much yarn as the mills of India. I think that will give Honourable Members a very good idea of the importance of the hand-loom industry. When the excise duty was imposed the hand-looms consumed exactly $2\frac{1}{2}$ times as much yarn as the mills. 1909-10 was the first year in which the mill consumption of yarn exceeded that of the hand-loom, and it was not really till after 1915-16 that the mill production finally exceeded that of the hand weaver; and the reason why in the year 1916-17 the mill industry shot ahead in production so very much was this, that owing to the cessation of imports

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there was a greater demand for mill cloth, the mills used a great deal more of their own yarn and there was no yarn for the Indian hand-loom weaver to enable him to reap the benefit of the exceptional war conditions which prevailed. Now these figures are not just catch figures. I have worked out the consumption of yarn by hand-looms for every quinquennium since 1896-97 and I may say that the figures are probably amongst the most accurate statistics in India. We know exactly the weight of yarn which is imported by sea and the amount which is re-exported, and we know very accurately the figures, which are published monthly, of the production of yarn by Indian mills, and we know the consumption of yarn in Indian mills. What is left over from the mills and what is not re-exported from the imports goes to the hand-loom weaver, less 10 per cent. which is used for miscellaneous purposes; that 10 per cent. is probably however covered by hand-spinning which still persists in some parts of the country. I have mentioned that in the quinquennium beginning 1896-97 the hand-looms consumed $2\frac{1}{2}$ times as much yarn as the mills. I have also mentioned that since the year 1896-97 the production of cloth in the mills has increased by 389 per cent. One might rashly infer from that that the hand-loom industry is declining, but that is very far from being the case. I find that in the first quinquennium the hand-looms consumed 1,058 million pounds of yarn, in the second 1,156, in the third 1,294, and in the fourth 1,346. So that in four successive quinquennia the hand-looms increased their output by 30 per cent. Now, the point which I want to impress on the House is that this was done under the benefit of a $3\frac{1}{2}$ per cent. protective duty for the hand-loom. It is quite impossible not to take account of the hand-loom industry in considering the textile industry of India. Even to-day, although the hand-loom weaver suffered a good deal during the war, I find that during the last 3 years the consumption of yarn by the mills was only one-sixth more than what was available for the hand-looms. Now I should like to sum up these facts, Sir. They are—mill production since 1896-97 has increased 389 per cent.; hand-loom production has increased by certainly more than 30 per cent. and if the figures of the last three years are taken it may be 50 per cent. but not more; and during the last seven years imports have greatly diminished: the figures for imports last year were the highest for six years and they were something like 24 per cent. less than the average of the five years beginning 1896-97. At the present time the consumer in India therefore relies on three sources of supply—Indian mills, Indian hand-looms, and foreign imports—and at the present time these three sources of supply are by no means unequal. Now, before anything is done to remove the protective duty in favour of the hand-loom I consider that the interests of this industry should be considered; and before anything is done to protect the mill industry it is obvious that the interests of the consumer, who wishes to have his third source of supply from abroad kept open to him till the local industry can meet his requirements, must also be considered. Is there any reason why, as regards the hand-loom industry, the existing state of affairs should now be disturbed? I said at the beginning of my remarks that there was a political argument in the case of the excise duty, that although it was admitted that it was no longer a countervailing duty there was a political reason behind its existence. Well, Sir, there is a very much more important political argument behind the maintenance of the hand-loom. You cannot regard an industry of this kind entirely in terms of production. The evil of abolishing cottage industries would be equivalent to what would occur in my own province if you replaced the peasant proprietor by the large landlord. I

hope that this aspect of the question will not be lost upon the House. There are many Members here who have interests which impinge very directly on those of the mill industry. I should like to point out, at the same time, that the mill industry itself is interested in maintaining the hand-loom industry. It provides it with an enormous market for yarn. Some years after I came out to India there was great gloom in Bombay over the loss of the China yarn market, but the increased exports by sea of Indian cloth and the increased consumption of yarn by Indian hand-looms since that market was lost have, I have calculated, almost made up for its loss.

There is one amendment, Sir, to which I should like very briefly to refer. There is a proposal to refer the question to the Tariff Board. Well, in principle I have absolutely nothing to say against that amendment. But only a very short time ago there was a Committee which made some rather scathing remarks on the references which were made by the Government of India to Committees and Commissions. The Tariff Board is not a cheap institution, it cannot do its work efficiently if there is misuse of it and if cases are sent to it which are not established *prima facie*. Otherwise in principle I see no objection whatever to the proposal. But on grounds of economy and cost I think that the supporters of this Resolution should convince the House that there is a case which is worth inquiry.

I should like, before concluding, to press again upon the House the importance of the cottage industries. The hand-loom industry does not stand by itself. I will just give one instance. There is attached to it a very large village dyeing industry. I asked all the large importers of dyes in Bombay what their estimates were, and they told me that the village dyers of India consume from five times to ten times the amount of dyes which is used by all the factories and mills in India put together. That is commercial opinion, Sir. There are no statistics to show exactly how much goes to the one and how much goes to the other. In Bombay city we have still the hand-loom weaver plying his shuttle under the very shadow of the mills, and in all provinces he is a great factor in the economic position. In Madras there are 174,000 hand-looms, and in a province like Bihar and Orissa as much as 40 per cent. of the total requirements of the province are produced on hand-looms. That, Sir, is a very interesting fact because, as far as I can make out, Bihar and Orissa appears to be a peculiarly poor province if its consumption of cotton cloth per head of population is taken into account. It was estimated about 5 years ago that the all-India average consumption of cotton cloth was Rs. 6 per head, while in Bihar and Orissa it is only Rs. 3-4. Now we think that in a province of that kind there is an enormous market for mill-made piece-goods, and yet the province itself produces 40 per cent. of its own requirements on its own hand-looms. I have been constrained to make these remarks because the hand-loom weaver is not vocal, and I was afraid that, unless I rose, he might even be voiceless. It is a fact, Sir, that at all events he is voteless, and this fact, I have noticed, sometimes makes a difference in this Assembly. (Mr. A. Rangaswami Iyengar: "He has plenty of votes in my district.") I am glad to hear that; but it is not merely a question of production and economics, it is a political question. Here we have an industry and with it there are other allied industries which are peculiarly suited to the sentiments, the customs and the caste habits of the Indian. He very much prefers the hardship—there are hardships—but he very much prefers the hardships of village life and a cottage craft to the undoubted evils which accompany industrialism in this

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country; and one of the worst evils of the industrial system in large Indian cities is its distintegrating influence on the family life of the workman. Now the family life is not impaired but it is actually strengthened by the circumstances in which an industry like the hand-loom industry continues to exist in this country.

Mr. N. M. Dumasia (Bombay City: Non-Muhammadan Urban): What about the reimposition of the import duty on cotton yarn which has an entirely opposite effect.

Mr. R. D. Bell: My friend Mr. Dumasia refers to the import duty on cotton yarn. That, Sir, is rather outside the scope of this Resolution. I quite admit that it would be to the great benefit of the hand-loom weaver if it were abolished, and I can give a great many interesting facts in support of that statement, but it is quite outside the scope of this Resolution. I notice that the Fiscal Commission recommended that while the question of protection for the mill industry should be referred to a Tariff Board, nothing whatever should be considered in the shape of protection for the unfortunate hand-loom weaver. Now, Sir, why is this so? Why should we consider the establishment of fresh protection for an industry which is growing at an extraordinary pace, and refuse to consider from the point of view of the hand-loom weaver, not the imposition of fresh taxes for the maintenance of his craft but merely the maintenance of the existing form of protection.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I move:

"That the debate on this Resolution be adjourned till the September session of the Assembly."

The House will realize that if we adopt this Resolution, it is not likely that the Government will give effect to it during the next financial year. Moreover, I think I am right when I say that the House is anxious to reach the other Resolutions that follow the present one. These are briefly my reasons for making this motion.

Mr. President: Motion moved:

"That the further consideration of this Resolution be adjourned."

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, I beg to oppose the motion moved by my friend, Mr. Neogy. It has been said in this House two or three times recently, that there has been some discourtesy on the part of Government in not letting us know their intentions. I wish to raise my protest against a similar discourtesy or lack of courtesy, which has been very pronounced lately, on the part of a non-official party. I, Sir, come to this House as the representative of commerce. I took a lot of trouble to study the Budget from a purely commercial point of view. I wished to address you, Sir, but I was not fortunate in catching your eye; had I done so, Sir Basil Blackett would not have been able to say that only three people addressed themselves to the practical part of the Budget.

Now we know this motion for the abolition of the cotton duties has been on the paper for a very long time. It was ballotted for by Mr. Kasturbhai Lalbhai, he has won his position in the ballot, and I submit,

Sir, it is a fair thing that he should be given his right. It is not fair to him or to us to give us all the trouble of studying the question and being prepared to discuss it and then to find that on a sudden motion from Mr. Neogy from behind me we are asked to dispense with the whole thing. (*The Honourable Sir Malcolm Hailey:* "Because they have no case.") That may be your view, Sir. Now, Sir, we had further reason to believe that we were going to discuss this matter to-day, because there had been a large number of amendments tabled. Is that fair? In the same way, I ask Pandit Motilal Nehru, was it fair when there were a great number of motions on the Budget tabled, to then suddenly wipe out the whole discussion? (*The Honourable Sir Malcolm Hailey:* "Because they had no case then.") Never mind that: they may have no case, but if I have a better one I would like to urge it. Also I would just like to say a few words about the protection of minorities. If a minority wants to speak, as Mr. Lalbhai does, why should it be stopped, why should the Resolution be choked out merely because a somewhat larger section of the House always wishes to address itself to mere political issues and get away from the part which interests me most, namely, the commercial part? I submit that if political issues are to be raised and discussed—and I have not the slightest desire to stop them—the proper way to do it is to table a Resolution, but not to eternally drag this political argument into every practical issue that comes up. Had we been able to discuss the Budget from the practical point of view, we should have been able to discuss a great many things in it; we should have been able to discuss this Resolution (cotton excise duties), all these things would have come in under the Budget. I only wish to speak, Sir, at the present time in regard to Mr. Neogy's adjournment motion. I do not wish to address myself now to the main motion, because there are some amendments, which I would very much prefer to speak on. So, if you will allow me to confine myself now to Mr. Neogy's present amendment and call your attention to the fact that he himself has one down on the amendment list (*Laughter*), No. 5, I would be content, Sir, to record my protest now, and I would ask your permission to speak later on, if I wish to, on any of the subsequent amendments.

The Honourable Sir Charles Innes (Commerce Member): Sir, I also oppose this motion for adjournment. I think, Sir, if it had been the intention of the party which has put forward this motion that this debate should be adjourned, that they should have prevailed upon the Honourable Mover of the Resolution not to move the Resolution. I believe the Honourable Mover is also a member of that party. (*Voices of: "No."*) What has happened is that the Honourable Mover has made his speech on his Resolution. Among other things he has said that Government have consistently evaded a pledge said to have been given by Lord Hardinge that these cotton duties would be abolished as soon as possible. Having made that charge he sits down and Mr. Neogy moves a motion for adjournment and gives me, if the motion is carried, no chance at all of replying to that charge. I think, Sir, that in a House like this, we ought to observe a certain amount of fairness, and that when the Honourable Member has made a charge like that, it ought to be open to people on this side of the House to reply to that charge. I desire also to associate myself with what Mr. Willson has said about the financial and commercial interests in this House. I was reading an article in a well known daily the other day. That article stated that this House was so engaged

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in the political struggle at Delhi that they subordinated to these political interests all financial and commercial considerations. That is precisely what the House proposes to do to-day. If this motion is carried, I think it is wrong

Mr. V. J. Patel (Bombay City: Non-Muhammadian Urban): It is the right thing to do.

The Honourable Sir Charles Innes: I think it is wrong. It may be that if this motion were carried, it would be impossible to give immediate effect to the suggestion that the cotton duties should be abolished. But, Sir, in Mr. Kasturbhai Lalbhai's Resolution there is a suggestion that the Tariff Board should be directed to examine the question of protection for the Mill industry. Now, Sir, I have had a representation on that subject from the Bombay Millowners' Association. It is a live issue at this moment. It is a live issue, whether or not the claims of the Bombay cotton industry to protection should be referred to the Tariff Board, and it would be very useful to me if we had a discussion upon it in this House to-day. There is one other point, Sir. If this debate is adjourned, the Resolution drops altogether. It will depend upon the luck of the ballot whether it can again be brought up. If it is dropped, then the only conclusion that we on the Government side can come to is that this House does not regard this question of the abolition of the cotton excise duties as a live issue at all. On these grounds, Sir, I oppose this motion for adjournment.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadian Urban): Sir, my Honourable friend Mr. Willson has put it to me to say whether it is fair that after sending in a number of amendments to the various Demands, a Resolution should be moved to omit the Demands altogether, and in another way the same thing has been said by my friend, Sir Charles Innes. As to what is fair and what is not fair, when everything is done according to the rules it is very difficult for any one to say

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadian Urban): All is fair in love and war. (Laughter.)

Pandit Motilal Nehru: That, Sir, may be my friend Mr. Bipin Chandra Pal's belief

Mr. Bipin Chandra Pal: I am quoting you, Sir.

Pandit Motilal Nehru: That is not what I said, Sir. I am fair in love and fair in war always. (Laughter.) Now, Mr. Willson will remember that there was not a single amendment standing in my name to any of the Demands. I think I had made it quite clear that we, as prudent men, had taken every precaution against what might happen or what might not happen. It is the safest thing to provide for all possible contingencies. That is what we did. We put in amendments to the Demands; we also put in motions which swept the whole Demand off the board. We were prepared to take one after the other as occasion arose. Now, the rules of this House which permit amendments to be sent in,

also permit motions for adjournment. The motion made by my friend, Mr. Neogy, was made in strict accordance with the rules. If it does not suit the official benches or if it does not suit any particular Member, because it postpones his opportunities to please his electors, that is a matter, Sir, in which those who support the adjournment are not interested. If it is for you, Sir, to pronounce your opinion upon the question I should like you to do so. The question is whether it is not the duty of the Government benches to be ready with every item of business which concerns them on the day's agenda. It is not so very long ago that I discontinued my practice at the bar. I have concerned with heavy cases, with briefs extending over hundreds and sometimes thousands of pages. I have burnt the midnight oil in studying one particular brief, and the next morning I have been told that that case was not going to be taken up. When I stood up to make a very humble protest to the learned judges—I was told it was my business to be ready in every case in which I appeared. I say the same thing to the Treasury Benches. If there are 5 items which they have got to prepare, it is their business to distribute the work among themselves, so that one or more of them might be ready to deal with every item. It is no concern of ours that they would like to answer to-day a certain observation made in a speech moving the Resolution. I do not see, Sir, how that can carry any weight with the House.

Mr. Darcy Lindsay (Bengal: European): I have not heard any declaration from the Government benches that they are not prepared to take up any of the other items on the agenda paper.

The Honourable Sir Malcolm Hailey (Home Member): Quite so, Sir. I am at a loss to understand what the Honourable Pandit means.

Pandit Motilal Nehru: What I mean is simply this, Sir, that my friend Sir Charles Innes referred to his great preparation for this occasion. That preparation is there and will serve him on some other occasion. I thought he suggested that his great preparation would go for nothing. That is my impression.

The Honourable Sir Malcolm Hailey: May I tell the Honourable

1 P.M. Pandit that we on our side have not pleaded that we are not

prepared for any of the Resolutions that may be on the paper. What the Honourable Sir Charles Innes said was that it was unreasonable that the Mover should be allowed in moving his Resolution to bring grave charges against Government and that Government should not have any opportunity to reply. That is a matter not of our preparation but of the sense of the fairness in the House, if such a sense of fairness exists.

Pandit Motilal Nehru: So far as that goes, Government ought to be well accustomed by this time to hear very grave charges as we on our side are well accustomed to have no answer even when there was an opportunity for the Government to reply. However, the Government is not shut out from giving their reply. These matters, I submit, are for the House to consider. I take it, that a motion for adjournment as such is a motion for the House to decide as is the case with any other motion. If the House attaches more importance to the other Resolutions which are laid down on the agenda, the House will, of course, give its opinion accordingly. As to the fact that political questions loom very large in this

[Pandit Motilal Nehru.]

House, I say, Sir, that it is in the nature of things that they should do so. Here we are struggling for our very existence while our friends are interested in trade and commerce. That is very natural for them. But we who have to get, so to speak, a place in the Sun to obtain the right even to walk erect in our own streets, cannot consider their commercial interests more important than our political rights. It all depends on what the majority of the House attach greater importance to. If it is to political rights, they will devote the greater part of the time of the House to those rights. If it is to something else, they will decide accordingly. I therefore support this motion of my Honourable friend, Mr. Neogy, and I hope that the House will vote in favour of it.

Mr. Darcy Lindsay: Are they free to vote as they think fit?

Pandit Motilal Nehru: That does not matter.

Mr. T. E. Moir (Madras: Nominated Official): Sir, I desire to associate myself with the protest which has been made by the Honourable Mr. Willson. I also had intended to speak on the Resolution which is at present before the House and to oppose it in the interests of the Madras Presidency. I can assure the House that with me it is not a question of love but of war, a war on which I have been engaged for nearly two years. Further, I also desire to provide against all possible contingencies. If the House or you, Sir, should decide that the discussion on this motion shall no longer be continued, I wish it to be on record, as safeguarding myself against all possible contingencies, that I did desire to oppose this Resolution and that my reason for doing so was that I considered it opposed to the vital interests of the Madras Presidency.

Mr. N. M. Dumasia: Sir, I rise to oppose Mr. Neogy's motion. This is, as the Honourable Sir Charles Innes has said, a live issue and a large section of the Indian community are interested in it. At present the mill industry is suffering from an acute crisis and the eyes of those who are engaged in this industry are now turned to us and they look to Delhi as to what step we are taking in this matter, which is of vital importance to their interests. This is a question which has agitated the minds of politicians, statesmen and industrialists for more than a quarter of a century. When we have come to close quarters and when we are face to face with the actualities, a motion has been moved that the matter should be postponed. In this matter, Sir, I have got a mandate from my own constituents and that is that this matter should be pushed to the front. I hold in my hand letters received this morning from Bombay and I have also got letters and telegrams which I received last week from Bombay saying that this question is of vital importance to the commercial interests of the community. Coming as I do from Bombay, I am bound to support the abolition of this iniquitous and unfair tax. I fail to see why this question should be considered now of secondary importance by Congressmen when the Congress itself has been fighting for it for the last so many years. It has always found a place in the forefront of the Congress programme. It is not a party question. This is only the question on which Swarajists or non-Swarajists, Moderates or Extremists, are entirely in agreement. They have always condemned the duty with one voice. I am surprised to hear that those who consider themselves the

leaders of the nation and the representatives of the nation should get up to-day and say that they want to postpone this question. I venture to suggest that in doing so they betray the best interests of the country. Sir, political considerations should be subordinated to the national considerations. This is a question in which the honour, the self-respect, and economic interests of India are concerned. As Mr. Lalbhai has said, this is a question which shows that we are suffering from political subjugation. Are we to continue it any longer or are we to pronounce our opinion now and to-day? What is the use of talking of fiscal freedom for India if India's interests are to be betrayed in this manner? With these remarks, Sir, I oppose Mr. Neogy's motion.

Lala Duni Chand (Ambala Division: Non-Muhammadan): In supporting the motion of my Honourable friend, Mr. Neogy, I want to say only a few words. There are certain Members of this House who are very impatient to make speeches on this Resolution. But I am more anxious for those people who number hundreds and thousands and who are rotting in jails. These people are more anxious to know the verdict of this House with regard to their fate and it is for this reason that I strongly support the motion for adjournment. I think nothing is more important to us than to decide through the representatives of this House the fate of these hundreds and thousands of people who are rotting in jails.

The Honourable Sir Malcolm Hailey: Are they really hundreds and thousands and are they rotting in jails?

Lala Duni Chand: I think the number of these people is about 3,000 in the Punjab jails.

Mr. N. M. Joshi (Nominated: Labour Interests): I also enter my protest against the way in which this motion is sought to be adjourned. Sir, like my Honourable friend, Mr. Willson, I have not made a great preparation for speaking upon this subject, but I have tabled a small amendment. I am anxious to have it discussed. I am somewhat surprised that the Honourable Mover of this Resolution should not express his opinion on the motion of my Honourable friend Mr. Neogy. Evidently he ought to be very anxious to have this subject discussed. But he does not speak. Sir, I am told that he has come to some understanding with the majority party in this House. I do not object to his coming to an understanding with the majority party. He is perfectly free to do so in his own interests. It was but fair that he should not have moved his Resolution at all if he was going to acquiesce in the motion for adjournment. But, Sir, he is just like the class of people to which he belongs. They want to take for themselves all the benefit and deprive others of their due. Sir, to-day I was going to refer to a matter concerning the welfare of the employés of this industry. I wanted to say to this House that the relief in taxation sought by my Honourable friend the Mover of this Resolution was not deserved by him and by the class which he represents on account of the treatment which they give to their employés. Sir, this callousness on their part about the welfare of their employés has caused serious results.

Mr. Kasturbhai Lalbhai: I rise to a point of order, Sir. Is the Honourable Member speaking on my Resolution or on the motion for adjournment?

Mr. N. M. Joshi: I am, Sir, telling the House why I consider the discussion of this motion to be so important for to-day. Sir, I wanted to show this House that the people who are seeking this relief in taxation did not deserve it because they have been so callous about the welfare of their employes and this matter is very important to-day. There has been recently a strike in Bombay. I believe that strike is ending. But, Sir, I should have liked to take a vote to-day on this question, when the conduct of the millowners of Bombay is quite fresh in the minds of the people. Sir, I am deprived of that opportunity. Therefore, I oppose this motion for adjournment.

Maulvi Abul Kasem (Bengal: Nominated Non-Official): Sir, I also join those who oppose the motion of Mr. Neogy to adjourn the debate. And I do it on a separate ground altogether. We have been told, Sir, times out of number, and I have myself from many a platform declared it, that the Executive Government of this country always wanted to gag us and deny us the right of free speech. But to my horror, to my sorrow and to my surprise, I find that even in a democratic Government the majority can exercise a tyranny over the minority by gagging them and disallowing them the right of free speech. Sir, I have been told that the most important defect and perhaps the only defect in a democratic system of Government is the apprehension of the tyranny of the majority over the minority, and I say, Sir, that in the very infancy of democratic institutions, the leaders, who are no doubt great statesmen, should have taken precautions not to exhibit any anxiety to exercise the power they do control and command. There is no doubt of it that Pandit Motilal Nehru is *de facto* Leader of this House, no doubt of it that he commands at the present moment a majority in the House and nobody can question that he commands a majority in the country as well. (Hear, hear.) There he is. I admire him, I respect him for that. I have followed him previously and I am prepared to follow him if he will show that statesmanship of which he gave evidence long ago. I would appeal to him that, in order to safeguard India's national interests, he ought to show that the majority which he commands, that the people who are in power, are capable of showing, willing and inclined to show, consideration and respect to the wishes of the minorities and not to gag them. I was surprised, Sir, when Pandit Motilal Nehru said that, whether this question should be adjourned or not, whether this matter should be discussed or not, is for the majority to decide. Certainly under the rules that is so, but the majority which is an absolute majority ought to have some consideration for other interests as well and give them the right of free discussion and free speech and to decide the question on its merits. I admit, Sir, that the majority is there, the power is there, but if we can appeal to the Government not to exercise their power, I think we can with equal justice and reason appeal to the Leader of the House not to exercise that power which he exercises to the detriment of those who are interested in important matters like this Indian cotton excise duty but who are in a hopeless minority.

Mr. Ohaman Lal (West Punjab: Non-Muhammadan): I move, Sir, that the question be now put.

Mr. Bipin Chandra Pal: I also rise, Sir, to oppose this motion for adjournment, and I hope you will kindly allow me to make it clear to this

House and to those outside this House that my interest in the Resolution of my Honourable friend, Mr. Amar Nath Dutt, which is next tabled for to-day's business, is not less by a jot or a tittle than the interest of any Honourable Member in any part of this House. I am as anxious as my Honourable friend, Motilal Nehru, and the friends behind him, I am as anxious as any of them, to give an opportunity to the Government to do justice to those people who have been imprisoned for their conscience, for their patriotism, for loving their country too well, though perhaps not always too wisely, as wisely is understood by some people. I yield to none, Sir, I repeat, in my anxiety to see that Resolution discussed and carried, if possible, unanimously by this House. But, Sir, at the same time, I feel that the Resolution that has been moved by Mr. Kasturbhai Lalbhai ought to have a chance and—well, well, I am afraid I see a little behind what appears on the surface of this opposition to it. This Resolution, as you see, refers to the excise duty. Our friends are anxious to-day to put it off till September. What did they want to do only last week? They lost a great chance, not of begging the Government by a Resolution to do this thing but of compelling the Government by an amendment to the Finance Bill to remove this excise duty. The Government might restore this excise duty by certification, but it might not have been so easy. When the Finance Bill was tabled, I found notice of an amendment to that Bill, that was proposed to be moved by Mr. Rangaswami Iyengar:

"In the Preamble of the Bill the word 'and' occurring after the figures '1923' be omitted, and the words 'and to repeal the Cotton Duties Act, 1896,' be inserted after the word 'income-tax'."

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadan Urban): He never moved it; besides that would have been out of order.

Mr. Bipin Chandra Pal: I know, Sir, that might have been ruled out. But that was never moved. Then there was another amendment also to the effect:

"After clause 7 of the Bill the following new clause be added:

"8. With effect from the 18th day of April, 1924, the Cotton Duties Act, 1896, is hereby repealed."

I give credit to my friends for their good intentions. They wanted to bring that matter inside the Finance Bill. I do not know whether it was in order or out of order, but the President had accepted the amendment as quite in order—I see from the paper here.

Mr. President: I must explain the position here. Amendments appear on the paper if due notice is given of them. The President has nothing to do with them until the opportunity arises to move them and then the Member is told if he is in order or not.

Mr. Bipin Chandra Pal: Thank you, Sir, and I think no Honourable Member has a right to infer what the President would have done if my friend Mr. Rangaswami Iyengar had moved his amendments. So what I find is this, they wanted to move these amendments to deal with the excise duty, and they lost their chance by throwing out the Finance Bill. And now they want to make their position good before the country by throwing this back also. They want to make their position good before the country by setting something positively to their credit, namely, by speaking up for the release of the political prisoners. I know that.

The Honourable Sir Basil Blackett (Finance Member): They are afraid of losing this Resolution.

Mr. Bipin Chandra Pal: This is the thing you have done last week, and this is what you wish to do this week by passing Mr. Amar Nath Dutt's Resolution. I do not object to it. I shall support that Resolution when it comes up. For once I shall be with you; I shall always be with you when you do the right. But you are not doing the right in manœuvring to put off this Resolution. You are doing it from party considerations. That seems to me to be the real position. I think, Sir, that sometimes in this House we ought to rise above party considerations. The proposition moved by Mr. Kasturbhai Lalbhai concerns the vast masses of our people. The effect of that Resolution, if passed with the amendment of my Honourable friend Mr. Joshi, would be to help the poor people, first the consumers and secondly the labourers. For these reasons I oppose this motion for adjournment.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, Honourable friends have opposed this motion on the ground that Members on this side of the House are placing the political issue before the economic and financial issue.

The Honourable Sir Basil Blackett: They are afraid of losing the motion.

Dr. H. S. Gour: But, Sir, my friend Mr. Willson, as the protagonist of that view, rose to great indignation and asked the Members on this side of the House what they meant by talking politically all the time and obscuring the other issues in which he, as a member of commerce and industries, is most interested. But if my friend Mr. Willson had broken his leg, I am sure, Sir, he would have very little time to think of anything else, and when they find the people of this country in that predicament...

The Honourable Sir Basil Blackett: Has the Nationalist Party broken its legs, Sir?

Dr. H. S. Gour: When they find, Sir, the people of this country in that predicament, they will realise why we place political issues before all other issues. I hope my friend Mr. Willson will also visualise that predicament in which this country is landed. I am myself the author of an amendment to the principal Resolution, and I do not think there is any one on this side of the House who minimises the importance of this Resolution. But it is felt that if this Resolution is properly discussed, it will leave very little time for the other more important, or at any rate, equally important, Resolutions to come on for discussion to-day. It is not our fault. We have been complaining and complaining for the last four years that the Government have allotted to us all too few days for the discussion of the numerous important Resolutions of which notices have been given by private Members in this House, and, if we are constrained to defer the consideration of such an important Resolution as the one under reference, the blame does not lie entirely at the door of the Members on this side of the House. Those who allot the days and those who are responsible for the disposal of the business of this House must take note of the fact that the time that they give us is much too short to place before this House Resolutions of such vital national importance as the one on the removal of the Excise duty on cotton. I therefore hope, Sir, that this will be taken as a lesson and a

warning that in future Resolutions of this importance will be allotted the time which their importance deserves. I therefore support the motion of my Honourable friend Mr. Neogy not on the ground that its discussion might be deferred till September. I am most anxious that the Government should allot us a special day out of the several days they have between now and the 27th of this month, and give us a chance of discussing this adjourned motion. In that case, my friend Mr. Willson and those who oppose the adjournment will have no cause for complaint. The Honourable the Home Member has given opportunities on previous occasions for the discussion of adjourned motions. The matter can be settled in a few seconds. If the Honourable the Home Member will allot us time for the discussion of this motion, we shall dispose of not only this but the other motions upon which Members on this side of the House are more anxious to have a discussion than on the motion we have for to-day. There is absolutely no reason why we should not dispose of both the Resolutions and, if what the Honourable Sir Charles Innes has said that he is anxious that this Resolution should be disposed of promptly and now is correct, I invite him to use his good offices to see that it is done during this session of the Assembly.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): I move, Sir, that the question be now put.

Mr. President: A point arises out of what Dr. Gour has just now said and what other Honourable Members have said. A motion to adjourn consideration of a proposition is, in the technical sense of the word, a dilatory motion, namely, a motion for the delaying of business. The Chair cannot allow a motion of that character to be moved merely in order to enable another item of business to come forward. It must be supported on substantive grounds. I am not here raising the question of the respective merits of Resolution No. 1, and Resolution No. 2, on the paper. I am only drawing the attention of the House to the fact that in accepting a motion for the adjournment of this debate, I am not creating a precedent whereby the House could adjourn consideration of one Resolution because they are more anxious to discuss the one immediately following. I hope the House understands the point which I have placed before them now, and that it will recognise that no binding precedent is created by the action of the Chair on this occasion. Each proposal for the adjournment of the consideration of a Resolution hereafter will of course have to be considered on its own merits.

Mr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): I would request you, Sir, to get the consideration of this question postponed as requested by my friend Mr. Neogy. The advantage lies in giving due consideration to all the arguments that have been advanced in the representation of the Bombay Millowners' Association in comparison with the proposals of the Tariff Board that we will have under discussion in the month of May in Simla as proposed. The representatives of the millowners have given us details of the import duties on certain articles, stores, etc. If these import duties are tabled under different schedules in the tariff discussion that is going to take place in the next session in Simla, I think we shall have to take our views regarding the excise duty on cotton also into consideration. It is only a matter of a month or so and consequently will not affect our arguments advanced to-day. Taking into consideration the actual situation of the proposal here as well as the proposals that would come up for consideration in connection with the

[Mr. K. G. Lohokare.]

Tariff Board's report, I would request the House to get it postponed for a month more. It would do us no harm. On the other hand, we shall be able to do full justice to the interests of the millowners and even to the interests of the poor consumers as our friend Mr. Joshi puts it. I have with the same view put in an amendment that you see on the paper to-day and I do fully recognise the importance of judging the whole question on its merits and allowing our reasonings and arguments some room for consideration in connection with the Tariff Board's proposals that will be taken up very soon.

Pandit Shamlal Nehru: I move 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 to take early steps to abolish the cotton excise duty as recommended by a majority of the Indian Members on the Indian Fiscal Commission and to be pleased to direct the Tariff Board to further examine the question of protection to the Indian cotton mill industry at an early date."

Since which a motion has been moved:

"That the debate on this Resolution be now adjourned."

The question that I have to put is that the debate be now adjourned.

The Assembly divided:

AYES—61.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aney, Mr. M. S.
Belvi, Mr. D. V.
Bhat, Mr. K. Sadasiva.
Chaman Lal, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. Bhubanananda.
Das, Mr. Nilakantha.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Goswami, Mr. T. C.
Gour, Dr. H. S.
Govind Das, Seth.
Hans Raj, Lala.
Hyder, Dr. L. K.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Joelani, Haji S. A. K.
Kartar Singh, Sardar.
Kazim Ali, Mr. M.
Kelkar, Mr. N. C.
Kidwai, Shaikh Mushir Hosain.
Kun, Maung.
Lohokare, Mr. K. G.
Malaviya, Pandit Krishna Kant.
Mehta, Mr. Jamnadas M.

Misra, Mr. Sambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sadar V. N.
Narayandas, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Patel, Mr. V. J.
Phookun, Mr. Tarun Ram.
Piyare Lal, Lala.
Ramachandra Rao, Diwan Bahadur M.
Rajan Bakhsh Shah, Mukhdum Syed.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Roy, Mr. Bhabendra Chandra.
Samiullah Khan, Mr. M.
Sarda, Rai Sahib M. Harbilas.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Muhammad.
Singh, Mr. Gava Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Gangnanand.
Svamacharan, Mr.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.

NOES—49.

Abdul Haye, Mr.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Allen, Mr. B. C.
Bell, Mr. R. D.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Butler, Mr. M. S. D.
Calvert, Mr. H.
Chatterjee, The Honourable Mr. A. C.
Clarke, Mr. G. R.
Cocke, Mr. H. G.
Dalal, Sardar B. A.
Dumasia, Mr. N. M.
Dunk, Mr. H. R.
Faridoonji, Mr. R.
Fleming, Mr. E. G.
Fraser, Sir Gordon.
Ghulam Bari, Khan Sahib.
Hailev, The Honourable Sir Malcolm.
Hira Singh, Sardar Bahadur Captain.

Holme, Mr. H. E.
Howell, Mr. E. B.
Innes, The Honourable Sir Charles.
Kasturbhai Lalbhai, Mr.
Lindsay, Mr. Darcy.
Mahmood Schamnad Sahib Bahadur.
Mr.
Moir, Mr. T. E.
Moncrieff Smith, Sir Henry.
Muhammad Ismail, Khan Bahadur Saiyid.
Nag, Mr. G. C.
Owens, Lieut.-Colonel F. C.
Percival, Mr. P. E.
Pilcher, Mr. G.
Purshotamdas Thakurdas, Sir.
Raj Narain, Rai Bahadur.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Shams-uz-Zoha, Khan Bahadur M.
Stanvon, Colonel Sir Henry.
Tonkinson, Mr. H.
Tottenham, Mr. A. R. L.
Turing, Mr. J. M.
Willson, Mr. W. S. J.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

RESOLUTION RE REPEAL OF BENGAL REGULATION III OF 1818.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, the Resolution which I beg to move, for the acceptance of this House, runs as follows:

"This Assembly recommends to the Governor General in Council, to take steps for the immediate repeal of Bengal Regulation III of 1818."

I owe an explanation to this House for moving this Resolution instead of introducing a Bill for the repeal of Bengal Regulation III of 1818. It is only to give the Government an opportunity to introduce the Bill, if they are so minded, and thus make amends for all the wrongs they have committed for a series of years, by allowing the enactment to remain in their Statute-book so long. More than a century has elapsed since the enactment of this Regulation, and it would be no compliment to our rulers if the evils stated in the Preamble of the Act have yet to be dealt with, by this archaic piece of legislation. I beg leave to place the whole of the Preamble before the Honourable Members of this House, before submitting my reasons for recommending its repeal.

[Mr. Amar Nath Dutt,]

The Preamble runs thus:

"Whereas:

- (1) Reasons of State embracing the due maintenance of the alliances formed by the British Government with Foreign powers;
- (2) The preservation of tranquillity in the territories of the Native Princes entitled to its protection; and
- (3) Security of British dominions from foreign hostility and internal commotion occasionally render it necessary, to place under personal restraint individuals against whom

(1) there may not be any sufficient grounds to institute any judicial proceedings;

(2) or when such proceedings may not be adapted to the nature of the case or may for other reasons be inadvisable or improper."

This was at a time when the East India Company was consolidating its position and there was still on the throne of Delhi a descendant of the Great Moghul. Whatever might have been the justification for a law like this, during those troublous times, there is hardly any justification for it at the present time. If it is true that the laws of a country are an index of its political progress then the retention of this Regulation on the Statute-book is certainly an anachronism, if we are to believe all that is said about the political progress of India under British rule. If you closely examine the Preamble, you will find that it deals with vague dangers to which a newly introduced alien government is exposed in its international relations from adventurers and scheming persons in an unsettled state of society; and certainly was never meant to be a weapon in the hands of an irresponsible bureaucracy to suppress the political aspirations of the Indian people. I wish also to remind the House that the Regulation was enacted when there was trouble on our Northern Frontiers of Nepal and the country was subject to the depredations of the Pindaris. There was no codified criminal law in India then and offences against society and the State had to be dealt with under the laws of the country, as understood by the English judges, in the light of the criminal law of their own country. With the assumption of the Government of India by the Crown after the end of the Sepoy War, the criminal law of the country was codified making ample provision for the maintenance of law and order against any internal commotion; and for nearly half a century this rusty weapon in the armoury of the Executive was not used till they found in this Regulation an effective weapon to silence all opposition to the Partition of Bengal—that ill starred measure of that brilliant Viceroy, Lord Curzon. The Government in their mad attempt to coerce the people to submission with the aid of this Regulation did not hesitate to deport men of saintly character like Aswini Kumar Dutt and patriots like Kristo Kumar Mittra, Subodh Chandra Mallik, Monoranjan Guha and others. I do not wish to rake up the memories of those dark pages of the history of bureaucratic wrath in the Province of Bengal which created havoc in thousands of peaceful homes in Bengal. Deportation without trial is not only inconsistent with modern ideas of a political society, but is also a dangerous weapon in the hands of an alien bureaucracy whose executive is not responsible to the people of the country. Lord Morley was against giving such a blank cheque to the Executive in India and wrote to Lord Minto thus:

"I won't follow you into deportation. You state your case with remarkable force. I admit. But then I comfort myself in my disquiet at differing from you by the reflection that perhaps the Spanish Viceroys in the Netherlands, the Austrian Viceroy

in Venice, the Bourbon in the two Sicilies and a Government or two in the old American colonies, used reasonings not wholly dissimilar, and not much less forcible. Forgive this affronting parallel. It is only the sally of a man who is himself occasionally compared to Strafford, King John, King Charles, Nero and Tiberius."

But all the same the Regulation continued to remain in the Statute-book of India, not as a dead letter but as a living force amongst the people, till the Repressive Laws Committee after a full and careful investigation reported that:

"It is undesirable that any Statutes should remain in force which are regarded with a deep and genuine disapproval by a majority of the Members of the Legislature." They further observed:

"The harm created by the retention of arbitrary powers of imprisonment by the executive, may, as history has shown, be greater even than the evil which such powers are directed to remedy."

and they recommended its amendment, so that it can be used only for the

"due maintenance of the alliances formed by the British Government with Foreign powers, the preservation of tranquillity in the territories of the Native Princes entitled to its protection and the security of the British dominions from foreign hostility—and only so far as the inflammable frontier is concerned—from internal commotion."

I am told that the Government of India accepted the recommendation, but no Bill has been introduced as yet to limit the scope of the Regulation to the extent suggested by the Repressive Laws Committee. On the other hand we find this venerable old Regulation, being used with redoubled vigour against Congress workers in my own unhappy province, with the full concurrence of the Central Government, not for the purposes for which the Repressive Laws Committee recommended the restriction of its use but to put obstacles in the way of Swarajist candidates from entering the Councils by demoralising the people and stifling the public life of Bengal, by compelling submission to an arbitrary and retrograde executive. We were told the other day by His Excellency the Viceroy that the papers of these deportees have been examined by two High Court Judges while the Honourable the Home Member told us in reply to a question put in this House that the papers were examined by two Sessions Judges. Whether High Court Judges or Sessions Judges have examined the papers, it matters very little, for the fact remains that the evidence is all one-sided and has not been tested by cross examination. The Judges, whoever they may be, had only the prosecution story before them, and when we remember the wonderful literary powers of the police, as disclosed in the Narayan-garh train wrecking case and the Midnapur conspiracy case, the people cannot be blamed if they characterise the evidence as incredible and the deportations as wholly unjustifiable. Under these circumstances to deprive a man of his freedom, without a judicial trial, is an ugly dose to swallow. Indian opinion, of all shades of political parties, has been unanimous in declaring, that no person should be deprived of his personal liberty, without a judicial trial, and a definite charge framed against him. Arrest and detention of a person, on mere suspicion, for political or imaginary reasons, have never met with public approval in any civilised Government. The writ of Habeas Corpus secures the personal liberty of British citizens, and no Government would dare encroach upon this cherished right of the English people. But this elementary right of the subjects of a civilised State is denied to persons detained under Regulation III of 1818. All our persuasions and arguments have so far failed to secure this elementary right of citizenship. Can it be said that we are living under a civilised Government, when our personal liberty can be so easily taken away by an executive to whom the political agitator cannot be a *persona grata*.

[Mr. Amar Nath Dutt.]

Sir, if you examine the life history of the deportees, you will find that they are generally men of high moral and intellectual attainments, whose only fault is that they love their country too well and have lost faith in the sincerity and good wishes of our rulers. I have heard that responsible officers of the Government were of opinion during the deportations of 1908 that men with high ideals of patriotism and saintly character are dangerous to the State, inasmuch as their patriotism is a source of great embarrassment to the Executive, as their political creed is blindly accepted by the masses. Sir, if this is the mentality of our rulers, we cannot be blamed if we cry with the poet:

"Earth is sick
And Heaven is weary of the hollow words
That States and Kingdoms utter when they talk
Of Truth and Justice."

I ask in all seriousness do our rulers honestly believe that these deportations were necessary for the protection of the Frontiers of India or the fulfilment of the responsibilities of the Government of India in relation to Native States? I hope Englishmen in India have not as yet lost that regard for truth with which they are credited, as to answer it in the affirmative, and deny that it is the political faith of these deportees for which they are removed from their hearths and homes. I ask the Government, are the ordinary laws of the country insufficient to bring about the conviction of those who are really guilty of offences against the State? Are not the provisions of the Indian Penal Code and the preventive sections of the Criminal Procedure Code sufficient to deal with them? Those of us, who have been associated with the administration of justice in this country are familiar with the too liberal interpretations put upon sections 108A and 144 of the Criminal Procedure Code by our magistrates and judges; and why should not the Executive be content with these weapons, which have been aptly described by a great jurist as an iron hand in a velvet glove?

At the beginning of the present session, this House put forward a demand for a free and liberated India by a change of the present constitution of the Government of India. Did any of the deportees do more than what our Nationalist leaders did in this very House? If any of them, in giving free expression to their honest faith and aspiration, exceeded the bounds of law, was not the ordinary criminal law of the country sufficient to deal with them? Why should not the executive pin their faith to the ordinary laws of the country for the maintenance of law or order? Lord Morley in his denunciation of this Regulation expressed himself thus:

"The great executive officers never like or trust lawyers, I will tell you why? For they never trust or like law."

Am I to understand that the executive in this country do not trust law and lawyers and that they are unable to carry on the administration of this country without drawing upon the blank cheque provided by this Regulation, which is said to be an intermediary between ordinary law and martial law, which is the negation of all law? Is India to be kept in this stage perpetually and are its people to be denied the elementary right of personal freedom even without the semblance of a judicial trial? The official sophistry for the continuation of this Regulation on the Statute-book

of India is not dissimilar to the plea of all autocrats in all ages and climes. They would urge that such extraordinary powers are necessary to restrict the movements and activities of certain person, who cannot be dealt with under the ordinary laws. But this can be urged with any show of reason only in cases of exiles from foreign or protected States and persons tampering with the inflammable materials on our frontiers and not in any other case, far less in the cases of persons who, rightly or wrongly, believe that in the best interests of their country the present system of administration should be replaced by another in which the people themselves will be the final arbiters of their own destiny, either within or without the British Empire, and to this end claim a right of freedom of association and freedom of speech. If any of them in their zeal and enthusiasm transgress the bounds of law, let them be tried in an ordinary way in the courts of law instead of allowing the very executive, against whose policy and action their activities are directed to be not only the prosecutor but also the legislator, the judge and the executioner.

This is hardly in keeping with the best traditions of British justice and I ask every Englishman in this House to vindicate the fair name of England in India by joining with us in our demand for the repeal of this Regulation. If, for reasons, which I do not care to elicit, they do not see their way to support us, I will only regret their decision and will expect them to realise the true significance of our demand, which is nothing more nor less than the right of living as free men in our own country. If the Government sincerely wish to extend their hand of fellowship in our onward march towards Freedom, they should not shelter themselves under those specious arguments and political cant and catch phrases which they have dinned into our ears during the whole of this session, but should, as an earnest of their sincerity, repeal this Regulation. Like the Pathans and Moghuls, the Englishmen have become component parts of the political organisation of India, and we are destined to work side by side for many a long and weary year as equal partners of a common Empire from which will evolve a greater World-Empire of federated nations, whose motto will be:

"Peace on Earth
And goodwill towards men."

I therefore ask Englishmen to lay aside their tawdry Imperialism and rise above all petty considerations of expediency and repeal this obnoxious Regulation for realisation of this vision of the Future India.

With these words I beg to move the Resolution.

Pandit Shambhu Dayal Misra (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move the following amendment to the Resolution of Mr. Amar Nath Datt:

"That after the words 'Bengal Regulation III of 1818' the following be added: 'The Criminal Law Amendment Act and other repressive laws and regulations that still exist on the Statute-book'."

Sir, it is only by a mistake that the year 1908 has been left out after the words "Criminal Law Amendment Act" in my amendment. Consequently it should be understood that by "Criminal Law Amendment Act" I mean the Criminal Law Amendment Act of the year 1908. Sir, it is nothing short of an irony of fate that at the end of the fist

The Honourable Sir Malcolm Hailey (Home Member): May I rise to a point of order, Sir. As a matter of procedure, may I ask whether the amendment of the Honourable Member is in order or not. I see a large number of amendments on the paper, and I desire to obtain your ruling, Sir, as to how far the matters referred to therein are in order in a debate on Bengal Regulation III of 1818.

Mr. President: I understand that Bengal Regulation III of 1818, though it is called by the name of that province, runs beyond the province, and what it refers to is the Bengal of the old days which comprised practically the whole of Northern India. In that sense it seems to me that proposals to bring similar Regulations, or exceptional legislation of this character, within the scope of the Resolution by way of amendment are in order,—though I am not sufficiently well acquainted with the precise terms of all the Regulations to know whether that applies to them all. As a general principle, what I have said admits the proposal made by the Honourable Member.

The Honourable Sir Malcolm Hailey: The Bengal, Madras and Bombay Regulations are of exactly the same type. The Criminal Law Amendment Act and the Prevention of Seditious Meetings Act are an entirely different type of legislation.

Mr. Shambhu Dayal Misra: Sir, it is nothing short of an irony of fate that at the end of the first quarter of the 20th century after the expiry of 150 years of a so-called civilized administration by a civilized nation of a country which had its palmy days of civilization extending over a thousand and more years prior to the advent of foreigners into the country, an Assembly like this should be deliberating over the existence on its Statute-book of antediluvian laws of a barbarous nature. It seems to me, Sir, that the nations all round will be astonished to hear that after all India is still under the aegis of Draconian legislation suitable to a country peopled by a set of illiterate slaves and aboriginal wild tribes not amenable to any civilized influences.

Thanks, Sir, to the civilizing influences of the benevolent despotism of our rulers, India is becoming a land of paradoxes. Law and order and lawless law are synonymous terms here. Justice and equality carry a meaning connoting negations of them. Pledges have their significance in meaning mere scraps of paper. We are said to have the good fortune of being governed by a freedom-loving country which denies to us the first essentials of freedom. We are really being governed by a variety of catchwords and phrases, and to add to our misfortune there are to be found in this unhappy land of ours people who get satisfied with these catchwords and phrases.

Sir, I would not waste the time of this House in narrating in detail the various acts of omission and commission in the administration of justice in this country during the three years of His Excellency's Viceroyalty. The years 1921 and 1922 will ever be remembered in the history of this country as memorable years, memorable for the non-violent revolt of a people subjected to years of indignity and oppression. The Prince of convicts who is leading the chief opposition in this House has related on another occasion the orgy of repression carried out in the name of law and order. We had during this period an influenza of repression; every day we found one after another, the best flower of Indian manhood and womanhood being rounded up in the British jails for their insistence on their right of free association and free speech. The Government thought they had the

best opportunity of nipping in the bud the Indian National Congress. The Criminal Law Amendment Act, the Seditious Meetings Act and various other measures were utilized in the disbandment of national volunteers and the dispersal of Congress Committee meetings, resulting in the arrest of a large number of members of the Congress Committees from the meetings of those bodies. Their crime consisted in their constituting themselves trustees of national honour and dignity.

Just a few months before the Government entered on this mad career of repression, they were successful in securing the moral support of the Liberal section of our countrymen by their recommendations to retain on the Statute-book, the Bengal Regulation, III of 1818, the Criminal Law Amendment Act, the Seditious Meetings Act, etc. A cursory perusal of the report of the Repressive Laws Committee would show that its recommendations were intended more to strengthen the hands of the Government in their repressive policy than to give any relief to the people. I challenge any Member of that Committee to point out to me any of the recommendations of that report which curtailed the powers of repression of the Government. The recommendations consisted only in the repeal of laws which were either dead letters or were to die a natural death. My reading of that report, Sir, convinces me that the Repressive Laws Committee was constituted for no other purpose than that of strengthening the hands of the executive to fight out the non-co-operation movement. The composition, the scope, the materials placed before that Committee, the few witnesses examined and the conclusions it arrived at support my theory. I find from the report that not more than 25 witnesses were examined, and the materials placed before the Committee were an account of the various events that occurred in the year 1921, alleged to be due to the non-co-operation movement. The more important enactments that could really be called repressive laws were recommended by the Committee to be retained on the Statute-book, I mean those that were really galling to our sense of national self-respect and national dignity. What more, the Committee went to the length of recommending that before the next general elections a special enactment on the lines of the Disorderly Public Meetings Act of 1906 (8, Edward VII) be enacted and a heavier penalty be imposed when the offence was committed during a parliamentary election. I regard this as but in the fitness of things. As a friend aptly described it, this Committee was a mutual benefit insurance society unlimited. This report was published in September 1921, and the era of wholesale repression commenced in right earnest. The question of questions was whether the bureaucracy ruled the country or the Congress. The challenge thus thrown out was accepted, and the memorable Resolution of the Ahmedabad Congress was an acceptance of the challenge. The whole country readily responded to the call of the Congress and thousands of persons, in spite of the repression, enrolled themselves as National Volunteers and defied all orders affecting the right of free association and free speech and suffered the penalty for the breach of those laws. Had it not been for this firm stand of the Congress, our political activities were at a standstill at the present day. It is up to us now, Sir, that during the tenure of our office we must suppress all the lawless activities of the Executive and take away from them the instruments in their armoury of repression which sap the very foundations of our national life. It is absurd to support the arm of the law so long as that arm of law is used not to raise us but to debase us. I say, Sir, to my Colleagues in this House, "so long as you have a sense of honour and so long as you wish to remain the descendants and defenders of the noble traditions

[Mr. Shambhu Dayal Misra.]

that have been handed down to you, for generations after generations, it is unthinkable for you to join hands with the Government which are so unjust as our Government have become". And I would say to the Government in all humility: "You are in search of a remedy to suppress this rising ebullition of national feeling. I venture to suggest to you that the only way to suppress it is to remove the cause. I invite you respectfully to choose the better way and make common cause with the people of India whose salt you are eating. To seek to thwart that aspiration is disloyalty to the country". With these few words, Sir, I commend my amendment to the acceptance of the House.

Mr. President: Amendment moved:

"That after the words 'Bengal Regulation III of 1818', the following be added:
'The Criminal Law Amendment Act, 1908, and other repressive laws and regulations that still exist on the Statute-book'."

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, a Resolution was moved in the Council of State in February 1921 to the effect that a Committee be appointed by the Governor General in Council to examine the repressive laws on the Statute-book and to report whether all or any of them should be repealed or amended. The Resolution was carried, in response to which, by Home Department Resolution dated the 21st March 1921, Government appointed a Committee to examine the repressive laws on the Statute-book and to report thereon. Now, this Committee was formed under the chairmanship of Sir Tej Bahadur Sapru, an avowed liberal and not a Swarajist or Extremist. The Committee reported on the 2nd September 1921, and the Regulations and Acts examined by the Committee were 13 in number. I just state them so that the House may know that some of them are over a hundred years old and some 50 or 70 years old:

- The Bengal State Offences Regulation, 1804.
- The Madras Regulation VII of 1808,
- The Bengal State Prisoners Regulation, 1818.
- The Madras Regulation II of 1819,
- The Bombay Regulation XXV of 1827,
- The State Prisoners Act, 1850,
- The State Offences Act, 1857,
- The Forfeiture Act, 1857,
- The State Prisoners Act, 1858,
- The Indian Criminal Law Amendment Act, 1908.
- The Prevention of Seditious Meetings Act, 1911.
- The Defence of India (Criminal Law Amendment) Act, 1915.
- The Anarchical and Revolutionary Crimes Act, 1919.

So you will see from this list that about 6 are over 50 and 100 years old. Whether the country requires these laws is the first thing that the House has to consider. The Committee invited 42 witnesses, in all, to give evidence, of whom 25 presented themselves before the Committee. Out of these 25 eleven were officials. Thus, the report of the Committee presided over by a Liberal politician and based on the evidence of 14 non-officials

and 11 officials, was submitted to the Government of India. The report was written on the 2nd September 1921, and it was on the 19th September 1921 that the Government passed the order:

"The Governor General in Council has considered the report and has decided to accept the recommendation made by the Committee. Steps will be taken as soon as may be to introduce legislation to give effect to them."

I do not understand what is meant by the words "as soon as may be" unless the House knows as to what steps have already been taken. Let me now point out to the House that in spite of the circumstances favourable to the Government, by which I mean that the Committee consisted of 2 members of the Indian Civil Service and 7 Indian politicians of the Liberal party and not Swarajists or extremists, the Committee stated that it was undesirable that Acts and Regulations should remain in force which were regarded with deep and genuine disapproval by the majority of the members of the Indian Legislature. It went on further and stated that the harm done by the retention of the arbitrary power of imprisonment by the Executive may be greater than the evil which such powers were supposed to remedy. Then again the final recommendation of the Committee in regard to all the 13 Acts referred to them, excepting the three, namely, the Bengal State Prisoners Regulation III of 1818, the Prevention of Seditious Meetings Act, 1911 and the Indian Criminal Law Amendment Act, was that, as it has not been found necessary to resort to these measures in the past, save in cases of grave emergency, the Acts in question should be repealed. So far as Regulation III of 1818 was concerned, the Committee recommended that it should be restricted to its original purpose, namely, the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Indian Princes, entitled to its protection and the security of British Dominions from foreign hostility and only so far as the inflammable frontier is concerned, from internal commotion. But, Sir, what is the position at present? Disregarding the recommendations of a Committee of their own making, Government are using the Regulations freely in Bengal. We have come to know that Babu Purna Chandra Das, Assistant Secretary of the Bengal Provincial Congress Committee, a man who has sacrificed his all for the sake of his country, has been arrested and imprisoned. The Committee also recommended that the Seditious Meetings Act of 1911 and the Indian Criminal Law Amendment Act of 1908 should be repealed when a healthy change in the political situation demanded the repeal. Now, Sir, let me quote the last but one sentence of the report of that Committee: It is this:

"Animated by these ideas, we therefore recommend the repeal of all the Statutes included in the terms of reference to this Committee, with a reservation as to Bengal Regulation III of 1818 and the corresponding Regulations of the Madras and Bombay Presidencies, but we advise that the repeal of the Prevention of Seditious Meetings Act, 1911, and Part II of the Indian Criminal Law Amendment Act, 1908, should be deferred for the present."

This was in 1921. Now, I ask the House to consider whether the political atmosphere is calmer than what it was in 1921; and I will tell you, repeal these laws and it would be much calmer. It is for you to decide. I also ask you to consider whether the movement of non-co-operation, directed in the beginning towards the boycott of educational institutions, law courts and councils, is not now tending towards responsible co-operation. And here I take the liberty of advising the Government, if I may be allowed to say so, to take the advantage of the psychological moment and extend

[Khan Bahadur Sarfaraz Hussain Khan.]

their hand of fellowship and comradeship to the representatives of the people. What do they want now? What do they ask for? They ask Government to repeal the repressive laws, which have taken away the liberty of highly respectable people, whose only fault was their intense patriotism. Is there any one here who can doubt the patriotism of Mahatma Gandhi? Is there any doubt about the patriotism of Pandit Motilal Nehru? Is there any doubt about the intense patriotism of Mr. C. R. Das? But these gentlemen were arrested and imprisoned. What has been the effect of it? A terrible bitterness which Government have not been able to calm down and which you can even find in this House itself. Let me say again, Sir, that oppression, or say repression can have little or no effect on a determined people. I further state that if pushed to extremes it is bound to bring in its train revolution and bloodshed. Sir, stray assassinations and riots take place in every country, throughout the world, but the ordinary laws of the land are quite sufficient to cope with them. And when that is sufficient, there is no need for the keeping of repressive laws on the Statute-book of a Government which calls itself civilised. This is its test. I therefore support the amendment of my Honourable friend Mr. Shambhu Dayal Misra.

Mr. L. S. S. O'Malley (Bengal: Nominated Official): Sir, I am afraid that the existence of a revolutionary movement in Bengal must be regarded as an admitted and melancholy fact. I am precluded from speaking on matters which are the subject of judicial inquiry—I mean the Alipore Conspiracy case—but I think I may mention the tragic and deplorable murder of Mr. Day, a murder which has been deplored by all classes of the community, and also the recent discovery of a bomb factory in Maniktala, one of the suburbs of Calcutta. The implications both of this last discovery and the murder of Mr. Day are, I think, obvious. The existence of a revolutionary conspiracy is moreover admitted by the Bengalis themselves. Mr. C. R. Das in the Bengal Legislative Council said that he did not deny that in Bengal there was a revolutionary movement. On the 5th February in this House my Honourable friend, Mr. Bipin Chandra Pal, said that he had regretfully to admit that there was a recrudescence of the old revolutionary sentiment in this province, to which he and I belong.

Mr. Amar Nath Dutt: His voice is not the voice of Bengal.

Mr. L. S. S. O'Malley: Then, again, the *Bengalee* newspaper in its issue of the 16th January of this year said:

"The cult of the bomb and the revolver is again finding in this province a large number of youthful worshippers. Like many other men in Bengal, we had been deceiving ourselves with the notion that the Frankenstein of anarchy had been laid at rest. Anarchism appears to have found a foothold in Bengal again."

In this House again His Excellency the Viceroy spoke of the existence of conspiracies having as their object the assassination of the public servants. He described them as an evil which not only destroys innocent lives but is a menace to society as a whole and a great obstacle to political progress. His Excellency assured the House that he recognised that it was essential strictly to confine the special and extraordinary powers of Government in extreme cases of emergency. And yet, Sir, it is in circumstances such as these and in the face of such a danger, that the Assembly is asked to recommend the repeal of Regulation III of 1818, which is the main weapon which Government have to deal with revolutionary conspiracy, and which is a measure which does not affect the public as a whole but only

those misguided persons—a small minority—who seek to establish revolution by methods of terrorism and assassination.

One of the objections which is frequently raised to the Regulation is that it is a weapon of coercion, one forged a century ago and for circumstances different from those which exist at the present time. The argument about age and original intention does not impress me personally. It seems to me that a house-owner is justified in taking up his old poker as a means of defending himself against the burglar; or, to use an analogy which would be more familiar perhaps in this country, that the woodcutter is justified in seizing his old axe in order to guard himself against the dacoit. In no case, too, would the argument as to original intention carry much weight in a court of law. The words of the Regulation are clear and the Court would look at the actual language it uses. The Regulation specifically and precisely states that reasons of State, including, among other things, the security of the British dominions from internal commotion, occasionally render it necessary to place under personal restraint persons against whom there may not be sufficient ground to institute any judicial proceedings or when such proceedings may not be adapted to the nature of the case or may for other reasons be inadvisable or improper.

The gravamen however of the attack on the Regulation appears to lie in the fact alluded to by Khan Bahadur Sarfaraz Hussain Khan, that the Repressive Laws Committee recommended its repeal and the Government of India, as then constituted, accepted that recommendation. The Committee, however, I may say with all respect, was not infallible and the question still remains whether it was right in that recommendation. Neither, may I add, are the Government of India an infallible authority. In Bengal we sometimes differ from the Government of India. When I consider this expression of opinion, when I think of their attitude towards the Meston settlement, which, to use words familiar in this House, may be called "iniquitous and horrible", I feel inclined to echo the words of the clergyman who said: "To think that is the Government for which we have to pray every Sunday."

However that may be, Sir, the Government of Bengal did not subscribe to the views of the Committee or to the views of the Government of India, and I submit that the opinion of the Government of Bengal is entitled to all respect, as it is the Government which had the longest and the hardest experience of dealing with underground revolutionary conspiracy. The view of that Government was that the Regulation could not be repealed without danger to the public safety and that, if it was deprived of its special powers, it would not be in a position to discharge its responsibility as guardian of the public peace.

In any case, Sir, I should like to make it clear that the Repressive Laws Committee was influenced by the fact that it considered that the Regulation was not at that time, i.e., in the year 1921, necessary. Speaking of the older Acts which give or gave Government special powers and include Regulation III of 1818, it said:

"The retention of these Acts could in any case only be defended if it were proved that they were in present circumstances essential to the maintenance of law and order. As it has not been found necessary to resort in the past to these measures save in cases of grave emergency, we advocate their immediate repeal."

It added:

"In the event of a recurrence of any such emergency, we think that Government must rely on the Legislature to arm them with the weapons necessary to cope with the situation."

[Mr. L. S. S. O'Malley.]

The premise of the Committee was that in present circumstances, i.e., in the year 1921, there was no revolutionary movement working by means of terrorism and assassination such as would necessitate the exercise of extraordinary preventive powers by Government. It admitted, however, that a crisis might arise in which Government might require special powers and it thought that the crisis might be met by legislation *ad hoc*. The weakness of this line of argument, it seems to me, is that legislation necessarily takes time. The preparation of legislation—the discussion on it—is sometimes a lengthy process. In the meantime revolutionary conspirators are not the men to stay still with folded hands. Oliver Cromwell once said: "The throat of the nation may be cut while we send for someone to make a law." That would be an extreme expression to use, but I think it must be admitted that, while legislation was in process of incubation, officers of Government would be in serious danger of their lives and other persons might also suffer. I refer to harmless villagers, on whom revolutionaries commit dacoities in order to raise funds. Apart from delay, however, it seems to me to be a doubtful proposition that the passage of a Bill dealing with what must be a contentious matter could always be guaranteed. It is not long since a harmless consolidating Bill dealing with the subject of tolls on bridges and roads was summarily rejected by this House. It is also not long since that another simple measure dealing with passports had a reception which is not altogether encouraging. The reception which was given to a harmless Bill might block the passage of a more contentious Bill, and in the meantime I feel the officers of the Government would be in peril of their lives. Not only would there be actual danger to the officers of Government, but the poison instilled by revolutionaries would spread, recruits would be obtained and trained, and there would be a danger of the mischief becoming widespread. As soon as a revolutionary conspiracy manifests itself, prompt action is essential. In all such cases the offensive is the best means of defence; and I submit that Government would be in a most difficult position if, in the face of such a conspiracy, they laid aside the weapons which they had hitherto relied upon and had to forge new weapons.

Before, Sir, I leave the recommendations of the Repressive Laws Committee, I should like to point out that, in a reply given to a question on the 1st February by the Honourable Sir Malcolm Hailey, it was stated that 4 of the 24 cases dealt with under the Regulation had reference to hostile activities directed from abroad against the security of India, and among the objects of these activities was the fomenting of trouble on the frontier. And the Repressive Laws Committee themselves were of opinion that the Regulation could properly be employed to prevent the stirring up of trouble on the frontier. In the remaining 20 cases, all in Bengal, the Honourable Sir Malcolm Hailey said not only that the danger was a revolutionary conspiracy with the avowed object of assassinating Government officials but also that correspondence between some of the conspirators and Communist agents abroad had been definitely traced.

I contend, Sir, that Government is perfectly justified in retaining this Regulation on the Statute-book. My Honourable friend, Mr. Amar Nath Dutt, has quoted Lord Morley. I shall now proceed to do the same, because it seems to me that Lord Morley's remarks state in a very admirable way some of the reasons which justify the retention of the Regulation. These remarks I am going to quote from his *Indian Speeches*, a book which will be found in the Library, a book which I think I am right in

saying was prepared under the orders of Lord Morley himself and which may be taken as explaining his policy in regard to Indian matters. He said:

"Quite early after my coming to the India Office, pressure was put on me to repeal the Regulation of 1818 under which men are now being detained without trial and without charge and without intention to try or to charge. That, of course, is a tremendous power to place in the hands of an Executive Government. But I said to myself then, and I say now, that I decline to take out of the hands of the Government of India any weapon that they have got, in circumstances so formidable, so obscure, and so impenetrable as are the circumstances that surround the British Government in India."

He went on to say:

"You must protect the lives of your officers. You must protect peaceful and harmless people, both Indian and European, from the blood-stained havoc of anarchical conspiracy. We deplore the necessity, but we are bound to face the facts. I myself recognise this necessity with infinite regret, and with something, perhaps, rather deeper than regret. But it is not the Government, either here or in India, who are the authors of this necessity."

Surely these remarks are as true to-day as on the day they were uttered.

I might multiply quotations did I not fear that I might strain the patience of the House. I might refer to Lord Morley's famous contrast between the fur coat in Canada and the fur coat in the Deccan as illustrating the difference between the measures necessary in different circumstances—a contrast used in justifying the application of the Regulation in India.

I should like, however, to make one more brief quotation.

"If India",

Lord Morley said:

"to-morrow became a self-governing Colony, disorder would still have to be put down with an iron hand; I do not know and I do not care to whom these gentlemen propose to hand over the charge of governing India. Whoever they might be, depend upon it that the maintenance of order is the foundation of anything like future progress."

Lord Morley referred to the Regulation as being "as good a law as any on our Statute-book", but I admit that it is different to the English law. It is a preventive measure and English law aims at the punishment rather than the prevention of crime. My Honourable friend, Mr. Amar Nath Dutt, has referred to what is done in civilised countries and I can assure him that the English system is unlike the continental system of law and has its defects, for it prevents the Government from meeting public danger by measures of precaution which would be taken as a matter of course in any country on the Continent of Europe. Indian law, however, goes further than the English law, and in my opinion has certain manifest advantages, because it recognises the prevention as well as the punishment of crime as being within the province of the Legislature. I might refer to familiar sections of the Criminal Procedure Code. I might mention the Criminal Tribes Act; I might also mention the Goondas Act, which is an Act passed not very long ago by the Bengal Legislative Council. My Honourable friend, Sir Campbell Rhodes, said early in this session that when the time for his assassination came, it did not matter to him whether he was stabbed in the back by a *Goonda* for the sake of his watch and chain or shot in the back by a revolutionary desperado in mistake for a Government official. My point is that both the Goondas Act and the Regulation allow of summary treatment. The Goondas Act permits of deportation, without trial, of enemies of property, the Regulation allows the restraint of enemies of established government and stable society. A similar preventive measure is the Criminal Tribes Act which authorises the

[Mr. L. S. S. O'Malley.]

restriction of members of criminal gangs; and, in my own view, revolutionaries who raise funds by dacoities in the houses of harmless and innocent villagers are no better than criminal gangs.

My Honourable friend, Mr. Amar Nath Dutt, said that no civilised Government would arrest or imprison without trial. He referred to the principle of Habeas Corpus in England. I may remind him that there have been several occasions in Great Britain when the Habeas Corpus has been suspended. The suspension was carried out to meet circumstances in which it was recognised that the rights of the individual must be subordinated to considerations of the common weal.

Mr. Ohamar Lal (West Punjab: Non-Muhammadan): When was the last time when it was suspended in England?

Mr. L. S. S. O'Malley: I believe that the last time when it was suspended was in 1866 and that it was suspended for Ireland. Talking of Ireland, I may mention that there is a measure which is an absolute parallel to this Regulation, and that is the Irish Act of 1881. That Act was passed to meet similar circumstances. It was passed at a time when the party of violence in Ireland aimed at securing independence by means of outrage and terrorism. I dare say some of the Members of the House may remember the Phoenix Park murders. At any rate, there were a series of crimes from 1880 to 1884, and the ordinary law was entirely impotent to deal with the murder organisations. I may refer very briefly to the main provisions of that Act, which are exactly similar to those of the Regulation. The Irish Executive was given the absolute power of arbitrary and preventive arrest of any one suspected of treason or of the commission of some act tending to interfere with the maintenance of law and order and could detain in prison any person so arrested as long as the Act was in force. This power was reserved to the Lord Lieutenant and the warrant issued by him was conclusive evidence of the truth of the assertion that the arrested person or suspect was reasonably suspected and therefore liable to arrest. It was merely necessary that the warrant should be in the form and contain the allegations required by the Statute.

I turn now to the question of the absence of judicial trial which is necessitated by the application of the Regulation.

Mr. President: I must ask the Honourable Member to be brief. I did not know he was going to open a new subject, otherwise I would have warned him before.

Mr. L. S. S. O'Malley: I will just refer briefly to the way in which the action of the Government in using the Regulation was received by the public in Bengal: I will merely refer to statements made after the arrests made at the end of September. I will quote, briefly, a journal which has no sympathy with Government, the *Bijali* of Chandernagore, which, in speaking of the repressive policy of Government declared, "In the present instance we do not find any particular excitement." At the end of October the *Bengalee* declared that the feeling on the subject in Bengal was "not only feeble but lifeless and flat." And I may just refer to a few lines in the issue of the *Anurita Bazar Patrika* of the 19th January 1924, which said in a leading article:

"Whatever unrest there may be can be and is being practically controlled by the Government through the exercise of the ordinary and extraordinary powers with which they are vested by the existing laws and regulations."

Rai Sahib M. Harbilas Sarda (Ajmer-Merwara: General): Sir, I rise to support the motion to repeal Regulation III of 1818. This Regulation should long ago have been repealed. Its continued existence on the Statute-book of India redounds to the credit of no one. It is no credit to Government that after 100 years of British rule—during which period, the Government claim that this country, inhabited by a not ungrateful people, has been making steady and rapid progress in moral and material prosperity—the situation is the same as a century ago when Government thought it right to forge a weapon to enable it to deport people without trial, and it is no credit to the people who claim that they are fit for self-government that they should have failed to convince the Government that they have advanced far beyond the stage when such arbitrary and autocratic measures were necessary to keep peace and order.

This Regulation, in its conception, is a negation of justice, a negation of the natural rights of a human being. When a country or a nation is in the throes of a war, when all its energies and resources are employed in repelling a foreign invasion, and no distraction in the shape of keeping the internal peace should be permitted, measures like these may be justified and may even be necessary. But when a country is at peace with its neighbours, when it is in the enjoyment of friendly relations with foreign powers, the retention of such measures on the Statute-book is nothing but an arrogation of power that rightfully belongs to no one, and which can only be exercised in defiance and derogation of right and reason.

This Regulation III of 1818 was framed, Sir, when the whole of Upper India, including the Punjab, Sind, the United Provinces and Oudh was under the rule of Indian rulers. The Regulation is reminiscent of the days when another European Power and its agents had not quite given up running a race with the British for supremacy in India. It was framed at a time when the British military power and British diplomacy had not finally vindicated itself in the country. It was framed when foreign adventurers and free-lances without a stake in the country were harrassing the land, and the Pindari free-booters and the Thugs—those pests of society—were infesting the land, murdering the weak, plundering the rich, and terrorising all. It was framed at a time when the Ruling powers of India were flowing into a melting pot, when peace was unknown, trade was at its lowest ebb and money and metal had burrowed themselves underground: when the one desire of all India was peace, riddance from unscrupulous adventurers and merciless marauders and a settled Government from one end of the country to the other. The Regulation was framed in those days to be helpful in achieving this universal desire. This desideratum has long been reached. There has long been a settled Government in the land, the country has long been enjoying peace. For the Government still to cling to obsolete measures and to hug to the heart out-of-date weapons suited to the troublous times of the early days of British rule is really to confess that they have failed to win the confidence and the attachment of the people even after a hundred years' effort, that the peace that exists in the land is not the peace of contentment and satisfaction, but a peace imposed on the country because one party is too strong and the other too weak. Such a belief, if generally prevalent—it would be a wrong belief, and I believe it is not generally prevalent, for India has in every respect travelled far beyond the conditions existent in 1818,—such a belief would be destructive of good will between the two parties, and would not make for prosperity in the present or progress in the future. Moreover, for Government to proclaim on the one hand that their goal is responsible Government which presupposes their confidence

[Rai Sahib M. Harbilas Sarda.]

in the sense and the intellectual and moral capabilities of the people, and on the other hand, to declare their unwillingness to give up methods and measures which betoken undiluted autocracy, is to take up a contradictory position, bewildering to their supporters and tending to deepen in the minds of their critics their disbelief in their good intentions. As the Honourable Mover has said, that great Liberal Statesman, Lord Morley, when as Secretary of State he upheld the action of Government taken under this Regulation about eighteen years ago, felt all the time uncomfortable about it. But what was invisible to his mental eye has now become the avowed aim of British policy, namely, the establishment of representative government in this country. When Lord Morley who could see nothing but autocracy for this country, so far as his vision could go, got shivers when he sanctioned the use of the Regulation, is it not time that with the changed outlook, Government discarded the discredited weapon and relied on more humane and acceptable measures to attain their object?

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I am anxious that the issue raised by this motion should not be confused. The issue is not whether there are revolutionary movements in certain parts of the country or not. I frankly admit that there seems to be judging from certain reports that have appeared in the public press, an undoubted recrudescence of the old revolutionary criminalism in my province. It is not a solitary Member of this House, an isolated individual in this Assembly, who says this, but the great leader of the great Swarajist Party who are everywhere and in every Legislature in India has himself admitted it. He has admitted the truth of the existence in some form or another of revolutionary propaganda in our province. We do not deny it. But the question is not whether there is a revolutionary propaganda still going on in any part of the country, but whether by the exercise of the special powers vested in the Governor General in Council by Regulation III of 1818 of Bengal and similar other Regulations, you can successfully fight this revolutionary propaganda. You have tried it before. In 1908 you brought out this rusty weapon from the Government armoury, applied it to all and sundry in Bengal. You deported under this Regulation men of absolutely unimpeachable private and public character. You deported Babu Aswini Kumar Datta, than whom no purer man has appeared in the political life either of Bengal or of any other province. You deported Babu Krishna Kumar Mitra who was not an Extremist amongst Extremists but was an honoured Moderate among honourable Moderates. You deported others also. And what was the result? As you went on deporting these men, the revolutionary propaganda spread more and more,—from town to town, and from hamlet to hamlet. By these acts you created

4 P.M. sympathy for the revolutionary propaganda among large masses of the people who might not otherwise have any possible sympathy with this propaganda of criminalism. We are also human. We feel as other people feel. And, when our sons and relations are taken away from us without warning, and without any judicial trial, placed in prison, interned or externed, their families are deprived of the means of support which many of these men brought to them,—when we are deprived of the company and help of our dear and near ones, by these acts of the Executive Government, can you expect that there will be any sympathy for you, any regard for you, any love for you, anything but hatred for you in the minds of those who suffer in this way? That is the simple psychological truth. I know it that before these deportations and internments

came into existence in Bengal, the revolutionary movement was not half so widespread as it became subsequently. Old men had nothing to do with it. Staid householders in the villages had no part or lot in this propaganda. But when these deportations came, when these internments came, when the iron of these persecutions entered into the hearts of the simple minded relations and friends of your political suspects,—it was then that we found everybody, Extremist or Moderate, literate or illiterate, moved by a new and deep sense of resentment against the Government,—coming and telling us: "What are we coming to? Is this the Government under which we have to live?" You cannot deny that at this moment there is a widespread, and intense and deep resentment against the Government among all classes of the people of this country. I regret it very much. It is this deep, this widespread, this burning resentment in large numbers of the politically-minded people of my country, which has created the power behind Pandit Motilal Nehru there. The way in which the Swarajists have swept the boards at every election—I do not give them credit for it—is entirely due to this widespread resentment. There is very little of much political worth in the Swarajist propaganda or programme. I will frankly tell them this. I have said it elsewhere and often. But still how is it that they have caught the fancy of the people? What is it that has led to their success? It is not the merit of their programme, Sir, but it is the demerit of the Government against whom they have stood up. That is the real truth. How to cure this discontent, that is the issue. Will you be able to control this issue, will you be able to solve this problem, by having recourse to these Regulations, these lawless laws? That is the simple question. The revolutionary movement is there. But nowhere in history has official or executive repression been able to cure revolutionary patriotism or anarchism. There is the menace of Revolution. But who make Revolutions? I may quote from a document published some years ago signed by almost all the savants of Europe, Romain Rolland, Henry Burgess, Bernard Shaw, Bertrand Russell and—I am also proud to be able to say—to which our own Rabindra Nath also subscribed—I refer to the Manifesto of the "International Group Clarite," and in that historic document it is declared that it is Governments who make revolutions everywhere, while the counter-revolutionaries make revolutions bloody. That is the whole truth. This is the teaching of history. Governments make revolutions. People are not interested in revolutions. We are not interested in this propaganda of political criminalism in India. We also suffer from it. We suffer far more than the Government. Peaceful citizens suffer from the revolutionaries on the one side and at the hands of the Government on the other. We did not make this revolutionary movement in Bengal or any other part of India. It is you, gentlemen, who, by your short-sighted policy, by your lack of statesmanship, by failing to do in 1906 that which you did in 1913, by your statesmanship, if statesmanship it may be called, upon which is writ large the words "too late" who brought about this state of things. I know of no more damning characterisation of statesmanship than these words "too late." Every good thing that you do, you do too late. By doing the thing too late, you lose the graciousness of doing it, and you increase the strength of the revolutionary movement and quicken the revolutionary patriotism all over the country. This is the history of the present revolutionary ferment among us. This is the universal experience of history. We did not create these revolutionary sentiments. If you had treated the Bengal unrest and the Indian unrest of 1905 and 1906 with the vision of far-sighted statesmanship, if you had made your peace with us,

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while we were both on the way, if you had accepted the moderate proposals even of the Moderates when there were no Extremists in the country, there would not have been this revolutionary movement in Bengal or elsewhere. You did not annul the partition of Bengal even when you found that it had outraged the tenderest sentiments of the whole Bengalee people. You then tried to stand upon your prestige. Lord Morley said that it was a settled fact. But between 1906 and 1912, in the course of these six years, that settled fact had to be unsettled, and Lord Hardinge had to bring His Majesty the King Emperor and the Queen Empress out to India to do that. Now if you had done it in 1906, there would have been no trouble in Bengal. I have had no part or lot in this movement of revolutionary patriotism. Not even my rankest enemy has ever been able to level this charge against me. My politics have always been above board. When I have abused you, I have abused you openly. When I have worked against you, I have worked against you in broad day light. I have asked my people not to go underground, because underground politics is neither healthy for them nor safe for you. You did not make your peace with us betimes during the unrest of 1905—12. But even now it is not too late, if you will only give to the people what the people want, namely, an assurance of political freedom in this country like what obtains in other parts of the Empire. You cannot deny it that there is a great yearning for a change of the system of administration in India equally among high and low. You depended upon the Moderates at one time. Where are the Moderates to-day? You have discovered too late for you that that was a very broken reed to lean upon. You cannot depend upon the Moderates to-day. They are all with us to-day. Those who are not do not count at all. If you give the assurance which the country asks for, you will have the whole country at your back. Come to terms with the people. Be reconciled with this passionate desire for freedom of the whole Indian people. Give them what they want. Reconcile your interests with their desire. Reconcile the Imperial connection with the demand for full national sovereignty of the people of India. Work up this reconciliation. Work it up betimes. Otherwise it will do you no good. It will do us no good. We shall, both the Government and the people, be involved in a common ruin. In view of this great danger it behoves the Government to accept this Resolution. How shall we then fight with revolutionary propaganda, you may ask? But, even if you repeal Regulation III of 1818 and similar other Regulations, will you not have sufficient powers to cope with emergencies? Have you not got sufficient power to create new weapons? You have got the power of making Ordinances. The Governor General has the power of making Ordinances whenever he finds himself face to face with a very difficult situation. Why not have recourse to that power? Why keep up this law that offends the inner sense of justice of the people, that outrages all your claims to civilised administration? Why keep it on the Statute-book? It is a blot on the character of your administration. It is an outrage upon our self-respect and upon the patriotic sentiments of the Indian people. Therefore, I do not ask you to give up all your weapons. Keep the power to forge them, whenever necessary. You have got the power of making Ordinances. You may do what you do now by means of these Regulations, by means of temporary Ordinances. Of course, I understand that you will be in some little difficulty. Ordinances are only for six months, and then we shall be at your back and we shall try to keep you straight when you needlessly make new Ordinances. We are doing it even now. You have no peace either here in the Assembly or

elsewhere. You have no peace by day or by night; nor have we any peace either by day or by night. Let us both have some rest. Let us be reconciled to one another. Let us compromise with one another. Let us come to some honourable understanding, honourable to us consistent with our self-respect and our spirit of freedom and consistent with your safety. Let us come to some compromise, and then you will see that the whole strength of public opinion in India will support you in whatever measure you may adopt to fight revolutionary criminalism in Bengal or elsewhere.

Mr. J. M. Turing (Madras: Nominated Official): I think, Sir, there may be some excuse for a Madras Member intervening in this debate. Of course the repeal of Bengal Regulation III of 1818 would not affect the Madras Presidency at all. But as the Honourable Leader of the House has reminded us, there is a Regulation, Madras Regulation II of 1819, which is almost identical. I believe the substantial difference between the two Regulations is that the powers in the case of the Bengal Regulation are exercised by the Governor General in Council and in the case of the Madras Regulation are exercised by the Governor in Council. Well, Sir, it does not necessarily follow perhaps that the repeal of the Bengal Regulation would be followed by the repeal of the similar Madras Regulation, but I think we may take it that that result is extremely probable. I note that a Resolution stands in the name of my friend, Mr. Ranga Iyer, which specifically suggests that Madras Regulation II should also be repealed. And although that has not been moved, I take it that the same thing is practically implied in the Resolution that has been moved by Pandit Shambhu Dayal Misra. Well, Sir, I think there are several reasons, reasons connected with fairly recent events in the Madras Presidency, which ought to make every Madras Member extremely reluctant to vote for the repeal of his own Regulation. Of course the circumstances of the two Presidencies, Bengal and Madras, are not exactly similar. They each have their own political troubles, and perhaps it is one of the advantages of a Regulation so widely framed as the Regulation which we are now discussing that it is elastic enough for action to be taken under it as may seem suitable for any kind of political trouble. Well, Sir, the events in the Madras Presidency to which I wish to make special reference are the Moplah rebellion and some of its results. The Moplah rebellion, as we all know, was the result of violent religious fanaticism fanned by political agitation. I have some times, listening to the debates in this House, wondered in silence whether events in one part of India ever penetrate more than a hundred miles from the place where they occur. I have also wondered whether the memory of this House is so short that it will not carry the Members three years back. I have listened to descriptions of the absolutely law-abiding nature of all the population of India. I have listened to descriptions of the unruffled harmony which exists between all the great religious sects. I have some times wondered if Members who spoke in that tone remember that just three years ago in a not unimportant corner of India an open rebellion against Government was in progress, accompanied by widespread looting of property, murder, constant outrages on women and hundreds and hundreds of cases of forcible conversion of Hindus by Moplahs accompanied by mutilation.

And this, I think, Sir, is worth bearing in mind with reference to some remarks which have fallen from Members in this debate. You must not excuse a man for open rebellion on account of the excellence of his intentions. If you come to think of it, a Moplah who forces conversion to

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Muhammadanism upon a Hindu, accompanied by mutilation, is himself under the impression that he is perfectly in the right. One might go further, if he is an uneducated person, he is usually under the impression that he is giving a chance of Paradise to the person whom he is forcibly converting. And if you were to inquire of such a Moplah what kind of a person he thinks himself, he probably would seriously describe himself as "an honourable moderate." Well, Sir, it is quite impossible for any Government to tolerate such events as these on account of the excellence of the intentions of those who either engage in them or publicly or secretly promote them.

Well, to continue; it is not the case that Madras Regulation II of 1819 was utilized to any large extent either before or during the Moplah rebellion. Some people think, and quite sincerely, that if that Regulation or similar powers had been utilized, and freely utilized, before the rebellion took place, it possibly might have been averted. Well, I will leave the House to judge, if these powers had been utilized in that manner, what an outcry there would have been in this House, if it was at the time sitting, or in the press. We should have had passionate outbursts about the liberty of the subject; we should have had statements that there was not the slightest likelihood of any outbreak occurring, and we should have had equally passionate references to the liberty of the subject which we were infringing, which liberty, as I have mentioned, was shortly to take the form of mutilation, rape and forcible conversions. Well, I think that is relevant to the desirability of retaining in both Presidencies these exceptional powers.

I am going on to a comparatively minor aspect of the situation. As I have mentioned, the Madras Regulation in question was not actually used during the progress of the rebellion, for the very excellent reason that the fires of rebellion were no sooner lighted, than the rebellion took so serious a form that there was no means of coping with it except by martial law. By martial law it was dealt with, and, with great difficulty, dealt with successfully. However, when the rebellion had been crushed, there remained a very large number, several thousands, of prisoners in confinement sentenced under the Martial Law Courts or otherwise whose connection with the rebellion was undoubted, but whom Government did not consider so seriously implicated—I do not say that there was any doubt about their being implicated, but they had perhaps not taken an active part—that they wished to keep them for several years in jail. On the other hand, it was impossible to send them back to their residences; it would have meant either acts of revenge on their part or acts of revenge on the part of the Hindus whom they had outraged, and it was absolutely necessary to keep them, not in close confinement but under looser confinement in some places away from their homes, and for this reason Regulation II of 1819 was applied to their cases. Regulation II of 1819 thus has been utilized by the Madras Government for a different purpose of course from that for which the other Regulation is at present utilized in Bengal but it has proved of use; and this illustrates what I said before that, owing to the flexibility of such Regulations, it is quite easy to adapt them to different sets of circumstances.

I would conclude, Sir, by a reference to a remark which fell from the Honourable Mover of the original Resolution. He referred to these various repressive laws as being "intermediate between martial law and

ordinary law." I will not discuss whether that is a correct description of these laws or not, but, as far as I am personally concerned, I should accept the statement that the natural time for the application of all these laws is the period between peace and open war. As I have already mentioned, in the case of Malabar there was a period of open war during which much more stringent Regulations had to be utilized for the purpose of quelling that war, but it is the fact that the Regulation in question was utilized as things quieted down, in fact in the period between peace and open war. Well, I have naturally no very great acquaintance with the circumstances in Bengal. But from remarks which have fallen from Mr. O'Malley and which have been confirmed by Mr. Bipin Chandra Pal as to the existence of a widespread revolutionary conspiracy in Bengal, I should describe this period of revolutionary conspiracy as being intermediate between peace and war and, therefore, a suitable period for the application of these Regulations. Sir, I do not propose to support either the original Resolution or the amendment.

Mr. Mahmood Schammad Sahib Bahadur (West Coast and Nilgiris: Muhammadan): Sir, I am glad to respond to the invitation of the Honourable Mr. Turing. In his reference to the Moplah rebellion I think he has not made a single statement which is correct. I say the Government were responsible for the very rising. Not only that, it was the Government that were responsible for all the after-troubles; because the Government so managed matters as to get Hindus and Muhammadans to come to some misunderstanding and fight against each other. It was thus that the rebellion broke out and spread. They got the Hindus to follow the police and the military—forced them to follow them—and to point out the places of these Moplahs. They had to do all these things in order to escape arrest. They thus did escape arrest—most of them. Of course these Moplahs used to hide when the police and military were in their place. A Moplah used to come out of his hiding place in the evening, and his people would tell him, "Well, our Hindu neighbours also have come and molested us, helped the police in finding out our articles and looting and burning our houses." Then the Moplahs naturally took revenge upon their neighbours who assisted the police and others in burning and looting their houses; and they very properly thought they were justified in punishing those who without any cause helped the police and military in burning and looting their houses. That is the way they brought about this misunderstanding. Soon after that, there were mutual recriminations, punishments and the story about conversion was also circulated which is also totally exaggerated and incorrect; because when these Moplahs went to take revenge upon the neighbouring Hindus for joining the police in burning their houses—and thousands and thousands of houses were burnt—some of these Hindus of course were punished severely. They knew that these Moplahs were ignorant, and that they would escape by joining the Faithful, and they would get off without any punishment; and, in order to escape punishment, they became Mussalmans. These Moplahs thought that as they had become Mussalmans, they should not touch them, they were holy. Therefore it was not by force that they were converted. The Moplahs wanted to punish them for the treachery and, in order to escape punishment, this plea was given out. That is the whole story. Naturally, there would be some anarchy when the police ran away from all the stations in the area just on the breaking out of the rising and of course no peace could be expected in the country. This is the whole story of the rebellion. Mr. Turing was pleased to say that if a Moplah

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was asked, "Well, what is the fact," he would admit it. I doubt whether he has asked any Moplah that question, and if not, I will invite him and I shall accompany him in going into the Moplah country and making an inquiry. I shall be glad if Government will appoint Mr. Turing and some others to make an inquiry and submit a report on the whole rebellion. The repressive law that is in force in Malabar is really such as would not suit a barbarous Government. There is a law called the Moplah Outrages Act. There are sections in that Act which, if I were to read them out, would indeed be a shame to the Government which has passed such a law; and I hope Government will consider the point. I must refer to the thousands of Moplahs who are in prison and the thousands who have died on account of the treatment that has been given to them. Lakhs of rupees have been collected from these poor Moplahs just to defray the expenses of the operations there, which are not at all justified. These risings would have been nipped in the bud without any trouble at all if they had taken a peaceful course; but these lakhs and lakhs of rupees are now forced out just to defray the expenses of these unjust operations and are thereby reducing the country to poverty, forcing them to another rebellion. With these words, Sir, I support the Resolution.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, the Honourable the Leader of the House asked you whether you would hold the whole of this amendment to be in order or only some portions. Mr. Ranga Iyer's amendment concerning the Regulation referred to in his clauses (a), (b) and (c), is of the same nature as the amendment regarding Bengal Regulation III of 1818, referred to in the original proposition.

But the other two Regulations in clauses (d) and (e) are of a somewhat different character, and I do not know whether it is proposed to hold only the first three parts of the amendment in order or the whole. I happened to be one of the members of the Repressive Laws Committee, and if I remember aright, the recommendation of the Committee was that these three Regulations of 1818, 1819 and 1827 should be repealed. But as to the Criminal Law Amendment Act, it was represented to us that the situation in India at the time required that the Government should be invested with the special powers conferred by these Regulations and we, therefore, thought it prudent to leave the country to judge of the exact time when these two laws might be repealed or modified. I do not know whether the Mover of the amendment intends to press the whole of the amendment or only a part. So far at any rate as the first three Regulations are concerned, I have no manner of doubt that they ought not to be retained on the Statute-book. These Regulations are so repugnant to the sense of law and justice which we lawyers have acquired or contracted, whatever you may call it, that it is not desirable to retain these Regulations.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): On a point of order, Sir, there is some misunderstanding. My friend, Sir Sivaswamy Aiyer, is under the impression that the amendment is that of Mr. Ranga Iyer. That is not so. The amendment that is being discussed is that of Mr. Misra which at any rate makes no specific reference to the Regulations to which he refers.

Sir P. S. Sivaswamy Aiyer: I beg your pardon. The original Resolution refers only to Regulation III of 1818. Now, Sir, with regard to the other two laws. I must confess I had some searchings of heart. I do not

wish to look at the question merely from the point of view of a lawyer, and I wish to make every allowance

The Honourable Sir Malcolm Hailey: On a point of order, Sir, I am very loath to interrupt my Honourable friend, but it is really in his own interests that I am interrupting. We are told that Mr. Ranga Iyer's amendment is not under discussion, but only that of Pandit Shambhu Dayal Misra, which refers to the Criminal Law Amendment Act, and other repressive laws and regulations; but if these other repressive laws and regulations are not those described as from (a) to (c) in the amendment of Mr. Ranga Iyer, what are they? If they are not those, I myself am in doubt, which, I am sure, is also shared by my Honourable friend, Sir Sivaswamy Aiyer, as to what we are really discussing.

Sir P. S. Sivaswamy Aiyer: So far as Pandit Shambhu Dayal Misra's amendment relates to Bengal Regulation III of 1818, it covers the same ground as the original Resolution, and it may be held also by the Chair that the other similar Regulations of Madras and Bombay come under the head of repressive laws and regulations and are also relevant to the subject matter of the original resolution. As to the rest, it is not for me to express an opinion, but it is for the Chair to decide. I will only point out this, that with regard to the other repressive laws and regulations, I certainly am in doubt as to what the repressive laws and regulations are which are referred to. As it is, the Resolution is far too indefinite and vague. I was going to say that, so far as the Seditious Meetings Act, and the Criminal Law Amendment Act are concerned, whether the retention of these laws is still necessary or not is a matter on which I am prepared to allow some amount of discretion to the Executive to decide whether the present situation justifies it. I will only refer in this connection to an extract from a writer who had some opportunities for forming an opinion on Indian affairs in connection with these Regulations. The passage which I should like to read is this:

In her little book on 'India, A Nation' Mrs. Besant gives a list of the repressive measures. They are:

"The *lettres-de-cachet* system embodied in Regulation III of 1818, Regulation II of 1819, Regulation XXV of 1827, Act XXXIV of 1850 and Act III of 1858. The whole group of panic legislation in 1907—1910 must go."

and Mrs. Besant also:

"enumerates the Prevention of Seditious Meetings Act, VI of 1907, the Press Laws, VII of 1908, and the Criminal Law Amendment Act, XIV of 1908. In any event the Government should make a thorough revision of all these Acts and Regulations removing from them everything which has been or can be used for repression in ordinary times, and trust courageously to those powers which all Governments have to protect themselves and their States from anarchy, sedition and disorder. Governments should be compelled to meet the growth of sedition by political wisdom and not allowed to burden other people with their mistakes, as the Indian Government does when it seeks to maintain order by its Press Laws and Rowlatt Acts. The Indian Government has been too often content to create a special class of evildoers—those whose opinions are inconvenient to it and in the history of Indian repressive legislation this class occupies a prominent and distinguished place."

I will quote just a few more sentences which occur later on. Speaking of the Indian reformer, the author says:

"The Indian reformer is in this dilemma. He must agitate for the revolutionised Government, for he knows he will never get it otherwise; he is well aware that this necessary agitation will make the bureaucracy more obdurate and its trust in repressive legislation more certain. Of course in actual practice it is possible to avoid these dilemmas by the exercise of broadminded common sense and practical sagacity, but a bureaucracy of Civil Servants who have become old in authority must find it difficult,

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as the Indian Government undoubtedly has, to unbend itself and humour the powers which it cannot subdue. These considerations and not the existence of sedition and other political crime in India, however much of that there may have been, are the true reasons why the Indian Codes and Statutes are disfigured with so much repressive power. The Indian press, though its function may be to act as part of the constitutional Opposition to the Government, cannot do this work in the full way that papers in this country do, until there is a really free press in India, but Press Acts will never finally disappear there, though both their contents and their administration may vary in stringency, whilst the Government is a bureaucracy. To demand the complete abolition of the Press Acts is equivalent to demanding that the Government itself should be put on a more liberal foundation. The problem of the Indian press is at root that of the inherent conflict between a bureaucracy and public opinion. The last chapter in the history of bureaucracies is repression. They pass away like an old monarch driven from his throne, hurling accusations of sedition against his approaching successor."

At the present time I am not prepared to say that I endorse all that is contained in the above passage. It may be said that these passages were written by the author at a time when he was not clothed with the responsibility of office. But seeing that the author is no less a person than the present Premier of England it is worthy of consideration whether it is not possible to review the position and meet the wishes of the public in some form or another.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muham-madan): Like my friend, Sir Sivaswamy Aiyer, I was also a member of the Committee to which frequent references have been made in this House. That Committee decided after full consideration of all the evidence and reports received from the provinces that the Regulation of 1818 and the analogous Regulations applicable to Bombay and Madras Presidencies must be repealed. My two friends from Bengal and Madras challenge the wisdom of this recommendation. We have been told by Mr. O'Malley that there are conspiracies in Bengal and at the present moment it would be dangerous to repeal these Regulations. Well, Sir, I am perfectly certain and my friend must be perfectly aware that there is such a Chapter as a Conspiracy Chapter in the Indian Penal Code dealing with the cases of conspiracies, and the Bengal Government were aware of it. But their report to the Committee was, as they stated in paragraph 11, that, though the substantive law of the country contains sufficient materials for the suppression of conspiracies, the Government are not in a position to obtain sufficient evidence to bring the offenders to justice. Now, Sir, the question therefore which this House has to consider is this. Is this House prepared to authorise the curtailment of the liberty of the subjects of His Majesty in this country against whom no charge can be brought through the ordinary channel prescribed by the Indian Penal Code and in accordance with the procedure laid down in the Code of Criminal Procedure? That is a short question which this House has to decide. My Honourable friend says that, unless the Executive Government are armed with power, they will be powerless to cope with the growing discontent in Bengal. May I reply to him in the words of Lord Morley, the Secretary of State for India, who, dealing with these Regulations and the arguments of that character, wrote as follows:

"You state your case with remarkable force, I admit. But then I comfort myself in my disquiet at differing from you, by the reflection that perhaps the Spanish Viceroy in the Netherlands, the Austrian Viceroy in Venice, the Bourbon in the Two Sicilies, and a Governor or two in the old American Colonies, used reasoning not wholly dissimilar and not much less forcible."

And then, Sir, speaking of the Regulations this is what Lord Morley wrote:

"The question between us two upon this matter may, if we don't take care, become what the Americans would call ugly. I won't repeat the general arguments about Deportation. I have fought against those here who regarded such a resort to the Regulation of 1818 as indefensible. So, *per contra*, I am ready just as stoutly to fight those who wish to make this arbitrary detention for indefinite periods a regular weapon of Government. Now your present position is beginning to approach this. You have nine men locked up a year ago by *lettre de cachet*, because you believed them to be criminally connected with criminal plots, and because you expected their arrest to check these plots. For a certain time it looked as if the *coup* were effective, and were justified by the result. In all this, I think, we were perfectly right. Then you come by and by upon what you regard as a great anarchist conspiracy for sedition and murder, and you warn me that you may soon apply to me for sanction of further arbitrary arrest and detention on a large scale. I ask whether this process implies that through the nine detenus you have found out a murder-plot contrived, not by them, but by other people. You say, 'We admit that being locked up they can have had no share in these new abominations; but their continued detention will frighten evildoers generally.' That is the Russian argument; by packing off train-loads of suspects to Siberia we will terrify the anarchists out of their wits, and all will come out right. That policy did not work out brilliantly in Russia, and did not save the lives of the Trepoffs, nor did it save Russia from a Duma, the very thing that the Trepoffs and the rest of the 'offs' deprecated and detested."

Now, Sir, these are weighty words written by the Secretary of State and sent to the then Governor General of India and I command them to the present occupants of the Treasury Benches.

Mr. P. E. Percival (Bombay: Nominated Official): Did he want to repeal the Regulation?

Dr. H. S. Gour: My Honourable friend, Mr. Percival, asks whether he was in favour of the repeal of the Regulations. My friend will not forget that in the earlier part of this chapter he unmistakably points out that what is wrong with these Regulations is that they are executive and not judicial. And the whole of this chapter is directed against the arming of the executive with judicial power without the control and sanction of judicial authorities. I therefore submit, that so far as the underlying principle of these Regulations and Part II of the Criminal Law Amendment Act is concerned, they have been condemned bell, book and candle by the then Secretary of State, who was responsible for the Government of India and have been further condemned by the present Government of India. Honourable Members will find, if they turn to the Resolution of the Government of India, dated the 19th September 1921, that all the recommendations of the Repressive Laws Committee were accepted *en bloc* by the Government of India. I therefore submit that we have the condemnation of the Secretary of State; we have the condemnation of the Government of India and we have the condemnation of a Committee appointed by the Government of India to examine and report upon the utility and continuance of their repressive laws. When we have, I submit, such a strong body of opinion of persons selected by the Government of India and whose views have been endorsed by the Government of India themselves, I beg to ask, what justification is there for the Government of India to defer the carrying into effect of the recommendations made by the Repressive Laws Committee and accepted by themselves. We have been told, and we were told last year, that so far as the Criminal Law Amendment Act was concerned, the recommendations of the Repressive Laws Committee were contingent upon the re-establishment of peace and order in the country. In this connection, Sir, may I point out that the Repressive Laws Committee were

[Dr. H. S. Gour.]

perfectly conscious of the fact that there may be recrudescence of lawlessness and disorder in the country and referring to this in their paragraph 12 they write as follows. They begin first by referring to the arguments which have been addressed to this House by the official spokesmen from Bengal and Madras, and then the Committee proceed to deal with their arguments in the following terms:

"We recognise the force of these arguments, in particular the difficulty of securing evidence or preventing the intimidation of witnesses. We also appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which a trial is designed to punish, but we consider that in the modern conditions of India that risk must be run. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislature."

Well, Sir, every one of the arguments to which this House has been treated to-day was considered by the Repressive Laws Committee and dismissed with the words which I have quoted. What fresh arguments have the Government now to advance against this deliberate decision of the Repressive Laws Committee by which its members and the Government are equally bound? It has been said that there was a rebellion in Madras. Well, Sir, if there was a rebellion in Madras, there is such a thing as a section which deals with the punishment of rebellion and that, Honourable Members will find, finds a place in the Indian Penal Code. If there is a question of conspiracy, that is equally provided for by the substantive law of the country. I therefore submit that there is absolutely no occasion for the continuance of these laws which arm the Executive with arbitrary power uncontrolled by judicial sanction and approval. I further submit, Sir, that the provisions of these Regulations and Acts are inconsistent with the principle of *Habeas Corpus* to which this country now stands committed. In England one would never think of introducing Regulations of this character. I find, Sir, in the latest edition of the *Encyclopædia Britannica*, the following passage:

"The so-called suspension of the Habeas Corpus Act bears a certain similarity to what is called in Europe suspending the constitutional guarantee or proclaiming a state of siege."

I submit, Sir, that is the position in which the Habeas Corpus Act can be suspended. These Regulations and the Criminal Law Amendment Act have the effect of suspending them at the discretion of the Executive Government and therefore I submit public opinion revolts against it.

Now, Sir, we have been told that some sort of preventive or exceptional legislation may at times be necessary. My friend, Mr. Bipin Chandra Pal, has pointed out that in cases of exceptional and urgent emergency the Government of India Act arms the Executive Government with power to make Ordinances for the duration of six months and the Repressive Laws Committee in their Report pointed out that, if the Government of India desire to take power to deal with the recrudescence of any crime of a violent or revolutionary character, they must arm themselves with power with the consent of the Legislature. That, I submit, is what the Repressive Laws Committee demand and it is always open to the Government to come to this House and ask that they may be armed with certain powers to deal with a special class of crime which may threaten the peace and good order of the country. But I submit we cannot allow these rusty

weapons to remain in the armoury of the Government and I submit, Sir, that it is up to the Government to repeal these laws because, I submit, the Government of India have accepted the recommendations of the Repressive Laws Committee, and I say further, because popular opinion is almost and entirely in fact unanimous in condemning them as pieces of legislation which are obsolete and at times have led to miscarriages of justice. On these grounds, Sir, I support Mr. Misra's amendment.

An Honourable Member: I move, Sir, that the question be now put.

The motion was adopted.

Mr. President: Does the Mover of the Resolution wish to reply?

Mr. Amar Nath Dutt: No, Sir.

The Honourable Sir Malcolm Hailey: I could have wished, Sir, that I had been fortunate enough to obtain from you a ruling limiting the extent of this Resolution and its amendment, for the admission of the amendment so widens the scope of discussion that I fear that I should weary the House if I were to take up in detail the case of all the Acts and all the Regulations to which I might have to refer. And perhaps I may be excused, since discussion is mostly centred on Regulation III, if I refer mainly to that. I must congratulate my Honourable friends that they have by stifling debate this morning succeeded in finding time for a motion which must present unique attractions to them. In the first place, it is not likely to be so difficult a subject of discussion as that which was on the paper this morning, for there one had to face hard questions of figure and of fact. Here we have to face not so much hard questions of fact but questions of feeling and sentiment. (Mr. M. V. Abhyankar: "These are hard imprisonments, Sir.") It has apparently another attraction for them, namely, that it offers them the opportunity of pouring a little additional scorn on those Members of a more liberal and moderate turn of mind who constituted our House during the last three years. That is very attractive to them—so much so that it must outweigh the embarrassment it must cause to some of their own converts. I should think, for instance, that it offers a little embarrassment to one of those who condemned us to-day in the roundest terms, Khan Bahadur Sarfaraz Hussain Khan. I find it difficult myself to reconcile his present condemnation with the discriminating support which he gave us not so long ago; and I am not sure, whether, of the two, I do not prefer his opinion as recorded two years ago to the one he has expressed to-day.

"On what"

he says:

"does the public peace rest? Verily and obviously, on respect and obedience to law. Have civil disobedience to law."

He says:

"and the whole fabric of peace and social order collapses and falls to the ground. What then?—disorder, anarchy and ruin. My view, therefore, is that Government should not be asked to abandon this policy."

Khan Bahadur Sarfaraz Hussain Khan: That is what I said then, that is, when all these occurrences took place; but now that there is non-cooperation, things have taken a different turn. So there is no need for it.

[Khan Bahadur Sarfaraz Hussain Khan.]

Even Mahatma Gandhi had to change his creed. He was a co-operator before, but after the Jallianwala Bagh incident, he became a non-co-operator. I was a co-operator then. But after finding the certification power of the Governor General and other kindred matters I changed my creed and from a co-operator became a Swarajist. The occurrences that took place at Bombay and Calcutta and other places necessitated the order with a view to keep peace in the country. But now all is peace. If you wish to create disorder, you can do so by keeping this Regulation. That is my point.

The Honourable Sir Malcolm Hailey: Sir, these are not merely questions of circumstance; every one is allowed to change his mind under changed circumstances; there is, however, such a thing as being consistent in principle. See this:

"What I want to say is that there are always new conditions and new developments arising and that the Government find themselves under the necessity of doing something and its hands should not be tied down. That, of course, is a principle with which I thoroughly agree."

Or again,

"I do not wish to be irrelevant or talk nonsense, but I am firmly of opinion that the measures that are being taken should not in any case be stopped."

His is a somewhat violent somersault; I hope that it has not left the Honourable Member himself quite so dizzy as it has left me.

Mr. C. S. Ranga Iyer (Rohilkhand and Kumaon Divisions: Non-Muhammadian Rural): I may remind the Honourable the Home Member of the famous dictum of an English statesman that "consistency in politics is the virtue of an ass." (Laughter.)

The Honourable Sir Malcolm Hailey: There are other ways of falling under that condemnation, Sir. And finally there is no doubt that the motion will be highly popular with one section of the House at all events. I mean the section which, however, carefully it at first concealed its intentions, is now quite clearly determined that it will resort to what it calls mass agitation, to which we would give a more sinister name. I see here the inevitable nod from Mr. Patel, which confesses to the determination of his section to indulge in a policy which every lover of orderly advance should condemn; for we have had in the past bitter experience of its results.

Now, I will take very shortly the two laws to which reference has been made in the amendment to the Resolution, I mean the Seditious Meetings Act and the Criminal Law Amendment Act. The former is now enforced at present nowhere in India. Its use has been very sparing. I can appeal to what the Repressive Laws Committee urged in regard to the justification of that measure. It is frequently asserted that it is a measure in restriction of the right of public meetings.

Lala Duni Chand (Ambala Division: Non-Muhammadian): May I remind the Honourable the Home Member that the Criminal Law Amendment Act is still in force in certain districts of the Punjab? It was only the other day—last month—that one Sardar Bagh Singh was given three years for six lectures that he delivered? He was given six months for each speech and also a fine of Rs. 50 for each speech. Altogether he was given 3 years' rigorous imprisonment and Rs. 800 fine by a Magistrate of the

Sialkote District under the Criminal Law Amendment Act, section 17, clause (1). A similar case was decided only the other day in the Hoshiarpur District. If I mistake not, the Criminal Law Amendment Act is still in force in my own district, Ambala.

The Honourable Sir Malcolm Hailey: That may be possibly true; but it happened that at the moment I was referring to the Seditious Meetings Act and not to the Criminal Law Amendment Act. It has been said that the Seditious Meetings Act is repugnant to the right which every one enjoys of public meetings. In England, at all events, there is no such right. It is not a recognized right at law, as Dicey has clearly pointed out; but the point is not a legal one; it is one of substance. You will remember Mr. Gokhale's own admission of the comparatively innocuous nature of this Act; for myself I claim that there can in reason be but small objection to arming the Executive with authority, to be used with caution and with discretion, for forbidding the right of meeting on certain occasions, particularly those of dangerous public excitement. After all, it is not only in the political sphere, that we have to provide against meetings which are liable to take a dangerous form; and I put it with some confidence that no State, particularly the Executive of a country as large as this and dealing with elements as different as those which find a place in India, could afford to be deprived entirely of a measure of this nature.

Mr. M. V. Abhyankar (Nagpur Division: Non-Muhammadian): There are safeguards in other countries, because there the Executive is responsible to the Legislature in the exercise of those powers and can be removed by the Legislature at any time for their abuse.

The Honourable Sir Malcolm Hailey: Is the Honourable Member making a point of order?

Mr. M. V. Abhyankar: It was not a point of order, it was a point of correction.

The Honourable Sir Malcolm Hailey: Then it was a point of disorder. Now, with regard to the Criminal Law Amendment Act, following the advice of the Committee, we have repealed Part I. We have to deal now with Part II. We were advised by the Committee that they could not recommend that it should be immediately repealed. They pointed to definite circumstances in which it had been properly and usefully used in the maintenance of public order. I quote their opinion freely and without scruple, for I must repudiate the suggestion which was made by Mr. Shambhu Dayal Misra that the Repressive Laws Committee was merely intended to strengthen the hands of Government to fight the non-co-operation movement. That is an unjustifiable slur on the character of the members of that Committee, some of whom are still Members of this House. It offers a curious confirmation to the statements that were made occasionally outside this House, in which it was openly announced by certain of those who appeared before their electorates that their object in coming into these Councils was not so much to do good themselves, but to prevent the Liberals from assisting Government. It is of a piece, with the extraordinary suggestion made to-day by Mr. Dutt, that we use these repressive laws solely for the purpose of dealing with persons of particular political points of view, the suggestion, for instance, that Regulation III itself was used merely to put obstacles in the way of Swarajist candidates. It is a baseless fabrication of this kind which makes one despair of some aspects of Indian political life. But to return. We were advised that there were circumstances in which

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the Criminal Law Amendment Act might be needed for the common peace. We were advised that until circumstances changed widely, it would not be advisable to repeal it. We sought ourselves to devise some change in that Act. We recognised the objections to legislation cast in this form; its wide scope; the opportunity which its use offered to misrepresentation of motives. But I regret to say that we found no solution. We found no modification of the Act which would serve the purpose which we felt necessary to secure, namely, the banning of associations of people who might either be highly criminal or who might, in the alternative, be devoted to some form of political propaganda which in itself led to widespread disorder. We found no remedy; and finding none, we did not believe that the time had come when we could deprive ourselves of this measure of protection of the general peace. After all, let us, in all honesty, remember this. It is true that large numbers of persons were arrested under that Act; it is of course equally true to say that very large numbers of persons offered themselves for arrest under that Act or sought arrest under that Act. But it is by no means the case that the associations which were proscribed under the Act were entirely non-violent in their effects, whatever might have been their declared motives or intentions. Perhaps, the House does not need any conviction on that point: if it did, I should be glad to give it. I have here numerous judicial pronouncements dealing not with the offences against the Criminal Law (Amendment) Act itself, but with other offences of far graver nature committed by persons who belonged to the associations against which we directed that Act—numerous pronouncements of the highest Courts pointing to the fact that those associations were not under discipline or control, and frequently were guilty of violence and disorder. The further consequence of that disorder was the large growth of crime of another kind than that which could be described as political or based on political motives. If you look at the statistics of general crime during those years of agitation, you will find that some of the most serious forms of crime increased enormously; dacoity increased in 1921-22 by 40 per cent.; and you will find again and again in the judgments of the High Courts—I could prove it to Honourable Members from references I have with me—that the general state of lawlessness which was due to those associations led to a grievous increase in crime of the nature of dacoity and gang murder. Now, I am making no attack and I have no desire here to make an attack on non-co-operation politics, and I cannot in the short time at my disposal attempt to give a history of that period. But I merely say that we can prove, and prove beyond any shadow of doubt, that the Act was necessary in many cases to deal with large bodies of men who whatever their motives were really a danger to the common peace.

Mr. V. J. Patel: The United Provinces Congress Committee, as a body?

The Honourable Sir Malcolm Hailey: I would rather that the Honourable Member referred to the Committee of the Congress which reported on Civil Disobedience. He was a member of it. That Committee of course made a full admission of the lack of discipline and in some cases the undesirable character of the associations against whom we used the Act. That is our excuse or our reason for desiring to maintain this Statute. I say myself without hesitation that, if we could find some better form of Statute which did not offer quite the same legal difficulty, which was less extensive in its scope than this Statute, we should be glad to adopt it. I have been

able to touch shortly on these two laws because they were not those which were mainly argued by my Honourable friends opposite, and indeed, the attack actually concentrated on Regulation III. I shall deal in somewhat more detail with that Regulation.

What are the arguments against us as disclosed by the speeches of my Honourable friends opposite? It is rusty, archaic, it is antiquated. But it is not more antiquated than revolution, it is not more archaic than criminal conspiracy, it is not older than assassination. I do not care myself, as Mr. O'Malley said, whence you get your weapon; the real question is whether you need such a weapon at all; if you do, you must use it. I believe that Lord Morley is largely responsible for the use of the epithet "rusty". Mr. O'Malley has quoted much of what Lord Morley had said in regard to the use of this Regulation. I will not tire the House with yet another confutation from the speeches of Lord Morley, but will give only three lines more of what he has said on this subject:

"It would have been absurd for us, knowing that we have got a weapon in our hands by law, not an exceptional law, but a standing law, and in the face of a risk of conflagration, not to use that weapon, and I for one have no apology whatever for using it."

If the only argument is that it is archaic, and that it is antiquated, we can afford to dismiss it; Lord Morley was too wise himself to think that an epithet was the same as an epitaph. I come to the second argument, that any law which restricts the liberty of the subject without trial is iniquitous in itself. Now constitutionally and as a matter of legal practice that is not, of course, the case. As Mr. O'Malley showed, even English law admits of the suspension of the Habeas Corpus Act. Even in England we have passed—I admit for the sake of the Irish—a Criminal Law and Coercion Act.

Mr. Ohaman Lal: May I remind the Honourable Member that it is over a century since this suspension of the Habeas Corpus was resorted to in England?

The Honourable Sir Malcolm Hailey: Is the Honourable Member quite certain that it was not suspended in the war time?

Mr. Ohaman Lal: So far as I know, not.

Dr. H. S. Gour: 1827.

Mr. Ohaman Lal: 1816.

The Honourable Sir Malcolm Hailey: What is the date of the book in the hands of Dr. Gour?

Dr. H. S. Gour: 1910.

The Honourable Sir Malcolm Hailey: I will not say further than that I had an impression that it was actually suspended during the War; if not, we certainly had no hesitation in passing legislation there infinitely more restrictive of the liberty of the subject. Indeed, it is not unreasonable in itself, when occasion requires. It has always been felt even by great lawyers that the standing law of England is open to criticism in this direction. This is what Dicey says:

"It often prevents the English Government from meeting a public danger by methods of precaution which would, as a matter of course, be taken by the executive of any continental country."

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He goes on to cite the case of a number of foreign anarchists coming to England, and the existence of conspiracies which do not admit of absolute proof, and then he adds:

"An English minister if he is not prepared to put the conspirators on their trial has no means of arresting them or expelling them from the country. With us the State can punish but cannot prevent the commission of crime."

But I feel that the process of arresting without trial is an emergency and on occasions is not the final objection, as I understand it, against Regulation III. It is not just the fact that you arrest and detain without trial, but the fact that you obtain these powers without a reference to the Legislature. I believe that to be the real gravamen of the charge. The Repressive Laws Committee fully recognised, as Dr. Gour has said, that there may be occasions when you have to claim these powers, but held that on such occasions we should come to the Legislature.

Mr. A. Rangaswami Iyengar: That is not our position.

The Honourable Sir Malcolm Hailey: That was the position of the Repressive Laws Committee. Whether the Honourable Member agrees with Sir Sivaswamy Aiyer and Dr. Gour I do not know, but that is a position which has frequently been stated in this House and has been repeated again to-day. If we obtain these powers from the Legislature, their case would be justified. I would run the risk of repeating this law if I thought that we had behind us a Legislature willing to take responsibility. Have we? What has been the history of the last week? What have been the confessions that "mass movements", which here means only internal disorder, are actually favoured as a policy. If they will not give finance, will they give security against conspiracy? There is a final charge against us. The Government of India at the time agreed with the Repressive Laws Committee in its view regarding the repeal of this law; yet we have not repealed it. We are asked, why not? I shall give the reason very shortly. Soon after the report of that Committee was received, we were faced with a Moplah rebellion which reminded us very powerfully of the form which internal disorder can take in this country, and of the need of retaining exceptional powers to deal with it. Soon afterwards again, we began to learn of the existence of that class of association which is sometimes called Bolshevik. I shall say no more on that point because at the moment we are prosecuting certain persons in Cawnpore for, having, as we believe, been associated with that conspiracy; and finally we were met with the recrudescence of conspiracy in Bengal. Now it is only lately that Honourable Members have heard much about this conspiracy, but to us the facts have been known for many months. I myself warned the Assembly last July that a recrudescence was at hand; every sign then pointed to it; and it has come. That is our answer to the charge that we have not taken action on the representations of the Repressive Laws Committee; circumstances have been too strong for us, and stern realities have shown that it would have actually been wrong if we had taken that risk. After all, desire for liberal advance must at times yield to the hard touchstone of fact and reality. Does a revolutionary conspiracy exist anywhere in India at present, and, if it does, could we meet it by any other method than the use of Regulation III? (A Voice: "By reconciliation.") That such a conspiracy exists nobody has been found to doubt. All the preliminary symptoms have appeared; there was the usual crop of vilely inflammatory literature praising those who were said to have sacrificed their

lives for the country in the past, in so far that they had paid on the scaffold the price for committing murderous outrages. There were complaints from parents that students were once more being led away from the hostels, decoyed to join secret associations such as those we knew from 1908 to 1918. There followed another certain sign, the constant watching on our officers, obviously with one intention only; and then came the further proof, an open and visible sign, those political dacoities, the existence of which is a matter of judicial proof. And lastly, the final and irrefutable confirmation, murder, stark murder, and the discovery of a manufactory of bombs. It did not need a declaration of Mr. C. R. Das to prove to us that there was a revolutionary conspiracy in Bengal. Many papers on the subject have passed through my hands during the past few months; I regret only one thing, that they are secret, and but for the fact that other peoples' lives depend upon their secrecy, I should have been glad to show them to the House. I would have been glad to prove, as I could prove beyond any question of doubt, that the action that we had to take against these men was not, as has been falsely represented in this House, based on any dislike of their political opinions; the action taken against them was taken simply because they were forming associations to carry out those murders of which we have lately some, and if we cannot use preventive measures, we may see more.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Prove it in open court.

The Honourable Sir Malcolm Hailey: The Honourable Pandit knows the difficulties of doing so, and the danger to men's lives that this involves. I take then the fact of this conspiracy as acknowledged; it is anarchical, and has assassination for its definite object. How are we to deal with it? Look at the history of these conspiracies in the past. Read once again the evidence that you will find recorded in the report of the sedition committee. Let not the name of that committee prejudice the House. Read the list of political dacoities. Read the pitiable list of murders. Read the long list of trials successfully conducted in the High Court, and you will see that that Committee was on certain ground. What were its conclusions as to the only feasible manner of dealing with these widespread conspiracies? I can give it to the House briefly. These were its words:

"What we do desire to lay stress on is that early in 1914, that is to say, before the war and before the theft of Messrs. Rodda's arms, it was recognized that the forces of law and order working through the ordinary channels were beaten. We are convinced that this was the state of affairs even at that date."

And, again, they say:

"We have been forced to the conclusion that it is necessary in order to keep the conspiracy already described under control in the future to provide for the continuance after the expiry of the Defence of India Act . . . of some of the powers which that Act embodied in a temporary form. By this means alone has the conspiracy been paralysed for the present and we are unable to devise any expedient operating according to strict judicial forms which can be relied upon to prevent its reviving, to check it if it does revive, or in the last resort to suppress it anew."

There is no doubt of the success which was achieved in dealing with the widespread conspiracy under the Defence of India Act. I remember that Pandit Madan Mohan Malaviya himself recognized, when speaking against the Rowlatt Bill, that that Act had been effective.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Will you kindly quote the words I have used, because these references are misleading unless you give the whole thing before the House.

The Honourable Sir Malcolm Hailey: Certainly:

"It has been said by more than one of my official friends that the Defence of India Act has proved to be an effective measure . . ."

He was then talking of conspiracy:

"And it is for this reason that the Government want to continue to have the powers which that Act gives them. Now, my Lord, there is no doubt that the Defence of India Act has proved to be an effective measure. It is a matter for sincere satisfaction that crime has been put down."

I merely quote him as a witness of the efficacy of that Act.

Pandit Madan Mohan Malaviya: That was distinctly about the Defence of India Act.

The Honourable Sir Malcolm Hailey: Yes, quite so. I did not seek to make the Honourable Pandit further than that. I merely quoted him as a reliable witness to its efficacy, bearing out to that extent the opinion to which I have referred of the Rowlatt Committee. Now, we have the situation further analysed by Sir G. V. Chandravarkar and Mr. Justice Beacheroff, who examined the individual papers of 806 persons dealt with under that Act and in the course of their memorandum gave the result of their investigations. They say:

"Before the Defence of India Act was brought into force, a fair trial of a person accused of revolutionary crime had been rendered practically impossible by the murders of prosecution witnesses, police officers and law-abiding citizens suspected by the revolutionaries of having given information to or otherwise assisted the police in the detection of revolutionary crime. A situation of terror was created, the current of truth and justice was disturbed so as to prevent a fair, open and impartial trial in the ordinary criminal courts."

And, again, they said:

"Under these circumstances it is impossible to secure a fair trial by the procedure of the old Act and the Criminal Procedure Code which is appropriate only to the normal conditions of crime. The procedure to deal with revolutionary crime has to be practical in the sense of being appropriate to its special conditions, so as to secure as fair a trial as is feasible under the exceptional situation."

That is the reason why we are unable to bring many of these revolutionaries to trial. Witnesses are terrorised, informers are murdered . . .

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): By the C. I. D. or by some other people?

The Honourable Sir Malcolm Hailey: I notice the Honourable Member is sitting in his seat.

Pandit Shamlal Nehru: No, Sir, I stood up when I said that.

The Honourable Sir Malcolm Hailey: Then I would like to see the Honourable Member stand up here again and say that these murders have been committed by the C. I. D.

Pandit Shamlal Nehru: No, I did not say that. (Cries of "Yes, he did.")

The Honourable Sir Malcolm Hailey: What did you say then?

Pandit Madan Mohan Malaviya: The Honourable Member said that it is a notorious fact that the C. I. D. terrorise witnesses and there is a good deal of evidence to support that.

May I ask, Sir, on a point of order whether the Honourable the Home Member is entitled in his final reply, when other Members have no opportunity of dealing with it, to bring in all this new matter. I should have liked all this matter to have been placed before the House earlier, so that we might have had an opportunity to reply to it. The Rowlatt Committee Report was discussed at full length and the principles underlying it and the opinions of the Rowlatt Committee were rejected by the predecessors of this Assembly. My friend would have been more courageous and correct if he had put forward these arguments at a time when we could discuss them fully.

Mr. President: I do not see what cause of complaint the Honourable Member has. The Honourable Member himself only came into the House in the middle of the debate.

The Honourable Sir Malcolm Hailey: Fancy the Honourable Member stating that I am putting new matter before the House. My apology to the House is really that this is such old matter, such well known matter; he knew the grounds on which we relied, and if he wished to disprove them, why did he not do so? So far from the opinions of the Rowlatt Committee being torn to pieces, neither he nor any one else has ever been able to indicate to us any way by which we can deal with these conspiracies, save by some measure of preventive action of this kind.

Pandit Motilal Nehru: Give Swaraj. I have indicated it by my resolution, Sir, which was passed by the majority of this House. Give us a Round Table Conference; give us our rights.

The Honourable Sir Malcolm Hailey: Naturally that panacea would be prescribed by my Honourable friend; 'hold a Round Table Conference and there will be no more anarchy in India'; but he flatters himself; the anarchical temperament is not so easily eradicated. (A Voice: "It is founded on discontent, and the contentment of the people removes it.") I will not even accept the major premise that a Round Table Conference will bring contentment to the people. I am told by my Honourable friend that if we once grant Swaraj a new day will dawn for India and we need expect no more crime of this nature. Now, it is not by any means the case that anarchical crime has been wanting in countries which enjoy their own freedom, their own constitution and their own Government. Believe me, the anarchical temperament is one which, if it has once taken root in any section of the population, is wont to evince itself not merely because it wishes to remove an alien Government, but because it has any cause of disagreement with the Government of the time. And those Honourable Members here who attempt to find a palliation for anarchical crime on the ground that we have not made sufficient political advance, are doing a disservice to India, because any palliation of that temperament is bound to react to the disadvantage of India in times to come. I say, Sir, that there is no remedy for this form of crime save some form of preventive Regulation. We are urged to pass an Ordinance. Surely there will be just the same objections against the Ordinance every time that we pass it. Exactly the same references would be made to arbitrary action, to an irresponsible Executive Government; exactly the same arguments would be used that the proper way to meet this danger would be by introducing

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a political millennium and bringing down Heaven to Earth. And in the meanwhile what would happen? And what is to happen in the meanwhile to our servants in Bengal? We are told to rely on the ordinary Courts—we know them to be useless. We are told to rely on evidence, which we know can only be given in secret because the informer's life is in danger.

Mr. Bipin Chandra Pal: Will the Honourable Member kindly tell us if the Day murder preceded, or followed, the application of Regulation III of 1818 in Calcutta? Did the Day murder precede the detention and imprisonment of some men under Regulation III of 1818, or did it follow that?

The Honourable Sir Malcolm Hailey: I am not sufficiently in the confidence of the murderer to know when he designed the murder; it followed after the introduction of the Regulation, but it is only one of a series of murders that have occurred in Bengal. Sir, as I say, in the meanwhile we must protect our officers, and we must protect the public. I ask the House to consider the case of these unfortunate police officers in Bengal, men whose only crime is that of loyalty to the State and to the public cause. For the European officer, living among more or less European surroundings, there may be harrowing anxiety; there may be grave danger; but terrible as it is, it is less acute than for the Indian. He returns home to surroundings where protection is difficult; to a harassed family to whom we can give no security.

Mr. Bipin Chandra Pal: When was the last Indian police officer murdered in Bengal, Sir?

The Honourable Sir Malcolm Hailey: Probably in 1916 or 1917.

Mr. G. Pilcher (Bengal: European): May I remind the Honourable Member, Sir, that the post office murder occurred before those arrests?

(A Voice: "That was a dacoity, not a murder".)

The Honourable Sir Malcolm Hailey: But they are threatened again today. In the past they were shot, getting down from the tram-car; they were shot, sitting in the society of their friends; I remember a pitiable case of one man who was shot when he was sitting in his verandah in the evening with his child on his knee. Can any Government ask its servants to do their duty to the public unless they are protected against danger of that kind? And if the price you have to pay for that protection, if the price you have to pay to prevent the corruption of many of your student class, if the price you have to pay for preventing crime which is besmirching the name of India, is the temporary detention in easy circumstances of some 19 or 20 young men, then, I say, take hold of your courage and pay the price.

Mr. President: The original question was:

"That this Assembly recommends to the Governor General in Council to take steps for the immediate repeal of Bengal Regulation III of 1818."

Since which an amendment has been moved to add the following words at the end of the Resolution:

"The Criminal Law Amendment Act, 1908, and other repressive laws and regulations that still exist on the Statute-book."

The question I have to put is that that amendment be made.

The Assembly divided:

AYES—68.

Abdul Haye, Mr.
Abdul Karim, Khwaja.
Abayankar, Mr. M. V.
Abul Kasem, Maulvi.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Ahmuzzaman Chowdhry, Mr.
Aney, Mr. M. S.
Belvi, Mr. D. V.
Bhat, Mr. K. Sadasiva.
Chaman Lal, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmuklam.
Das, Mr. Bhuvanandana.
Das, Mr. Nilakantna.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghose, Mr. S. C.
Goswami, Mr. T. C.
Gour, Dr. H. S.
Govind Das, Seth.
Hans Lal, Lala.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jeevani, Haji S. A. K.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Mr. M.
Kelkar, Mr. N. C.
Kidwai, Shaikh Mushir Hosain.
Kun, Maung.
Lohokare, Mr. K. G.

Mahmood Schammad Sahib Bahadur, Mr.
Malaviya, Pandit Krishna Kant.
Malaviya, Pandit Madan Mohan.
Mehra, Mr. Jamnadas M.
Misra, Mr. Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Narayandas, Mr.
Nehru, Dr. Kishenlal.
Nenru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Phookun, Mr. Tarun Ram.
Piyare Lal, Lala.
Purshotamdas Thakurdas, Sir.
Rajan Bakhsh Shah, Mukhdum Syed.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Roy, Mr. Bhabendra Chandra.
Samiullah Khan, Mr. M.
Sarda, Rai Sahib M. Harbilas.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Muhammad.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Syamacharan, Mr.
Venkatapattiraju, Mr. B.
Yakub, Maulvi Muhammad.

NOES—44.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad Ali Khan, Mr.
Aiyar, Mr. A. V. V.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Allen, Mr. B. C.
Bell, Mr. R. D.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Butler, Mr. M. S. D.
Calvert, Mr. H.
Chatterjee, The Honourable Mr. A. C.
Clarke, Mr. G. R.
Cooke, Mr. H. G.
Dalal, Sardar B. A.
Dumasia, Mr. N. J.
Dunk, Mr. H. R.
Faridoonji, Mr. R.
Fleming, Mr. E. G.
Fraser, Sir Gordon.
Hailey, The Honourable Sir Malcolm.
Hira Singh, Sardar Bahadur Captain.

Holme, Mr. H. E.
Hyder, Dr. L. K.
Innes, The Honourable Sir Charles.
Lindsay, Mr. Darcy.
Moir, Mr. T. E.
Moncrieff Smith, Sir Henry.
Muhammad Ismail, Khan Bahadur Saiyid.
Nag, Mr. G. C.
O'Malley, Mr. L. S. S.
Owens, Lieut.-Colonel F. C.
Percival, Mr. P. E.
Pilcher, Mr. G.
Raj Narain, Rai Bahadur.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Tonkinson, Mr. H.
Tottenham, Mr. A. R. L.
Turing, Mr. J. M.
Willson, Mr. W. S. J.

The motion was adopted.

Mr. President: The question is:

"That the following Resolution, as amended, be adopted:

'This Assembly recommends to the Governor General in Council to take steps for the immediate repeal of Bengal Regulation III of 1818, the *Criminal Law Amendment Act, 1908*, and other repressive laws and regulations that still exist on the Statute-book.'

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 24th March, 1924.

LEGISLATIVE ASSEMBLY.

Monday, 24th March, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBERS SWORN:

Mr. Alan Hubert Lloyd, M.L.A. (Member, Central Board of Revenue), and Mr. Wilfrid Thomas Mermond Wright, M.L.A. (Legislative Department: Nominated Official).

QUESTIONS AND ANSWERS.

RESEARCH SPECIALISTS IN THE PUSA RESEARCH INSTITUTE.

925. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state

- (a) the number of research specialists employed in the Pusa Research Institute with the salaries of each;
- (b) the number of persons who, having availed themselves of the facilities provided therein, have been provided with Government appointments?

Mr. M. S. D. Butler: (a) and (b). Statements giving the information required are placed on the table.

List of research specialists employed at the Agricultural Research Institute, Pusa.

Designation.	Present salary per mensem.
1. Imperial Economic Botanist	1,850
2. Second Imperial Economic Botanist	1,300
3. Imperial Agricultural Chemist	1,950
4. Supernumerary Agricultural Chemist	1,000
5. Imperial Agriculturist	1,600
6. Imperial Mycologist	1,500
7. Second Imperial Mycologist	1,300
8. Imperial Agricultural Bacteriologist	1,750
9. Assistant Bacteriologist	1,250
10. Imperial Entomologist	1,350
11. Second Entomologist	700

(2 81)

Statement showing number of students who received a training at Pusa from 1908-23 and how they are employed.

Subject in which trained.	No.	EMPLOYED					REMARKS.
		In the Indian Agricultural Service.	In the Prov- incial Agri- cultural Service.	In Indian States.	In Pusa.	By private bodies.	
<i>Post-graduate training.</i>							
Agricultural Chemistry	16	...	1	3	2	...	The majority of the other students are employed in the subordinate service of the Provincial Departments of Agriculture.
Mycology	15	1	3	3	1	2	
Entomology	24	...	4	4	...	...	
Pathology	16	...	1	3	1	...	
Botany	9	...	1	...	...	1	
Agriculture	18	3	2	1	...	...	
General Training in laboratory methods.	53	...	...	...	...	...	
Total	131	4	12	11	4	3	
<i>Short course training.</i>							
Sericulture	116	Information not available. The majority of the short course students were private and those sent by Indian States.					
Lac Culture	56						
Fruit Culture	53						
Total	225						
<i>Special study in laboratories.</i>							
Worked in laboratories on special subjects.	23						
Total	23						
GRAND TOTAL	379						

BENGAL AND NORTH-WESTERN RAILWAY.

926. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state whether the recommendations of the Committee appointed by the Government of Bihar and Orissa to inquire into the working of the Bengal and North-Western Railway were placed before the Local Advisory Committees established at Gorakhpur and Muzaffarpur; and if so, what action has been taken by them on those recommendations?

Sir Henry Moncrieff Smith: Sir, the reply is on behalf of the Honourable Sir Charles Innes whose questions I am answering to-day. It is not correct to say that the Committee was appointed by the Government of Bihar and Orissa. The working of the Bengal and North Western Railway was the subject of a special inquiry by the Senior Government Inspector of Railways, Circle No. 3, Lucknow, in conjunction with the Agent, Bengal and North Western Railway, and certain representatives of the Bihar and Orissa and the United Provinces Governments. The result of this inquiry showed that the Railway Administration was paying careful attention to

QUESTIONS AND ANSWERS.

the convenience of the public and was willing to meet all reasonable demands. The inquiry was held in February 1922 and, so far as Government are aware, the Senior Government Inspector's report has not been placed before the Local Advisory Committees of the Bengal and North Western Railway which were not established until later.

Mr. Gaya Prasad Singh: Are the members of the Committee appointed by nomination and what is the tenure of their office?

Sir Henry Moncrieff Smith: I am afraid I must ask for notice of that question.

ASSESSMENT TO INCOME-TAX OF THE PROFITS OF INDIGO PLANTERS.

927. *Mr. Gaya Prasad Singh: Will the Government be pleased to state if the profits derived by indigo planters by trading in indigo, are assessable to income-tax? And if not, why not?

The Honourable Sir Basil Blackett: The profits of indigo planters are partly of an agricultural nature, and to that extent are exempt from income-tax under section 2(1) of Act XI of 1822.

So far as they are not entitled to exemption on this ground they have been exempted from income-tax temporarily up to March 31st, 1925, on account of the depressed state of the industry.

WAZIRISTAN OCCUPATION AND REDUCTION OF THE ADEN GARRISON.

928. *Mr. Gaya Prasad Singh: (a) Will the Government kindly state if the recommendations suggested in page 34, paragraph 70, of the Retrenchment Committee Report, in respect of the provision of the Waziristan occupation, and in respect of the reduction in the garrison at Aden, have been carried out?

(b) And if not, why not?

Mr. E. Burdon: (a) and (b). It was not found possible in 1923-24 to give effect to the whole of the recommendations of the Retrenchment Committee in regard to Waziristan and Aden. Regular troops had to be retained in South Waziristan some months longer than had been anticipated, in order to carry out effectively the policy adopted by the Government of India, which included the construction of the circular road from Isha, in the Tochi, via Razmak and Sorarogha, to Jandoli.

The whole of the savings proposed by the Retrenchment Committee in respect of the control of Waziristan have, however, been taken credit for in the Army Budget for 1924-25.

As regards Aden, some reduction in the strength of the garrison has been made during the past year, by the withdrawal of one Indian infantry battalion and further reductions are under consideration.

WAZIRISTAN POLICY AND STRENGTH OF THE ADEN GARRISON.

929. *Mr. Gaya Prasad Singh: (a) Has there been a "change in the Waziristan policy"? And if so, what is it?

(b) What is the present strength of the Aden garrison, and its cost of maintenance; and what was it before the war?

Mr. E. Burdon: (a) No. The attention of the Honourable Member is invited to the observations made by His Excellency the Viceroy on the subject of Waziristan policy when opening the present session of the Assembly.

(b) A statement, giving the information asked for by the Honourable Member, is laid on the table.

Statement showing the present and pre-war strengths of the Aden garrison, together with their respective costs.

Present strength.

Aden Troop.
Headquarters and 1 company, Royal Garrison Artillery.
1 Pack battery, Royal Garrison Artillery.
Fortress Company, Sappers and Miners.
Defence Light Section, Sappers and Miners.
Aden Brigade Signal Section.
1 British Infantry battalion.
1 Indian Infantry battalion.
Yemen battalion.
1 Flight, Royal Air Force.
Administrative services.

Cost:

Rs. 55 lakhs approximately per annum. This amount does not include the cost of the Royal Air Force Flight in Aden, which is paid for by the Air Ministry wholly.

Pre-war strength.

Aden troop.
Headquarters and 3 companies, Royal Garrison Artillery.
Fortress Company, Sappers and Miners.
Defence Light Section, Sappers and Miners.
1 British Infantry battalion, less 3 companies (i.e., on 8 company basis).
1 Indian Infantry battalion.
Administrative Services.

Cost:

Rs. 21 lakhs approximately per annum.

REPAIR OF CABLES IN THE PERSIAN GULF.

930. ***Mr. Gaya Prasad Singh:** Will the Government kindly state why the suggestion of the Retrenchment Committee (page 119, paragraph 10), namely, that the possibility of a favourable arrangement with some commercial company for the repair of cables in the Persian Gulf should be explored before steps are taken to replace the existing steamer of the I. E. T. Department, has not been carried out?

The Honourable Mr. A. C. Chatterjee: I would refer the Honourable Member to the proceedings of the debate that took place a few days ago on the motion for a reduction in the vote of the Indo-European Telegraph Department.

ABOLITION OF THE POST OF INSPECTOR GENERAL OF IRRIGATION.

931. ***Mr. Gaya Prasad Singh:** Why have not the Government abolished the post of the Inspector General of Irrigation, as suggested by the Retrenchment Committee in page 136, paragraph 30, of their Report?

The Honourable Mr. A. C. Chatterjee: The appointment of Inspector General of Irrigation was abolished with effect from the 1st June. In view, however, of the facts—

- (a) that the financial powers of Local Governments are limited, and that the Government of India are responsible for advising the Secretary of State in regard to all projects throughout India, the cost of which exceeds those powers;
- (b) that there are irrigation schemes of considerable magnitude in the Local Administrations in the direct jurisdiction of the Government of India;
- (c) that the settlement of disputes regarding irrigation matters between provinces or between a province and an Indian State is a Central Subject; and
- (d) that Central Civil Works of great importance are constantly under construction, and that the Government of India possess extensive properties, in regard to which works and properties expert technical advice is continually required;

it was found impossible for the Government of India to discharge their responsibilities without the assistance of a technical adviser, and on the abolition of the appointments of Public Works Secretary and Inspector General of Irrigation, a new post of Consulting Engineer to the Government of India was created, the holder of which discharges the technical functions which formerly devolved upon the two appointments abolished.

EXPENDITURE ON LIGHTING AND BUOYING OF THE PERSIAN GULF.

932. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state why the recommendation contained in page 157, paragraph 27, of the Report of the Retrenchment Committee, regarding the reduction of rupees one lakh in the expenditure on lighting and buoying of the Persian Gulf, has not been carried out?

(b) Why was the provision on this account reduced, and subsequently restored?

Mr. E. Burdon: (a) and (b). If the Honourable Member will refer to paragraph 29 of the Retrenchment Committee's Report he will see that the saving to Indian revenues was Rs. 50,000 and not Rs. 1,00,000. The provision of Rs. 1,00,000 was omitted by mistake and the whole amount had subsequently to be restored in order to provide for certain obligatory but unforeseen expenditure, of which the following are the three most important items:

- (a) the fitting up of the "Lawrence" to perform her new duties as recommended by the Inchcape Committee in paragraph 27 of their report;
- (b) the withdrawal of a light ship in the Persian Gulf which was found to require extensive reconditioning;
- (c) expenses connected with the replacement of the light ship which I have just mentioned by a Royal Indian Marine trawler.

PROTECTED MONUMENTS.

933. ***Mr. Gaya Prasad Singh:** Will the Government kindly place on the table a statement giving the names of the Protected Monuments, Province by Province, the years in which they were declared as Protected Monuments and the amount of money spent up to date on each?

Mr. M. S. D. Butler: I shall be glad to show to the Honourable Member statements giving the names of the Protected Monuments, province by province and showing, where possible, the years in which they were declared as Protected Monuments. The amount of money spent each year prior to 1920-21 on each monument is given in the statements of monuments repaired which are published in the Provincial Archaeological Reports. No statement showing the money expended during the year on monuments repaired in 1921-22, which is the latest year for which information is available, has yet been published but I have had one prepared which I shall be glad to show to the Honourable Member.

ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER.

934. ***Mr. Gaya Prasad Singh:** Will the Government kindly state why the recommendation of the Retrenchment Committee (page 204, paragraph 3 of the Report) regarding the abolition of the post of Public Health Commissioner has not been given effect to?

Mr. M. S. D. Butler: The duties of the Public Health Commissioner include amongst other things the co-ordination of research and of inter-provincial measures of sanitation, advising the Government of India on all questions affecting the health of pilgrims to the Hedjaz, and the formulation of measures designed to enable the Government of India to discharge their increasing international responsibilities in matters of public health. The Public Health Commissioner also has an important responsibility in his capacity as Director of Public Health for the Administration of Delhi. In view of these facts the Government of India after careful consideration decided that the retention of a whole-time officer of scientific eminence and wide administrative experience was necessary. They have, however, effected countervailing savings to the extent of Rs. 13,000. The retention of the Public Health Commissioner has justified itself during the current year in Delhi alone, where the adoption by the Municipality of his bold scheme for combating plague has under Providence hitherto preserved the City from the epidemic which ravaged it last year.

EXPENDITURE ON THE INDIAN STORES DEPARTMENT.

935. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state the present position of the Indian Stores Department; and also indicate fully the reasons why the recommendation of the Retrenchment Committee (page 216, paragraph 15 of their Report) has not been given effect to?

(b) Is there any likelihood of any curtailment being made in the expenditure of this Department in the near future?

The Honourable Mr. A. C. Chatterjee: I propose with your approval, Sir, to answer this and the next question together.

The present position in regard to the Indian Stores Department was explained in my reply to starred question No. 42 on the 1st February last, while as regards the reasons for not acceding to the recommendations of the Retrenchment Committee in regard to this Department I would refer the Honourable Member to the statement placed on the table by the Honourable Finance Member on the 16th July 1923, and also to the debate in this House in February last—and I think the Honourable Member was present at the debate,—on Mr. Jinnah's Resolution on the subject of stores purchase policy.

In pursuance of the decision to proceed with the expansion and development of the Indian Stores Department it is proposed to sanction the following additional measures during the ensuing financial year:

- (a) the appointment of an additional officer at Headquarters to deal with engineering plant and materials, and additional subordinate staff;
- (b) the constitution of Purchase Branches at Calcutta and Bombay;
- (c) the appointment of additional superior staff and executive subordinates for the existing Calcutta Inspection Circle;
- (d) the constitution of inspection agencies at Bombay, Madras and Cawnpore.

The estimated cost is about Rs. 3 lakhs.

EXPANSION OF THE INDIAN STORES DEPARTMENT.

†936. ***Mr. Gaya Prasad Singh:** (a) Will the Government kindly state if any further expansion of the Indian Stores Department is contemplated in the next year?

(b) And if so, what exactly is the nature of such expansion, and what is the amount of expenditure involved in the project?

INDIANISATION OF THE POLICE SERVICE IN THE UNITED PROVINCES.

937. ***Maulvi Muhammad Yakub:** Will the Government of India be pleased to state if they issued any orders to the United Provinces Government with regard to the Indianisation of the Police Services and when?

The Honourable Sir Malcolm Hailey: The Honourable Member is presumably referring to the Indian (Imperial) Police Service. In May 1922 all Local Governments were addressed on the importance of the early fulfilment of the promise held out to the Provincial Police Service according to which 11 per cent. of the posts of Superintendent of Police are to be filled by officers promoted from the Provincial Service.

PROMOTION OF SENIOR DEPUTY SUPERINTENDENTS OF POLICE TO THE RANK OF SUPERINTENDENTS IN THE UNITED PROVINCES.

938. ***Maulvi Muhammad Yakub:** (a) Are the Government of India aware that their orders for filling up 11 per cent. of posts of Superintendents of Police by the immediate promotion of Senior Deputy Superintendents have not been carried out in the United Provinces, and since the reforms only one officer has received this promotion, while vacancies in the post of Superintendents are being filled up by promotion of European Assistants of 1911 although Senior Deputy Superintendents of 1906 to 1910 are still waiting for promotion?

(b) Do the Government of India propose to take immediate steps to have their orders carried out in the United Provinces?

The Honourable Sir Malcolm Hailey: (a) In May 1922 all Local Governments were asked to complete as early as possible the filling up of 11 per cent. of the superior posts on their Imperial Police cadres by the promotion of Provincial Police Service officers. In doing so of course the rights of the existing members of the Service must be considered.

† For Answer to this Question—see Answer below Question No. 935.

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(b) The Government of India have no reason to believe that the instructions of the Government of India are not being carried out as opportunity permits. They do not propose therefore to issue any further orders to the Local Government.

SEPARATION OF JUDICIAL FROM EXECUTIVE FUNCTIONS IN THE UNITED PROVINCES.

939. ***Maalvi Muhammad Yakub:** (a) Have the Government of India received any proposals from the United Provinces Government for the separation of the judicial from the executive?

(b) Do the Government of India propose to accord sanction to the above proposals at an early date?

The Honourable Sir Malcolm Hailey: (a) Yes.

(b) As indicated in the reply given by me to Mr. Gaya Prasad Singh's unstarred questions Nos. 78 to 80 on the 11th February 1924, the Government of India do not propose to take any action until the final views of the Governments of Madras and Bengal are received.

SECRETARYSHIP OF THE CANTONMENT COMMITTEE.

940. ***Mr. Shambhu Dayal Misra:** Would the Government kindly state if they propose to consider the claims of suitable Indians for the posts of Secretary of the Cantonment Committee under the new Cantonment Code?

Mr. E. Burdon: Yes.

THE COLONIES COMMITTEE.

941. ***Mr. Shambhu Dayal Misra:** (a) Has the attention of the Government been drawn to the dissatisfaction caused in India regarding the Kenya India Committee?

(b) Would the Government kindly state if prominent public men conversant with the Kenya question were consulted before the appointment of the present Committee?

Mr. M. S. D. Butler: The answer to part (a) of the question is in the negative and to part (b) in the affirmative.

Mr. Shambhu Dayal Misra: Has the attention of Government been drawn to the statement of Mahatma Gandhi which appeared in yesterday's "Pioneer"?

Mr. M. S. D. Butler: Yes.

Mr. Shambhu Dayal Misra: Does he not say, Sir, that the personnel of the Committee and the omission to include in that Committee the names of the Right Honourable Srinivasa Sastri, Dr. Sapru and Mr. Andrews were by themselves significant of the fact that the Committee was to be looked upon with distrust?

Mr. M. S. D. Butler: I have not got the actual statement before me but believe that in substance the Honourable Member is correct in his statement.

Mr. Devaki Prasad Sinha: How many members of the Kenya Committee have ever visited Kenya and acquired first-hand knowledge of the condition of the Indian there?

Mr. M. S. D. Butler: Two, I believe, Sir.

Mr. Chaman Lal: What was the guiding principle in selecting the personnel?

Mr. M. S. D. Butler: The guiding principle in forming committees is to obtain the services of such gentlemen as are likely to achieve success in their mission.

Mr. Devaki Prasad Sinha: Will Government give the names of those gentlemen who have had experience of Kenya?

Mr. M. S. D. Butler: H. H. the Aga Khan and Sir Benjamin Robertson.

Mr. Devaki Prasad Sinha: Did Government at all approach either the Right Honourable Srinivasa Sastri or Dr. Sapru or Mr. Andrews with a request to serve on the Committee?

Mr. M. S. D. Butler: I am not prepared to give an answer to that question.

CONVERSION OF THE SADAR BAZAR OF THE SAUGOR CANTONMENT INTO A MUNICIPAL COMMITTEE.

942. ***Mr. Shambhu Dayal Misra:** Would the Government kindly state if they intend to convert the Sadar Bazar of the Saugor Cantonment into a Municipal Committee?

Mr. E. Burdon: There is no present intention of converting the Sadar Bazar of the Saugor cantonment into a municipal committee.

INCOME FROM CULTURABLE LANDS IN THE SAUGOR CANTONMENT.

943. ***Mr. Shambhu Dayal Misra:** Would the Government kindly state, (1) the total income from culturable lands in the Saugor Cantonment, (2) the basis of assessment of those lands, and (3) how does the income from those lands compare with the rest of the Income of the Cantonment Committee, Saugor Cantonment?

Mr. E. Burdon: The information required is being collected and will be communicated to the Honourable Member on receipt.

TITLE OF "HONOURABLES" FOR M. L. A.'s.

944. ***Mr. Shambhu Dayal Misra:** Have the Government any objection to allowing the M.L.A.'s to be styled "Honourables"?

The Honourable Sir Malcolm Hailey: I would invite a reference by the Honourable Member to the speeches of Mr. O'Donnell and my predecessor on this question when it was discussed in the Assembly on the 2nd March 1921. The question as to the persons who may be permitted to use the title of "Honourable" during their term of office is a question for the decision of His Excellency the Viceroy and Governor General alone under his Prerogative Powers delegated to him by His Majesty. It is not a matter for the decision of the Government of India. If, however, the

Honourable Member wishes to know the opinion of the Government of India in this respect, I can only say that it is in accordance with the announcements of my predecessor and of Mr. O'Donnell to which I have referred. The decision that they should not bear this title is of course in accordance with the general practice in the Dominions and of the House of Commons.

PROMOTIONS IN THE INDIAN ARMY.

945. ***Mr. Kumar Sankar Ray:** Why promotions in the Indian Army are governed by a time-scale whereas it depends on regimental vacancies in the British Service?

Mr. E. Burdon: The circumstances in which a time-scale of promotion for officers of the Indian Army was introduced are described in Chapter I of the "Army in India and its Evolution". The Government of India have for many years preferred the time-scale system of promotion on the ground that it obviates inequalities and makes for the contentment and efficiency of the service. It may be mentioned that promotion by time-scale is not entirely automatic. Examinations have also to be passed. Moreover the time-scale only operates up to and including the rank of Lieutenant-Colonel and the system of promotion in the British Army to which my Honourable friend refers also is applicable to regimental appointments only.

DUTY ON IMPORTED HAIR BELTING.

946. ***Mr. Kumar Sankar Ray:** (a) Have Government received any representation from the firms of Messrs. Yorke & Co., Howrah, and the Eureka Belting Works, Ltd., Howrah, about the supply of hair belting made in India? If so, what steps are the Government going to take in the matter?

(b) Whether the import duty on hair belting is 2½ per cent. and that on Camel hair yarn imported for making the belting in India is 15 p. c.?

Sir Henry Moncrieff Smith: (a) An application was received on March 7th from the Eureka Belting Works, Limited, Howrah, asking for an increase of duty on imports of Camel Hair Belting. The question of what further subjects should be referred to the Tariff Board is under consideration and this representation has been noted.

(b) The answer is in the affirmative.

EXTENSION OF THE POSTAL VOTING SYSTEM TO PURDAH LADIES.

947. ***Mr. Mahmood Schamnad Sahib Bahadur:** (a) Will the Government be pleased to state which are the constituencies of the Central Legislature that are given the privilege of voting by post during elections?

(b) Do the Government propose to extend the postal voting system to purdah ladies also in consideration of the inconvenience and impracticability of these ladies appearing and voting before polling officers?

Sir Henry Moncrieff Smith: (a) A statement is laid on the table.

(b) The Government of India do not propose to take action of the nature suggested by the Honourable Member. His attention is moreover invited to the fact that in the case of general constituencies of the Legislative Assembly a regulation authorising purdah ladies as such to vote by post would be *ultra vires* of sub-rule (4) of rule 14 of the Legislative Assembly Electoral Rules. Under that rule the power to prescribe by regulation a

departure from the ordinary rule that votes shall be given in person can be exercised only in regard to constituencies or geographical parts of constituencies and not in regard to particular classes of voters.

Statement showing the constituencies of the Council of State and the Legislative Assembly in which voting by post is allowed.

COUNCIL OF STATE.

Province.	Constituency.
Madras . . .	{ 1. Madras (Non-Muhammadan). 2. Madras (Muhammadan).
Bombay . . .	{ 1. Bombay (Non-Muhammadan). 2. Bombay Presidency (Muhammadan). 3. Sind (Muhammadan).
Bengal . . .	. Bengal Chamber of Commerce.
The Punjab . . .	{ 1. Punjab (Non-Muhammadan). 2. Punjab (Sikh). 3. East Punjab (Muhammadan). 4. West Punjab (Muhammadan).
Assam . . .	{ 1. Assam (Non-Muhammadan). 2. Assam (Muhammadan).
Burma . . .	. Burma Chamber of Commerce.

Legislative Assembly.

Madras . . .	{ 1. Madras (European). 2. Madras Indian Commerce.
Bengal . . .	. Indian Commerce Constituencies.
The Punjab . . .	. Punjab Landholders.
Bihar and Orissa . . .	. Bihar and Orissa Landholders.

JUMA MOSQUE AND DURGA OF HAZRAT MALIKIBN-DINAR AT KASARAGOD.

948. ***Mr. Mahmood Schamnad Sahib Bahadur:** (a) Are the Government aware that the railway station premises at Kasaragod (S. I. Ry.) have blocked the old and *mumool* way from the Kasaragod town to the big Juma Mosque and Durga of Hazrat Malikibn-Dinar which is annually visited by a large number of pilgrims coming from different parts of the country?

(b) Are the Government aware that the railway line cuts away the town from the said mosque and Durga and only one way kept to approach the mosque is at a distant place quite inconvenient to the votaries from the town who have to attend daily, and also to the large number of pilgrims that come by train, etc.?

(c) Are the Government aware that the Moplahs of the place made several applications to the authorities either to repair their old road to the mosque, or at least to allow them to repair it, opening a passage through the fencing, at about the place where the road to the mosque and from the mosque, has been blocked, and that they were not permitted, although a local vakil was allowed to construct a road through one same station premises along a part of the way, the Mahomedans also wanted to construct a road?

(d) Are the Government aware that there is great disappointment among the Moplahs there now on account of the refusal of the authorities concerned to allow them to repair their old *mamool* way to go to the place of their worship and also on account of the invidious distinction made?

(e) Do the Government propose to advise the authorities there to make the said road or at least to allow the people to continue as far as the mosque the road already made by the said *vakil* so that there may not be any hindrance to their going to their daily prayers?

Sir Henry Moncrieff Smith: The necessary information is being obtained from the Railway Administration concerned and will be communicated to the Honourable Member on receipt.

SUPPLY TO THE ASSEMBLY LIBRARY OF THE DELHI ADMINISTRATION REPORTS.

949. ***Lala Piyare Lal:** Will Government be pleased to provide the Library of this House with the reports of the administration of Delhi province at an early date?

The Honourable Sir Malcolm Halley: Copies of Reports on the Administration of Delhi for the years 1919-20 to 1922-23 have been placed in the Library of this House and arrangements are being made for the supply of copies of Reports of previous years and also of future issues on publication.

REFUSAL TO SUPPLY MEMBERS OF THE ASSEMBLY WITH THE ANNUAL ADMINISTRATION REPORTS OF THE NEW CAPITAL COMMITTEE.

950. ***Lala Piyare Lal:** Will Government be pleased to state the reasons for refusal by the Secretary to supply the Annual Administration reports of the New Capital Committee even on payment to the Members of this House?

The Honourable Mr. A. C. Chatterjee: The New Capital Committee publishes no Annual Administration reports, and cannot therefore supply what it does not publish. If the Honourable Member refers to the Annual Progress Reports, these are printed for official use only and not for publication. I may add, however, that paragraphs dealing with the New Capital works will be found in Chapter III of the Annual Administration Report of the Delhi Province. The report for the year 1922-23 was published last month, and is available on sale at the Chief Commissioner's Office.

THE LADY HARDINGE MEDICAL COLLEGE HOSPITAL.

951. ***Lala Piyare Lal:** Will Government be pleased to state:

- the number of quarters in the Lady Hardinge Medical College Hospital, Raisina, for Indians and Europeans respectively?
- the number of Indian and European patients annually admitted to the Hospital?
- rates of rent charged for the quarters of the two classes, respectively?
- the reasons for the differentiation in the treatment of the two classes of patients if there is any?
- the total amount of donation from Indians and Europeans, respectively?

Mr. M. S. D. Butler: (a) 21 cottage wards and 72 *purdah* cubicles are available for Indians, and 3 cottages and 4 cubicles for Europeans.

(b) A statement giving the figures required is laid on the table.

(c) Indians pay Rs. 2 per day for cottage wards; Europeans pay Rs. 3 per day, excluding diet in both cases.

(d) Europeans are charged at a higher rate, though their rooms are the same size, because they get a little extra furniture.

(e) The Honourable Member's attention is drawn to the answers given on the 3rd March to a question on the same subject.

Number of indoor patients admitted annually to the Lady Hardinge Medical College Hospital, Raisina.

Year.	Indians.	Anglo-Indians.	Europeans.	Total.
1923	1,851	5	35	1,891
1922	2,548	3	44	2,645

ANGLO-INDIAN AND INDIAN STAFF EMPLOYED AT THE DELHI RAILWAY STATION.

952. ***Lala Piyare Lal:** Will Government be pleased to state the total number of Anglo-Indians and Eurasian staff at the Delhi Railway station with their respective capacities, their salaries and other allowances in a tabular form; also a similar statement of the Indian Staff?

Sir Henry Moncrieff Smith: Two lists giving the information are being sent to the Honourable Member.

RESERVATION OF SEATS AT DELHI RAILWAY STATION.

953. ***Lala Piyare Lal:** Will Government be pleased to state the reasons why the system of reserving seats in force at Victoria-Terminus at Bombay is not extended to Delhi railway station for trains starting from this station?

Sir Henry Moncrieff Smith: Government are not aware of any material difference in the system except in the matter of a booking fee which is levied at Victoria Terminus in connection with certain trains but not at Delhi.

WAITING ROOM AT DELHI FOR INTER AND THIRD CLASS LADY PASSENGERS.

954. ***Lala Piyare Lal:** Is it a fact that no waiting room is provided specially for the lady passengers of the inter and third class at Delhi Railway station. If the answer to the question is in the affirmative, will the Government be pleased to state the reasons for its absence?

Sir Henry Moncrieff Smith: Government understand that at Delhi Station there is an inter class ladies' waiting room and that two enclosures have been partitioned off for ladies travelling third class.

FEES FOR REGISTRATION OF TELEGRAPHIC ADDRESSES.

955. ***Lala Piyare Lal**: Will Government be pleased to state the reasons for the recent increase in the fees for registration of telegraphic addresses from Rs. 10 to Rs. 15 per mensem? Will Government also state the authority for this increase?

The Honourable Mr. A. C. Chatterjee: Because the previous rates were much too low in view of the amount of work entailed and in comparison with similar rates elsewhere.

The increased rates were sanctioned by the Government of India in exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885).

RECRUITS FOR THE ROYAL AIR FORCE.

956. ***Lieut.-Colonel H. A. J. Gidney**: (a) Has the attention of the Government been drawn to the announcement that appeared in the "Englishman" dated February 16th, 1924, which reads as follows: "In the House of Commons to-day Mr. Thurtle (Labour) asked why the condition of pure European descent was imposed on candidates for the Royal Air Force. Mr. W. Leach, Under-Secretary for Air, replied that the mixture of European and non-European subjects in the same fighting service raised grave practical difficulties"?

(c) Will the Government be pleased to state how do they propose to reconcile this statement which is said to raise grave practical difficulties with their avowed policy of Indianising the various branches of the Army in India?

Mr. E. Burdon: (a) Yes.

(b) The Government of India have since seen official report of the statement from which it is clear that Mr. Leach was referring to the British Services. The Government of India do not regard the statement as affecting or as having been intended to affect their declared policy in regard to Army Indianisation.

THE DOMICILED COMMUNITY AND THE ARMY.

957. ***Lieut.-Colonel H. A. J. Gidney**: (a) Will Government be pleased to state under what category members of the domiciled community come, so far as admission into the ranks of the British and Indian Armies is concerned.

(i) Are they ranked as Europeans or Indians?

(ii) If Europeans, why are they denied admission into the British Army?

(iii) If Indians, why are they denied admission into the Indian Army, especially the eight experimental units of the Indian Army?

(b) Will Government be pleased to make a definite pronouncement as to what position and share the domiciled community are to be given in the contemplated changes in the Indian Army? Is it the intention of Government to continue to ignore the domiciled community in this respect?

Mr. E. Burdon: I regret that I am unable to reply to this question to-day. I have had to call for certain information which is not immediately available and which has not yet been received regarding the position of

members of the domiciled community in respect of enlistment in the British Army. When my inquiries have been completed, I will communicate the result to the Honourable Member at once. I hope he will excuse the present delay which I can assure him is unavoidable.

Mr. N. M. Joshi: May I ask whether that information will be published as an answer to this question?

Mr. E. Burdon: I have not the slightest objection to having it published if the Honourable Member wishes it done. I had intended communicating it to Colonel Gidney.

Mr. N. M. Joshi: I thought the question was of importance and might be published.

Mr. E. Burdon: Certainly I will do so.

ANGLO-INDIAN OFFICERS IN THE AUXILIARY FORCE.

958. ***Lieut.-Colonel H. A. J. Gidney**: (a) Will Government be pleased to state how many Anglo-Indians there are to-day in the Auxiliary Force?

(b) How many and what percentage of Anglo-Indians to-day hold the King's Commission in the Auxiliary Force? Do Government propose to issue orders to increase the percentage of Anglo-Indian officers in the Auxiliary Force?

Mr. E. Burdon: (a) and (b). Government are not in possession of the information desired. The personnel of the Force has not been classified on the basis of origin and domicile. I am, however, arranging to have certain inquiries made relative to the point which the Honourable Member appears to have in mind; and I will communicate the result when received.

ANGLO-INDIANS ON THE RAILWAYS.

959. ***Lieut.-Colonel H. A. J. Gidney**: (a) Will Government be pleased to state how many Anglo-Indians were employed on the various Railways, (both State and Company-managed) in India, (a) before the introduction of the reforms scheme, (b) since Colonel Sir Danvers Waghorn made his pronouncement in the Legislative Assembly in 1922 regarding the Indianisation of the Railways and (c) on January 1st, 1924?

(b) Will Government be pleased to state how many Anglo-Indians have been employed on the various Railways since Colonel Sir Danvers Waghorn made his announcement on the Indianisation of the Railways?

(c) Will Government be pleased to state how many Anglo-Indians have been dismissed from employment on the Railways since the introduction of the reforms and especially since Sir Danvers Waghorn made his announcement on the Indianisation of the Railways?

Sir Henry Moncreiff Smith: As the Honourable Member was informed in reply to a similar question asked by him on the 23rd July 1923, Government have not got the information asked for. The only information they possess on the subject is given in the statistics published in the appendix to the Budget Memorandum.

MARRIAGE ALLOWANCE FOR MILITARY ASSISTANT SURGEONS.

960. ***Lieut.-Colonel H. A. J. Gidney**: (a) Will the Government of India be pleased to state on what grounds they have decided to refuse the concession of marriage allowance to Assistant Surgeons of the Indian Medical Department in military service?

(b) Is this marriage allowance granted to warrant officers in other branches of the Army stationed in India?

(c) If the answer to (b) is in the affirmative, will Government be pleased to state whether this allowance is made to departmental warrant officers other than the I. M. D. who have married in India and married Anglo-Indian women?

Mr. E. Burdon. (a) The concession is an entirely new one provided in its origin for personnel domiciled in the United Kingdom and it was held that it is not necessary to extend it to the I. M. D. the members of which are recruited and domiciled in India. The denial of the concession was based also on financial grounds, the need for economy.

(b) and (c). Yes.

FUTURE POLICY OF GOVERNMENT TOWARDS THE INDIAN MEDICAL DEPARTMENT.

961. ***Lieut-Colonel H. A. J. Gidney:** Will the Government be pleased to state what is to be their future policy towards the I. M. D. as a whole in India?

Mr. E. Burdon: The Government are not at the present time contemplating any change in their present policy in regard to the maintenance of the Indian Medical Department.

IMPERIAL AND PROVINCIAL FOREST SERVICE OFFICERS.

962. ***Lieut-Colonel H. A. J. Gidney:** (a) Will the Government be pleased to state whether it is a fact that before the reforms scheme became operative a large number of men were recruited from England to the Indian Imperial Forest Service, and if so, whether Government are aware of the fact that this step has prevented an adequate number of promotions from the Provincial Service to the Imperial Service.

(b) Will Government be pleased to state whether the salary of a Provincial Forest Official is increased when he is promoted to the Imperial Service, and if so, to what extent, giving the respective and comparative salaries of each officer, i.e., "Provincial" and "Imperial"?

Mr. M. S. D. Butler: (a) Actually 94 direct recruits were selected for the Indian Forest Service between the end of the war and the inauguration of the Reforms Scheme, but this recruitment in no way affected promotions from the Provincial to the Imperial Service. This is regulated according to the number of listed posts which has been fixed at 12½ per cent. of the whole cadre of the Indian Forest Service plus a leave reserve, and does not vary with the number of recruits appointed direct to the Indian Forest Service.

(b) Provincial Forest Service officers when promoted to the Imperial Service draw pay on the scale of the Indian Forest Service next above the pay which they were drawing in the Provincial Service at the time of promotion. A statement showing the scale of salary of the Indian Forest Service will be supplied to the Honourable Member. For provincial rates of pay which are not the same in all the provinces the Honourable Member is referred to the provincial civil lists.

EMPLOYMENT OF INDIANS IN THE AUDIT AND ACCOUNTS SERVICES.

963. ***Kumar Ganganand Sinha:** Will the Government be pleased to state:

(a) how many Indians are likely to be newly appointed this year in the Indian Audit and Accounts Service?

(b) what is the procedure of the appointment?

(c) what are the essential and preferential qualifications of candidates?

(d) How many, if any, applications have been received up till now?

(e) How far will the appointments go towards the growth of Indianisation of the superior services?

The Honourable Sir Basil Blackett: (a) One Indian is being appointed as a result of the examination recently held. No more appointments will be made this year.

(b) Recruitment for the service is ordinarily made in India only, on the results of an annual competitive examination. Only statutory natives of India are eligible to compete.

(c) The essential qualification required is a high standard of education. No preferential qualification is required.

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

INDIANS IN THE SUPERIOR TRAFFIC SERVICES OF RAILWAYS.

964. ***Kumar Ganganand Sinha:** Will the Government be pleased to state:

(a) how many Indians are likely to be newly appointed this year in the superior traffic service (Assistant District Superintendent of Traffic)?

(b) what is the procedure of the appointment?

(c) what are the essential and preferential qualifications of candidates?

(d) how many, if any, applications have been received up till now?

(e) how far will the appointments go towards the growth of Indianisation of the superior services?

Sir Henry Moncrieff Smith: (a) No appointments of Assistant District Traffic Superintendent on State Railways are likely to be made this year, as there is no vacancy in the sanctioned cadre.

(b), (c), (d) and (e) of the question do not therefore arise.

It may be added, however, that the Railway Board are considering the desirability of making a few appointments of probationary Assistant Traffic Superintendents, Local Service. It is proposed to make these appointments by selection and the claims of Indians who have undergone some training in Traffic working in Great Britain and from whom a considerable number of applications have been received will be carefully considered.

INDIANS IN THE IMPERIAL CUSTOMS SERVICE.

965. *Kumar Ganganand Sinha: Will the Government be pleased to state:

- (a) how many Indians are likely to be newly appointed this year in the Imperial Customs Service?
- (b) what is the procedure of the appointment?
- (c) what are the essential and preferential qualifications of candidates?
- (d) how many, if any, applications have been received up till now?
- (e) how far will the appointments go towards the growth of Indianisation of the superior services?

The Honourable Sir Basil Blackett: I propose to circulate the answer, as it is rather a long one:

- (a) Two Indians will be appointed to the Imperial Customs Service this year, if suitable candidates are available.
- (b) Appointments are made by a combined system of nomination and competitive examination. Nominations are called for from Local Governments and Administrations and selected candidates are allowed to compete at the examination annually held for appointments to the Indian Audit and Accounts Service.
- (c) Selected candidates must possess high educational qualifications, good physique, social status and strength of character.
- (d) Fifteen candidates were nominated and permitted to compete at the examination held in December last.
- (e) If two candidates are selected on the results of the examination, the percentage of Indians in the Service, excluding posts reserved for the Indian Civil Service, will be raised from 30 to 36.

APPOINTMENT OF INDIANS AS ASSISTANT CONTROLLERS OF STORES.

966. *Kumar Ganganand Sinha: Will the Government be pleased to state:

- (a) how many Indians are likely to be newly appointed this year as Assistant Controllers of Stores?
- (b) what is the procedure of the appointment?
- (c) what are the essential and preferential qualifications of candidates?
- (d) how many, if any, applications have been received up till now?
- (e) how far will the appointments go towards the growth of Indianisation of the superior services?

Sir Henry Moncrieff Smith: (a) No appointments are likely to be made this year as there is no vacancy in the sanctioned cadre of Assistant Controllers of Stores, State Railways.

(b), (c), (d) and (e) of the question do not therefore arise.

APPOINTMENT OF INDIANS AS SUPERINTENDENTS OF POST OFFICES.

967. *Kumar Ganganand Sinha: Will the Government be pleased to state:

- (a) how many Indians are likely to be newly appointed this year as Superintendents of Post Offices?
- (b) what is the procedure of the appointment?
- (c) what are the essential and preferential qualifications of candidates?
- (d) how many, if any, applications have been received up till now?
- (e) how far will the appointments go towards the growth of Indianisation of the superior services?

The Honourable Mr. A. C. Chatterjee: As the answer is rather long and tedious, I shall, with the Honourable Member's concurrence, lay it on the table.

(a) Three.

(b) Vacancies are filled alternately by the appointment of Probationary Superintendents and by the promotion of selected subordinates who have passed the Superintendents' examination.

(c) An Indian candidate who joins the Post Office as a Probationary Superintendent must ordinarily be a graduate of a recognised University; in the case of a non-Indian, the possession of adequate educational qualifications is insisted on. Special attention is paid to social standing and physical fitness. No Probationary Superintendent is promoted as a permanent Superintendent until he has justified his selection and has passed the prescribed departmental examination. Only subordinates of proved ability who have passed the departmental examination and have shown their fitness in every respect are selected for promotion to a Superintendentship.

(d) 105 are on the waiting List.

(e) Out of 180 appointments of Superintendents 50 will be held by non-Indians and the remaining 130 by Indians, when the three appointments referred to at (a) are filled.

RECOVERY OF RENT FOR BUNGALOW No. 2, CHURCH ROAD, RAISINA.

968. *Mr. Kammaran Nambiyar: (a) Will the Government please state if Bungalow No. 2, Church, Road Raisina, formerly occupied by Mr. W. F. Symes, Executive Engineer, III Project Division, P. W. D., Delhi, (on leave), is lying vacant, or is it allotted to somebody else? If occupied, the name of the occupant, and the date from which it was allotted?

(b) Has Mr. Symes left his things locked up in the bungalow? If so, is he paying rent for the building? If no rent is being recovered, why? Could not the building be rented out to some other officer?

(c) Is it a fact that under similar circumstances, rent was recovered from Sir M. F. Gauntlett, Auditor General during his absence on leave? If so, what are the reasons for differentiation in the two cases?

The Honourable Mr. A. C. Chatterjee: (a) Mr. Symes formerly occupied bungalow No. 5 Church Road and not No. 2 Church Road. That bungalow has been occupied by Mr. E. F. Sykes, a Consulting Engineer, with effect from the 16th November 1923.

(b) Arrangements could not be made to lease the house during the absence on leave of Mr. Symes, and he was permitted to leave a few of his belongings in the residence at his own risk. In accordance with the note to paragraph 323 of the P. W. D. Code rent was not recovered from him.

(c) Sir M. F. Gauntlett paid rent during his absence on leave as he was not prepared to relinquish the bungalow unconditionally. Exemption from the payment of rent can only be allowed in cases in which a tenant, who proceeds on leave or duty out of the station, relinquishes his bungalow unconditionally.

BUNGALOWS LEASED BY GOVERNMENT IN DELHI.

969. ***Mr. Kammaran Nambiyar:** Will the Government please state:

(a) The number of bungalows taken on hire by the Government for use as residences of Government servants in Delhi?

(b) The total cost incurred by Government during the year 1923-24 on account of rent for and repairs to such leased bungalows, and the amount of rent, etc., realised from the occupants for that period?

(c) Why are the bungalows available in Raisina not utilised by the officers?

The Honourable Mr. A. C. Chatterjee: (a) During the year 1923-24 Government had 21 bungalows on lease, including Curzon House. Two of these are for officers of the Delhi Administration and the others for the officers of the Government of India Establishments.

(b) The figures of the actual expenditure incurred during the year 1923-24 are not yet available. The estimated cost of rents and repairs to the leased bungalows is, however, Rs. 87,743. Actual figures of rent are not yet available; the estimated recovery is Rs. 39,500.

(c) The houses in Civil Lines were taken on lease many years ago, and it would not have been economical to have left them empty and to have utilized the houses in Raisina instead.

CONTRACTORS EMPLOYED IN THE 6TH AND 8TH PROJECT DIVISIONS, P. W. D., DELHI.

970. ***Mr. Kammaran Nambiyar:** (a) Will the Government be pleased to furnish a list of contractors working in the 6th and 8th Project Divisions, Public Works Department, Delhi, showing the total value of work given to each contractor in each of the above Divisions? How many of these contractors are Sikhs, and what is the total value of the work given to Sikh contractors in each of the two Divisions?

(b) Is any of the Sikh contractors working in these Divisions a relation of the Executive Engineer of the Division? If so, is it not against the rules?

(c) What steps do the Government propose to take against the officers, if any, who are acting in contravention of the rules?

The Honourable Mr. A. C. Chatterjee: (a) I can show the Honourable Member a long list of the contractors, if he will call at my office. I am not prepared to undertake the labour of calculating the total value of the work given to each contractor.

(b) The answer is in the negative.

(c) Does not arise, but I wish to take this opportunity of stating emphatically that there is no justification whatever for imputing any communal preference to the two Sikh gentlemen now in charge of these Divisions.

SHORTAGE OF INSULATED WIRE IN THE STOCK OF THE 3RD PROJECT DIVISION, P. W. D., DELHI.

971. ***Mr. Kammaran Nambiyar:** (a) Is it a fact that there is a shortage of about 250 coils of insulated wire in the stock of the III Project Division, P. W. D., Delhi? If so, what are the facts of the case?

(b) What was the weight and value of the material under reference, and the source of its supply?

(c) How has this loss been disposed of?

(d) Are any officials of the Government involved in this case? What step do the Government propose to take against them?

The Honourable Mr. A. C. Chatterjee: (a) 245 coils of wire were found missing from one of the godowns in which the electrical materials of the III Project Division were stored. There was evidence of theft and the matter was handed over to the Police for investigation. Two persons were *challaned* by the Police but the investigating Magistrate held that the case was not established and acquitted the accused.

(b) The weight of the wire was 12-1-9 cwts. and value Rs. 2,695. It was purchased from Messrs. Callendar's Cable and Construction Company Limited, London.

(c) and (d). The case is still under departmental inquiry.

RECOVERY OF RENT FOR BUNGALOWS IN RAISINA NOT ACTUALLY VACATED BY THE TENANTS.

972. ***Mr. Kammaran Nambiyar:** (a) Is it a fact that the Chief Engineer and the present Personal Assistant to the Chief Engineer, P. W. D., Delhi, do not pay any rent for the bungalows occupied by them on Akbar Road and Jantar Mantar Road, respectively, during the summer months when they go to Simla, although all their things are locked up in the building, and they are thus actually in possession of the same? Do their *chowkidars* reside on the premises, and they only pay rent for an outhouse for the *chowkidar*?

(b) Do these officers send vacation reports of bungalows when proceeding to Simla, without actually vacating them? Is not their action in this respect against the rules?

(c) What is the amount of rent which the Government lose thereby annually?

(d) Was this point ever raised by the Deputy Accountant General, Central Revenues, Delhi?

The Honourable Mr. A. C. Chatterjee: (a), (b) and (c). It would invite the Honourable Member's attention to my reply to his question No. 968, which I have just answered. The question whether rent is, or is not, recovered in such cases is governed by the note in paragraph 323 of the Public Works Department Code, and depends on whether the officer, during a period of absence on duty elsewhere, is prepared to relinquish his

bungalow unconditionally or not. Action in the particular cases referred to in this question was taken strictly in accordance with the rule. In point of fact, the Chief Engineer paid rent for the full year 1923, as he was not prepared to relinquish his bungalow unconditionally.

(d) No.

PASSPORT RESTRICTIONS.

973. ***Maulvi Muhammad Yakub**: Do the Government propose to consider the question of removing all restrictions upon the issue and renewal of passports to England and the Continent?

Mr. E. B. Howell: There is no Act or Rule published by the Government of India which makes it compulsory for persons proceeding from India to England or to foreign countries on the Continent of Europe, to be in possession of passports before leaving this country. Passports are demanded of travellers by the authorities in the countries of destination. The instructions relating to the issue and removal of passports, which are partly based on the requirement of Foreign States, are drawn up by His Majesty's Government. They are in force throughout the British Empire and it is not within the competence of the Government of India to alter them.

Mr. Chaman Lal: Do the Government know that a great deal of dissatisfaction prevails in the country with regard to the method and manner in which passports are refused to applicants?

Mr. E. B. Howell: Government are not aware of that.

Mr. Chaman Lal: The fact is that numerous cases have recently cropped up. Will Government see that no restrictions are placed on the grant of passports on purely political grounds?

Mr. E. B. Howell: I would like notice of the question.

Maulvi Muhammad Yakub: Will the Government be pleased to inquire if certain persons carrying on business in Europe who have also reserved shops in the Empire Exhibition, were disallowed the renewal of their passports on account of holding political opinions not favoured by the local authorities?

Mr. E. B. Howell: Will the Honourable Member give me the name of any such persons?

Maulvi Muhammad Yakub: Yes, Sir, I shall be glad to give you the name.

LETTER AND EDITORIAL COMMENTS IN THE "SWARAJYA" ENTITLED "RAILWAY VAGARIES."

974. ***Mr. C. Duraiswami Aiyangar**: (a) Has the attention of the Government been drawn to a letter published under the heading "Railway Vagaries" in the *Swarajya*, dated 7th March 1924, and the editorial note thereon?

(b) Is the fact stated in the letter true?

(c) If so, will the Government be pleased to state what action has been taken thereon?

Sir Henry Moncrieff Smith: (a) Yes.

(b) The Government do not know.

(c) The Agent's attention has been drawn to the matter.

TREATMENT OF INDIAN TRAVELLERS BETWEEN INDIA AND CEYLON.

975. ***Dr. S. K. Datta**: Are Government aware (i) that British Indian travellers from India to Ceylon and from Ceylon to India by the Dhanushkodi Talamannur route are subjected by the Indian police authorities to very careful inquiries as to the motives of their journey, residence, occupation, etc., (ii) that all other British subjects leave or enter India without these inquiries being made. (iii) Will Government state the reason for this differential treatment?

The Honourable Sir Malcolm Hailey: (i) Government are aware that inquiries are made at Dhanushkodi from travellers arriving from or proceeding to Ceylon, in connection with the passport regulations: with a view to ascertaining whether travellers ought to be in possession of passports and, if so, whether their passports are in order.

(ii) and (iii). Government is not aware of the existence of any differential treatment such as that alleged.

Dr. S. K. Datta: If I were to place the facts regarding differential treatment before the Honourable Member, would he be willing to inquire?

The Honourable Sir Malcolm Hailey: I shall be very glad to consider the facts if the Honourable Member will place them before us.

TREATMENT OF BRITISH INDIANS FROM OVERSEAS IN COLOMBO.

976. ***Dr. S. K. Datta**: Are Government aware (i) that British Indian subjects landing from overseas in Colombo are conveyed under supervision to the police headquarters and subjected to a search both of their persons and baggage? (ii) If this be a fact, are Government prepared to make energetic representations to the Ceylon Government on this matter?

The Honourable Sir Malcolm Hailey: Government have no reason to believe that the practice stated is general. They are aware that cases have occurred in circumstances that have given rise to complaint, but they believe them to be isolated cases.

Dr. S. K. Datta: May I inquire again, Sir, whether the Government are willing to make inquiry to establish whether these are isolated cases?

The Honourable Sir Malcolm Hailey: Yes, if the Honourable Member will place me in possession of information in regard to which I could make inquiry.

TREATMENT OF BRITISH INDIANS AT HONG KONG.

977. ***Dr. S. K. Datta**: (i) Are Government aware that British Indian subjects proceeding to China on arrival in Hong Kong are ordered to report at Police Headquarters for purposes of inquiry, all other British subjects being exempt?

(ii) Are Government prepared to make inquiry?

The Honourable Sir Malcolm Hailey: Government have no information on this point.

CONSTRUCTION OF A STATION AT BHAMBURDA.

978. ***Mr. K. G. Lohokare:** (a) Whether it is a fact that the town-planning schemes of the Poona City and suburban areas held out hopes of a station at Bhamburda—near Poona, G. I. P. Railway, and the schemes were so sanctioned by the Local Government some years before?

(b) Is the construction of this station expected to be undertaken this year? If not, what are the reasons for the postponement?

Sir Henry Moncrieff Smith: (a) Yes.

(b) No. A start cannot be made until the Great Indian Peninsula Railway Administration is put in possession of the necessary land and the actual area required is being examined at present.

MILITARY SUB-ASSISTANT SURGEONS.

979. ***Mr. K. G. Lohokare:** Will the Government be pleased to say:

(1) How the Military Sub-Assistant Surgeons holding Viceroy's Commission are classed—whether as combatant, non-combatant, departmental or supplemental service officers or something else in the matter of:

- (a) General discipline.
- (b) Discipline and Service in the field units.
- (c) Pay, provision and other allowances in kind in quarters.
- (d) Disability, family and full term retirement pensions.
- (e) Percentage of promotion to King's Commission?

(2) Whether in matters of pay, injury and invalid pensions and allowances laid down for combatant and Medical Department officers holding Viceroy's Commissions, the analogy of scales, laid down for combatant and medical service officers holding King's Commissions in the Indian Army, is taken into consideration?

Mr. E. Burdon: (1) (a) and (b). Military sub-assistant surgeons are classed for these purposes as non-combatant departmental officers subject to the Indian Army Act.

(c) The rates of pay, etc., received by sub-assistant surgeons of the Indian Medical Department are laid down in Part I of the "Pay and Allowance Regulations", to which the attention of the Honourable Member is invited. These rates of pay are special to them.

In the matter of "quarters", they are also treated specially; but with regard to "rations", they are on the same terms as other officers holding the Viceroy's Commission.

(d) *Disability pensions.*—A proposal is under consideration to make applicable to sub-assistant surgeons the revised terms of disability pensions sanctioned in 1922 for Indian combatants and non-combatant departmental and regimental employés, etc.

Family pensions.—Sub-assistant surgeons now receive the same rates of family pensions as are laid down in Part II of the "Pay and Allowance Regulations" for the families of Indian officers, non-commissioned officers, etc., of the Indian Army.

Retiring pensions.—The rates of retiring pensions admissible to sub-assistant surgeons are laid down in Part II of the "Pay and Allowance Regulations", and are special rates.

(e) The percentage promoted to King's Commissions is one per cent.

(2) I am afraid I do not understand this part of the Honourable Member's question. If he will be so good as to make his intention clearer, I shall try to furnish him with a reply.

Mr. K. G. Lohokare: I want the Honourable Member to take into consideration the analogy of scales—that is, a comparison between the Indian medical officer and the combatant service officer in the British Army, and compare that analogy with officers holding Viceroy's Commissions in the commissioned ranks and the officers of the Medical Department—that is, the I. M. D. holding Viceroy's Commissions. I want the Honourable Member to take these two comparisons into consideration and then reply to me.

Mr. E. Burdon: In that case, Sir, I can say that the rates of pay of the various classes are not determined by calculating ratios of that kind.

MILITARY SUB-ASSISTANT SURGEONS.

980. ***Mr. K. G. Lohokare:** (1) Is it a fact that Military Sub-Assistant Surgeons' training class requires the Indian University Matriculation or equivalent examination for admission, and four years' professional training for qualifying for admission to the I. M. D. as against a vernacular course when the Class was instituted to begin with?

(2) Is it a fact that the India Army Regulations do not yet recognise the I. M. D.—Indian and British sections—and much more the S. A. S. for regular medical work, and entrust them with duties much more clerical and of dressers and compounders in spite of their training of a qualified medical practitioner in India?

(3) If it be a fact that the scale of pay of the Military Sub-Assistant Surgeons without opportunities for private practice is equal to or even lower than their civil brethren in Provincial Services?

(4) If the reply to (2) and (3) be in the affirmative, whether Government are prepared to spend money on training which is not made use of in the I. M. D.—and yet run a discontented service in the Army?

Mr. E. Burdon: (1) Yes.

(2) Members of the Indian Medical Department are employed in subordinate charge of hospitals and of wards in hospitals, when their duties are mainly clinical. In some cases, they are placed in independent charge of small hospitals and small bodies of troops. They are also employed on compounding duties in hospitals. All hospitals, except the smallest, are provided with a clerical staff, apart from the Indian Medical Department. The clerical duties which members of the Indian Medical Department may be called upon to perform are restricted to supervision and to such other clerical duties as are inseparable from their clinical work.

(3) The rates of pay of civil sub-assistant surgeons vary in the different provinces; and in certain cases at any rate, the civil sub-assistant surgeon draws a lower scale of pay than the military sub-assistant surgeon. The fact, therefore, cannot be said to be as stated by the Honourable Member.

(4) This question does not arise.

MILITARY PENSIONS.

981. ***Mr. K. G. Lohokare:** (1) Will the Government be pleased to say if there is any difference in the scales (proportionate to pay and allowances) of injury and invalid pensions and family pensions on loss of life in action or military duty between—

- (a) Officers holding King's commission in the combatant and medical services.
- (b) Officers holding King's commissions in the combatant and supply services.
- (c) Military Assistant Surgeons and combatant warrant officers.
- (d) Warrant officers of the combatant and the supply services.
- (e) Military Sub-Assistant Surgeons and combatant officers with Viceroy's commissions?

(2) Which service has the advantage over the other in each of the above comparisons?

(3) Are the revised rules for disability pensions to commissioned and non-commissioned combatants and supplemental service officers under Army Instructions 1056 of December 1922 applicable to Military Sub-Assistant Surgeons. If not, will Government reconsider the question?

(4) Are the rules for family pensions the same for the officers of Viceroy's commission in the combatant and medical services. If not, will Government reconsider the question?

Mr. E. Burdon: (1) and (2). To provide an answer to these questions would involve elaborate calculations which have never hitherto been required and which Government are not now prepared to undertake, as they do not consider that any useful purpose would be served by doing so.

(3) As already stated in reply to a previous question, a proposal is under consideration to make applicable to sub-assistant surgeons the terms of Army Instruction (India) No. 1056 of 1922.

(4) The answer to the first part of the question is in the affirmative, and the second part therefore does not arise.

NOMINATION TO THE ASSEMBLY OF A NON-OFFICIAL MEMBER FROM THE
CENTRAL PROVINCES AND BERAR.

982. ***Sardar Gulab Singh:** (a) Is it a fact that a non-official member was nominated to the last Assembly from the C. P. and Berar?

(b) Will the Government be pleased to state the reason why a non-official Member has not been nominated to the Assembly from the C. P. and Berar?

(c) Are the Government aware that all the Swarajists or those supported by them have been elected to the Assembly from the C. P. and Berar?

(d) Are the Government aware that there is no non-official Member in this Assembly from the C. P. and Berar, who could be expected to safeguard the special interests of landholders in those Provinces?

(e) If so, do Government propose to nominate one non-official Member from C. P. and Berar?

Sir Henry Moncrieff Smith: (a) Khan Sahib Maulvi Abdul Kadar of Amraoti in Berar was nominated to the last Legislative Assembly.

(b) and (e). Presumably the Honourable Member refers to the nomination of a non-official member other than that which is required to be made under the electoral rules as the result of an election held in Berar.

Nominations to the Assembly are made not by the Government but by His Excellency the Governor General. The limited number of seats to be filled by the nomination of non-officials does not make it possible to provide for the representation of all communities and interests in the country.

(c) Government have no official information but believe that the statement made in this part of the question is substantially correct.

(d) The Central Provinces landholders' constituency returns one member to the Assembly; he presumably can be expected to safeguard the special interests of landholders in these provinces.

Mr. Devaki Prasad Sinha: What authority have Government for stating that the information given in part (d) of question No. 982 is correct in spite of the fact that there is an Honourable Member here who represents the handholders of the Central Provinces?

Sir Henry Moncrieff Smith: I said in regard to part (d) of this question that there was one Member in the Assembly representing the Central Provinces Landholders' constituency, and he presumably could be expected to safeguard the interests of that community.

Mr. Devaki Prasad Sinha: I understood, Sir, that the Honourable Member said that the suggestion contained in part (d) of the question was correct.

Sir Henry Moncrieff Smith: That is in regard to part (c) of the question.

Mr. Devaki Prasad Sinha: I beg your pardon. I am sorry for the mistake.

ESTATE OF ANCIENT FAMILIES IN THE CENTRAL PROVINCES.

983. ***Sardar Gulab Singh:** (a) Has the attention of the Government of India been drawn to the statement contained in the Darbar speech delivered on the 19th December 1919, by Sir Benjamin Robertson, K.C.S.I., K.C.M.G., LL.D., I.C.S., the then Chief Commissioner of the C. P. and Berar, laying down the policy of the Government in connection with the recognition of estates of ancient families as inalienable and impartible?

(b) Had that policy not been declared by the head of these Provinces in concurrence with the Government of India?

(c) What action have the Government of India and the C. P. Government, since taken or are they going to take in furtherance of that policy?

Mr. M. S. D. Butler: (a) and (c). If the Honourable Member will kindly let me have a copy of the speech referred to the matter will be considered.

SIKH HOLIDAYS.

984. *Sardar Kartar Singh: With reference to answer to question No. 312, given by the Honourable the Home Member on 14th February, 1924, will the Government please name the Sikh representative consulted? If none, why not?

The Honourable Sir Malcolm Hailey: I am not prepared to give the name of the Sikh representative consulted. It is a point on which we have every right to observe anonymity.

CURTAILING OF THE SECRETARIAT HOLIDAYS.

985. *Sardar Kartar Singh: What led the Government of India to restrict the observances as holidays of different religious festivals?

The Honourable Sir Malcolm Hailey: The reason for curtailing the number of holidays is clearly stated in the reply given by me on the 11th March 1924, to Mr. Chaman Lal's question No. 742. I have nothing to add to that statement.

SIKH HOLIDAYS.

986. *Sardar Kartar Singh: Is it a fact that two gazetted holidays have been fixed for the festivals of each community? If so, why have the Sikhs not been granted a similar concession?

The Honourable Sir Malcolm Hailey: The Honourable Member is referred to the orders issued, a copy of which was placed in the Library. The two holidays fixed for each community are also general holidays and are enjoyed by Sikhs along with others. Provision for holidays on Sikh festivals is secured by the 6 additional sectional holidays. Sikhs are in exactly the same position as other communities as regards the number of holidays that they may enjoy.

ANNUAL REPORT OF THE LADY HARDINGE MEDICAL COLLEGE.

987. *Kumar Ganganand Sinha: (a) Is it a fact that the Lady Hardinge College does not issue annual reports and they are not available to the Members of the Legislature or the public?

(b) If an annual report is published, will the Government be pleased to lay it on the table?

(c) Is it a fact that though the college has been in existence for more than 7 years no reports excepting one have been issued?

(d) Are the Government prepared to take steps to see that a similar calendar is issued by the Lady Hardinge College or that its report is incorporated in the Delhi University calendar for the use of the public?

Mr. M. S. D. Butler: (a) and (c). A report on the Lady Hardinge Medical College is issued every year and will be found attached to the printed Annual Report of the Countess of Dufferin's Fund. It is available to the public. In addition a more detailed report is published every five years. The last was issued in 1918. The report for the subsequent quinquennium is under preparation.

(b) A copy of the Annual Report of the Countess of Dufferin's Fund for the year 1922, has been placed in the Library of the Assembly.

(d) This does not arise.

INSPECTION OF THE LADY HARDINGE MEDICAL COLLEGE.

988. *Kumar Ganganand Sinha: (a) Is it a fact that the Lady Hardinge College is not inspected by the higher medical authorities, as is the rule with all other hospitals?

(b) Do the Government propose to see to the appointment of a Government officer to make an annual inspection and report upon the College and the Hospital?

Mr. M. S. D. Butler: (a) and (b). The College is inspected periodically by a committee of the Punjab University. This committee includes at least one professor of the Government Medical College, Lahore. The last inspection by this Committee was on the 4th January 1924. The college was again inspected on the 7th and 8th March 1924, by Lieutenant Colonel Megaw, I.M.S., Director of the Tropical School of Medicine and Hygiene, Calcutta. The Director General, Indian Medical Service, is also president of the Governing Body. In the circumstances the Government of India consider that no further inspection is for the present necessary.

Mr. K. Ahmed: Is it a fact that the prescriptions made for outdoor patients are not given to them?

Mr. President: That does not arise out of this question.

Mr. K. Ahmed: Is it not fact a fact, Sir, that the prescriptions made for outdoor patients are the subject also for the inspection of

Mr. President: The Honourable Member knows that prescriptions are given to patients and not to Inspectors.

Mr. K. Ahmed: Is it not necessary to keep a record of these prescriptions in the hospital so that the Inspectors may go into the internal matters

AUDIT OF THE ACCOUNTS OF THE LADY HARDINGE MEDICAL COLLEGE.

989. *Kumar Ganganand Sinha: (a) Is it a fact that when transferring the audit of the Lady Hardinge College from private chartered auditors to the Government paid auditors, it was stated that it is practically a Government concern controlled by the Government officials?

(b) In connection with the audit, will the Government be pleased to lay on the table correspondence between the Governing Body of the College and the Government of India?

Mr. M. S. D. Butler: (a) and (b). A copy of the correspondence referred to by the Honourable Member is laid on the table. It will be seen that the object of the change was to save the auditor's fee.

Mr. Gaya Prasad Singh: Under what conditions has the Government grant been made to the institution?

Mr. M. S. D. Butler: That the institution should be maintained efficiently.

Mr. Gaya Prasad Singh: Will the Government be pleased to lay on the table a copy of those conditions?

Mr. M. S. D. Butler: I do not know if any conditions were specifically drawn up but I will look into the matter.

Copy of a letter No. 1832-S.-Medl., dated the 30th June 1921, from the Secretary to the Government of the Punjab, Transferred Departments, to the Secretary to the Government of India, Department of Education.

I am directed by the Punjab Government (Ministry of Education) to forward a copy of a letter dated the 2nd April 1921, from the Honorary Secretary, Governing Body of the Lady Hardinge Medical College, Delhi, suggesting that an annual audit of the College accounts should be undertaken by the Examiner of Local Fund Accounts, Punjab, and to inquire whether it is possible to meet the wishes of the Honorary Secretary by the issue of instructions to the Auditor General.

Copy of a letter dated the 2nd April 1921, from the Honorary Secretary, Governing Body of the Lady Hardinge Medical College, to the Chief Secretary to the Government of the Punjab, Lahore.

On behalf of the Governing Body of the Lady Hardinge Medical College, Delhi, I have the honour to request that sanction may be accorded to the Examiner of Local Funds Accounts, Punjab, undertaking the annual audit of the accounts of the College free of any charge. As the Government are no doubt aware the College and the Hospital attached to it were built from funds raised mainly by public subscription, but the Government of India are making an annual contribution of two lakhs of rupees towards its recurring expenses. The management is in the hands of a Governing Body composed mainly of officials, and it is important that the accounts of the institution should be properly audited. The work had hitherto been done by private agency, but exorbitant fees are now being demanded which the funds of the College can ill afford to spare, and there are obvious advantages in the work being done by a Government agency if possible.

I am accordingly to ask that the necessary sanction as requested may be accorded.

Copy of a letter No. 1008, dated the 17th September 1921, from the Deputy Secretary to the Government of India, Department of Education, Health and Lands, to the Secretary to the Government of the Punjab, Transferred Departments.

In reply to your letter No. 1832-S.-Medl., dated the 30th June 1921, I am directed to say that the Auditor General is being requested to arrange for the audit of the Lady Hardinge Medical College Fund as desired by the Governing Body of that Fund.

AUDIT OF THE ACCOUNTS OF THE LADY HARDINGE MEDICAL COLLEGE.

990. ***Kumar Ganganand Sinha:** With reference to the answer given by the Honourable Member Mr. Butler on the 3rd instant that the Lady Hardinge Medical College is a private institution, will the Government be pleased to give reasons for permitting a private concern to be annually audited by the Local Fund Examiner of the Punjab who are under the Government of India?

Mr. M. S. D. Butler: The Honourable Member's attention is invited to the letter from the Honorary Secretary to the Governing Body of the College, dated the 2nd April 1921, to the Chief Secretary to the Government of the Punjab, a copy of which has been laid on the table in compliance with the request made in his previous question.

AUDIT AND INSPECTION NOTE ON THE LADY HARDINGE MEDICAL COLLEGE FOR 1922-23.

991. ***Kumar Ganganand Sinha:** With reference to the answer given on the 3rd instant that the audit note and audit objection statements relating to the Lady Hardinge College for the period ending on 30th September.

1923, have not reached the Governing Body, will the Government be pleased to give reasons as to why the same cannot be laid on the table when they have been received in the Principal's office since last December?

Mr. M. S. D. Butler: The Government of India understand that the Audit and Inspection Note for the year 1922-23, was received in the Honorary Secretary's office only on the 19th March. The Governing Body are being asked to expedite its consideration and to let the Government of India know what action they propose to take on it. On receipt of their report the request of the Honourable Member will be considered.

EXAMINATION INTO THE EXPENDITURE AND EFFICIENCY OF THE LADY HARDINGE MEDICAL COLLEGE.

992. ***Kumar Ganganand Sinha:** With reference to the answer given on 3rd March, 1924, that the Director of the Tropical Medical School, Calcutta, is being addressed to come and survey the efficiency and expenditure of the Lady Hardinge College, are the Government prepared to appoint an Indian non-official Member elected by the Legislative Assembly to supervise the institution along with the Principal of the Calcutta Tropical Medical School?

Mr. M. S. D. Butler: Government understand that Lieut.-Colonel Megaw has finished his inspection of the Lady Hardinge Medical College. In the circumstances it is impossible to give effect to the Honourable Member's suggestion.

SEPARATION OF THE JUDICIAL FROM THE EXECUTIVE FUNCTIONS.

993. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state whether any scheme for the separation of executive from judicial functions was submitted by the Madras Government? If so, when and what action have the Government taken or propose to take in the matter?

The Honourable Sir Malcolm Hailey: The Madras Government have not yet submitted any scheme.

RESOLUTIONS PASSED BY THE ASSEMBLY.

994. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state the number of the Resolutions passed by the Assembly in 1920-23? How many of them were given effect to by Government and how many of them were not at all acted upon?

Sir Henry Moncrieff Smith: No Resolutions were passed by the Assembly in 1920; there was no Assembly in that year.

The information asked for by the Honourable Member for the years 1921-23, has already been given in a series of statements laid on the table from time to time in reply to questions from Honourable Members. These statements are printed in the official reports. The reference to the pages of the official reports, where these statements will be found, are given in the statement below.

I am not reading the statement as it is a string of dates which will be found in the answer laid on the table.

Delhi session, 1921	Legislative Assembly Debates, dated the 16th January, 1922, pp. 1505-1608.
Simla session, 1921	Legislative Assembly Debates, dated the 24th January, 1922, p. 1831, and dated the 8th March, 1922, p. 2006.
Delhi session, 1922	Legislative Assembly Debates, dated the 6th September, 1922, pp. 45-47.
Simla session, 1922	Legislative Assembly Debates, dated the 15th January, 1923, pp. 991-992.
Delhi session, 1923	Legislative Assembly Debates, dated the 9th July, 1923, pp. 477-478.
Simla session, 1924	Legislative Assembly Debates, dated the 5th February, 1924, pp. 192-193.

Mr. Chaman Lal: Is it not a fact that not a single Resolution passed by the Assembly during the present session has been given effect to by the Government?

Sir Henry Moncrieff Smith: No Honourable Member has yet asked what effect has been given to Resolutions passed by the Legislative Assembly this session. I am afraid I cannot give the information offhand.

Mr. Chaman Lal: Are we to understand then, Sir, that the Government are addicted to a policy of obstruction?

DEATHS AMONG MAIL RUNNERS.

995. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state:

- how many mail runners lost their lives in discharging their duty during the year 1922-23?
- what steps have Government taken to reduce the number of deaths among mail runners to a minimum?
- is there any provision for the payment of any compensation to their families? If there is none, do Government propose to take any steps, if so, what steps, in this direction.

The Honourable Mr. A. C. Chatterjee: (a) Two mail runners lost their lives in the performance of their duties during the year 1922-23, one in a highway robbery, the other in an accident.

(b) Police escorts are provided in British territory where necessary, and Indian States are held responsible for the safe passage through their territories of the Imperial Mail.

(c) The Civil Service Regulations provide for the grant of a family pension in cases where mail runners are killed or die of injuries received in the performance of duty. In cases of accidental death their families are granted a compassionate gratuity from a departmental fund.

SUSPENSION OF THE BOOKING AND LOADING OF COTTON BALES AT KHURJA STATION.

996. ***Mr. Narain Dass:** (a) Will the Government be pleased to say if booking and loading of goods from any station can be suddenly suspended or stopped in the absence of serious and weighty reasons?

(b) Is it a fact, that booking and loading of cotton bales was stopped at Khurja Junction station from 22nd November 1923 to 3rd December 1923?

(c) Is it a fact that 658 bales of cotton were lying on the platform ready to be loaded?

(d) Is it a fact that the rains, exposure and a heavy fall in the prices of cotton during the period of suspension of traffic at the above station, resulted in a heavy loss to the owner of the cotton bales?

(e) Are the Government prepared to see that in case of unavoidable suspension of goods traffic at important stations a timely notice thereof is given to the firms and merchants of those places?

Sir Henry Moncrieff Smith: (a) The reply is in the negative.

(b), (c) and (d). Government have no information.

(e) Suspension of goods booking is generally the result of unforeseen circumstances and consequently railways are not in a position to give previous notice to traders.

Mr. Narain Dass: May I ask the Honourable Member if it is not possible to make inquiries?

Sir Henry Moncrieff Smith: I have not been able to catch the Honourable Member's question, but in any case I doubt if I am in a position to reply to it.

EXPORT OF OPIUM.

997. ***Mr. Narain Dass:** (a) Will the Government be pleased to state how much opium and to what places outside of India, was exported in the years 1914 to 1923, giving the sale price thereof?

(b) Will the Government be pleased to state the total production of opium in British India, and as much of it as passed through British India but produced in Indian States, in the said years?

(c) Will the Government be pleased to give the total receipts from opium in the said years?

The Honourable Sir Basil Blackett: (a) A statement is laid on the table which gives the total exports of opium from India, with destination, during the years 1914-23. No information can be given regarding the sale price as exports are from the stocks in the Presidency Opium Godowns, Calcutta, sold during previous years.

(b) A statement is laid on the table which gives the total production of opium in the Benares Agency, the Punjab, and Ajmer-Merwara, and the quantity of opium purchased by the Government of India in Central India and Rajputana States during the years 1913-14 to 1922-23. No information is available regarding the quantity of opium produced in the Simla Hill States nor regarding the quantity imported for local consumption in the Punjab.

(c) A statement is laid on the table which gives the receipts from the sale of opium of different kinds during the years 1913-14 to 1921-22. The figures for the year 1922-23 are not yet available.

A.

Statement showing the exports of opium from India during the years 1914 to 1923, with destinations. (In chests).

	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923
Straits Settlements.	985	3,240	3,998	4,818	4,284	4,155	3,690	3,610	1,820	2,100
Hong Kong	478	163	360	421	456	540	180	120	150	240
D. E. Indies	1,800	2,415	1,935	2,200	2,000	2,000	2,900	2,300	1,800	900
Siam	2,200	1,700	1,300	1,100	1,700	1,700	1,700	1,700	1,650	1,600
Br. N. Borneo	...	...	...	...	10	226	176	240	60	84
Ceylon	80	85	60	60	70	50	60	70	60	30
French Indo-China.	2,150	2,675	2,625	2,595	3,790	1,920	950	1,655	1,700	2,975
Japan and Formosa.	800	930	1,260	1,133	1,631	1,170	900	150	50	150
Macao	758	765	500	440	400	469	531	440	500	240
Other countries	673	437	299	36	50	1	35	85	338	225
Total	9,924	12,216	12,337	12,802	11,551	12,231	10,522	9,770	8,128	8,744

B.

Statement showing (1) the total production of opium (in maunds) in the Benares Agency, (2) the quantity of opium (in maunds) purchased by the Government of India from the Malwa States and (3) the quantity of opium produced in the Punjab and Ajmer-Merwara during 1913-14 to 1922-23.

Year.	Output in Benares Agency.	Quantity purchased from Malwa States.	Opium produced in Punjab.†	Opium produced in Ajmer-Merwara.
	Mds.	Mds.	Mds.	Mds.
1913-14	24,292	20,502	158	...
1914-15	28,293	13,551	212	...
1915-16	27,001	20,812	...	*
1916-17	32,124	7,887	...	*
1917-18	32,248	7,374	...	*
1918-19	27,343	8,199	92	29
1919-20	22,731	2,921	137	*
1920-21	14,340	11,223	80	6
1921-22	18,310	12,703	60	4
1922-23	23,900	16,346	134	*

* Figures not available.

† Opium is also grown in the Simla Hill States in the Punjab but the local excise reports do not show how much of this opium is imported for local consumption in the Punjab.

C.

Statement giving the receipts from the sale of opium during the years 1913-14 to 1922-23.

Year.	Provision opium.	Medical opium.	Excise opium.	Miscellaneous.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.
1913-14	1,91,92,177	...	46,61,291	5,19,710	2,43,73,178
1914-15	1,87,71,783	...	47,49,995	61,496	2,35,63,274
1915-16	2,25,03,225	...	45,18,811	16,80,676	2,87,02,712
1916-17	3,68,31,640	...	57,14,290	48,54,143	4,74,00,073
1917-18	3,20,37,150	...	57,84,677	83,61,711	4,61,83,538
1918-19	3,61,14,814	...	67,23,157	64,98,699	4,93,36,670
1919-20	3,64,94,575	...	62,72,543	27,95,094	4,55,62,212
1920-21	2,92,97,500	9,463	59,58,391	75,880	3,53,41,234
1921-22	2,30,92,450	7,205	75,70,790	54,747	3,07,25,192
1922-23	...	...	(Not yet known).	...	...

PROPOSED RAILWAY BETWEEN MUTTRA AND ALIGARH via BRINDABAN.

998. *Mr. Narain Dass: Will the Government be pleased to state what progress the projects to connect Muttra and Aligarh (via Brindaban) by a broad gauge line has made?

Sir Henry Moncrieff Smith: The Muttra Aligarh Railway was surveyed, and an estimate of its cost prepared, in 1904. The estimate is now being revised in the light of present day conditions.

Mr. N. M. Joshi: Sir, I am not putting the next three questions,† as similar questions have already been put and answered‡ in this House on the same subject.

† 999. *Mr. N. M. Joshi: 1. Will Government be pleased to state whether it is a fact that at the time of the separation of the North-West Frontier Province, the Government of India and the Secretary of State had laid down a general principle that the civil establishments (including clerical) in the new Province should receive the same rates of pay as were then in force in the Punjab? If so, will they be pleased to state whether that principle was observed in fixing the rates of pay of civil clerical establishments in the new Province?

2. Will Government be pleased to state whether it is a fact that the local Administration of the N.-W. Province has ever since the separation been following and maintaining the Punjab standard of efficiency and rates of pay of their civil clerical establishments?

3. (a) If the reply to 1 and 2 above be in the affirmative, will Government be pleased to state why the civil clerical establishments in the N.-W. Province are being paid less pay since October 1920, than that allowed to their confrères in the Punjab?

(b) If the reply to 1 and 2 above be in the negative, will Government be pleased to state since when, why and on what general principles the rates of pay of civil clerks in the N.-W. Province have been kept at a lower standard than that obtaining in the Punjab for the time being?

1000. *Mr. N. M. Joshi: Will Government be pleased to state whether it is a fact that the pay of the civil clerks of the Irrigation Department in the N.-W. Frontier Province has been raised to the Punjab level? If so, will they be further pleased to state why other civil clerks serving in the same Province are being accorded a differential treatment?

1001. *Mr. N. M. Joshi: Will Government be pleased to state whether they have received copies of any resolutions passed by the Civilian Clerks' Association, N.-W. Frontier Province, on the subject of revision of pay and on other subjects of vital importance to the civil clerks in the Province? If so, what action do Government propose to take on these resolutions?

‡ See pages 1889 and 1890 of L. A. Debates, Vol. IV.

ACCOMMODATION OF MEMBERS OF THE INDIAN LEGISLATURE AT SIMLA.

1002. ***Maulvi Muhammad Yakub:** (1) Are Government aware that in convenience is caused to the majority of the Members of the Indian Legislature at Simla, on account of the great distances of the places of their residence from the Chambers.

(2) Will the Government be pleased to make some more convenient arrangement for the accommodation of the members at the summer Capital?

Sir Henry Moncrieff Smith: (1) Having regard to the conditions obtaining in Simla, Government do not think it can be said that any undue inconvenience is caused to Members who avail themselves of the accommodation offered by Government. It is always open to Members if they so prefer, to make their own arrangements.

(2) Government are unable to make any more convenient arrangement for the accommodation of Members in Simla.

ACCOMMODATION IN THE WESTERN HOSTEL, RAISINA, OF ORTHODOX MEMBERS OF THE INDIAN LEGISLATURE.

1003. ***Maulvi Muhammad Yakub:** (a) Are the Government aware that some Members of the Indian Legislature are put to great inconvenience on account of the Western Hostel, Raisina, not being open to members living in orthodox style?

(b) Are the Government aware that a large number of rooms in the Western Hostel remained vacant during the present session because private cooking arrangements were not allowed to Members residing there?

(c) Are the Government prepared to allot one block or one storey of the Western Hostel, Raisina, for members having their private mess?

Sir Henry Moncrieff Smith: (a) The reply is in the negative. Sufficient accommodation has during this session been made available for Members living in orthodox style in the quarters at Windsor Place and Queensway and in houses in various parts of Raisina.

(b) Government are aware that several rooms in the Western Hostel have not been occupied this year, but more rooms have been occupied this year than in any previous year. Government are not able to accept the implication that the Hostel would have been filled if Members had been allowed to make private cooking arrangements there. Members living in orthodox style have always shown a preference for the type of quarters provided at Windsor Place and Queensway; where such quarters are not available they have shown a preference for bungalows.

(c) The Hostel was designed and constructed for the use of persons living in European style and Government are not prepared to allot any part of it to Members living in orthodox style or requiring to make their own arrangements for cooking.

Mr. N. M. Joshi: Are Government aware of the fact that some Members were practically compelled to live in the Western Hostel as they were not offered any orthodox accommodation?

Sir Henry Moncrieff Smith: I understand, Sir, that Members who were offered accommodation in the Western Hostel had not asked for accommodation elsewhere in the orthodox style. I understand also that

all Members who desired accommodation in the orthodox style at the disposal of the Government were offered such accommodation and they accepted it.

Mr. K. Ahmed: I suppose, Sir, there will be no infringement of the rules, having regard to the fact that many quarters are left vacant, if the orthodox Members are allowed to live in the Western Hostel and to use the servants' godowns as kitchens.

(No answer.)

Mr. K. Ahmed: I do not think it can be against the rules or the principles of the commercial system adopted in the other departments of the Government of India, for instance, the Railway Department. The principle that has been enunciated and adopted by the Honourable Mr. A. C. Chatterjee is the payment of rent. That being so, I suppose there can be no objection if Members living in Western Hostel ask for the use of servants' quarters to be used as kitchens.

Sir Henry Moncrieff Smith: Government have an objection. It is not a mere question of recovery of rent. It is the question of the purpose for which the Western Hostel was provided and the convenience of Members who live there in the unorthodox style.

Mr. K. Ahmed: I do not quite understand. The unorthodox Members living in the Hostel use the rooms in the same way as the orthodox people. It matters very little, as far as the use of the servants' quarters or godowns as kitchens is concerned. Will the Honourable Member kindly explain?

Sir Henry Moncrieff Smith: I think, Sir, it is a matter of opinion. Government hold one opinion, and apparently the Honourable Member holds another.

FLOODS IN BIHAR AND ORISSA.

1004. ***Mr. Gaya Prasad Singh:** (a) Are the Government aware that the following passage occurs in the telegram, dated the 23rd August 1923, from the Secretary to the Government of Bihar and Orissa to the Government of India:

"Breaches have occurred on the E. I. Railway, west and east of Arrah, also on the B. N. W. Railway between Dighwara and Sonapur?"

(b) Are the Government aware that in the telegram, dated the 5th October 1923, from the Secretary to the Government of Bihar and Orissa to the Secretary to the Government of India, it is stated that owing to floods in North Champaran, the B. N. W. Railway was breached in three places?

(c) Are the Government aware that in the Press Communiqué, dated the 20th September 1923, issued by the Government of Bihar and Orissa, mention is made of "the breaches in the B. N. W. Railway, which runs through the Saran area, and the E. I. Railway"?

(d) Is it not a fact that these breaches in the railway lines are due to the fact that the natural flow of water is impeded by the railway embankments, thereby resulting in floods, and breaches in the railway lines?

(e) Are the Government under the circumstances prepared to cause a definite inquiry to be made into the causes of floods?

Sir Henry Moncrieff Smith (a), (b) and (c). Yes.

(d) No. The railway banks are well provided with flood openings as well as culverts but the cause of the damage to the East Indian Railway and part of the B. and N. W. Railway was the overflow of the Sone river due to an abnormal flood and the cause of the remaining damage to the B. and N. W. Railway was the bursting of the banks of the Tribeni Canal.

The question whether any inquiry is necessary is for the Local Government to decide.

Mr. Gaya Prasad Singh: Sir, are the Government aware that there was absolutely no inquiry made by the Government of Bihar and Orissa into the cause of the floods, as the communiqué itself says:

"These inquiries have enabled Government to form a comparatively accurate estimate of the losses sustained from the floods in each district, and of the measures that still remain to be undertaken to relieve distress and accelerate the recuperation of the distressed tracts?"

Sir Henry Moncrieff Smith: I would suggest to the Honourable Member that he give private notice to Sir Charles Innes of that question if he desires an answer.

SUBSCRIPTIONS TO CERTAIN NEWSPAPERS BY GOVERNMENT DEPARTMENTS.

1005. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state how many copies of the following newspapers are subscribed for the Government of India in the Departments of (a) Home, (b) Finance, (c) Industries and Labour, (d) Education, Health and Lands, (e) Legislative, and (f) Foreign and Political:

- (1) The "Englishman."
- (2) The "Statesman."
- (3) The "Indian Daily News."
- (4) The "Pioneer."
- (5) The "Times of India."
- (6) The "Madras Mail."

The Honourable Sir Malcolm Hailey: A statement containing the required information is laid on the table.

Number of copies of certain newspapers subscribed for for the use of the Departments of the Government of India specified.

Name of Newspaper.	Home Depart- ment.	Finance Depart- ment.	Industries and Labour.	Educa- tion, Health and Lands.	Legis- lative Depart- ment.	Foreign and Political Depart- ment.	Total.
1. The Englishman	2	1	1	Nil	1	Nil	5
2. The Statesman	5	3	2	1	1	1	13
3. The Indian Daily News.	Nil	Nil	Nil	Nil	Nil	Nil	...
4. The Pioneer	5	3	2	3	1	5	19
5. The Times of India	2	2	2	2	1	1	10
6. The Madras Mail	Nil	1	Nil	Nil	Nil	Nil	1

MOSQUE NEAR QUTAB MINAR.

1006. ***Maulvi Muhammad Yakub:** (a) Are the Government aware that the mosque known as the Masjid Quw-wat-ul-Islam, near the Qutab Minar is not kept apart as a mosque but is being used as an ordinary building where persons of all religions enter with their shoes on and where there is no arrangement for the offering of prayers by the Mussalmans?

(b) Do the Government propose to restore the building to its former position as a mosque, by stopping persons entering the mosque with their shoes on, by allowing the Mussalmans to use it as a mosque and by closing the door in its western wall?

The Honourable Sir Malcolm Hailey: (a) Yes; though Government do not endorse the description of this striking old historical monument as an "ordinary building."

(b) Government have spent a large sum of money on rescuing the buildings round the Kutab Minar from decay and the result of centuries of neglect, notably on the excavations and removal of debris carried out by the Archaeological Department in 1911 and 1912. The grounds round the Kutab are now acknowledged to be one of the most beautiful of the many monuments of historical interest in the vicinity of Delhi. Government propose to maintain the grounds and buildings in their present condition for the benefit of all lovers of picturesque survivals of the past glories of one of the great cities of Delhi. There is no need for setting apart this portion of the buildings for the purpose suggested as there is another mosque in the immediate vicinity.

Maulvi Muhammad Yakub: Is the Honourable Member aware of the fact that keeping the mosque open in its present state is shocking to the religious sentiments of the Muhammadans?

The Honourable Sir Malcolm Hailey: Sir, I have been connected with this building for many years. Indeed I am responsible for putting it in its present state. I have never heard the suggestion that we are showing any disrespect to the religious sentiments of the Muhammadans by making this portion of the building open to the public; and let me say this, that if we are showing any disrespect by now making those buildings open to the public, far greater disrespect was shown to them when they were used for the disreputable manner in which they were often treated in the past.

Maulvi Muhammad Yakub: I am thankful to the Honourable the Home Member for the interest he has taken in the mosque. The only thing that is objectionable is that persons go into the mosque with their shoes on. I do not mean to say that it should not be open to the public. But what I submit is that people should not be allowed to enter the mosque with their shoes on, but they should have some sort of shoes as they have for inspecting the Juma Masjid, and also that Muhammadans may be allowed to offer prayers in the mosque.

The Honourable Sir Malcolm Hailey: I think the Honourable Member is doing his very best to discourage us from any attempt whatever to preserve the historical remains.

Maulvi Muhammad Yakub: Far be it from me, Sir; I have already expressed my gratitude to the Government for what they have done, and I think the method which I am suggesting will not in any way prevent Government from preserving the monument.

STAFF COUNCILS ON THE GREAT INDIAN PENINSULA RAILWAY.

1007. ***Mr. N. M. Joshi**: Will Government be pleased to give the following information:

- (a) Is it a fact that the Great Indian Peninsula Railway proposes to introduce Staff Councils for the welfare of the staff?
- (b) Is it a fact that these Staff Councils will not be allowed to consider individual grievances? If so, will Government be pleased to state what means the G. I. P. Railway Company has adopted to remedy individual grievances?

Sir Henry Moncrieff Smith (a) Yes.

(b) Yes. Any individual with a grievance can appeal to the head of his office or department in the same way as he has done hitherto.

APPEALS OF THE STAFF EMPLOYED UNDER THE DIVISIONAL TRANSPORTATION SUPERINTENDENT, G. I. P. RAILWAY.

1008. ***Mr. N. M. Joshi**: Will Government be pleased to state whether it is a fact that, on the Great Indian Peninsula Railway, the Divisional Transportation Superintendent, Kalyan, has issued a notice that if the staff send an appeal for the redress of a grievance which afterwards is found to be unjust, he will punish the staff for sending such appeal? If so, will they be further pleased to state what method the individual is allowed to adopt if, in his opinion, the appeal is just?

Sir Henry Moncrieff Smith: From inquiries made from the Agent it appears that an order of the nature referred to was issued some time ago, that it was very little used and was subsequently withdrawn.

Mr. N. M. Joshi: Was the officer punished for issuing that order?

(No answer.)

Mr. N. M. Joshi: Are the Government aware that inconvenience is caused to the Members when questions are answered by persons who are not the representatives of the Department to which the questions refer?

The Honourable Sir Malcolm Hailey: I am afraid if there is any inconvenience, it is sometimes inevitable owing to our legislative system, since it is occasionally necessary for the Honourable Member in charge of a particular department to be present in another place.

STAFF COUNCILS ON THE GREAT INDIAN PENINSULA RAILWAY.

1009. ***Mr. N. M. Joshi**: Will Government be pleased to state whether it is a fact that the recommendations of the proposed Staff Councils on the G. I. P. Railway involving expenditure will not be brought in force unless under administrative sanction? If so, will they be further pleased to state what remedy is left to the staff if the administrative sanction is not given in cases in which the grievance may be right and require to be remedied?

Sir Henry Moncrieff Smith: Yes. It is open to the staff to represent their grievances to the Agent or the Board of Directors.

FREE QUARTERS OR GRANT OF HOUSE-RENT IN LIEU THEREOF TO POSTMASTERS.

1010. ***Mr. N. M. Joshi**: (a) Will Government be pleased to state whether it is one of the conditions in the postal service that postmasters shall be provided with free quarters on the premises of the post offices, or, if that may not be possible, they shall be given house-rent allowance? If so, has this condition been followed in all cases, including the cases of the postmasters appointed at the offices which are opened recently? If not, why not?

(b) Will Government be pleased to state whether it is a fact that the postmasters at some of the no-delivery post offices are neither provided with free quarters nor given any house-rent allowance in lieu thereof? If so, why?

The Honourable Mr. A. C. Chatterjee: (a) Under orders which were issued by Government as far back as 1873 free quarters are allowed to postmasters and such other establishment as it may be necessary for the proper discharge of the work of a post office to have resident on the premises, and these orders have been observed. Government have never undertaken to grant house rent allowances to postmasters in lieu of free quarters.

(b) The reply is in the affirmative. When it is not necessary for the officials to live on the post office premises, they are not entitled to free quarters and, as stated in reply to part (a), they have no claim to house rent allowances.

UNSTARRED QUESTIONS AND ANSWERS.

THE MANJHAUL SUB-POST OFFICE.

219. **Mr. Devaki Prasad Sinha**: (a) Will the Government be pleased to inquire and state, how many villages are served by the sub-post office at Manjhaul, in the Begusarai sub-division of the district of Monghyr in Bihar and Orissa? How many branch sub-post offices there are under the aforesaid sub-post office of Manjhaul? How many peons are employed at this sub-post office?

(b) Is it a fact that some of the branch post offices under the sub-post office at Manjhaul, have got two peons each while the sub-post office of Manjhaul has got only one?

(c) Is it a fact that the post office at Manjhaul is situated far away from the village itself? If this be so, will Government be pleased to state the reasons for this arrangement? Is it a fact that the village of Manjhaul itself is visited by a post peon only thrice a week although the post office is named after this village?

(d) Will Government be pleased to state if the average number of money orders, registered and ordinary letters, and parcels received by and despatched from this sub-post office justifies the existence of only one post peon?

(e) Is it a fact that several petitions were sent to the Superintendent of Post Offices at Monghyr drawing attention to this inconvenience? If so, why has no action been taken on these representations so far?

Mr. G. R. Clarke: (a) The Manjhaul sub-post office serves 32 villages and has two branch offices in account with it. One village postman is attached to the office.

(b) One of the two branch offices has one village postman attached to it while the other has two.

(c) The Manjhaul sub-office is situated near the Manjhaul Indigo Factory about a mile from the village. Efforts were made several years ago to secure accommodation for the office in the village but these failed and the owners of the Factory, who had previously housed the office free of charge, constructed a building for it and agreed to charge a nominal rent of Rs. 4 a month. The village is visited by the village postman twice a week. The question whether a second delivery agent should be employed, so that the village may be served more frequently, is receiving my consideration.

(d) As stated in the reply to part (c), the question of employing a second village postman is being considered.

(e) A request for the employment of a second delivery agent in the Manjhaul post office was received in 1918 but was not found to be justified. The Superintendent has received no representations from the residents of the village since that time.

WAGON SUPPLY FOR COAL.

220. Mr. W. S. J. Willson: Has the attention of the Government been called to a statement in the "Pioneer" of 6th March 1924 that

"Orders are being received by the collieries for all classes of coal but with the existent orders already in excess of the supply of wagons available it is found impossible to book fresh business unless the buyers can arrange transport. Raisings continue good and prices are steady."

In view of this, will Government be pleased to make a statement as to the present position of the wagon supply and indicate how it is possible for Bengal coal to be sent to Bombay to compete with South African coal, countervailing duty or no countervailing duty?

The Honourable Sir Charles Innes: The Government have seen the statement referred to by the Honourable Member. The present position as regards wagon supply is that during the period from 1st February to 13th March, the daily average number of wagons loaded with coal was 2,836 of which 264 were for shipment. In addition it has been arranged that the Chief Mining Engineer to the Railway Board will release his share of wagons, except those required for export coal, each Wednesday for the next six weeks. I understand that Bengal coal is already competing with South African coal in the Bombay market.

BOOK DEPOT FOR THE SALE OF GOVERNMENT PUBLICATIONS.

221. Sir Purshotamdas Thakurdas: (a) Whether the Government will institute a book depot for the sale of Government publications in Delhi, while they are at Delhi, and in Simla while the Government are in Simla to enable members of the Assembly to purchase these publications in time for use for discussions as they arise in the Legislature?

(b) Are Government aware that no book shop in Delhi has been able to provide volumes of the evidence of the Fiscal Commission, some of which are understood to have been published?

The Honourable Mr. A. C. Chatterjee: (a) Government are advised that the financial return would not justify the expenditure involved in accepting the Honourable Member's suggestion. They will, however, consider the question of affording special facilities to enable members of the Legislature to obtain copies of Government publications at Delhi and Simla with the least possible delay.

(b) Three volumes of evidence of the Fiscal Commission have been published. The demand for such publications is very limited and agents are consequently not prepared to stock them. They may be obtained from the Manager, Government of India, Central Publication Branch, 8 Hastings Street, Calcutta.

CLASSIFICATION OF "DAFTARIS" IN THE GOVERNMENT OF INDIA SECRETARIAT.

222. Mr. K. Ahmed: With reference to the reply given to Dr. Nand Lal's Question No. 352, dated the 28th March 1922, will the Government be pleased to state whether the request contained in the petition of the record-sorter daftaris to the effect that their service be regarded as superior has been accepted? If not, why not?

The Honourable Sir Malcolm Hailey: The answer is in the negative. Government have decided that the class of work which the daftaris perform and their source of recruitment do not warrant the grant to them of such a concession.

FREE FAMILY QUARTERS FOR "DAFTARIS" IN THE GOVERNMENT OF INDIA SECRETARIAT.

223. Mr. K. Ahmed: (a) Are the Government aware whether great discontentment is prevailing among the Daftaris of the Government of India for the want of free family quarters at Simla and Delhi?

(b) If so, do Government contemplate to remove the long standing hardship of these low paid servants by providing a sufficient number of such quarters or granting them a suitable house rent.

The Honourable Sir Malcolm Hailey: (a) Government have received representations on the subject.

(b) Government are doing what they can with the limited funds available to construct quarters for menials in Simla and Delhi. Those who are not at present provided with Government quarters are each given a monthly house rent allowance of Re. 1 in Simla and of Rs. 1-8 in Delhi.

INDIAN CADETS.

224. Sir Purshotamdas Thakurdas: With reference to the announcement in the Gazette of India, dated 8th March 1924, page 203, Part I, under No. 354 London Gazette, will Government be pleased to state if out of the 24 gentlemen cadets announced therein for the Indian Army, they propose to make up, for the three more Indians, who apparently have failed this time to secure a commission, by sending more Indians in the next batch?

Mr. E. Burdon: The attention of the Honourable Member is invited to the reply given on the 18th February 1924, to starred Question No. 321.

The two Indian cadets who have just been commissioned belonged to a batch which entered Sandhurst for the Spring Term 1922. For want of suitable candidates, only 4 were admitted on that occasion; of these, two have passed out successfully and have been commissioned. Of the remaining two, one cadet is still at the College, having been put back one term, while the other was removed because he failed at two consecutive examinations. The vacancy so caused has been filled by the Secretary of State by the admission of an additional candidate for the Spring Term, 1924.

BILL PASSED BY THE HOUSE OF LORDS IN CONNECTION WITH THE
BOMBAY BARODA AND CENTRAL INDIA RAILWAY.

225. **Sir Purshotamdas Thakurdas:** Will Government be pleased to state the purport of the Bill regarding the Bombay, Baroda and Central India Railway passed by the House of Lords recently?

The Honourable Sir Charles Innes: The Government of India understand that the main purpose of the Bill is to enable an annual general meeting of the Bombay, Baroda, and Central India Railway Company, being held in July in place of the two half-yearly meetings in June and December which are now obligatory. The opportunity appears also to have been taken to propose a few minor alterations in the provision of the Bombay, Baroda and Central India Railway Act of 1906 relating to the quorum for general meetings, the maintenance of registers of stock holders and matters of that kind.

EXTENSION OF THE TERM OF REVENUE SETTLEMENT IN THE UNITED
PROVINCES.

266. **Shaikh Mushir Mosain Kidwai:** (a) Are the Government of India prepared to sanction an extension in the term of Revenue Settlement in the United Provinces of Agra and Oudh?

(b) Have the Government of India received any recommendation from the Government of the United Provinces of Agra and Oudh for the extension of the term of the Revenue Settlement in that Province?

Mr. M. S. D. Butler: (a) and (b). Government have received no recommendation such as is referred to in part (b) of the question. Part (a) does not therefore arise.

ILL-TREATMENT OF INDIAN PASSENGERS ON RAILWAYS.

227. **Mr. T. C. Goswami:** (a) Has the attention of the Government been drawn to complaints regarding the ill-treatment of Indian passengers and differential treatment as between Indian and Eurasian or European passengers, which from time to time appear in the press, and particularly to a series of recent complaints in the "Forward"?

(b) If so, do Government propose to issue strict instructions to railway servants with a view to putting a stop to these inconveniences?

The Honourable Sir Charles Innes: (a) Government have noticed from time to time complaints of a general nature in newspapers.

(b) The Railway staff have special instructions to treat all passengers with courtesy and give them all possible help and the recent complaints in the newspaper "Forward" will be brought to the notice of the Agent, Eastern Bengal Railway.

MILITARY STUDENTS IN THE CALCUTTA MEDICAL COLLEGE.

228. **Mr. T. C. Goswami:** (a) How many military students are there in the Calcutta Medical College?

(b) Is it not a fact that these students are admitted on a qualification (academic) far below that of the average Indian students?

(c) How much do they cost per annum? What other facilities do they enjoy as compared to ordinary students?

Mr. E. Burdon: (a) 11.

(b) European and Indian students admitted to the Calcutta Medical College for the purpose of studying for the M. B. degree of the Calcutta University, have, on an average, a better standard of preliminary education than the military medical pupils.

(c) Rs. 1,226 per annum. As regards the second part of the question, military medical pupils are trained under the rules laid down in the "Memo- randum for the admission of candidates into the Assistant Surgeon Branch of the Indian Medical Department", a copy of which will be found in the Library.

TRAINING OF INDIANS IN ORDNANCE FACTORIES.

229. **Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state whether they have taken any steps to use their ordnance factories for training educated Indian youths in supervising mechanical work and in taking a proper share in the management of industrial establishments?

(b) If any scheme has received the sanction of the Government in this connection, will Government be pleased to lay it on the table?

Mr. E. Burdon: (a) and (b). A formal scheme for the training of apprentices in Ordnance Factories in India has recently been sanctioned. A copy of the papers is laid on the table.

Copy of letter No. 1048/4 (0-3), dated the 19th January 1924, from the Secretary to the Government of India, Army Department, Simla, to the Director-General of Ordnance in India.

SCHEME FOR THE TRAINING OF APPRENTICES IN THE ORDNANCE FACTORIES IN INDIA.

I am directed to say that the Government of India have had under consideration the question of the training of apprentices in the Ordnance Factories in India. They are aware that the system of training boy artisans in the Ordnance Factories in India has been in vogue for the past 50 years and owing to the insufficiency of imported supervision and the difficulties experienced in recruitment during the war, tentative minor schemes for the training of lads in the several Ordnance Factories in India were also started with the object of producing men who would eventually be capable of taking up the duties of foreman, the intention being that they should rise through the lower grades of chargemen, etc. Apprentice training on certain undefined lines has thus been in force in the Ordnance Factories in India for many years.

2. The Government of India have decided that the system of training apprentices in the Ordnance Factories in India should now be clearly defined and formally authorised. I am therefore to convey their sanction to the adoption of the scheme which has been proposed by you and is defined in the annexure to this letter.

3. The expenditure which may be incurred on this account during 1924-25 exclusive of that charged direct to production should not exceed Rs. 50,000, and the corresponding expenditure in the years succeeding 1924-25 will be limited to the budget provision sanctioned during those years for the purpose.

Annexure to Army Department letter No. 1048/4 (0-3), dated the 19th January 1924.

I. The maximum number of apprentices that may be taken are:—

Metal and Steel Factory and Rifle Factory, Ishapore and Gun and Shell Factory, Cossipore (3) factories	120
Gun Carriage Factory, Jabalpur	50
Ammunition Factory, Kirkee	40
Cartridge Factory, Aruvankadu	40
Harness and Saddlery Factory, Cawnpore	40
Total	290

These numbers allow for some lads dropping out and for supplying most of the chargemen and foremen ranks of the factories. The totals will not be reached till the courses have been going for 4 years.

II. Age.—Normally 15 to 19 years, but discretion is given to the Director of Ordnance Factories to modify according to supply and demand and experience.

III. The pay of apprentices will not exceed:—

	Rs.	
1st year	40 per mensem.	If housed by the State, Rs. 20 per mensem will be deducted.
2nd "	50 " "	
3rd "	60 " "	
4th "	70 " "	
5th "	80 " "	
6th " (in the case of Cawnpore alone)	100 " "	

IV. Housing in hostels will be provided when funds can be made available for the purpose.

V. Theoretical Instruction.—The standard aimed at is that of Woolwich Trade lads syllabus 10 to 12 hours a week in factory; working hours should be devoted to this instruction.

The actual theoretical instruction will be given in any of the following ways, or a combination of them, at the discretion of the Superintendent:—

- Instruction by members of the factory staff.
- Utilization of educational establishment in the neighbourhood.
- International Correspondence School ("I. C. S.") course. (These are of very wide use in England and America; they are based on long experience and are very practical, especially when supervised by a member of the staff and worked in conjunction with the factory).

VI. The factory will pay fees for the correspondence courses. (A complete course may amount to about £35 per apprentice spread over 4 or 5 years). College fees may also be paid in lieu of or complementary to a correspondence course. These fees should not exceed Rs. 10 per mensem a head and will be unnecessary if the instruction is given by the factory staff, which is provided for in paragraph 7.

VII. Superintendent of each Factory having apprentices is empowered to spend up to a rate Rs. 300 a month in any one year under the following headings:—

- fees to members of the factory staff for supervision and instruction of apprentices (in and out of factory work hours);
- fees to outside instructors, where necessary;
- books, stationery, instruments and educational appliances, such as the apprentices are not required to provide themselves;
- prizes for apprentices;
- examiners' fees.

The expenditure in all the Factories will be controlled by the Director of Ordnance Factories to ensure approximately similar grants, fees, etc., being paid in every case and will be subject to audit by the Controller of Army Factory Accounts.

If complete instruction is given by outside agency (e.g., colleges or correspondence course), the Rs. 300 will be reduced to Rs. 100 as fees under (a) and (b) would only be necessary for supervision and reduced instruction.

VIII. Each apprentice will be indentured and an approved form of agreement should be used for this purpose, which is left to the discretion of the Director-General of Ordnance in India.

IX. An entrance examination or test may be carried out at Superintendent's discretion to see that a lad is educationally fit to benefit by the course. Minimum educational standard for consideration is passed Matriculation, but preference will be given to those who have passed Intermediate Arts or Intermediate Science Standard; or an equivalent standard in European Schools.

X. The Ordnance Factories do not pledge themselves to employ the apprentices on completion of their course, though they will do their best to give or secure employment for them. Nor will it be obligatory on the apprentices to remain in the factories on completion of the course.

XI. 15 days' leave in the year may be allowed as necessary as now given to lower supervising staff.

V.B.—Applicants desirous of undergoing an apprenticeship under this scheme should apply direct to the Superintendent of the Factory they wish to serve in.

WORKING HOURS OF POSTAL CLERKS ON WEEK DAYS, HOLIDAYS AND SUNDAYS.

230. **Mr. N. M. Joshi:** Will Government be pleased to state the number of hours for which a clerk in the post office has to work on full working days and on holidays and Sundays?

Mr. G. R. Clarke: A clerk in a post office is required to be on duty for 8 hours on ordinary working days.

With respect to Sundays and Post Office holidays an endeavour is made to give as many clerks as possible a complete holiday, but from the nature of postal work, a small staff has to attend for a few hours especially in busy centres. No actual time is fixed.

FURTHER CONSTITUTIONAL ADVANCE IN INDIA.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadian Rural): May I ask a question of which I have given private notice to the Honourable the Home Member? Is the Honourable Member in a position to make any statement regarding the statement recently made by the Under-Secretary of State for India in the House of Commons about further constitutional advance in India.

The Honourable Sir Malcolm Hailey (Home Member): Yes, Sir. The House will remember that in reply to a question asked by Sir Henry Craik whether he was to understand that Government did not intend to take any steps which would change the Government of India Act, until 1929, Mr. Richards said that it was precisely the position. We have since been informed, that the suggestion which has appeared in some of the papers to the effect that Mr. Richards did not rightly hear the latter part of Sir Henry Craik's question, is correct, and that this is the reason why Mr. Richards gave an answer in that particular form.

HOLDING OF A CIRCUIT COURT IN DELHI.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadian): May I also put a question of which I have given private notice to the Honourable the Home Member? It reads as follows:

"(1) (a) Will the Government be pleased to state whether they have received any communication from the Judges of the Punjab High Court regarding the holding of a Circuit Court in Delhi?

(b) If so, what action they have taken or propose to take on the subject?

(2) (a) Is it a fact that the Lahore High Court has recommended to the Government that, if a Court House is provided in Delhi, the Judges are prepared to hold Court in Delhi to facilitate the disposal of cases?

(b) Will the Government be pleased to state what action they intend to take on this proposal of the Punjab High Court?"

The Honourable Sir Malcolm Hailey (Home Member): (1) (a). Yes.

(b) Under clause 33 of the Letters Patent constituting a High Court of Judicature at Lahore the control of the places where special commission and circuits of the Court shall sit is vested in the Government of the

[Sir Malcolm Hailey.]

Punjab. The Government of India have therefore consulted the Government of the Punjab upon the proposal and they have also consulted the Chief Commissioner of Delhi.

(2) (a) Yes.

(b) For the present Government must await the replies from the Local Government and the Chief Commissioner.

FRANCHISE FOR WOMEN.

Mr. Bhubanananda Das (Orissa Division: Non-Muhammadan): Will the Honourable the Home Member kindly answer the following four questions of which I have given him private notice:

"1. Have Government seen the proceedings of a meeting of ladies of Bombay on 13th instant demanding full enfranchisement of the women of India?

2. (a) Is it not a fact that the women of Madras do exercise the right of voting for election to the Central and Provincial Legislatures?

(b) Why is it that their sisters of other Provinces are denied similar privileges?

(c) Will Government take early steps to revise or amend the franchise constitution so that the women of India may exercise their just rights of voting?

3. (a) Are Government aware that under the rules no woman can be nominated as a Member of the Assembly?

(b) Will they take an early opportunity of amending the rules and of nominating a lady to the Central Legislature for any vacancy that may occur hereafter among nominated members?

4. Have Government received any representation on this subject:

(i) at the time of the consideration of Reforms in 1919?

(ii) at any subsequent date?"

The Honourable Sir Malcolm Hailey (Home Member): 1. Government have seen a newspaper report of the proceedings of the meeting of ladies of Bombay referred to by the Honourable Member.

2. (a) As far as the Government of India are aware, the sex-disqualification for registration on the electoral rolls was removed in the case of Madras, Bombay and the United Provinces Legislative Councils. It was never imposed in the case of the reformed Burma Legislative Council.

(b) and (c). Under Rule 7 of the Provincial Legislative Councils, women are not entitled to have their names registered on the electoral roll of a constituency; but if a Resolution is passed by the Council, after not less than one month's notice has been given, recommending the removal of the sex disqualification for registration, the Local Government is required to make regulations providing that women or a class of women shall not be disqualified for registration by reason only of their sex. The question is, therefore, one for the Legislative Councils concerned and not for the Government of India.

As the Honourable Member is aware, a Resolution on the subject was passed in the Legislative Assembly in February 1922. Under the second proviso to sub-rule (1) of rule 7 of the Legislative Assembly electoral rules, the adoption of this Resolution has had the effect of removing the sex

qualification for registration on the electoral rolls of constituencies of the Assembly for women generally or a class of women if the disqualification has been removed for the Provincial Councils. That is, women are now eligible, if otherwise qualified, to be electors for constituencies of the Assembly in Madras, Bombay, the United Provinces and Burma.

3. (a) Yes.

(b) Government are unable to give any such undertaking at present.

4. The question was discussed in paragraph 8 of the Franchise Report and the views of the Government of India are contained in paragraph 3 of their fifth Despatch on Reforms. Several witnesses including Mrs. Sarojini Naidu gave evidence before the Joint Select Committee on the Government of India Bill on the subject. The recommendations of the Committee are contained in paragraph (e) of the report on clause 7 of the Government of India Bill, and have been given effect to in the provisions of the rules which I have summarised in my answer to part 2 of the question. A representation on the subject was received in 1920.

Mr. Bhubanananda Das: Do Government realise that one-half of the population of India—the better half of it—have no representation either in the Provincial or in the Central Legislature of India? It is not registration of women as voters I ask for, but I ask for the privilege for women to be elected as Members of the Central and Provincial Legislatures.

The Honourable Sir Malcolm Hailey: I have already given some information regarding the extent to which they are eligible as electors to the different Councils in India.

Mr. Bhubanananda Das: Are the Government aware that there are lady members in different Municipalities of various large cities in India and whether they have any objection to their becoming Members of this Assembly?

The Honourable Sir Malcolm Hailey: I am aware of the fact referred to in the first part of the Honourable Member's question. As regards the second part, I myself have no personal objection to the admission of the ladies to this Assembly. I am not sure however that there is a general desire for the alteration of the Legislative Rules to admit this.

Mr. Bhubanananda Das: Will Government take steps to amend the Rules?

The Honourable Sir Malcolm Hailey: Not, as at present advised.

MOTION FOR ADJOURNMENT.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to ask for leave to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance of which I have given notice both to the Honourable the Home Member and to the Secretary of the Legislative Assembly. The matter of urgent public importance to which I refer is as follows. Honourable Members will remember that the Union Government of South Africa have recently drafted and placed before the Union Parliament a measure known as the Class Area Bill, the intention of which is to restrict, for purposes of residence and trade, areas of the municipalities of South Africa, and thus segregate persons of non-European domicile. The first reading of this Bill took place on the 5th of this month and a discussion took place in another place and the Honourable Sir Narasimha

[Dr. H. S. Gour.]

Sarma, assured that House that he had asked for a full summary of the speeches delivered in the Union Parliament on that date. That was, Sir, on the 19th of this month. On the same date I received a cablegram from the South African Indian Congress from Durban which I wish to read to the Honourable Members of this House. It reads as follows:

"South African Indian community submits notwithstanding strongest protests Union Government determined carrying through Class Areas Bill violating pledges given. Bill indefensible. Foreigners, also Euro-Africans, Malays and natives being exempted. Bill will apply only to Indians. Euro-Africans, Malays and natives assembled in thousands in Cape Town. Assured Mrs. Sarojini Naidu of support to Indians in opposition to Bill. Indians will never submit segregation. Inform India. Please take such action as you think best."

Thereupon I put myself in communication with the Honourable Sir Narasimha Sarma and also gave notice of my intention to draw the attention of this House to this threatened piece of legislation which, if enacted into law, will not only violate the agreement which the South African Government had made with the Indian representatives in 1914 but an agreement which the then Cabinet had approved and ratified and promised to adhere to. The matter of urgency lies in this fact that the first reading being over, nobody, even I think the Honourable Member in charge of this Department, will be able to assure this House that the second reading of this measure will not be pushed on with, or has not already taken place, and if it has not already taken place that it will be deferred until this Assembly meets again in the ensuing May session. That, therefore, Sir, is a matter of great urgency. We must express our views on this great subject of the position and status of Indians overseas. That it is a matter of public importance would, I think, admit of no doubt. I do not think the Honourable Member who will respond on behalf of Government will place any impediment in the way of free discussion by Members of this House, before we disperse, on this question upon which Indian opinion is unanimous, and upon which Indians individually and collectively feel keenly. I, therefore, Sir, ask for the necessary leave to adjourn the House.

Mr. President: The information which the Honourable Member has laid before the House does not appear to me to bring this motion within the terms of Rule 11. Nothing has arisen within the last day or so which would justify my bringing it within that rule. It is a matter which is already of some duration and it therefore cannot be ruled as urgent in the sense of the rule. As the Honourable Member is himself quite aware, the Bill was introduced some three weeks ago and nothing has occurred since then to bring it within the immediate scope of action of the Governor General in Council.

Dr. H. S. Gour: The cablegram that I have received that the second reading is to be pushed on with, and of which I sent a copy to the Honourable Sir Narasimha Sarma, from whom I elicited an expression of opinion as to whether he is in a position to state whether the second reading will be deferred, is a question of urgency. So far as I was able to judge from the replies I received from the Honourable Member, he was not in a position to say that the second reading of that Bill was over or would take place shortly. But judging for myself from the telegram I have received, I think the second reading will come on within the next few days. That, I submit, makes it a matter of extreme urgency. I would ask Mr. Butler to inform this House whether the speeches he has cabled for have arrived and whether he is in a position to give further informa-

tion as to the progress this Bill is making in the Union Parliament. If there is no certainty of pushing on with this measure in the Union Parliament I will not press my motion, but from information that I have received and which I have conveyed to this House, it seems to me to be clear that the Union Government seem anxious to rush this measure within the next few days. I therefore think that it is a matter of urgency. The matter has been debated elsewhere and I submit that this House should also be given an opportunity of discussing the question.

Mr. M. S. D. Butler (Secretary, Department of Education, Health and Lands): Naturally, Sir, there is no disinclination on the part of Government to have a discussion on this subject. There has already been discussion in another place on a Resolution brought forward in the ordinary manner, and Government will be equally ready to have a discussion here if the rules so permit. For the present all I need do is to give the information asked for about dates. It was at the beginning of January last that it became known in India generally that a Bill was going to be brought forward in South Africa. The actual text of the Class Areas Bill was published in India first on the 2nd February last. On the 15th February Mr. Gandhi published his detailed views on the Bill. The Government of India were not idle and asked the South African Government what their intentions were. They told us that they hoped to introduce the Bill on the 5th March last and to proceed with the second reading later on. There have been *pourparlers* going on in South Africa between the Indian residents there and the South African Government. Whether the Bill has formally been introduced or not as yet I do not know, but it seems clear that the second reading has not taken place because we have made arrangements to get a full summary of the debate, and as yet have received nothing. The telegram read out by the Honourable Member does not state that the second reading is coming on at once, but it may be that it is. Obviously there has been some delay over the Bill and we do not know exactly what the position is at the moment.

Dr. H. S. Gour: In view of the facts stated by Mr. Butler that the information conveyed to the Government of India is to the effect that the first reading of the Bill would take place on the 5th and the second reading later on, and that the matter is under discussion, may I, Sir, state that it is a matter of extreme urgency to the Members of this House, and that you should exercise your power to give me the leave I apply for?

Mr. President: Rule 11 is designed to give opportunity to this House to discuss matters that do not arise under normal procedure. The Secretary, Education, Health and Lands Department, has just informed the Assembly that this Bill was actually received and known in detail in India on the 2nd February. It has therefore been open to Members of this House to raise the question in many different forms on the basis of the information conveyed in the terms of the Bill itself. A Government, when it introduces a Bill, must be supposed to have the intention of proceeding with it. Therefore the intention of the Government of South Africa to proceed with the Bill which was published at least two months ago, and which has been introduced, must be held to have been established, and I cannot see that there is anything in the nature of urgency in the question. And as the Honourable Member himself has pointed out, a debate has arisen in another place on this very subject and I do not think it would be a proper use of the rules to allow him to move the adjournment of the business of the Assembly on that subject this afternoon.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Malcolm Hailey (Home Member): Sir, I beg to lay on the table the information promised in reply to a question by Maulvi Muhammad Yakub, asked for on the 4th February, 1924, regarding the Committees and Commissions appointed since 1921 and the cost of each such Committee or Commission.

Statement showing the Committees and Commissions appointed since 1921 and the cost of each such committee or commission.

1	2	3	4	5
Serial No.	Name of Committee or Commission.	By whom appointed.	Cost.	REMARKS.
			Rs. A. P.	
1	Committee on Public Petitions . . .	Government of India at the instance of the Indian Legislature.	Nil.	...
2	Staff Selection Board Committee . . .	Ditto.	Nil.	...
3	Indian Arms Rules Committee . . .	Ditto.	16,046 1 0	Actual.
4	The Press Laws Committee . . .	Ditto.	18,317 0 0	Do.
5	The Repressive Laws Committee . . .	Ditto.	14,058 0 0	Approximate.
6	The Racial Distinctions Committee . . .	Ditto.	35,821 9 8	Actual.
7	Frontier Enquiry Committee . . .	Ditto.	76,550 0 0	Do.
8	Piece Workers' Committee . . .	Ditto.	2,911 13 3	Do.
9	Railway Industries Committee . . .	Ditto.	Nil.	...
10	Seamen's Recruitment Committee . . .	Ditto.	7,383 13 11	Actual.
11	The Military Requirements Committee . . .	Ditto.	6,929 0 0	Approximate.
12	The Committee appointed to consider the Esher Committee's Report.	Ditto.	Nil.	...
13	Government Securities Committees (one in Bombay and one in Calcutta).	Ditto.	11,000 0 0	Actual.
14	Railway Finance Committee . . .	Ditto.	67,916 0 0	Approximate.
15	Railway Risk-note Committee . . .	Ditto.	4,186 0 0	Do.
16	The Cantonment Reforms Committee.	Government of India.	...	Unknown.
17	The Indianization Committee . . .	Ditto.	...	Do.
18	The Waziristan Committee . . .	Ditto.	...	Do.
19	The Braithwaite Committee . . .	Ditto.	22,448 0 0	Actual.

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STATEMENTS LAID ON THE TABLE.

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Statement showing the Committees and Commissions appointed since 1921 and the cost of each such committee or commission—contd.

1	2	3	4	5
Serial No.	Name of Committee or Commission.	By whom appointed.	Cost.	REMARKS.
			Rs. A. P.	
20	The Indian Retrenchment Committee . . .	Government of India at the instance of the Indian Legislature.	71,000 0 0	Actual.
21	The Tariff Board . . .	Ditto.	1,500 0 0	Estimated.
22	Indian Mercantile Marine Committee . . .	Ditto.	54,500 0 0	Do.
23	Committee to make recommendations regarding the reorganization of the administrative methods of the Forest Department.	Ditto.	4,450 0 0	Approximate.
24	Bengal Pilot Service Committee . . .	Government of India.	6,000 0 0	Estimated.
25	Deck Passenger Committee . . .	Ditto.	59,934 0 0	Actual.
26	Machinery Committee . . .	Ditto.	1,200 0 0	Do.
27	Railway Accounts Committee . . .	Ditto.	68,050 0 0	Approx. not
28	Railway Depreciation Committee . . .	Ditto.	38,933 0 0	Do.
29	Railway Statistics Revision Committee.	Ditto.	27,870 0 0	Do.
30	Coal Dust Committee . . .	Ditto.	12,560 0 0	Do.
31	New Capital Enquiry Committee . . .	Ditto.	8,500 0 0	Actual.
32	Preliminary Committee on Workmen's Compensation Bill.	Ditto.	3,913 0 0	Do.
33	Second Telegraph Committee . . .	Ditto.	2,500 0 0	Do.
34	Pope Committee . . .	Ditto.	...	Unknown.
35	Committee on Police Uniforms . . .	Ditto.	1,500 0 0	Estimated.
36	Burma Reforms Committee . . .	Ditto.	20,000 0 0	Approximate.
37	Calcutta High Court Committee . . .	Ditto.	2,934 0 0	Actual.
38	Indian Bar Committee . . .	Ditto.	1,12,000 0 0	Estimated.
39	Civil Justice Committee . . .	Ditto.	2,50,000 0 0	Do.
40	Royal Commission on Superior Services in India.	His Majesty's Government.	3,00,000 0 0	Approximate.
	Total . . .	...	15,80,411 11 10	

Statement showing the Standing Committees and Select or Joint Committees appointed since 1921, and the cost of each such Committee.

Serial No.	Name of Committee.	Cost of sitting of Committee.			REMARKS.
		Rs.	A.	P.	
1	The Standing Emigration Committee . .	5,140	12	0	Actual.
2	Statute Law Revision Committee . .	1,831	5	0	Approximate.
3	Joint Committee on Code of Criminal Procedure (Amendment) Bill.	3,978	6	0	Actual.
4	Standing Finance Committee (1921) . .	4,700	0	0	Actual.
5	Joint Committee on the Cotton Transport Bill.	1,843	9	0	Actual.
6	Joint Committee on the Indian Boilers Bill .	3,951	13	0	Actual.
7	Joint Committee on the Indian Mines Bill .				
8	Select Committee on the Abolition of Transportation Bill.	180	0	0	Approximate.
9	Standing Finance Committee (1922) . .	4,579	4	0	Actual.
	Total	26,205	1	0	

I also lay on the table the information promised in reply to an unstarred question by Diwan Bahadur M. Ramachandra Rao asked on the 10th March, 1924, regarding the appointments and salaries of certain classes of officers in the Departments of the Government of India.

Information promised by the Hon'ble Sir Malcolm Hailey in reply to Diwan Bahadur M. Ramachandra Rao's question in the Legislative Assembly No. 195, on the 10th March 1924.

Departments.	Appointments and salaries attached thereto now reserved by Statutory Rules for members of the I. C. S.	Appointments and salaries attached thereto now held by members of the Provincial Services.	Appointments and salaries attached thereto now held by officers who do not belong either to the I.C.S. or to P.C.S.	REMARKS.
	(a)	(b)	(c)	
Army . .	Nil.	Nil.	One Establishment officer on Rs. 1,500—50—1,750.	
Commerce .	One Secretary on Rs. 4,000 per mensem.	Nil.	2 Assistant Secretaries on Rs. 1,000—50—1,250 per mensem each.	

Information promised by the Hon'ble Sir Malcolm Hailey in reply to Diwan Bahadur M. Ramachandra Rao's question in the Legislative Assembly No. 195, on the 10th March 1924—contd.

Departments.	Appointments and salaries attached thereto now reserved by Statutory Rules for members of the I.C.S.	Appointments and salaries attached thereto now held by members of the Provincial Services.	Appointments and salaries attached thereto now held by officers who do not belong either to the I.C.S. or the P.C.S.	REMARKS.
	(a)	(b)	(c)	
Foreign and Political Department.	Nil.	Nil.	*1 Political Deputy Secretary, *Additional Deputy Secretary (Foreign) sanctioned up to end of March 1924. 1 Under Secretary (Pay and personal pay on the time scale of the Political Department of the Government of India plus special pay of Rs. 300 per mensem). 1 Assistant Secretary on Rs. 1,900—50—1,250. 1 Attaché on Rs. 600—40—1,000.	* Pay and personal pay on the time scale of the Political Department of the Government of India plus special pay of Rs. 400 per mensem subject to a maximum of Rs. 2,250 including special pay but exclusive of overseas pay.
Legislative .	†1 Secretary on Rs. 4,000. 1 Joint Secretary on Rs. 3,000. 1 Additional Joint Secretary on Rs. 3,000. †1 Deputy Secretary on Rs. 2,000. 1 Additional Deputy Secretary (temporary) on Rs. 2,075.	Nil.	1 Deputy Secretary on Rs. 2,000. 1 Solicitor on Rs. 2,000—100—2,500. 1 Assistant Solicitor on Rs. 1,200—50—1,800. 1 2nd Assistant Solicitor on Rs. 1,000—50—1,200.	† If the post of Secretary is held by a member of the I.C.S. the post of Deputy Secretary is not reserved for that service and vice versa.
Railway .	Nil.	Nil.	1 Chief Commissioner of Railways on Rs. 6,000. 2 Members on Rs. 4,000 per mensem each. 1 Chief Engineer and 1 Chief Mechanical Engineer on Rs. 2,750—125—3,000 per mensem each. 1 Secretary on Rs. 2,000—100—2,500. 1 Joint Secretary on Rs. 1,800—100—2,000. 4 Assistant Secretaries each on Rs. 775—1,625 per mensem plus a duty allowance of Rs. 250.	

Information promised by the Hon'ble Sir Malcolm Hailey in reply to Diwan Bahadur M. Ramachandra Rao's question in the Legislative Assembly No. 195, on the 10th March 1924—concl'd.

Departments.	Appointments and salaries attached thereto now reserved by Statutory Rules for members of the I. C. S.	Appointments and salaries attached thereto now held by members of the Provincial Service.	Appointments and salaries attached thereto now held by officers who do not belong either to the I.C.S. or the P.C.S.	REMARKS.
	(a)	(b)	(c)	
Education, Health and Lands.	1 Secretary on Rs. 4,000. 1 Deputy Secretary on Rs. 2,500.	Nil.	1 Educational Commissioner on Rs. 2,500—100—3,000.	
Industries and Labour.	1 Secretary on Rs. 4,000. *2 Deputy Secretaries (pay under the superior time scale for the I.C.S., with a duty allowance of Rs. 400 subject to a maximum of Rs. 2,250 including duty allowance but exclusive of overseas pay).	Nil.	2 Assistant Secretaries on Rs. 1,000—50—1,250 per mensem each.	*One post of Deputy Secretary at present held by a member of the Indian Service of Engineers under special sanction.
Finance	1 Secretary on Rs. 4,000. 1 Deputy Secretary (pay under I.C.S. superior time scale plus special pay Rs. 400 subject to a maximum of Rs. 2,250).	Nil.	1 Additional Deputy Secretary on Rs. 2,500. 1 Under Secretary (Pay under time scale of Indian Audit and Accounts Service plus special pay of Rs. 300). 1 Assistant Secretary (Pay under time scale of Indian Audit and Accounts Service plus special pay Rs. 250). 1 Assistant Secretary on Rs. 1,000—50—1,250.	
Military Finance.	†1 Financial Adviser, Military Finance, on Rs. 3,250.	Nil.	4 Deputy Financial Advisers. (Pay in Audit Department plus Rs. 400 special pay, subject to maximum of Rs. 2,250). 6 Assistant Financial Advisers on Rs. 1,000—50—1,250 per mensem each.	†At present held by a non-I.C.S. officer with special sanction of Secretary of State in Council.
Home	1 Secretary on Rs. 4,000. 1 Joint Secretary (temporary) on Rs. 3,000. 1 Deputy Secretary (Pay under superior time scale for the I.C.S., plus Rs. 400 special pay, subject to a maximum of Rs. 2,250, exclusive of overseas pay).	Nil.	3 Assistant Secretaries on Rs. 1,000—50—1,250 per mensem each.	

THE INDIAN CRIMINAL LAW AMENDMENT BILL.

The Honourable Sir Malcolm Hailey (Home Member): Sir, if I have your permission, I desire further to move:

"That the instructions given to the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of 18 years, to present its report on or before the 26th March, 1924, be withdrawn."

That date was given to the Committee because of the prescription of the rule, which provides a minimum of three months. It was necessary therefore to lay down a definite date in order that the report might be submitted before that period. Now that three months will elapse before the Assembly meets again, the prescription of that date is no longer necessary, and I beg to move therefore that it be withdrawn.

The motion was adopted.

GOVERNOR GENERAL'S ASSENT TO THE AMENDMENT OF STANDING ORDERS.

Mr. President: I have to acquaint the Assembly that I have received the assent of His Excellency the Governor General to the amendment of the Standing Orders passed by the Legislative Assembly on the 18th March 1924.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I ask leave to introduce a Bill to amend the Imperial Bank of India Act, 1920. The House will remember that in the course of last Summer, in connection with the Alliance Bank failure, I made a promise on behalf of the Government that we would take into consideration the question of amending the Imperial Bank of India Act, 1920, in such a way as to make it possible for the Imperial Bank to intervene effectively where it thought it desirable to do so, in order to prevent or mitigate the consequences of a banking or financial crisis. This Bill is confined strictly to the carrying out of that pledge. I ask leave, Sir, to introduce.

The motion was adopted.

The Honourable Sir Basil Blackett: I introduce the Bill. I also move:

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

It seemed to us that the best way of securing the right Bill would be for us to introduce a Bill and have it circulated for opinion in order that the matter might be ventilated in public.

Mr. K. Rama Aiyangar (Madura and Ramnad cum Tinnevely: Non-Muhanunadan Rural): Sir, this being the opportunity for us to state our views in regard to the principle underlying the Bill, I beg to suggest as regards section 13A that there is no safeguard which will assure this House that the powers are going to be exercised with caution, looking to the interests of the country and the Bank, as provided by the enactment. Section 13 of the Act says that with the sanction of the Governor General

[Mr. K. Rama Aiyangar.]

in Council, the Bank may enter into negotiations for and purchase, and take over the business, including the capital, assets and liabilities, etc., with the explanation:

"For the purpose of this section 'banking company' means any company formed for the purpose of carrying on the business of banking and registered under the Indian Companies Act, 1913, or the law relating to companies for the time being in force in British India."

What is proposed to be done is to add to section 13 the qualification:

"Notwithstanding anything contained in Schedule I, the Bank may, for the purpose of averting the winding up of any company which is a banking company within the meaning of section 13 and of which the capital is divided into shares, or, where any such company is being wound up, of facilitating the winding up, advance or lend money to, or open a cash-credit in favour of such company or the liquidators thereof, as the case may be, upon the security of the assets of such company."

If I remember aright, Sir, the effect of the discussion in the Legislative Assembly in Simla, was that in such cases, where the Government proposed that the Bank should take up these questions or help the Bank to relieve the financial crisis in respect of any concern, the Government should give opportunities for the Assembly to know it, and that it should see that crises are averted not only in the case of a company like the Alliance Bank, but also in respect of Indian companies that are in existence and may come into existence. The object with which this clause is added by the Honourable Member will not be attained, namely, that the Government should help other companies which are in difficulties. Whatever that may be, if it is thought it will be quite proper to leave the whole thing to the Bank itself without the Government having any control over such undertakings being taken up by the Bank the Assembly may not be satisfied. To leave it like that wholesale in the hands of the Bank was not intended by the Legislative Assembly. It will be very well for the Government to have the control and allow the exercise of it in favour of other companies also, which might come under similar crises, and if that was the object, I only beg to point out that that object may be kept in view. Government's control should be retained and also such information given to the Assembly as might be needed to keep the House informed of the circumstances in each case that arises. With these words I do not propose to oppose the circulation; I only wanted to mention my views.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, I believe my Honourable friend, Mr. Rama Aiyangar, is not correct in regard to his statement of the result of the discussion which took place in Simla last September. I do not think it was the intention of the Assembly then that the Government should exercise any control over matters of this sort. Very probably the less control and interference by Government, the better. There are one or two points, however, upon which I should like to elicit information from the Honourable Member. One arrangement for tiding over crises of this sort is to provide facilities for a number of banks to form a syndicate and go to the help of the bank which is in a shaky condition, or is in need of help, and to enable the Imperial Bank to advance money to this syndicate.

I do not know however whether the provision now made will meet that end, whether it will permit the Imperial Bank to advance money to a number of other banks, not banks which are failing but other banks which

wish to go to the rescue of the bank which is in a shaky condition. Now again do I know whether this provision will enable the Imperial Bank to combine with other banks and participate in the loans or help to be given or rendered to any bank which may be in danger of failure. Upon these two points I should like it to be made quite clear that the Imperial Bank would be placed in a position either to combine with other banks to form a consortium, or advance money to other banks which form a consortium for the purpose of going to the rescue of the failing Bank. Another thing I should like to have made clear is that this section should not by itself be taken to dispense with the necessity for caution in the management of the Imperial Bank, in the handling of its monies. Of course it is merely an enabling section. As I read it, it does not authorise the Imperial Bank to lend money upon the worthless security of a company's assets. It does not give it *carte blanche* to do anything it pleases to the detriment of its shareholders and to the detriment of its largest depositor, the Government of the country. Upon all these points I should like the position to be made clear. I have not been able to consult the provisions of the original Act and I am not therefore in a position to say whether my doubts are well founded or whether the objects I have in view will be adequately met by the present provisions. I merely mention these points to elicit information from Government.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, on a point of information, will the Honourable the Finance Member be pleased to state, judging from the objects and reasons given by him for introducing the Bill, whether the failure of the Alliance Bank could have been prevented if the contemplated Bill had been introduced in time?

The Honourable Sir Basil Blackett: It is very difficult to answer a hypothetical question such as the last one that was put to me, and I do not think I ought even to attempt to answer it. What one can say is that, if this Bill had been an Act at the time when the failure of the Alliance Bank was imminent, it would have been possible to have mitigated the consequences of that failure without the direct intervention of Government, for which intervention this House censured the Finance Member last summer.

The first speaker was quite wrong in saying that the House last year took the view that the Government ought to intervene to prevent failures of banking or other companies. The view taken by the House, as Sir Sivaswamy Aiyer has said, was the less the Government intervene the better—the more this became a matter that was dealt with without Government action the better for the country, and the purpose of this Bill is so far as possible to relieve the Government of the liability of having to intervene as a *deus ex machina*.

Regarding the special question put to me by Sir Sivaswamy Aiyer, everything of course depends upon the circumstances of particular cases; but this clause would certainly enable the Imperial Bank of India to enter and take part in, or even to organise, a consortium of banks to deal with a pending bank failure in a way it could not do without this section.

Regarding the second point, this is entirely an enabling section. It neither authorises, nor encourages, nor justifies the Imperial Bank of India to act with anything but that due caution which has been one of the features of its banking history.

Mr. President: The question is:

"That the Bill to amend the Imperial Bank of India Act, 1920, be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

THE COURT-FEES (AMENDMENT) BILL.

The Honourable Sir Malcolm Hailey (Home Member): Sir, I move:

"That the Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Chimanlal Setalvad, Mr. K. C. Neogy, Sir Henry Moncrieff Smith, Mr. H. E. Holme, Rai Sahib M. Harbilas Sarda, Dr. H. S. Gour, Khan Sahib Maulvi Ghulam Bari, Maulvi Mohammad Yakub, Mr. Ahmad Ali Khan, Mr. E. G. Fleming, Mr. H. Tonkinson, Mr. N. M. Dumasia, Mr. Gaya Prasad Singh, and Mr. S. C. Ghose—to which I would add now, if I may, the name of Mr. W. T. M. Wright; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

In putting this motion I think I may fairly say the House, if it accepts it, will not commit itself to any question of principle. The Bill is one of detail and not of principle. Indeed the only principle to which the House will commit itself is that the existing Act needs revision, and I think that the House will find little difficulty in committing itself to that proposition. As I said before, we propose now to circulate the papers connected with the Bill and to obtain opinions from Local Governments, judicial bodies and legal associations in time to place them before the Select Committee when it assembles at or before the next regular session in September. I only wish to make one addition to what I have said: I much regret that I was not able to propose on the Select Committee other names representing a party in this House which we should be glad to see take part in a business of this nature which is not contentious, is not strictly Government business, adds nothing to Government revenues but does vitally affect every litigant who goes to the courts of this country. Even now I should be willing to make, with your permission, any addition to the names I have put forward.

Mr. Harchandrai Vishindas (Sind: Non-Muhammadan): Sir, before I heard the announcement from the Honourable the Home Member, I had intended to move an amendment that the Bill be circulated for opinion before the Select Committee is appointed. However, as the Honourable Sir Malcolm Hailey has said that it is intended to circulate the Bill before it is considered by the Select Committee, such a motion on my part becomes unnecessary. But, Sir, it would be desirable to know what interval will be allowed for the expression of those opinions which will be elicited according to the announcement of the Honourable Sir Malcolm Hailey and when it is contemplated afterwards to place this matter for consideration before the Select Committee.

The Honourable Sir Malcolm Hailey: The end of July or the beginning of August.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, I was glad to hear that the discussion of the principles of the Bill would not be precluded at a later stage. Otherwise I should have thought it

necessary to enter a caveat against one principle which I see is introduced in the provisions of the Bill, namely, the principle of a graduated succession duty. It is an important question of principle and I should have liked to raise the question, but seeing it is open to discuss it at a later stage, I reserve my liberty to criticise it later on.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I am not quite satisfied that we will be allowed to discuss the principles at a later stage according to the provisions of the Act and the rules. However, there is nothing lost in my mentioning to this House certain principles which are involved in the present Bill, and for this purpose I also gave a private notice last evening to the Honourable the Home Member and also to the Secretary of the Legislative Department saying that I intend to move that this Bill be circulated for eliciting the opinion of the public by the 31st of August. Sir, with reference to this Bill, there can be no question that all attempts must be made to cure the anomalies and defects which have crept in or are heaped upon the old Act of 1870 in the course of its working, but we are told in the Statement of Objects and Reasons that in August 1916 and once again in 1923 opinions were called for from the Local Governments; but this House has not been given the privilege of knowing what those opinions are. I wish the Honourable the Home Member had circulated the opinions which were received from the Local Governments in 1916 and 1923; but this much we find that in the year 1922 and 1923, eight local Legislatures have made certain amendments in the Court-fees Act for the purpose of raising their local revenues, and I submit that there is no justification for raising the Court-fees for the purpose of raising local revenues by the local Legislatures, which they have done by effecting certain amendments in the Act, as, for instance, in the Madras Act V of 1922 and also in several other local Acts in other provinces. Now this Act attempts to co-ordinate all these and incorporate those amendments made by the local Legislatures. Now, Sir, it involves a question of principle in that when the local Legislatures have made certain amendments (and we believe we were informed at that time that for the purpose of raising additional revenue they amended the Court-fees Act and that after the Budgets had been balanced, an attempt would be made to reduce the Court-fees which were once raised in Madras Act V of 1922), and if a step is now taken by this Legislature so as to incorporate those amendments in this Act, it will not be possible for the local Legislature afterwards to make any amendments and reduce the fees. Again, I may also point out as a question of principle, which must be taken as an elementary principle in all legislation relating to court-fees or to the administration of justice, that justice must not be sold for a profit. What is realised by way of stamps, judicial or non-judicial, must be just the same as people will have to bear as expenditure for the administration of justice, and I should therefore like to state as a first principle that in the administration of justice, the revenue from judicial and non-judicial stamps must not be of such an exorbitant nature as to afford a surplus revenue for other departments of administration. That principle apart, I should say that in this particular legislation, we are interfering with the local Legislatures by taking up legislation in the Central Legislature. This has become a provincial subject and it is competent for the local Legislatures to make their own legislation suitable to their own provinces in the matter of raising or reducing the court-fees. However, as a question of principle, I think the Central Legislature should

[Mr. C. Duraiswami Aiyangar.]

not interfere in such a matter. Again, Sir, in this Act you will find that while incorporating all the amendments made by the local Legislatures, power is given only in the last clause to the Executive Government and not to the local Legislature to reduce or remit the fees as they may think proper. That is clause 19 which says:

"The Local Government may, by general or special order, published in the local official gazette, remit or reduce the fee payable under this Act in respect of any document specified in the order."

Therefore, you will see, Sir, that when this Act lays down the fees and prescribes the fees once for all permanently without giving any power to the local Legislatures—the power is given only to the Local Executive Government to reduce or remit the fees

The Honourable Sir Malcolm Hailey: No.

Mr. C. Duraiswami Aiyangar: The Honourable the Home Member says "No", but I find that in clause 19, power is given to the Local Government by general or special order to remit or reduce the fees in respect of any document, but no power of revision is provided for in this Act for the local Legislatures.

Now, Sir, another question of principle that I would like to place before you is the one relating to the manner in which certain sections of this Bill are framed—I would call them the usurious procedure or the procedure of a Shylock. You will find in clause 19C, sub-clause (5) (b) it is stated thus:

"Where the application is made after the expiry of one year from the date of the death, according to the value of the estate in British India at the date of the application",

and for such a deferred application you have:

"a fee equal to the simple interest at six per centum per annum on the fee referred to in sub-clause (i) from the date of the death to the date of payment."

The exaction of interest for a man who makes a deferred application for probate after the period of one year is I say in the nature of usury and not in the nature of a legislature requiring court-fees for the purpose of the administration of justice. Again you will find in clause 19C(1) an interest of 12 per cent. is provided for. This clause reads as follows:

" . . . and shall at the same time pay the difference between the fee already paid and the fee which would have been payable according to the true value of the estate, together with twelve per centum per annum simple interest on such difference from the date of payment of the fee originally paid till the date of payment of the said difference or for such less period as the Collector may think proper."

Therefore interest at the rate of 12 per cent. is provided for, but while the Honourable the Home Member in the Statement of Objects and Reasons first thought of demanding only six per cent. interest, I do not know why in actually framing the clause he raised the rate of interest from 6 to 12 per cent. However, whether it is 6 per cent. or 12 per cent., I object on principle that no such interest should be demanded for the payment of court-fees. And similarly in 19C, clause (2), a penalty is imposed for a man who might have paid a less fee than what he was bound to pay, and if within six months (the time within which he is asked to pay) he does not pay it, he is asked to pay a penalty of a sum not exceeding ten times the difference between the proper fee and the fee already paid. What justification is there for the Government, I ask, after providing for inquiries

through the collector in the previous section as to the valuation of the property, report about valuation, etc.,

Mr. President: I cannot allow the Honourable Member to go into such detail. This is a motion for circulating a Bill, and I agree with the Honourable the Home Member that it is a little difficult to find out the precise principle on which the Bill is based. Nonetheless, he must address himself to larger considerations than the actual details. The subject he is dealing with would be precisely the same if the question I put was that the clause stand part of the Bill. We have not reached that stage yet.

Mr. C. Duraiswami Aiyangar: I am only mentioning those principles to the House on which an iniquitous interest is claimed or an iniquitous penalty is claimed. I am not going into the detailed consideration of the Bill. I am only concerned with the principles of the Bill, and I am trying to show that in framing court-fees legislation we must not demand interest, we must not demand penalties and we must not make it a profitable concern. These are the three principles upon which I am proceeding, and I only pointed out the facts as an illustration. I am not criticising the wording at all. In fact if I proceed to go into each clause, there are a number of clauses about which objection may be raised, but I refrain from doing it. In fact, there is another objection on principle with reference to the provisions relating to suits for partition of property brought by a coparcener, or co-owner, and I do not go into the details even there. But I simply want to mention that in that case also there is no principle in the distinction drawn in cases where co-ownership or coparcenery is admitted and where it is denied, and the provisions relating to application for probate for the property of a deceased coparcener in a joint undivided Hindu family are not also framed in accordance with the principles of Hindu law. These are the main objections which I wish to place before the House at this stage, so that the House may take into consideration the importance of the question and call for opinions from various Bar Associations. Instead of calling for opinions from the Local Governments, I insist on opinions being collected from Bar Associations in all the Presidencies and district headquarters.

The Honourable Sir Malcolm Hailey: Certainly.

Mr. C. Duraiswami Aiyangar: After collecting these opinions, I think it would be desirable that those opinions should be referred to a Select Committee. And I may also add as a question of principle that, when certain penal clauses are added to this Bill providing for the dismissal of a suit or claim, it must carry along with it the right of appeal, at least of one appeal in such cases. With these principles in view, I would request this House to suggest to the Honourable the Home Member, or the Home Member himself may adopt the suggestion, of sending it for opinions in the first instance before it is committed to a Select Committee. In making this motion, I may say that I am not making any dilatory motion, because the very way in which the Select Committee has been made up, by including Diwan Bahadur T. Rangachariar, indicates that it could not be the intention of the Honourable the Home Member that this Bill should come up for discussion before this Assembly until at least September next. If these principles are kept in view and the Bill is circulated for eliciting opinion by the end of August, this Bill can nevertheless be put up before the Simla session of the Assembly after placing those opinions in the hands of the Select Committee.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, I welcome this Bill and the proposal to refer it to a Select Committee. The amendment of Act III of 1870 is long overdue. That enactment has only been able to carry on by a constant patching of it by various High Court decisions, in some cases so much as to leave very little of the original material visible. But I think many Members of the House have had experience of what is the result of making references for opinion. This Bill has been drawn up obviously with the utmost care and diligence. Nevertheless, the amendments proposed to be made are large and some of them are controversial; and even a cursory reading of the Bill has suggested to me cases in which additions may be necessary. For example, in section 7A, which deals with the question of a suit being dismissed if the fee is not paid within the time fixed by the Court, there is no provision for extension of time. There is an Allahabad High Court decision in favour of extension. But it seems very much better that a provision of that kind should be introduced into the section. Then, again, in the important Chapter on Probate and Letters of Administration,—Chapter IV, as here proposed—every application for the grant of probate or letters of administration would have to be sent to a Collector for checking valuation of the estate concerned. But it is quite easy to imagine cases in which a Collector would be of very little use, and the Judge himself in a much better position, by taking a little evidence, not only to expedite the disposal of the matter but to arrive at a correct decision on the question of the valuation of the estate. An estate might consist only of certain securities; there might be no landed property at all. What would be the good of referring cases like that to Collectors of districts? Our experience is that when Bills go down for opinion, the correspondence has to pass through a certain number of channels, which takes time; and High Court after High Court has made complaints of the want of time allowed for forming its own opinion and for obtaining considered opinions from Bar Associations, and others. The result is that we get back references of this kind in some cases with no opinion, and in other cases with hasty and shallow opinions. A measure like this wants careful consideration, and I quite agree with the last speaker that it is a measure which should be referred at all events to some of the more important of the Bar Associations in the country. That will take time. Therefore my suggestion is that this House should not fix next September as the time when this measure must be brought before it. The first and important step is to give ample time for opinions to be received; and the date on which the Select Committee is to meet and deal with them should be left at present uncertain and undecided. It would be no advantage for a measure of this kind, which is really intended to provide a new and up to date Court-fees Act, to be rushed through without having a very full and complete supply of material in the form of expert opinion for the Select Committee to work upon.

Mr. C. Duraiswami Aiyangar: With your permission, Sir, I want to put a question to the Honourable the Home Member. I find in the endorsement on this Bill:

"The Governor General has been pleased to accord the sanction required by clause (a) (i) of sub-section (2) of section 67 of the Government of India Act."

I wish to know if it is correct and if it is so, I wish to point out that under clause (ii) also, inasmuch as we are repealing and amending an Act of the local Legislature, another sanction also is necessary of His Excellency the Governor General.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, as I took His Excellency's orders upon this point, I might mention that His Excellency the Governor General did accord his sanction under clauses (a) (i) and (ii) of sub-section (2) of section 67. On the first copies of the Bill, as printed, the endorsement only included clauses (a) and (i). On the subsequent copies, one of which I have here in my hand, it is definitely stated that sanction has been accorded under clause (ii) as well.

Mr. P. E. Percival (Bombay: Nominated Official): I would like to make a few remarks regarding the speech of the last speaker but one, namely, Mr. Duraiswami Aiyangar. He was mistaken in believing that the local Legislatures are being at all superseded in this matter. I can indicate at once that they are not being superseded, for the Bombay Legislative Council have already revised their rates this year. The fact is that the rates of Court fees are fixed in the Schedules and not in the Act itself. The present Bill amends only the Act itself, and also the Schedules in so far as they are concerned with probates, letters of administration and succession certificates. So far as court-fees on suits and appeals are concerned, they are dealt with entirely by the Local Legislatures, and this Bill will not affect them in the least. As I said, the Bombay Legislative Council have not continued the local Act previously in force in the Bombay Presidency, and it is perfectly open to the Madras Legislative Council to act in a similar manner. There is no interference by the Central Legislature in that respect.

Mr. C. Duraiswami Aiyangar: May I know from the Honourable Member whether, if this Bill is passed into law here, it will be open for the Madras Legislative Council to repeal the Madras Act V of 1922 which is now repealed here.

Mr. P. E. Percival: I should like to make it clear that that Act is not being repealed by this Bill. The Honourable Member said that we are incorporating the provisions of the Madras Act V of 1922. But that is not so. We are incorporating only certain of those provisions. The Madras Act of 1922 amended both the Court-fees Act of 1870 and the Schedules. It is true that certain provisions of the Madras Act relating to the Court-fees Act itself have been incorporated in this Bill. But the rest of the provisions of the Madras Act have not been touched in this Bill at all. That is the chief point. My Honourable friend also referred to particular clauses in the present Bill. It would be a little lengthy to deal with these clauses in detail; and, as you yourself suggested, Sir, this is not the exact stage to do so. But I can assure the Honourable Member that the provisions to which he referred are not at all drastic. The proposed new section 19G is not more stringent than the existing section 19E. On the other hand it is milder. (Mr. C. Duraiswami Aiyangar: "That is no consolation.") Although 12 per cent. interest is entered in new section 19G, the fact is that 6 per cent. is ordinary interest and the other 6 per cent. is added as a penalty for delay. But the existing clause 19E is very much more severe than that.

The Honourable Member also referred to new section 19C. There we have made rather an important change. The probate fee is to be calculated on the estate as valued at the time of the death of the deceased person instead of at the time of the application for probate; and the estate will probably be smaller at the time of death than at the time of application when some interest in the estate will have accrued. There is therefore also no stringency at all in that section.

[Mr. P. E. Percival.]

With regard to the question of referring the Bill to a Select Committee, I would like to point out that the great advantage of that proposal is that Members of the Select Committee can meet, if necessary, before the next September session. Even if the Members of the Select Committee are appointed now they will not sit just at present. The intention is that they should meet, say, a week before the next September session. The advantage of this arrangement is that they will know beforehand that they are to be members of the Select Committee; and consequently they will take interest in the subject. Moreover when they meet before the next September session, they will have all the requisite material before them at that time. The Bill is to be sent to the Local Governments for their opinion; and, as the Honourable the Home Member informed the House, the Local Governments will be requested to consult Legal Bodies, so that the Select Committee will have the whole opinion of the country before them when they meet in Simla just a little before the September session.

My Honourable friend, Sir Henry Stanyon, suggested that the September session is too early for the disposal of the Bill. We do not wish to make any definite decision on the point. If it is found that the opinions of Local Governments are not received in time, it will be possible to postpone the meeting of the Select Committee till a later date. We have about five months from now till the September session, and I should think that that would give sufficient time for obtaining the necessary opinions.

Colonel Sir Henry Stanyon: My objection was that on account of want of time they may return the Bill without any opinion because they will not have sufficient time to consult Legal Bodies and individuals.

Mr. P. E. Percival: If the Local Governments say they have not sufficient time, it can be extended. In any case they will have about four months' time for furnishing their opinions.

Then my Honourable friend Sir Henry Stanyon said that in all cases an application for probate had to be sent to the Collector, and that this procedure may be unnecessary in certain cases. We are however making no change in that respect. At present all applications for probate are sent by the Court to the Collector. It is really a matter of detail. But we are making no change in this respect in the Bill.

Another point which my friend Mr. Aiyangar raised was that power to remit fees is given to the Local Governments, but not to the Local Legislatures. Here, again, we make practically no change. Section 35 of the Act gives the power to the Local Governments to remit fees. Of course, the Local Legislatures have to pass Acts if they wish to remit fees. Section 35 of the Act runs as follows:

"The Local Government may, from time to time by notification in the local official Gazette, reduce or remit, in the whole or in any part of the territories under its administration, all or any of the fees mentioned in the first and second Schedules to this Act annexed, and may in like manner cancel or vary such order."

Practically therefore no change is made in that respect either. I understood, when I came here to-day, that there is one point in the Bill to which my friend Mr. Ramachandra Rao is inclined to take objection, and I may anticipate his remarks on this point. He is disposed to object to the proposal in the Bill that there should be uniform rates of probate fees throughout India. This provision is based on a proposal made by the High Court of Calcutta. They say that they are of opinion that in the case of Probates

and Administration it would be advantageous if the rates could be kept uniform throughout India and that it is a matter for consideration whether the Central Legislature might not properly be asked to take measures to ensure such uniformity.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): What is the date of that opinion?

Mr. P. E. Percival: 30th August 1923. The Bengal Chamber of Commerce have also written in the same way. They said:

"The Committee are advised that in a very large number of estates there are assets in more than one province; and, further, that it is permissible to apply for a grant to any Court within whose jurisdiction there are assets—the limit of such jurisdiction, in the case of the High Courts, being their appellate jurisdiction. It would seem to follow that, unless all the other Provinces come into line with Bengal, the parties will make their application in the court of another province. They will naturally choose the Province having the lowest scale of duty."

I may perhaps explain the position most clearly by taking an extreme case. Suppose a man dies leaving immovable property worth 50 lakhs in Calcutta and immovable property worth Rs. 1,000 in Bombay. Under the present system his heir can apply to the High Court of Bombay for probate, which will extend to the whole of India. The result will be that he will pay 3 per cent. which is the maximum Bombay rate, on the whole estate, including the property which is worth 50 lakhs in Calcutta, whereas, if he applies to the Calcutta High Court, he will pay 5 per cent. the maximum rate in Bengal. It is quite anomalous that the Courts should issue probates extending to the whole of India when different rates are in force in different provinces. In the suggested case the heir would pay too low fees; and also the fees would go to the Bombay Government instead of going to the Bengal Government, where most of the property is situated and where the fees should be received.

My Honourable friend Sir Sivaswamy Aiyer also took objection, on the ground that in Bengal there are graduated rates, and that it is proposed that those rates should be extended to the whole of India. But there are graduated rates in other Provinces too. Even in Madras the rates are graduated. But the graduation is only after 3 per cent. In Bengal it is graduated up to 5 per cent. The chief contention of the Government of India is not so much that the Bengal rates should be adopted as that there should be uniform rates throughout India.

Mr. C. Duraiswami Aiyangar: Why not take the lowest rates?

Mr. P. E. Percival: That is a point for the Select Committee to decide. If they agree that a lower rate should be adopted throughout India in the case of fees for probates and letters of administration, I do not suppose that the Government will take objection to it. The matter will be for the consideration of the Select Committee. Government however have proposed that the rates in force in Bengal should apply to the whole of India.

There are one or two general observations which I wish to make. I am very thankful to the Honourable the Home Member for the kindly reference to me in connection with this Bill. I am however really undeserving of any such remarks. In fact Mr. Wright, Mr. Tonkinson and Sir Henry Moncrieff Smith are responsible for the Bill. I did merely the "devilling" work. If the drafting of the Bill is found to be good, then it is Mr. Wright who is responsible therefor: if it is found to be bad, I take the responsibility for that myself (Laughter). The Bill is a difficult one to draft. We do not claim that it is perfect. The original Bill is in

[Mr. P. E. Percival.]

fact a very old one. It goes back to 1912. The Bill was then drafted by Mr. Findlay, a judicial officer of the Central Provinces, who was for a time in the Legislative Department of the Government of India. It was then revised by two gentlemen, who are well known to this Assembly, namely, the Honourable Sir Alexander Muddiman and Sir William Vincent. It was then sent out in 1916 for opinions; and I would like to take this opportunity to thank the Local Governments for the extreme care and industry with which they have dealt with the subject. The Members of the Select Committee will be astonished at the wealth of detail received from Judges, pleaders and bar associations, etc. We have received a mass of material, on which the Select Committee will be able to act. I would like here to mention a point to which Mr. Aiyangar referred. He said that the above material had not been placed before this House. That is true. There is however a large amount of material which we propose to place before the Select Committee; but, if the Honourable Member wishes himself to see the papers, I shall be glad to show them to him.

As I was saying, the Bill was sent out to Local Governments in 1916. There was subsequently some delay in taking action chiefly owing to the passing of various local Acts. The Bill was again sent out for opinion in 1918, and I would like to mention that Local Governments were then particularly asked whether the Bill should be introduced in the Local Legislature or in the Central Legislature. They all agreed that it should be introduced in the Central Legislature. The only Government which expressed some doubt was that of the United Provinces. They said that section 7, clause (c), which deals with the valuation of immoveable property, should be dealt with in the Local Legislatures. The Government of India agreed. It was further suggested by that Government that the whole of section 7 might be dealt with in the Local Legislatures. The Government of India, however, could not agree to that proposal, because it was contrary to the opinions received from the other provinces. The Bill however is being sent to the Government of the United Provinces as well as to other Governments, for opinion, and they will be in a position to give their final opinion thereon.

Mr. M. S. Aney (Berar Representative): Was an attempt made to ascertain the opinions of local Legislatures independent of Local Governments on the point of whether it should be dealt with by the Central Legislature?

Mr. P. E. Percival: The Government of India asked the Local Governments and the latter consulted various Local Bodies. These Local Bodies have given their opinions, for instance, the Madras High Court Vakils Association and other Legal Bodies. We did not consult Local Legislatures in the way suggested. Honourable Members will see that we have twice consulted Local Governments, once in 1916 and again in 1923; and this will be the third time. It will be specially suggested to them that they should consult Legal Bodies. Honourable Members will see that the Select Committee is very strong, consisting of 16 members; and nearly all of them are distinguished members of the legal profession. I asked Sir Henry Stanyon, Pandit Madan Mohan Malaviya and Mr. Jinnah to become members of the Select Committee, but for various reasons they could not serve it. The Committee is a very strong one and will be capable of dealing in a satisfactory manner with this very intricate subject.

Mr. O. Duraiswami Aiyangar: Sir, there is one doubt which arises in my mind. If the matter is referred to the Select Committee, will the Select Committee be able to make any additions or alterations to the present Bill; I mean in the way of additional provisions which have not been thought of in the present Bill? I will mention two instances which will make the position clear. You find in the Statement of Objects and Reasons that:

"paragraph v of section 7, which is concerned with the valuation of immoveable property, has also, except in one comparatively unimportant particular, been left untouched."

Where the Court Fees Act causes us the greatest difficulty this Bill does not come in to help. I refer to the different kinds of valuing immoveable property—four times, ten times, fifteen times, market value, etc. Will it be open to the Select Committee to make such additions and alterations as they desire? In regard to fees payable on various applications and suits in the Madras province under the Estates Land Act, will it be open for the Select Committee to make additions or to collect opinions?

Mr. P. E. Percival: I understand from Sir Henry Moncrieff Smith that the test is whether the amendment is within the scope of the Bill or not. If an amendment is within the scope of the Bill, then it can be made by the Select Committee. In regard to the particular point to which the Honourable Member referred, the fact is that the Government of the United Provinces particularly urged that amendments relating to section 7, clause v, should not be included in the Bill but should be dealt with by Local Legislatures, on the ground that that is a clause dealing with the valuation of land, and that there are different land systems in force in different Provinces. It was specially in view of the recommendation of the Government of the United Provinces that general amendments of that clause were not included in this Bill. Amendments to the clause may be made by the Legislature of the United Provinces or any other Province.

Mr. B. Venkatapatiraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, Sir Sivaswamy Aiyer has stated that he understood from what Sir Malcolm Hailey stated that he is not precluded from discussing any question of principle. I felt a great deal of doubt about this because you have ruled that once a Bill is referred to a Select Committee, questions of principle cannot be discussed at all, and therefore there is no use of thinking that we can discuss questions of principle at any other stage hereafter.

The first difficulty that occurs when we read this Bill is in regard to the death duties and the succession duties. Most of the provinces have hitherto enjoyed a lower rate. Even in Madras when you make a first application for a succession certificate you have to pay 2 per cent. Anyhow in this country, Sir, litigation has become very costly. Only on the 19th of this month in the Madras Legislative Council the Members urged that it is not desirable to have litigation at such high cost. They wanted to reduce the rate of court-fees. If you suggest a higher duty it becomes very difficult for them to secure reduction especially in view of the great financial stringency that prevails in the Province. Why should you take the odium or the responsibility of increasing the already existing heavy rate when the provinces have not done it themselves? If they want additional taxation let them have the responsibility of raising it. No doubt Mr. Percival is right when he says that the Schedules are not amended but only certain sections and provisions of the Act throughout the Bill but

[Mr. B. Venkatapatiraju.]

in so doing we increase the rate and do not reduce it at all. In the old days when a suit was filed, half of the duty used to be remitted when it was compromised at certain stage. But now unfortunately even when the suit is compromised at the earliest stage the court-fee is not remitted to any extent. I do not understand why such relieving provisions should not be introduced when we are revising the Bill. No one can bring a suit which is valued at less than 200 rupees now without paying the court-fee on Rs. 200. In certain Provinces like Madras there are numerous suits of not more than Rs. 100 value, whereas you say, whatever be the condition, you must pay full duty on Rs. 200. Members may not be aware that, by the time the courts have finished with a claim, the whole value of the property is exhausted in litigation. I may mention that the costs may be in three courts 33 per cent. court-fees, 30 per cent. vakil's fees on both sides and 37 per cent. batta of witnesses, etc., and thus practically the whole value of the property is exhausted from the time you file a suit in a Munsiff's court and finish it in the High Court. Is this the way to sell justice? Should we not provide means for reducing the cost of litigation? The only thing is whether we should bring in probate or succession duties as in other countries, or raise them, to the extent of 2, 3 or 5 per cent. on a graduated scale. That is an important matter which requires thorough study and clear understanding before the Bill is referred to a Select Committee.

The Honourable Sir Malcolm Hailey, referring to the Swaraj Party, suggested that they are not able to accept membership of such Committees hence he did not include their names though willing to add them even now. Perhaps in September they might change their views; they might agree to enter the Committees.

I do not see any particular hurry for this because the litigation would continue. The old rates are being realised, and in some cases they are being reduced. Why should we put the cart before the horse and ask for a Committee first and afterwards for the circulation for opinions? When the Committee is not wanted to sit before September, why should we not have the opinions received and circulated to the Members so that they can form their judgment before they refer the matter to the Select Committee? The only reason suggested for this extraordinary step is that Members selected will pay particular attention and such Members as are interested in the matter will make a particular study of it along with the opinions before they are brought up for discussion here. That is not a very good reason for suggesting that a Committee should be appointed first. And moreover, Sir, in this matter we feel not only that opinions should be obtained from various sources, but that they should be circulated to us in order to enable us to form our own judgment.

The Honourable Mr. Percival stated that he has got a lot of material before him. Now if he has got a lot of material before him, and if we cannot question the principles later on, would it not be better to see the opinions expressed by the various bodies so that Members would be in a position to know them? Therefore I agree with my friend Mr. Durniswamy Aiyangar in asking the Government not to refer the Bill at this stage to a Select Committee but let it be circulated for opinions. When these are received it will be time for the Government to refer the Bill to a Committee. I understand that Sir Malcolm Hailey in introducing the Bill suggested that it will be taken up in September; I do not know why it has

been brought up now. Therefore, taking all these circumstances into consideration, I would suggest that the Bill may be circulated for opinions now to be brought before the September session.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadian Rural): Sir, I should like to make it quite clear, if I understand the Honourable Sir Malcolm Hailey aright, that we in this Assembly are not committed to any of the provisions of the Bill if we accept this motion for reference to a Select Committee.

The Honourable Sir Malcolm Hailey: That is how I read the case. It is one of those Bills which do not lay down general principles. Nearly everything in the Bill is a matter of detail one way or the other.

Diwan Bahadur M. Ramachandra Rao: Therefore it would be easy for any Honourable Member in this House to bring in any amendment which he thinks he ought to press before this Assembly at the proper time. We will not be committing ourselves to any of the provisions of this Bill and I am sure in the light of the opinions elicited by circulation of this Bill we shall be able to know what the exact position will be in regard to this measure. I agree with my friend Sir Henry Stanyon in suggesting that there should be no undue haste in this matter. The Bill is an extremely complicated measure; there are many views in regard to the levy of court-fees and many conflicting decisions of the High Courts, and I think this is a matter to which the utmost publicity should be given and the opinions of all the interests concerned should be ascertained before it becomes law.

Sir, I may perhaps come to another aspect of this matter. As has been pointed out in the Statement of Objects and Reasons, there has been a considerable amount of ordinary legislation in the Provincial Legislatures. In Madras I was a member of the Select Committee on the Bill that was passed in 1921. That was passed when the Government of Madras was in the utmost difficulties in regard to their finances. Appeals were made that we should try and find the revenues to meet the deficit and we consented at that time, though with great regret, to put forward the proposals which were embodied in the Act which became law at that time. The consequence of that was that 67 lakhs of rupees were added to the revenue; and year by year at the Budget discussions the regret was expressed that the time had not come for a reduction of those court fees which were levied under the Act. Even at the last Budget discussion I found echoes of the same sentiment in Madras. At that time it was considered that the Act should be a temporary one. Now, Sir, we amended not only the Schedules, but also certain substantive provisions in the Act itself, that is section 7. Of course in this Bill some of those sections are being incorporated, and they would become law, and probably the position is that a local Legislative Council, with the permission of the Government of India, should have the power of amending even a Statute of this Central Legislature. That is no doubt the position of things. But, Sir, there are, as I have said, provisions in this Act which certainly do not meet with my approval. One is the graduated scale introduced in the case of succession duties, and also the scale of fees for probate and letters of administration referred to in the Schedule. These are matters on which I should like to see opinions fully ascertained before this Legislature commits itself to these provisions, especially in regard to the duties on succession certificates. I therefore think that, while this is a measure of taxation in some respects, it is also an administrative measure in which several amendments

[Diwan Bahadur M. Ramachandra Rao.]

have long been overdue, and I should think the Provincial Legislatures should have some voice in these proposals. As I said, they can no doubt apply for amendments to the Government of India Act which would be a means of carrying out their wishes. But, if there is a way of ascertaining the views of the Provincial Legislatures in regard to this measure which may certainly involve taxation, I think we should go a long way in meeting their wishes. As it is, I do not know whether the provisions of this Act, which would add to the burdens of the litigant, would be welcomed in the Provinces. In these circumstances I think it is absolutely necessary that, if this Bill is to be accepted, it must meet with the utmost publicity and after consulting all the interests which are affected by it.

Mr. C. Duraiswami Aiyangar: I do not know whether I moved. With the permission of the Chair I formally move that the Bill be circulated for opinion.

Mr. President: Amendment moved:

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

Pandit Madan Mohan Malaviya: Sir, I would only add to what has been said by other Members that the situation has not been fully realised by the Government of India in introducing this Bill. There are Provincial Legislatures in existence; 'judicial stamps' is a transferred subject; the revenue collected will go to the Provinces. Suppose when this Bill is circulated, the Provincial Legislatures pass Resolutions resenting the action of the Central Government in taking away from their jurisdiction a matter which has been transferred to them. What would the position be?

If a Select Committee is appointed now, and later on some Provincial Legislature express the opinion that this is a matter which should be left to them, as it has been left to them under the Devolution Rules, the position of this Assembly will be somewhat awkward. And for this reason as also for the reason that the Bill involves many complicated questions and that it proposes to introduce in a deft manner graduated succession duties. I think the proposal that the matter should be referred to a Select Committee to-day is a premature one.

It was remarked by some two Honourable Members that some of us did not agree to serve on the Select Committee. The thing is not surprising. Partly some were unwilling to do so for want of time, but others might well be unwilling because the matter is a complicated one and they do not subscribe to the principle that the Bill should be taken up in this Assembly, but are of opinion that as 'Judicial Stamps' has been transferred to the Provincial Legislatures, they are the proper bodies to deal with this matter.

For these reasons I support the amendment of Mr. Duraiswami Aiyangar that the Bill should be circulated for opinion—that is to say, I oppose the motion that a Select Committee should be constituted to-day. After the principle has been debated in other places and the opinions of the Provincial Legislatures are known, if they decide that the Bill should be proceeded with, many other Members might be willing to serve on the Select Committee to give it proper shape; but at this stage and in view of the long time the circulation of the Bill will take, it seems to me premature to put forward a proposal to refer it to a Select Committee.

Mr. P. E. Percival: Sir, I should just like to say that I did not mean to criticise the Honourable Member for not being willing to serve on the Select Committee.

The Honourable Sir Malcolm Hailey: The House must well know that Mr. Percival did not mean to suggest any reflection on the Honourable Pandit because he was unwilling to serve on the Select Committee. I myself suggest no reflection; but after considering his reasons carefully, I really can find no reason at all why he should prefer the motion for circulation to the motion for a Select Committee, save perhaps that one was made by Government and the other by a private Member. He says that, if you put forward a motion for a Select Committee and then Provincial Legislatures object, this House would occupy a difficult position. It would occupy exactly the same position if it were to accept a motion for circulation. Moreover, it has been made abundantly clear that we do not withdraw the power of legislation from the local Legislatures at all. They will deal with the Schedules and they can with the permission of the Governor General introduce legislation in regard to the Act itself. From that point of view it makes little difference whether you proceed to consider this Bill through a Select Committee or through formal circulation, for the objections of the local Legislatures would be exactly the same. We put forward a motion for a Select Committee simply for the reason that Mr. Percival stated. We are under no sort of desire to push this measure through. It is the type of measure, I may safely say from my previous experience of it, that some of us would be very glad if we never saw again. It has rested long in the Secretariat. I rescued it from the Secretariat because it was my duty—it was certainly not my pleasure. If I were staying on in the Home Department I should like nothing so much as a motion to ensure that the Bill never reappeared on my table. As I say, we are under no desire to push it forward. Our intention was this—to consult everybody very freely about this measure. Why Mr. Duraiswami Aiyangar thought it necessary to remind me of the necessity of consulting Bar Committees I do not know; I specially mentioned that we should consult legal associations. As I say, we wish to consult every one perfectly freely about it. If their replies come in time for the Select Committee to consider them before the September session, then we shall ask the Committee to attend at its leisure a few days before the session begins, and they will have time, untrammelled by the business of the session itself, to consider the papers. If not, we shall defer the matter still further. That is just an ordinary matter of convenience and nothing else. I do not feel inclined to withdraw my particular motion in favour of Mr. Duraiswami Aiyangar's but I believe that on the whole there is no very great difference in the matter of principle or anything of the kind. My own motion is just a little more convenient to the House.

Mr. C. Duraiswami Aiyangar: I may assure the Honourable the Home Member that I purposely intended not to move it—I merely requested the Home Member that he may himself adopt this motion, because I thought that putting it before a Select Committee might prevent Members afterwards from discussing the principles of the Bill. Therefore I specially requested that, and it makes no difference whether the request comes from Government or from a private Member.

The Honourable Sir Malcolm Hailey: I feel certain that the principle I have announced is perfectly correct. When you have a Bill which is not intended to introduce any new taxation or any judicial principle, but

[Sir Malcolm Hailey.]

merely revises an old standing Bill full of details about court-fees and the like—when you have a Bill of that kind, if the House accepts the proposal for a Select Committee, then it does not commit itself to any principle save this, if I may put it in those words, that the Bill should go before a Select Committee.

Pandit Madan Mohan Malaviya: Suppose the opinions received are opposed to it?

Mr. President: The original question was:

"That the Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870, be referred to a Select Committee consisting of Diwan Bahadur T. Pangachariar, Sir Chimanlal Setalvad, Mr. K. C. Neogy, Sir Henry Moncrieff Smith, Mr. H. E. Hodoe, Rai Sahib M. Harbilas Sarda, Dr. H. S. Gour, Khan Sahib Maulvi Ghulam Bari, Maulvi Mohammad Yakub, Mr. Ahmad Ali Khan, Mr. E. G. Fleming, Mr. H. Tonkinson, Mr. N. M. Dumasia, Mr. Gaya Prasad Singh, Mr. S. C. Ghose and Mr. W. T. M. Wright; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

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.

The motion was negatived.

Mr. President: The question is:

"That the Bill be referred to the Select Committee."

The motion was adopted.

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President: Members will now proceed to elect 14 of their number to serve on the Standing Finance Committee. The following 28 members have been nominated:

Mr. Ahmad Ali Khan.
Mr. Ambika Prasad Sinha.
Mr. K. Rama Aiyangar.
Diwan Bahadur M. Ramachandra Rao.
Mr. S. C. Ghose.
Mr. W. S. J. Willson.
Sir Purshotamdas Thakurdas.
Mr. Darcy Lindsay.
Mr. N. M. Dumasia.
Mr. B. Venkatapatiraju.
Mr. N. M. Joshi.
Kumar Ganganand Sinha.
Mr. Mahmood Schanunad Sahib Bahadur.
Sardar Kartar Singh.
Captain Hira Singh.

Mr. R. K. Shaanukham Chetty.

Mr. B. Das.

Khan Bahadur M. Shams-uz-Zoha.

Mr. K. Ahmed.

Mr. K. C. Neogy.

Mr. Gaya Prasad Singh.

Maulvi Abul Kasem.

Sardar V. N. Mutalik.

Dr. H. S. Gour.

Nawab Sir Sahibzada Abdul Qaiyum.

Mr. K. V. Reddi.

Haji S. A. K. Jeelani, and

Mr. E. G. Fleming.

(The ballot was then taken and, while it was proceeding, Mr. President vacated the Chair, which was taken by Mr. K. C. Neogy.)

Mr. Chairman: The result of the ballot will be announced to-morrow.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 25th March, 1924.

LEGISLATIVE ASSEMBLY.

Tuesday, 25th March, 1924.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

RECOMMENDATIONS OF THE JOINT R. M. S. CONFERENCE HELD AT CALCUTTA IN APRIL 1923.

1011. ***Mr. N. M. Joshi:** Will Government be pleased to state what action has been taken by the Postal Department on the recommendations made by the Joint R. M. S. Conference, held at Calcutta in April 1923?

The Honourable Mr. A. C. Chatterjee: The Honourable Member is referred to the reply given to unstarred Question No. 201 asked by Mr. K. C. Neogy on the 15th March 1924.

WORKING HOURS OF CLERKS IN THE OFFICE OF THE CONTROLLER OF ARMY FACTORY ACCOUNTS.

1012. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that the clerks in the Office of the Controller of Army Factory Accounts are required to work from 10-30 A.M. to 9-0 P.M. at night although their working hours are from 10-30 A.M. to 4-30 P.M.? If so, do Government propose to stop this practice and establish normal working hours (10-30 to 4-30) in that office? If so, when? If not, why not?

(b) Will they be further pleased to state whether the clerks in the said office are required to attend office even on Sundays and other holidays? If so, will they stop this practice also? If not, why not?

The Honourable Sir Basil Blackett: Inquiries are being made in the matter from the Controller of Army Factory Accounts.

PREVENTIVE OFFICERS.

1013. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that the Sea Customs Preventive Service is chiefly manned by Europeans and Anglo-Indians? If so, why?

(b) Will Government be pleased to state the rates of pay allowed to Preventive Officers and what their duties are? Will they be further pleased to state whether it is a fact that their rates of pay have been kept specially high to secure a better class of men?

(c) Will Government be pleased to state whether it is a fact that the Preventive Officers got rewards over and above their pay? If so, will they be further pleased to state in what cases such rewards are allowed and why they are allowed?

(d) Is such a practice followed in other services chiefly manned by Indians such as the Police and Salt?

(e) Do Government propose to put a stop to this practice of granting rewards over and above pay?

The Honourable Sir Basil Blackett: (a) The number of Europeans, Anglo-Indians and Indians at present employed in the Customs Preventive Service is stated below—

Europeans and Anglo-Indians.	Indians.	Total.
444 of which the majority are Anglo-Indians	155	599

Domiciled Europeans and Anglo-Indians have in the past been considered to be on the whole more suitable for Preventive work than other statutory natives of India. In 1921, it was decided that efforts should be made to increase the purely Indian element in the Preventive Service. The Honourable Member is referred to the speech made by the Honourable Sir Charles Innes in the Budget debate of 12th March 1923.

(b) The rates of pay allowed to Preventive Officers (including Inspectors) vary at the different ports. At the principal ports the pay of Inspectors ranges between Rs. 250 and Rs. 675 and of Preventive Officers between Rs. 100 and Rs. 450.

Preventive Officers are specially employed for the prevention of smuggling. Their duties consist in guarding vessels and in preventing the shipment of landing of goods before a proper pass has been produced, or until the requirements of the Act have been carried out.

The answer to the latter part of the question is in the affirmative.

(c) Yes. Rewards to officers of the Customs Department (whether European, Anglo-Indian or Indian) are granted for the detection and bringing to notice of infringements and evasions of the provisions of the Sea Customs Act. The practice is an old one, and the grant of the rewards is governed by definite rules.

(d) Rewards are granted in similar services such as Excise and Salt.

(e) No.

DECLARATION OF POLICY IN THE CENTRAL PROVINCES WITH REGARD TO TRANSFERRED SUBJECTS.

1014. ***Mr. M. S. Aney:** (a) Has the attention of the Government of India been drawn to the following statement made by the Honourable Mr. Standen at the meeting of the C. P. Legislative Council held on 8th March 1924:

"It would, therefore, become necessary that His Excellency the Governor must take over the administration of the transferred Departments, pending the sanction of the Secretary of State for placing the Transferred subjects in the Reserved List."

(b) Will the Government be pleased to state whether the above declaration of policy has been made after previous consultation with and with the full approval of the Governor General in Council?

The Honourable Sir Malcolm Hailey: (a) Government have seen a newspaper report of the speech referred to by the Honourable Member.

(b) No.

Mr. N. C. Kelkar: Arising out of this, I would like to ask the Honourable the Home Member if the Government of India accepts the constitutional position that the decision of the Central Provinces Council is the decision of the responsible electorate in the Province?

The Honourable Sir Malcolm Hailey: That is entirely a matter of opinion.

Mr. N. C. Kelkar: What is the opinion of the Government of India on this matter?

The Honourable Sir Malcolm Hailey: Whether that decision is a responsible decision or not?

Mr. N. C. Kelkar: Did Government ever advert to the fact that it would be more constitutional to dissolve the Council rather than take over the transferred departments?

The Honourable Sir Malcolm Hailey: Does the Honourable Member mean the Central Provinces Government?

Mr. N. C. Kelkar: Yes.

The Honourable Sir Malcolm Hailey: I must refer the Honourable Member to the debates there. The Honourable Member seems to be under an impression that the action taken in this matter has been taken by the Government of India and not by the Central Provinces Government. Action of course is taken by the latter.

Mr. Devaki Prasad Sinha: Did the Central Provinces Government take advice from the Government of India before making this declaration?

The Honourable Sir Malcolm Hailey: The Honourable Member will find, if he will kindly look at (b) of the question and (b) of the answer, that I have already told the House that no advice was given.

DERAILMENT ON THE ROHRI KHANPUR SECTION OF THE NORTH WESTERN RAILWAY.

1015. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the report published in the *Amrita Bazar Patrika* in its issue of the 26th February about the derailment of a train on the Rohri Khanpur section of the North Western Railway?

(b) Is it a fact that several lives have been lost? If so, will the Government be pleased to state the number of persons (i) killed (ii) injured?

(c) Will the Government be pleased to state whether the platelayer on duty inspected the line? If so, when did he last inspect and visit the lines on the bridge?

(d) Will the Government be pleased to inquire (a) the reasons of this derailment, (b) the person or persons directly responsible for non-inspection of the lines in time?

The Honourable Sir Charles Innes: (a) Yes.

(b) The total number of casualties was 7 killed and 11 injured.

(c) The accident was not due to any defect in the line or the bridge.

(d) An inquiry has already been held by the Senior Government Inspector of Railways whose preliminary report shews that the accident was caused by the bursting of the engine boiler. His final report is awaited.

LEAVE OF RECRUITS IN THE 11/19TH HYDERABAD REGIMENT (BENGAL).

1016. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that the recruits to the 11/19th Hyderabad Regiment (Bengal) were given a clear understanding that the arrangement for leave from the civil offices during their training period would be made by the officer commanding?

(b) If so, are the Government aware that nothing has been done by the officer commanding in that respect?

(c) Is it a fact that the recruits have been asked to make their own arrangements for leave?

(d) Is it a fact that they were asked to resign their civil occupations if they failed to get leave from their offices?

(d) Is it a fact that if a recruit disobeys such an arbitrary command he is to be treated as having deserted?

(f) Are the Government aware that such menace is hampering the further recruitment to the Territorial Force?

(g) Do the Government propose to instruct the officer commanding to arrange for leave for the recruits from their civil offices?

Sir Henry Moncrieff Smith: (a) to (g). The Government of India have no information on the subject, but are inquiring. The Army Secretary will let the Honourable Member know the result in due course.

Khan Bahadur Sarfaraz Hussain Khan: May I know by what time?

Sir Henry Moncrieff Smith: I am afraid I cannot say.

E. B. RAILWAY GRIEVANCES.

1017. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published under the heading "E. B. Ry. grievances", in the *Amrita Bazar Patrika* in its issue of the 26th February?

(b) If so, will the Government be pleased to inquire into the truth of the statement?

(c) Are the Government aware that such things are a matter of daily occurrence in the III class booking offices at the Howrah Station?

(d) If not, will they be pleased to inquire into the matter?

(e) Are the Government aware that the lady booking clerks on duty there, do not pay any attention to the poor III class passengers?

(f) Is it a fact that in the 1st and 2nd class booking offices, the booking clerks are Indians?

(g) Do Government propose to put Indian booking clerks in the III class booking offices transferring the lady booking clerks to the other booking offices?

The Honourable Sir Charles Innes: (a) Government have seen the article referred to. It relates to certain suggestions made by the Railway

Passengers' Association to the authorities of the Eastern Bengal Railway and the Government have no doubt that those suggestions will be considered by the Agent.

(b), (c), (d), (e), (f) and (g). The Government have no knowledge of the matters referred to and do not propose to inquire. A copy of the question and answer will be sent to the Agent.

SEPARATE ENTRANCE GATES FOR FEMALE PASSENGERS AT HOWRAH.

1018. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Are the Government aware that III class and Inter-class lady passengers are made to pass through an enclosed passage with the male passengers at the Howrah Station?

(b) Are the Government aware that this causes great inconvenience to Indian ladies?

(c) Do Government propose to abolish or to waive this system of forcing passengers through an enclosed passage in the case of lady passengers?

The Honourable Sir Charles Innes: The Honourable Member is presumably referring to the channels leading up to the gates by which inter and 3rd class passengers gain admittance to the platforms. These channels have been found necessary so as to prevent the gates being rushed. It would be impracticable to have separate entrance gates for female passengers.

BENGAL NAGPUR RAILWAY GRIEVANCES.

1019. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter in the *Amrita Bazar Patrika*, headed "B. N. Ry. grievances" published in its issue of the 8th February?

(b) Is the statement correct? If so, do Government propose to redress the grievances?

The Honourable Sir Charles Innes: (a) The reply is in the affirmative.

(b) Government are not aware whether the statement is correct but the matter will be brought to the notice of the Agent.

NUMBER OF CASES INSTITUTED UNDER SECTIONS 124-A AND 153-A OF THE INDIAN PENAL CODE AND COGNATE SECTIONS OF THE CODE OF CRIMINAL PROCEDURE.

1020. ***Mr. Nilakantha Das:** Will the Government be pleased to lay on the table showing in each province under their direct charge during the last 5 years:

I. (a) The number of cases instituted under 124-A and 153-A, Indian Penal Code.

(b) The number of such cases punished

(i) with fines;

(ii) with fine and imprisonment;

(iii) with imprisonment for less than one year or one year;

(iv) with imprisonment for more than one year with names of those still in prison?

II. (a) The number of cases under section 108 of the Criminal Procedure Code.

- (b) The number of such cases acquitted.
- (c) The number of cases in which the accused gave security.
- (d) The number of cases punished—
 - (i) with simple imprisonment;
 - (ii) with rigorous imprisonment?

III. The number of (a) places and (b) persons served with orders under section 144 of the Criminal Procedure Code

- (i) cases where the order was served once during the course of 12 months;
- (ii) cases where such orders were served twice during the course of 12 months;
- (iii) cases where such orders were served more than twice during the course of 12 months.

The Honourable Sir Malcolm Hailey: The information desired is being obtained and will be supplied to the Honourable Member in due course.

Mr. Nilakantha Das: Will the Government find it possible to call for similar information from the Governors of the Provinces?

The Honourable Sir Malcolm Hailey: I did not catch that question.

Mr. Nilakantha Das: Will the Government find it possible to call for similar information from the Governors of the Provinces?

The Honourable Sir Malcolm Hailey: This is a matter, Sir, under the control of the Local Governments, and not of the Government of India.

Mr. Gaya Prasad Singh: Will this information be supplied to the Honourable Member alone or will it be laid on the table as it is a question of public importance?

The Honourable Sir Malcolm Hailey: I am quite willing to place it on the table of the House, Sir.

ACTION TAKEN UNDER SECTION 144 OF THE CRIMINAL PROCEDURE CODE AND SECTION 188 OF THE INDIAN PENAL CODE.

1021. ***Mr. Nilakantha Das:** Will the Government be pleased to state during the last three years in each province under their direct charge;

- (a) How many cases have happened where people disobeyed the order under section 144 of the Criminal Procedure Code?
- (b) In how many such cases have actual violence or breach of the peace followed such disobedience?
- (c) In how many cases of such disobedience was section 188 of the Indian Penal Code applied and with what result?

The Honourable Sir Malcolm Hailey: The information desired is also being obtained and will be supplied to the Honourable Member in due course.

PROVINCES IN WHICH THE CRIMINAL LAW AMENDMENT ACT IS STILL IN FORCE.

1022. ***Mr. Nilakantha Das:** Will the Government be pleased to lay on the table a statement showing during the last three years:

- (a) In which parts of India under their direct charge was the Criminal Law Amendment Act in force?
- (b) For what period, from what date, to what date in each of such Provinces?
- (c) Will the Government be pleased to state whether there are any such Provinces where the Criminal Law Amendment Act is still in force?
- (d) If the answer is in the affirmative, then will the Government be pleased to state also the names of those parts; the period for which the Act has been in force in each?

The Honourable Sir Malcolm Hailey: I give a similar answer to that question, Sir.

ACTION AGAINST VILLAGE PANCHAYATS.

1023. ***Mr. Nilakantha Das:** Will the Government be pleased to state:

A. If any village Panchayats started by Congress organisations or private efforts in each Province under the direct charge of the Central Government, were proceeded against under section 107 of the Criminal Procedure Code, during the last three years?

B. If they were, then—

- (a) How many of them defended their cases?
- (b) How many of them were honourably let off?
- (c) How many were bound down?
- (d) How many members of such Panchayats were punished for not giving security?

The Honourable Sir Malcolm Hailey: The information is not readily available and Government do not propose to obtain it as the expenditure of time and labour involved cannot be justified.

NUMBER OF PRISONERS IN JAILS IN PROVINCES UNDER THE DIRECT CHARGE OF THE CENTRAL GOVERNMENT AND NUMBER RELEASED.

1024. ***Mr. Nilakantha Das:** Will the Government be pleased to lay on the table a statement showing in each Province under their direct charge:

- (a) the number of prisoners in December, 1920;
- (b) the number of prisoners in each month in 1921;
- (c) the number of prisoners in each month in 1922;
- (d) the number of prisoners in each month in 1923;
- (e) the number of Akali prisoners, if any, separately in all the above months;
- (f) the number of Mopla prisoners, if any, separately in all those months?
- (g) the number of prisoners coming out of jail in all those months?

The Honourable Sir Malcolm Hailey: Inquiries are being made.

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LEGISLATIVE ASSEMBLY.

[25TH MARCH 1924.]

JAIL CODES.

1025. ***Mr. Nilakantha Das:** (a) Are the Government in possession of any information to the effect that Jail Codes in any part of British India under the direct charge of the Central Government are not available to the general public in bookstalls authorised by Government for stocking Government publications?

(b) If it is a fact, then is this according to any rules, orders or circulars, or any confidential understanding among officials, or between officials and book-sellers?

(c) Is there anything to prevent the jailors or jail-superintendents from showing the Jail Code to responsible public men if they want to see it?

(d) If there is, what is that?

The Honourable Sir Malcolm Hailey: In regard to the Provinces under the control of the Central Government, inquiries are being made and the results will be communicated to the Honourable Member in due course.

The Government of India are not concerned with the Jail Codes of the Provinces.

Mr. Gaya Prasad Singh: Will this information be supplied to other Members also?

The Honourable Sir Malcolm Hailey: And also, if other Honourable Members desire, it will be laid on the table.

RIGHT OF PRISONERS TO SEE ORDERS, RULES, ETC., EFFECTING THEIR DUTIES AND DISCIPLINE.

1026. ***Mr. Nilakantha Das:** (a) Are prisoners in British India in Provinces under the direct charge of the Central Government allowed to demand to see written orders, rules, circulars, or provisions in the Jail Code, regarding the duties and disciplinary measures they are put to?

(b) If not, why?

The Honourable Sir Malcolm Hailey: Inquiries are being made.

FACILITIES TO PRISONERS TO APPEAL TO OUTSIDE AUTHORITIES AGAINST THE DECISIONS OF THE JAIL AUTHORITIES.

1027. ***Mr. Nilakantha Das:** (a) Are there any provisions in British India in Provinces in the direct charge of the Central Government to afford facilities to prisoners to appeal against any decisions or treatment by jail authorities for judicial remedies, or for remedies at the hands of those who are not interested in forcing jail discipline?

(b) If not, why?

(c) If they are, then what are those provisions?

The Honourable Sir Malcolm Hailey: I have the same answer.

Mr. Nilakantha Das: Answers will be supplied in time, I suppose?

The Honourable Sir Malcolm Hailey: As soon as the information is available.

HALT OF THE DOWN PUNJAB MAIL AT PATNA CITY.

1028. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it not a fact that both the Up and Down Punjab Mail trains stopped at the Patna City railway station in pre-war times and is it not a fact that for some years past, the Down Punjab Mail trains do not stop at the Patna City station?

(b) Will the Government be pleased to inquire from the Railway authorities, and inform the House as to what objection there is to stopping the down Punjab Mail trains at the Patna City station for at least a few minutes?

The Honourable Sir Charles Innes: (a) Yes.

(b) In pre-war times the Down Punjab Mail made three consecutive stops at Dinapore, Patna Junction and Patna City within a distance of 12 miles. The cancellation of the halt at Patna City is not considered to be a hardship to passengers as those intending to travel by mail can drive to Patna Junction by road. Moreover a convenient train (No. 12 Down Express) has been provided, which leaves Patna City at 16-48 and arrives at Howrah at 6-29 A.M.

EXPENDITURE ON THE BRITISH EMPIRE EXHIBITION.

1029. ***Mr. K. Venkataramana Reddi:** Will the Government be pleased to state:

- the total amount of money spent from Central Revenues in laying out buildings in British Empire Exhibition?
- the various sections to which the Government of India sent exhibits and the total expenditure incurred in this behalf?
- the total amount of expenditure incurred or likely to be incurred on behalf of the Indian Trade Commissioner, Diwan Bahadur Vijayaraghavachariar, by way of travelling and daily allowances?

The Honourable Sir Charles Innes: (a) The final figures are not yet available. £10,000 was spent in 1922-23. The revised estimate for the current year is £97,368 and provision has been made in next year's Budget for £5,300.

(b) Fine Arts, Geological Survey, Cotton, Forests, Survey of India, Meteorology, Archaeology, Railway, Town Planning, Hygiene, Tropical Diseases, Co-operative and Education, and Commercial Intelligence. A model of the North-West Frontier Province and a relief model of the Everest are also being exhibited at the Exhibition.

The total estimated expenditure is Rs. 7½ lakhs.

(c) No expenditure has been or is being specially incurred on account of the Indian Trade Commissioner. The total estimated amount on account of Diwan Bahadur Vijayaraghavachariar and his staff is Rs. 43,500. This includes cost of passages to and from England.

ANNUAL SALE OF OPIUM DURING THE LAST TEN YEARS.

1030. ***Mr. Syamacharan:** Will Government be pleased to lay on table a statement showing the quantity of annual sale of Opium during the last ten years?

The Honourable Sir Basil Blackett: A statement giving the required information is laid on the table.

Mr. Devaki Prasad Sinha: What steps did Government take to satisfy themselves that opium exported from this country was used strictly for medicinal purposes?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to the several answers previously given, but if he likes to put down a question, I will answer it.

Statement showing the quantity (in chests) of provision, medicinal, excise and medical opium sold during the years 1914 to 1923 in the case of the first two, and 1914-15 to 1922-23 in the case of the last two.

Year.	Provision opium.	Medicinal opium.	† Excise opium.	† Medical opium.
1914	11,128	...	9,638	6
1915	12,490	850	8,892	15
1916	13,950	2,150	8,785	14
1917	10,985	3,876	9,102	16
1918	11,780	2,000	8,608	22
1919	11,900	2,100	8,608	15
1920	10,292	...	6,716	15
1921	8,135	...	6,168	14
1922	8,020	...	5,821	6
1923	7,354	...	(Not yet known.)	

ANNUAL IMPORT OF FOREIGN LIQUORS DURING THE LAST TEN YEARS.

1031. ***Mr. Syamacharan:** Will Government be pleased to state the annual import of foreign liquors into India during the last ten years?

The Honourable Sir Charles Innes: The Honourable Member is referred to the Annual and Monthly volumes of the Sea-borne Trade of British India, copies of which are in the Library.

ANNUAL INCOME FROM THE EXCISE DEPARTMENT DURING THE LAST TEN YEARS.

1032. ***Mr. Syamacharan:** Will Government be pleased to lay on table a statement showing the annual income derived from the Excise Department during the last ten years?

The Honourable Sir Basil Blackett: I refer the Honourable Member to the Finance and Revenue Accounts, copies of which are available in the Library.

† The figures for Excise and Medical opium are for the years 1914-15 to 1922-23 (i.e., financial years).

‡ 800 chests were subsequently recalled for want of buyers.

GRANT OF CONVEYANCE ALLOWANCE IN SIMLA TO MEMBERS OF THE INDIAN LEGISLATURE.

1033. ***Maulvi Muhammad Yakub:** (1) Are the Government aware that on account of climatic conditions and difficult walks, the Members of the Indian Legislature have to hire rickshaws to attend the meetings at Simla?

(2) Will the Government be pleased to allow conveyance allowance to the Members in the same way as it is given to the Members living at Raisina in Delhi?

Sir Henry Moncrieff Smith: (1) Government think that, generally speaking, the use of a rickshaw for the journey to the Assembly Chamber in Simla is in the nature of a luxury rather than a necessity.

(2) The Conveyance allowance is granted in Delhi to Members residing in Raisina on account of the distance of Raisina from the Assembly Chamber which renders the daily use of a conveyance virtually inevitable. Distances in Simla are not on the same scale and in the opinion of Government the considerations adduced by the Honourable Member are not sufficient to justify the grant of a conveyance allowance.

Khan Bahadur Sarfaraz Hussain Khan: Most of us stay in the Longwood Hotel which is on the top of a hill. It is very difficult for Members to come down and walk up, and therefore some allowance should be paid to them to hire rickshaws.

Sir Henry Moncrieff Smith: I did not quite catch what the Honourable Member was saying, but if he refers to the Longwood Hotel, I do not think it stands at a great altitude, Sir.

Mr. K. Ahmed: At any rate, Sir, Simla is more expensive than Delhi, and the allowance given to Members in Simla ought to be increased. Is not that so, Sir, in every respect?

Sir Henry Moncrieff Smith: Undoubtedly.

SECRET SERVICE CONTINGENCIES.

1034. **Mr. Gaya Prasad Singh:** 1. (a) Will the Government kindly explain what is meant by "Secret Service Contingencies" for which a Budget estimate of Rs. 1,70,000 was provided for 1923-24, and Rs. 2,60,000 for 1924-25 (page 49 of the Detailed estimates and Demands for Grants for 1924-25)?

(b) Why is there an increase of Rs. 90,000 in this item for 1924-25? And are the Government prepared to give an account of expenditure on this item, with details?

2. If the answer to the above be in the negative, are the Government prepared to consider the question of omitting all expenditure under the head of Secret Service Contingencies in future?

The Honourable Sir Malcolm Hailey: 1. (a) The attention of the Honourable Member is drawn to the reply† given by me to (unstarred) question No. 189 asked by Mr. Saiyid Muhammad Abdulla in the Legislative Assembly on the 19th February 1923. As stated therein the amount provided against Secret Service contingencies is intended for expenditure

† Vide page 2482 of L. A. Debates, Vol. III.

on confidential inquiries and other measures in the interest of public security. Details of such expenditure cannot be given without prejudice to the purposes for which the allotment is made.

(d) I am not prepared to give any further information on this item than I gave to the House during the discussion on the Demands for Grants under "General Administration."

2. Government are not prepared to consider the suggestion.

Mr. K. Ahmed: In view of the fact that these items are non-votable, do Government propose for the benefit of the country to give a few more particulars in detail which it is necessary for a country to know?

The Honourable Sir Malcolm Hailey: I think that information would be rather more to the interests of certain criminals than it would be to that of the country at large.

Mr. K. Ahmed: But the criminals must be judged by the country, whether they are criminals for the benefit of the country or for something else?

Mr. Gaya Prasad Singh: Does this sum include blackmail paid to private individuals for services done to Government?

The Honourable Sir Malcolm Hailey: I leave the answer to that question to the Honourable Member's own sense of decency.

Mr. Gaya Prasad Singh: Sir, can the Honourable gentleman deny my statement?

The Honourable Sir Malcolm Hailey: I will not even discuss it.

LORD OLIVIER'S SPEECH IN THE HOUSE OF LORDS ON THE 26TH FEBRUARY LAST.

1035. ***Mr. Gaya Prasad Singh:** Are the Government of India in possession of an authentic copy of the full speech of Lord Olivier, which was delivered in the House of Lords on the 26th February last? And are the Government prepared to place a copy on the table, in order to remove misunderstandings which have arisen in connection with it?

The Honourable Sir Malcolm Hailey: A copy of the *Hansard* of the 26th February, containing the Secretary of State's speech is placed in the Library of this House.

ARREST OF MR. SHOBHALAL GUPTA AND MR. RAMANARAYANA CHOWDHURY OF AJMER-MERWARA.

1036. ***Pandit Krishna Kant Malaviya:** 1. Is it a fact that Ajmer-Merwara is a non-regulation Province?

2. Are the Government aware of the existence of a volunteer corps in Ajmer known as Rajasthana Seva Sangha?

3. Is it a fact that Mr. Shobhalal Gupta, the Editor of the *Taruna Rajasthana*, and Mr. Ramanarayana Chowdhury, the Secretary of the Rajasthan Volunteer Corps, were arrested under section 124A, I. P. C., lately?

4. (a) Is it a fact that Mr. Gupta was styled as "Nominal Editor" and Mr. Chowdhury as "reported to be actual Editor" in the warrants although Mr. Gupta is the publisher, Printer, and Editor of the paper?

(b) If so, will the Government be pleased to state the exact meaning of the "Nominal" and "Actual Editor"?

Mr. E. B. Howell: The information required by the Honourable Member has been asked for and will be communicated to him on receipt. I regret, Sir, that I can give no further reply than this to the two succeeding questions.

POLICE RAID ON THE OFFICE OF RAJASTHAN VOLUNTEER CORPS IN AJMER.

†1037. ***Pandit Krishna Kant Malaviya:** (a) Are the Government aware that on the 9th January 1924 the police raided and searched the office, library and press of the Rajasthan Volunteer Corps in Ajmer and arrested Mr. Pathik under Sections 124 and 153, I. P. C., although the warrant was issued for arrest only?

(b) Is it a fact that in the course of the search the Police opened by force the trunks and boxes of even those persons who were not present at the time of search and carried away some papers without making any list or permitting the owners even to seal their packets and boxes in contravention of section 103, I. P. C.?

(c) Is it a fact that the Police Superintendent of Bundi State and an officer of Jaipur State were also taking part in the search?

(d) Is it a fact that the police took possession of papers in the absence of either a witness or a representative of the volunteer corps?

(e) Are the Government aware that in cases where the signatures of witnesses were taken they were such who did not know English and the list of articles were entered in the diary in English?

(f) Is it a fact that the windows were kept open and the doors were sealed by only the Police officers after the search?

POLICE RAID ON THE OFFICE OF RAJASTHAN VOLUNTEER CORPS IN AJMER.

†1038. ***Pandit Krishna Kant Malaviya:** (a) Has the attention of the Government been drawn to an article "After the search" published in the *Navin Rajasthan* of Ajmer, dated 18th January 1924?

(b) Will the Government be pleased to state if the allegations made therein are true?

(c) If the reply be in the affirmative, will the Government be pleased to state what action they have taken to put a stop to such action of the Police officers in future?

SEPARATE ENTRANCES TO THE HOWRAH AND SEALDAH STATIONS FOR MALE AND FEMALE PASSENGERS.

1039. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the following Resolution passed by the E. B. Railway Passengers Associations:—

OPENING OF PASSAGES.

"In view of the fact that passengers for trains starting from Calcutta are allowed to pass by one passage only and thereby causing too much rush, the female passengers as well as others are put to great inconvenience especially in train No. 13 Down when produce vendors with baskets on their heads block the passage and the Up-train passengers on their arrival are allowed to pass through the passage, the Down train passengers are often refused access to the platform, it is resolved that the Authorities concerned be requested to open all gates with all the passages for the "Ingress" and "Egress" of the Down train and Up train passengers, respectively, when such occasion arises."

† For Answer to this Question—see Answer below Question No. 1036.

(b) If so, do Government propose to take steps to remove the grievances of the public?

(c) Do Government propose to take steps to allow the Indian ladies with third and inter class tickets to pass through special passages at Howrah and Sealdah stations?

(d) Are the Government aware that the majority of such lady passengers observe *purdah* and as such are put to great inconvenience when they are forced to pass through the same passage with other male passengers?

(f) If so, do Government propose to take immediate steps to remove this grievance of the travelling public?

(f) If not, will the Government be pleased to state the reasons?

The Honourable Sir Charles Innes: (a) Yes.

(b) Presumably the Resolution in question was submitted to the Agent and Government will leave him to deal with it.

(c), (d), (e) and (f). Government do not think that Railway Administrations can reasonably be asked to provide separate passages for male and female passengers.

THE NILGANJ BRANCH POST OFFICE.

1040. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the "Forward" of the 11th March, under the head "Closing of a branch post office"?

(b) If so, will the Government be pleased to state whether the statement "the Post office in question costs Rs. 20 per mensem but serves nearly 80 villages" is true? If so, will the Government be pleased to state the reasons for putting so many villages to such inconvenience?

The Honourable Mr. A. C. Chatterjee: (a) The reply is in the affirmative.

(b) The Director General of Post Offices has decided that the Nilganj branch office, though working at a loss, should not be closed.

OVERCROWDING IN TRAINS.

1041. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the "Forward" of the 11th March, under the head "Overcrowding in trains"?

(b) Will the Government be pleased to state the number of special trains run during the last Barrackpur Races?

(c) Will the Government be pleased to state what steps have or are being proposed to be taken for the increase of the third class carriages during the coming financial year?

The Honourable Sir Charles Innes: (a) The reply is in the affirmative.

(b) Government have no information.

(c) It is hoped to place on the line 754 broad gauge and 389 metre gauge 3rd class coaches in terms of four-wheelers, during the coming financial year.

RACIAL INEQUALITY ON THE EASTERN BENGAL RAILWAY.

1042. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the "Forward" of the 12th March, under the head "Racial Inequality in E. B. Railway"?

(b) If so, do Government propose to take steps to remove such grievances?

(c) Will the Government be pleased to inquire as to the truth of the statement that a "Feringhee" Ticket Collector allowed passengers to pass without tickets? If so, do Government propose to take steps to put a stop to such malpractices?

(d) Will the Government be pleased to inquire into the truth of the statements made in the third paragraph of the letter?

The Honourable Sir Charles Innes: Government have seen the letter referred to which is being brought to the notice of the Agent of the Railway.

TRIKANNAD RAILWAY STATION.

1043. ***Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased, with reference to the reply to my starred question No. 613 of the 8th instant, to give the information promised in the reply, or, if the information required by the question has not yet been received, to give the same to the House as soon as it is received?

The Honourable Sir Charles Innes: The information promised was supplied to the Honourable Member on the 15th March last.

Mr. President: Khan Bahadur Sarfaraz Hussain Khan.

Khan Bahadur Sarfaraz Hussain Khan: Is it with regard to the private notice of a question that I gave yesterday? It is:

"Will the Government be pleased to state as to why Nos. 5, 6, 8, 9 and 10 in the main block of Longwood Hotel, Simla, have not been offered to Members, as well as quarters 46 to 54 in the new block of the same hotel?"

The Honourable Mr. A. C. Chatterjee: Sir, before the Honourable Member proceeds with the question, I should like to say that I have not accepted private notice. The question was given to me at 11 o'clock yesterday and I was busy at another place till 7 o'clock in the evening and I had no opportunity of inquiring into the matter. I have not seen the circular the Honourable Member has referred to in the question.

Khan Bahadur Sarfaraz Hussain Khan: Sir, the circular has just come to us and Members are asked to select quarters from the list and these quarters have not been offered to us.

Mr. President: Where the Government does not accept notice of a question, the Chair cannot accept it. I was given to understand that the Honourable Member in charge of Industries and Labour had accepted it. The Honourable Member is aware that he can find his way to the Honourable Member's office if he wishes to.

Khan Bahadur Sarfaraz Hussain Khan: Yes, Sir. I have read the question simply because you called my name.

Mr. President: I am only suggesting to the Honourable Member that he should go and have a conversation with the Honourable Mr. Chatterjee on the subject.

THE RAMGANGA RAILWAY DISASTER.

Mr. C. S. Ranga Iyer (Rohilkhand and Kumaon Divisions: Non-Muhammadan Rural): I only wish to ask, Sir, if the Government can communicate to the House further particulars in their possession in regard to the Ramganga Railway disaster.

The Honourable Sir Charles Innes (Commerce Member): I am afraid, Sir, that I have not got very much more to communicate to the House beyond what I have already told the House and what has appeared in the press. I have, however, received a preliminary report from the Senior Government Inspector of Railways. He says that 53 passengers were injured of whom 3 have since died and that up to the time of the inquiries a total of 25 dead bodies have been recovered from the wreckage. He has examined the track and he found that the metre gauge track on the bridge was in perfectly good order and correct to gauge throughout. His preliminary opinion was that the accident was entirely due to the violence of the wind overturning the vehicles. But, as I have already informed the House, a more formal inquiry is now going on and when the report of that inquiry is received, I will see that it is published.

Mr. C. S. Ranga Iyer: A word about the bridge, Sir. Was the bridge protected with girders on both sides or was it what I may call an open bridge? And will the Government be pleased to see to it that in future the bridge is better protected than it was.

The Honourable Sir Charles Innes: I understand, Sir, that the bridge is what the Honourable Member calls an open bridge, but I will have the technical point raised by him inquired into by the technical officers of the Inquiry Committee.

Maulvi Muhammad Yakub (Rohilkhand and Kumaon Divisions: Muhammadan Rural): Sir, are there any rules which order the drivers to drive slow or to stop trains when there is a great wind or storm? Are there any such rules?

The Honourable Sir Charles Innes: I think it is a matter which is left entirely to the discretion of the driver of the train.

Maulvi Muhammad Yakub: Was it ascertained that the guard tried to stop the train when such a furious storm was raging?

The Honourable Sir Charles Innes: I have no information on the point, Sir. It is a point which will, no doubt, be inquired into by the Committee of Inquiry.

PUBLICATION OF THE TARIFF BOARD'S REPORT ON THE STEEL INDUSTRY.

Mr. G. Pilcher (Bengal: European): May I, Sir, ask the Government of India a question of which private notice has been given to the Member for Commerce, namely:

"Will the Government inform the House as to

- (a) the probable date of publication of the Tariff Board's Steel Report, and
- (b) the date on which the special May session of the Assembly will be summoned to consider that Report?

(2172)

The Honourable Sir Charles Innes (Commerce Member): The special session will probably begin on the 27th of May. As regards the date of publication of the Report, I am afraid that I cannot add to the answer I have already given to Sir Gordon Fraser in reply to a somewhat similar question, namely, that this House may rest assured that Government will endeavour to give the public the longest possible opportunity of studying the Report by publishing it as early as they can.

Mr. G. Pilcher: May I ask the Honourable Member whether he realises that, even if the public get the Report now, there is a bare two months left for its consideration. Can he give us any information as to whether it is a voluminous Report or a highly technical Report?

The Honourable Sir Charles Innes: I am afraid, Sir, I can give no further information that I have already given.

Diwan Bahadur M. Ramachandra Rao (Godavari cum Kistna: Non-Muhammadan Rural): May I ask, Sir, that, if the Government wish to consider the Report, they might publish it first?

The Honourable Sir Charles Innes: I have already said, Sir, in this House that the Government would be reluctant to publish the Report until at the same time they can publish their conclusions on the Report.

Sir Campbell Rhodes (Bengal: European): May I ask whether the Government have carefully considered the recommendation of the Fiscal Commission on a point in paragraph 303 to which as a member of the Fiscal Commission I know we attached very great importance?

"The Tariff Board should have no power to take final decisions. In every case the final decision will rest with the Government and the Legislature. . . . There is one point in connection with the inquiries and reports of the Tariff Board on which too great stress cannot be laid. This is the need for the utmost publicity. Publicity will ensure full consideration being given to all interests affected. Publicity will also inspire confidence and remove the possibility of suspicion that recommendations are based on anything but the public interests. The case for industry should be stated with perfect frankness and lucidity, so that the public may be in a position to form its own judgment. . . . The Government should publish the results of the inquiry promptly, whether it agrees with the conclusions of the Board or not."

In that connection, Sir, I would ask whether the Government would consider just at the time when they are making up their minds the possibility of giving perhaps an extra week or two by early publication which would be of very great advantage to the public and for which I know large interests in Calcutta are very anxious.

The Honourable Sir Charles Innes: The Tariff Board, Sir, has I know carried out to the full the recommendations of the Fiscal Commission in this matter. They have observed throughout their recommendation that the fullest publicity should be given. As regards the second point raised by the Honourable Member I have no objection to saying that the Government will consider the matter again. What I said before was the provisional conclusion we had come to, but we will certainly consider the matter again.

Mr. G. Pilcher: May I ask, Sir, whether His Excellency the Viceroy or the Government of India have received protests from any big commercial centres against the haste which is being observed in regard to this matter?

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Before that question is answered may I also inquire whether the Government have not been pressed by Members of the Legislature and outside representatives of public opinion that the Government are delaying the decision against the interests of an industry which is a national industry?

The Honourable Sir Charles Innes: I am not aware, Sir, that we have had any representations such as those mentioned by the Honourable Member from Bengal. I will not go so far as to say that they have not been received in my office. At any rate, they have not been brought to my notice. The answer to Dr. Gour's question is, I think, in the affirmative.

Diwan Bahadur Ramachandra Rao: May I ask, Sir, whether public criticism of the Tariff Board's recommendations would not be helpful to Government in coming to their conclusions?

The Honourable Sir Charles Innes: That, Sir, is a matter of opinion.

PROPOSED INDIAN DELEGATIONS TO TURKEY, PERSIA AND CERTAIN ARAB STATES.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Sir, I beg to put the questions of which I have given private notice to the Honourable the Home Member.

Mr. President: The Honourable Member will read them.

The Honourable Sir Malcolm Hailey: Before the Honourable Member reads the questions I should like to say that I have only just obtained the papers referred to by Mr. Chaman Lal and I have also received information that he desires to move the adjournment of the House on the same question. I do not propose, therefore, to accept notice if we are subsequently to discuss the whole matter on a motion for adjournment.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): May I ask what is the question of which the Honourable Member has given notice?

Mr. President: Order, order. In order to acquaint the House, the Honourable Member had better, as a matter of form, read the first of these questions.

Mr. Chaman Lal: Sir, the first question is this:

"Is it a fact that Government refuses to issue passports to Mussalmans like Maulana Shaukat Ali, Maulana Muhammad Ali, Dr. Kitchlew, Maulana Abul Kalam Azad, Maulana Hussain Ahmad, Maulana Nizar Ahmad, Seth Yakub Hassan, Mr. Shuaib Qureshi, and Dr. Saiyid Mahmood and Hindus like Pandit Motilal Nehru and Pandit Jawaharlal Nehru, whom the Khilafat organisations in India have selected as members of delegations to proceed to Turkey and to several Arab States, partly to congratulate the Turks on their victory and partly to settle the future of the Khilafat and its relations with Moslem States and the Moslems of the world, which is purely a religious question of the Mussalmans?"

That is the first question, Sir. May I, with your permission, read out the other questions?

Mr. President: The Honourable the Home Member said that the answer he proposes to give will be more adequately given if and when the motion for adjournment is dealt with. I admit that my decision on that matter would turn somewhat on the character of the answer the Honourable the Home Member can or will give to the first of these questions.

Mr. Chaman Lal: Before the Honourable the Home Member gets up to reply may I remind him that the motion for adjournment . . .

Mr. President: We will come to the question of adjournment next. This is a question of fact.

The Honourable Sir Malcolm Hailey: The actual facts are that we were approached by Mr. Shaukat Ali with a request for passports for delegations to Turkey and to Persia, Iraq and Palestine. After considering the matter we told Mr. Shaukat Ali that we would not give passports for this purpose to persons convicted and sentenced to imprisonment for inciting Government servants to disaffection or other offences against the State; also that we were not prepared, in view of the object of the delegation, to grant facilities to persons other than those professing the Moslem religion. He has been requested to intimate in the light of these conclusions the names of the members of the delegations as finally proposed. He has also been told that it is essential to have a clearly defined and detailed programme of each delegation, and that each member must be ready to give an undertaking that his visit has no relation to the political affairs of the State or States which he proposes to visit, and that he will regard himself as bound not to try in any way to take part in any political movement or to promote any political changes in any of the States. We have pointed out that in order to ascertain that the Governments of the States concerned are willing to admit the delegation of Indian Moslems and that they have no objection to its personnel and approve of its programme, the above information and undertakings are necessary. We have also called for information as to the order in which the delegations intend to proceed and the date of departure of each. So far, we have not received a reply to our communication. But those are the principles we laid down on which we were prepared to ask the Home Government to approach Turkey and the other States concerned with a view to ascertain whether they would welcome the delegations.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Are the principles referred to by the Honourable the Home Member distinctly embodied in any definite set of rules?

The Honourable Sir Malcolm Hailey: No, Sir.

Mr. N. C. Kelkar: Is the discretion absolutely unguided by any rules?

The Honourable Sir Malcolm Hailey: The Government have full discretion in issuing passports, just as they have responsibility for the conduct of their citizens in those foreign countries to which passports are issued. It is because that responsibility rests on them that they are obliged to exercise their discretion; every country follows the same practice.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Are there any servants of the Government of India in these places whose loyalty may be tampered with by these gentlemen who are refused passports, if they are allowed to go there?

The Honourable Sir Malcolm Hailey: That, as the Honourable Member knows, is not the object of the inquiries that we made. The primary object of the inquiries we made was to enable us to ascertain whether the personnel of the delegation and their programme would be acceptable to the countries which they intend to visit. That was in accordance with ordinary diplomatic procedure.

Maulvi Muhammad Yakub: Have the Government of India inquired from those countries whether they are willing to receive the deputations and have they asked the Government of India to ascertain the programme of the delegations?

The Honourable Sir Malcolm Hailey: No, Sir. We have laid down these conditions before we approach them.

Mr. Chaman Lal: May I remind the Honourable the Home Member of a particular sentence that appears in the reply issued to Maulana Shaukat Ali in which it is said that steps have been taken to elicit the views of the foreign Governments concerned.

The Honourable Sir Malcolm Hailey: These are preliminary inquiries only made through our diplomatic agents to these countries; the final inquiries as to the personnel and so forth will be sent as soon as we receive the exact programme and personnel of the delegations.

Mr. Chaman Lal: Have the Government received any replies?

The Honourable Sir Malcolm Hailey: Not to my knowledge; but the reply will not be addressed to us. It will come to the British Government.

Mr. Chaman Lal: Is the Honourable the Home Member aware that the Angora Government have intimated to Maulana Shaukat Ali that they are quite willing to admit the deputation?

Mr. President: I cannot allow questions to proceed on those lines. Such questions are expressly forbidden. The Honourable Member must address himself to the responsibility of the Government of India in the matter of issuing passports to British Indian subjects.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Will the Honourable the Home Member be pleased to state if he considers every member of the deputation, all those whose names were read out, to come under the same category or characterisation? I hope I have made myself quite clear.

The Honourable Sir Malcolm Hailey: Quite clear, Sir. But the question is a question of fact in each case.

Mr. C. S. Ranga Iyer: I do not think, Sir, that the Honourable the Home Member puts the case of each and all under the same category. Dr. Mahmood, whose name, I believe, the Honourable the Home Member read out was imprisoned for six months, Mr. Shuaib . . .

Mr. President: That is precisely a matter that might become the subject of debate. It will become appropriate in a motion for the adjournment of business of this House.

The Honourable Sir Malcolm Hailey: The Honourable Member will merely allow me to add that I read out the principles laid down. I did not bring in the name of any of those gentlemen as coming under the category of exclusion; the inference has been drawn by the Honourable Member himself.

MOTION FOR ADJOURNMENT.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Sir, I beg to move for leave to make a motion for an adjournment of the House to discuss a matter of urgent public importance of which I have already given notice. The matter of public importance is this, "the refusal of passports to most of the prominent Indian leaders of the Khilafat movement including Maulanas Muhammad Ali and Shaukat Ali and Dr. Kitchlew, who had been selected to proceed as members of delegations to Turkey, Persia, and certain Arab States on a religious mission of peace, including the settlement of the future of the Khilafat, thereby causing a grave state of unrest among the Mussalmans of India." Sir, under Standing Order 21,

"leave to make a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance must be asked for after questions."

I submit, Sir, that this matter is definite, urgent and of public importance. It is definite in so far as an application was made for passports to be granted to the Khilafat delegation and those passports were refused to certain prominent members of that delegation, a great majority of the members of that delegation. It is further urgent in so far as intimation of that refusal, the original intimation of that refusal, was received by Maulana Shaukat Ali only yesterday. It is a matter of great public interest because it states that passports have been refused by the Government of India to gentlemen who desire to go abroad not merely for private business but on matters of grave public importance. Under Act XXXIV of 1920, I find in section 3 (2) (b) there is no mention whatever of the right of the Government of India to prohibit the grant of a passport to any gentleman going beyond the shores of India.

Mr. President: That is a question of the merits. I am dealing with the question of fact.

The Honourable Member has given notice of his desire to move the adjournment of the House to discuss a matter of urgent public importance, namely, "the refusal of passports to most of the prominent Indian leaders of the Khilafat movement including Maulanas Muhammad Ali and Shaukat Ali and Dr. Kitchlew, who had been selected to proceed as members of delegations to Turkey, Persia, and certain Arab States on a religious mission of peace, including the settlement of the future of the Khilafat, thereby causing a grave state of unrest among the Mussalmans of India." I am not quite certain, arising out of the questions and answers, whether it is a fact that the passports have been applied for and refused. I should like to have a definite answer on that subject first of all.

The Honourable Sir Malcolm Hailey: I think it may be taken that under the principles that we have laid down passports will certainly be refused to certain members of the proposed delegation. I cannot at the

moment, without the papers in the case, say exactly to which members passports will have to be refused under those principles. But I can certainly say that to my knowledge there are three or four of the members of the proposed delegation to whom passports would not be admissible.

Mr. President: I understand that a definite application has been made by certain of those persons, if not all of them, and conditions have been laid down which it is a matter of common knowledge they cannot satisfy. So far as the Chair is concerned, the question is in order. Is there any objection? (No dissent was expressed). The matter will be set down for discussion under Standing Order 23 at the conclusion of business to-day. Honourable Members will remember that our old Standing Order set it down automatically for 4 o'clock, but as business may conclude earlier than 4 o'clock we have amended that Standing Order and now the business will come on the moment the ordinary business on the list of business for to-day is concluded. It is more for the Honourable Members to say when the ordinary business will be over than the Chair. I imagine it will be early in the afternoon or just after the Lunch adjournment.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Malcolm Hailey (Home Member): I beg to lay on the table the information promised in reply to a question by Mr. B. Venkatapatiraju asked on the 4th February 1924 as regards the number of licences granted for firearms during 1923.

Statement showing the number of licences granted for firearms during 1923.

Madras.. . . .	58,075
Bombay	36,239
Bengal	6,281* (exclusive of renewals).
United Provinces	14,764* (exclusive of renewals).
Punjab	32,503
Burma	15,851
Bihar and Orissa	17,573
Central Provinces	19,148
Assam	18,865
North West Frontier Province	13,982
Coorg	1,933
Delhi	421
Baluchistan	500
Andaman and Nicobar Islands	48
Total	2,36,183

* Information in this respect has been called for and this statement will be supplemented on receipt thereof.

The Honourable Sir Malcolm Hailey (Home Member): I further lay on the table the information promised in reply to a question by Mr. N. M. Joshi asked on the 8th March 1924 regarding the percentage of Indians in certain public services.

Statement showing the percentage of Indians in certain Public Services.

Service or 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.	No. of years that will be necessary for Indians to attain the maximum percentage of posts open to them.	REMARKS.
1	2	3	4	5	6
Indian Civil Service.	17.4 per cent.	48 per cent.	39 per cent.	Cannot be definitely stated.	
Indian Police Service.	11.2 . . .	33 per cent. generally. (For North West Frontier Province not higher than 10 per cent. In Burma the percentage of local recruits has been fixed at 22, of which at least 15 should be Burmans.)	33 per cent. generally.	Cannot be definitely stated.	
Imperial Forest Service.	14.6 per cent. Indians (including 2 Burmans), 8.6 per cent. Statutory Indians, 28.2 per cent. total.	12.5 per cent. of the Imperial Forest Service posts are reserved for the promotion of officers of the Provincial Forest Service. These will always be Indians or Statutory natives of India. Further 40 per cent. of each year's direct recruitment requirements is to be obtained in India from Indians and Statutory Indians. For Burma the figure is 25 per cent.	In 1920—4 Indians were found fit for appointment in India as probationers. The number of appointments made in England was 25. In 1921—20 Indians were recruited in India and 2 in England. The no. of Europeans selected as probationers in India under special regulations that year was 10, while 15 were recruited in England. Recruitment during 1922.—8 Indians in India under ordinary regulations and one Indian and one Burman in England. 8 Europeans in India under special regulations and 8 in England. Recruitment during 1923—5 Indians in India and 9 Europeans in England under ordinary regulations.	This will depend upon the rate at which Europeans already in the Imperial Forest Service disappear. 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.	

Service or 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.	No. of years that will be necessary for Indians to attain the maximum percentage of posts open to them.	REMARKS.
1	2	3	4	5	6
Indian Agricultural Service.	32.1 per cent.	For the present at least 50 per cent. if qualified candidates are forthcoming.	Since the 8th September 1923, 6 Europeans and 2 Indians were appointed, i.e., 25 per cent. of the total number of vacancies were given to Indians. The 6 Europeans were recruited for Burma where Indians are not appointed.	Cannot be gauged but the percentage of 50 will be worked up to as soon as qualified Indians are available.	
Indian Veterinary Service.	4 per cent.	50 per cent. for the present.	At present there are 2 Indians in the Indian Veterinary Service. Of the 5 Indian scholars who were sent to England for training in 1921, with a view to their appointment to the Indian Veterinary Service one has recently dropped out. The remaining 4 will complete their training in 1925. Four provincial veterinary Service officers and 2 officers belonging to the staff of the Muktesar Laboratory who were also undergoing training at the Muktesar Laboratory with a view to qualifying for appointment to the Indian Veterinary Service have completed their training in December 1923. Two of these officers have been temporarily provided for in the Indian Veterinary Service and the local Governments have been consulted as to the rest.	Impossible to say.	

Service or 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.	No. of years that will be necessary for Indians to attain the maximum percentage of posts open to them.	REMARKS.
1	2	3	4	5	6
Survey of India.	There is 1 Indian of pure Asiatic descent in class I but see column 3.	20 per cent. of class I appointments are reserved for and held by officers promoted from Class II who must on appointment to Class I be Indians of pure Asiatic descent or statutory Indians. Indians holding Commissions in the Indian Army are also eligible for appointment.			
Indian Educational Service.	43.2 per cent. excluding Burma, 41.2 per cent. including Burma.	50 per cent.	50 per cent. of the annual recruitment is to be Indian, exclusive (until 50 per cent. of the total is reached) of Indians who may be transferred in posts transferred from Provincial Educational Service to the Indian Educational Service.	Nothing definite can be stated but it is hoped that 50 per cent. will soon be reached.	The percentages in column 2 are based on the number of officers actually employed as was done previously.
Meteorological Department.	63.6	No percentage of posts is reserved for either Europeans or Indians. The intention is to fill as many appointments as possible by Indians.	Since March 1922 six Indians (4 permanent and 2 temporary) and no Europeans have been appointed.	Same remarks as in Column 5.	
Indian Service of Engineers.	42 per cent.	50 per cent. in the provinces in India and 33 per cent. in Burma.	18 out of 26 or 1:1.4.	As soon as possible.	

Service or 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.	No. of years that will be necessary for Indians to attain the maximum percentage of posts open to them.	REMARKS.
1	2	3	4	5	6
* Imperial Customs Service.	30 per cent. (excluding Anglo-Indians).	50 per cent. according to existing standards.	According to existing orders every other vacancy must be filled by a Statutory Native of India.	This depends upon the number of vacancies occurring annually.	* Excluding posts reserved for the I.C.S.
Mint and Assay Department.	Mint side.—No Indian out of a total sanctioned strength of 3.	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 posts but the Government are not precluded from selecting for a vacancy any candidate, whether European or Indian, who possesses the necessary qualifications.	Vide columns 3 and 4.	
Indian Medical Service.	22.4 per cent.	No maximum percentage has yet been laid down but the question of fixing a proportion is still under consideration.	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 column 3.	

Service or 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.	No. of years that will be necessary for Indians to attain the maximum percentage of posts open to them.	REMARKS.
1	2	3	4	5	6
Royal Indian Marine.	All	N/A. The question of affording facilities for Indians to qualify themselves for commissions in the Royal Indian Marine was one of the questions examined by the Indian Mercantile Marine Committee. The report of this Committee has only just been submitted to Government.	Vide columns 2 and 3.	Vide columns 2 and 3.	

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President: I have to acquaint the Assembly that the following Bills passed by both Chambers of the Indian Legislature have received the assent of His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act:—

1. The Criminal Tribes Act, 1924.
2. The Repealing and Amending Act, 1924.
3. The Sea Customs (Amendment) Act, 1924.
4. The Indian Tariff (Amendment) Act, 1924.

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President: As a result of the ballot held yesterday the following Members have been elected to serve on the Standing Finance Committee:—

Mr. W. S. J. Willson,
Sardar V. N. Mutalik,
Mr. Bhuvananda Das,
Mr. Darcy Lindsay,
Sardar Bahadur Captain Hira Singh,
Mr. R. K. Shanmukham Chetty,
Mr. Ahmad Ali Khan,
Nawab Sir Sahibzada Abdul Qaiyum,
Mr. Gaya Prasad Singh,
Mr. Mahmood Schazad Sahib Bahadur,
Dr. H. S. Gour,
Diwan Bahadur M. Ramachandra Rao,
Mr. K. Rama Aiyangar, and
Sir Purshotamdas Thakurdas.

THE HINDU COPARCENER'S LIABILITY BILL.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muham-madan): I beg to move that the Bill to define the liability of a Hindu Coparcener be referred to a Select Committee consisting of the Honourable the Home Member, Sir P. S. Sivaswamy Aiyer, Pandit Madan Mohan Malaviya, Mr. M. A. Jinnah, Colonel Sir Henry Stanyon, Mr. Gaya Prasad Singh, Mr. Ambika Prasad Sinha, Mr. S. C. Ghose, Diwan Bahadur M. Ramachandra Rao—to which I wish to add Mr. Harbilas Sarda—and myself, and I wish further to add, following the practice set by the Honourable the Finance Member, that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

I shall very briefly acquaint the House with the history of this measure. Honourable Members who are learned in the law will not require a very long statement from me to understand the nature and purpose of the Bill which I ask leave of the House to take to a Select Committee. The question that this Bill deals with is primarily a question relating to the *Mitakshara* law. For a very long series of years commencing with an old case reported in 6 *Sudder Diwani Adalat*, North-West Provinces, 218, it has been laid down, following the texts of the *Mitakshara*, that the debts of the Hindu father were payable by the son as a matter of pious obligation and that this obligation to pay the debt rested with the son whether the father be dead or alive. The earlier cases went further and said that it was even independent of any assets which the son might acquire by survivorship or by inheritance. In Bombay this last enlargement of the rule, namely, the liability of the son to pay his father's debts even independently of the assets taken by him, was modified by an Act of the Legislature. In the other provinces the rule was understood to be limited and confined to the son who had taken the assets. In a case decided by their Lordships of the Privy Council, known as the *Hanuman Pershad Pande's* case, Lord Justice Knight Bruce delivering the judgment of the Privy Council said:

"Though an estate be ancestral, it may be charged for some purposes against the heir for the father's death by the father, as indeed the case of *Oomed Rae v. Heera Lall*, 6 *Sudder Diwani Adalat*, North Western Provinces, 218 above cited incidentally shows. Unless the debt was of such a nature that it was not the duty of the son to pay it, the discharge of it even though it affected ancestral estate would still be an act of pious duty in the son. By the Hindu law the freedom of the son from the obligation to discharge the father's debt has respect to the nature of the debt and not to the nature of the estate, whether ancestral or acquired by the creator of the debt."

This principle was reiterated and reaffirmed by the Privy Council in the case of *Girdharee Lall v. Kantoo Lall* reported in 14 *Bengal Law Reports*, page 187, and the judgment of the Privy Council was delivered by that eminent lawyer and late Chief Justice of the Bengal High Court, Sir Barnes Peacock, who quoting *Hanuman Pershad Pande's* case reaffirmed that principle. This case was decided in 1874. Since that decision the Indian litigant public and the courts entertained no doubt as to what the law on the subject was until their equanimity was disturbed by a decision of the Privy Council in what has come to be known as *Sahu Ram's* case. In that case for the first time their Lordships of the Privy Council enunciated a doctrine which made a clean sweep of the pre-existing law which had been understood and applied in this country for nearly a century. Well, Sir, that case was decided in 1917 and will be found reported in 39 *Allahabad*, page 437. The decision in this case completely upset the

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existing notions of Hindu law with the result that the courts throughout the country were agitated as to what their Lordships would have meant by the decision which they gave on the liability of the son to pay his father's debts. In that case their Lordships of the Privy Council laid down that the son's liability to pay his father's debts was limited to the debts incurred by the father wholly apart from the ownership of the joint estate or the security afforded or supposed to be available by such joint estate and they further enunciated another proposition that, while the father lived, the son was not liable to pay his debts. In the Statement of Objects and Reasons appended to the Bill I have pointed out the utter confusion which this case has engendered in the minds of the Indian legal world, and estates were decreed on the authority of this Privy Council ruling which would never have been decreed if the pre-existing law had been confirmed by this decision. It was held that this was the enunciation of a new principle which the courts in India were bound to follow. Other courts held that their Lordships of the Privy Council could not by a statement of law change what had been understood to be the established practice of Hindu law for nearly a century. In this utter conflict and confusion engendered by the pronouncement of their Lordships of the Privy Council came another case known as *Chait Ram's* case and their Lordships reaffirmed the principle in language which could admit of no doubt that they followed and adhered to the principle which they had enunciated in the earlier case of *Sahu Ram Chander*. This case made confusion worse confounded and cases after cases began to be published in the reports the reading of which will, I have no doubt, now cause considerable confusion in the Indian legal world and considerable and, I fear, irreparable loss to the parties immediately interested in those cases. When I found this state of confusion prevailing in the country I drafted a Bill and submitted it to the late Assembly for consideration. Opinions of the Provinces and the High Courts were invited and in the collected volume of opinions I found much encouragement from the opinions expressed by the learned Judges of the High Courts and other legal luminaries in the provinces. The point that I made was that when the Government of India found that the country is thrown into a state of confusion, in consequence of conflicting rulings of the highest court of appeal, it is their duty to intervene and define and settle the law. I asked the leave of the late Assembly to go to the Select Committee, but the Government opposed it because they said they had not received all the opinions for which they had written to the Provinces. I also saw, Sir, a latent desire on the part of the Government not to assist me in this measure, primarily I think on the ground that they thought that what the Privy Council had laid down and repeated in two considered judgments could not be outweighed by an expression of opinion on the part of a humble Member of this House. I was convinced that I was right and that their Lordships of the Privy Council were wrong, and upon this point I joined issue with the Government of India. And to-day the position would have been exactly the position in which I stood two years back when I was confronted with a phalanx of opposition offered to my measure by the Legislative, the Home and the other Departments of the Government of India backed up by the two rulings of the Privy Council and the clear enunciation of principle by their Lordships. I, a humbler Member, could not have possibly stood against this solid phalanx of opposition of the highest legal luminaries in this land and outside; but there is a Nemesis that sometimes comes to the help of humble workers in the field of law. On the last occasion and casually when I was talking to my esteemed friend Sir Muhammad Rafiq upon my misfortune and the

[Dr. H. S. Gour.]

opposition to which I was exposed on the part of the galaxy of legal lights that adorned the Treasury Benches, he told me: "I congratulate you. Your fight has borne fruit. I was in the Privy Council and the Privy Council summoned eight Judges to consider the view you have been fighting for and the eight Judges have concurrently adopted that view overruling their own previous cases." This was news which seemed too good to be true. I immediately informed the Legislative Department of my new discovery and asked them to obtain by telegram the report of the case to which my learned friend the ex-Judge of the Allahabad High Court had referred. Well, Sir, fortunately for them and me that case is now before us. Eight Judges of the Privy Council have overruled the two cases in which they had unsettled the Hindu law on this subject and they have reaffirmed the view which finds expression in the Bill which lies before you.

Now, Sir, that, as I say, is a strong argument in favour of legislating upon the lines I have indicated. Upon its merits there can be now no challenge. Yet though the Legislative Department are vanquished, I fear they will argue still. They will perhaps tell us now that the Privy Council have clearly enunciated the law as you want it, where is the necessity for your measure. Well, Sir, I have therefore to satisfy the conscience of those who may think alike with the *pandits* of the Legislative Department. In the first place, if Honourable Members will turn to the pages of this report of their Lordships of the Privy Council while they will be gratified to find that it now enunciates the principle which is embodied in this Bill, it only does so to the extent it was necessary for their Lordships to overrule those two previous cases, Sahu Ram Chand's and Chait Ram's cases; and in this connection let me remind the House that Chait Ram's case was neither cited before their Lordships nor has it been referred to by them in their judgment. The case of Sahu Ram Chand unfortunately was argued *ex parte* and Lord Shaw formulated his views and enunciated them in what I submit were unmistakeable terms in that case and reiterated in equally unmistakeable terms in the later case of Chait Ram. This case which has been decided by their Lordships of the Privy Council suffers from the same defect. It was again a case argued *ex parte* before their Lordships of the Privy Council and they regret that they had to decide such an important issue upon an *ex parte* hearing. It is true they called a member learned in the law to act as an *amicus curi* but judging from the report that learned gentleman merely referred to Sahu Ram Chand's case and does not appear to have referred to the later case of Chait Ram. Be that as it may, that is a defect which affects not only Sahu Ram Chand's case, but also the latest case of Raja Brij Narain v. Mangla Prasad, decided by their Lordships on November 14th, 1923. But if this were the sole defect I should regret it; but with the utmost respect and due deference due to that ultimate court of appeal I humbly beg to submit that their Lordships in deciding this case have used expressions which are likely, in the near future, to cause some confusion in the minds of the Judges, the legal profession and the litigating public. Their argument in this case is that as in the days of Manu the father was an absolute owner of the property and his sons had no vested rights, that rule, though modified, gives the father the right to dispose of the property during his life time for his debts, if not immoral and illegal, or which might be classed by law as antecedent. But in speaking of the son, they

speak of him as a reversioner, and in one of the propositions which they have formulated, they speak of him in the following terms. Their Lordships say:

"If he is the father and the reversionaries are the sons, he may, by incurring debt, so long as it is not for an immoral purpose, lay the estate open to be taken in execution proceeding upon a decree for payment of that debt."

I have been exercising my mind as to what Their Lordships could have meant by calling the sons the reversionaries. On turning to the dictionary as my sole relief on an occasion of doubt and difficulty like this, I find the word "reversioner" defined in these terms: "Reversioner" or "reversionary", one who holds the reversion to an estate. Consequently the word "reversionary" or "reversioner" is used here in the sense that the son is the reversioner to the father. Now, Sir, with the utmost respect I repeat that this is certainly not the conception of Hindu law and has never been in the case of a joint *Mitakshara* family. The son is the coparcener and he succeeds to the property not as a reversioner but as a survivor. I therefore submit that by using the expression "reversioner" and "reversionary", their Lordships may have unconsciously given rise to a doubt which will create further litigation, involve considerable expense and be the means of defeating rights to property. Honourable Members will find that in enunciating that principle their Lordships have forgotten two main facts which are again the cardinal doctrines of Hindu law. It is not merely that in the case of a debt which is moral, the son is bound to pay, but it is also in the case of a debt which is legal, that the obligation of the son to pay subsists. Further, Sir, there is a fact which Their Lordships have not adverted to, presumably because it was not necessary for their decision. Their Lordships mentioned nothing about the spiritual benefit and alienations which Hindu law supports when justified by spiritual necessity, as apart from secular necessity. The Hindu law further recognises the right of the father to alienate to a joint family property for the benefit of the estate or of its coparceners. I here merely wish to point out these facts for the purpose of showing that the enunciation of principle by Their Lordships of the Privy Council is incomplete, and on one point misleading. I therefore submit that, while I congratulate myself upon the unexpected support I have received from the bench of that high tribunal, I pause and consider whether the occasion which gave rise to my Bill has passed, and whether it would not be wise on my part to ask the help of this Assembly to thresh out the whole question and formulate a few simple rules which will receive the sanction of the Legislature and thus avert any possibility of misunderstandings or misconstruction. This, I submit, is a question which I have asked myself, and after careful consideration I have come to the conclusion that it is the duty of this Assembly that, when difficulties arise, when doubts exist, when there is a possibility of the litigating public or the Courts going wrong, it must intervene and enunciate the law for the benefit of the Courts and the public at large. Fortified by this desire, I stand before you and ask you for your support to assist me to take this measure before a Select Committee. I do not know, Sir, with what degree of force and argument my friends on the opposite side are going to oppose this simple motion to take this Bill to a Select Committee. But lest there should be any opposition from their side or from my friends on this side of the House, let me make it clear that my measure is intended to set at rest only the questions upon which

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the Courts have been at cross-purposes since the decision of their Lordships of the Privy Council, to which I have supplemented a few sections which I consider to be necessary for the proper administration of the law. But it is perfectly open to the Select Committee to cut out of the Bill all unnecessary provisions and restrict the scope only to such provisions upon which it wishes to give the country at large some guidance.

Now, Sir, I have given you, in short, the history of this measure. Let me summarise it. Hindu law for the last hundred years has been administered upon principles which admit of no doubt. A serious doubt was cast upon it by two decisions of their Lordships of the Privy Council. That doubt has been partially removed by the latest decision of their Lordships of the Privy Council. But that leaves other integral and ancillary questions still in a state of flux and doubt; and therefore, profiting by the difficulties which the Courts have experienced in the past, which they are experiencing now and which they are bound to experience in the future, it is the duty of this House as a Central Legislature to exercise its powers and put into force its legislative functions by enunciating and settling the principles of law and setting at rest the confusion caused by conflicting cases. If I had said that I would have said all that was necessary from the lawyer's point of view. But, Sir, there are Honourable Members in this House who belong to a different persuasion. Let me appeal to them, not as a lawyer but as a man of commonsense, why it is necessary that I should receive the general support of the Honourable Members of this House. Only the other day when we were voting a large sum of money to finance a Committee installed by the Government of India known as the Committee to inquire into the law's delays, some of us said, what was the necessity of starting this Committee upon its work? One fruitful cause of the law's delays is the uncertainty of the law. Remove that uncertainty, simplify your laws, and you will have removed a fruitful cause which has given rise to the Committee which is to inquire into the law's delays. These are not my words, Sir, but the words of the great historian who wrote the "History of India" some hundred years ago—James Mill, father of that great utilitarian philosopher John Stuart Mill. In his "History of India" James Mill wrote the following words which are as true to-day as they were in 1832 when he penned them. Speaking of the chaotic state of Indian law this is what Mr. Mill thought:

"To form a plain practical and efficient code of laws for the administration of civil justice amongst the Hindus, and perhaps the Muhammadans also, especially in relation to the most important heads, such as inheritance, adoption, dower, gift and some others,"

--I am reading to you from Mr. Bayley's evidence before Parliament when he refers to Mr. Mill—

"the plan suggested by Mr. Mill in his 'History of British India' appears to me to be the only one likely to be attended with success. The following extract will show what I mean:

"In the first place, as the law, according to what we have already seen, is in a state in which it is to a great degree incapable of performing the offices of law, and must remain almost wholly impotent in a situation in which the deficiencies of law are not supplied by manners, let the law be reformed and put into that state in which alone it is adapted to answer the ends for which it is intended. Let the laws whatever they may, for the security

of existing rights, or the attainment of future advantages, be determined to be, receive what alone can bestow upon them a fixed or real existence; let them all be expressed in a written form of words, words as precise and accurate as it is possible to make them, and let them be published in a book. This is what is understood by a code; without such a code there can be no good administration of justice in such a state of things as that in India. There can without it be no such administration of justice as exists with any tolerable degree of human happiness or national prosperity."

Well, Sir, after those words were written, the Parliament installed a Parliamentary Committee which examined a very large number of experts and after the examination penned a report in which they advised Parliament to instal a Royal Commission for the purpose of codifying among other laws Hindu and Muhammadan laws; and Lord Macaulay was appointed the first Law Member and Chairman of this Committee for the purpose of carrying out the Parliamentary and Royal behest. Lord Macaulay came out to this country in consequence of this Parliamentary Statute. On the subject of the codification of Hindu law, this is what he says:

"I hope that before the boys who are now entering the Madrasa and the Sanskrit College have completed their studies, this great work will be finished."

This Royal Commission sat for a number of years but they did not codify the Hindu or Muhammadan law. Another Commission was appointed and that Commission equally failed to codify the Hindu law.

I have given, Sir, this brief history of the attempts that have been made to codify the Hindu law for the purpose of showing to Honourable Members who sit opposite that if they regard this small measure as an attempt at the codification of Hindu law it has the support of a Royal Commission and a Parliamentary Statute—a Parliamentary Statute passed 80 years back and a Royal Commission charged with the duty of codifying Hindu law which I submit it was the duty of the Government of India to codify in pursuance of that clearly enunciated policy. Let them not cast cold water upon private Members on the ground that this is a subtle attempt at the codification of branches of Hindu law; let them not regard that as a disadvantage or a defect in the measure. Now, Sir, I have therefore pointed out, and I hope I have pointed out with success, that so far as this branch of the law is concerned, it is uncertain, it is not clear, it is incomplete and you have to find the law from a mass of cases upon which the text writers and the codes and the lawyers disagree. It is the primary duty of the Legislature to assist the public at large by setting at rest this confusion which exists in the country in consequence of the conflict of cases. I go further and say that if you want that the administration of law in this country should be cheap and economical and that the law's delays should be minimised, you cannot do better than support this measure for the purpose of enunciating and simplifying the Hindu law upon a subject which engages the attention of the courts and upon which there is the greatest conflict.

Well, Sir, I think I have made my position sufficiently clear. I hear from my Honourable friends who made signs to me that I have said quite enough for the measure to go to Select Committee, and I am perfectly certain, Sir, that I shall receive their unanimous support should I have to face any opposition from the Government Benches. Anticipating that, I have made this speech. To my lawyer friends it was superfluous. To my other friends I have pointed out that, taking my stand upon this broad

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pedestal of commonsense, I ask their support in the name of simplification of our Indian laws, in the name of economy of time in the administration of that law, in the name of popularising our law so that the people may understand what their laws are, in the name, I say, of the Central Legislature which is justified in asserting its legislative right to set the country right where it is apt to go wrong. Upon these grounds, Sir, I feel confident that I shall get the unanimous support, if not of this House, at least of this side of the House. I therefore, Sir, place my motion before the House.

Mr. President: Motion moved:

"That the Bill to define the liability of a Hindu Coparcener be referred to a Select Committee consisting of the Honourable the Home Member, Sir P. S. Sivaswamy Aiyer, Pandit Madan Mohan Malaviya, Mr. M. A. Jinnah, Colonel Sir Henry Stanyon, Mr. Gaya Prasad Singh, Mr. Ambika Prasad Sinha, Mr. S. C. Ghose, Diwan Bahadur M. Ramachandra Rao, Rai Sahib M. Harbilas Sarda and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Colonel Sir Henry Stanyon (United Provinces: European): Sir, I rise to support the motion, but on one ground only. As I read the Bill, it seems to me to represent no more than an attempt to codify a subject of Hindu law which, if not an actual creation, at any rate has been very materially shaped by decisions of their Lordships of the Privy Council—decisions which our finite minds in India cannot always reconcile, with the result that there is some conflict of judicial interpretation of them among the several Indian High Courts. I do not understand this Bill, judging it, not from the speech made by the Honourable the Mover but by the language contained in the Bill, to be an attempt to substitute Statute law for the Shastras. It seems merely to be a measure intended to clarify and settle by legislation those judicial interpretations of the Shastras which are now in a more or less nebulous condition. I can thoroughly appreciate the strong objection of Hindu orthodox opinion to the invasion of their venerable Shastras by modern legislative enactments, and if I thought that this Bill represented an attempt of that kind, I am afraid I should not be able to support it. Dr. Gour has given us the history of a so-called attempt to codify Hindu law, but apparently, with all respect to him, he overlooks the fact that Hindu law is already codified—it is the Code of Manu. So far as this Bill goes, I think the Select Committee can be trusted to bear in mind the sentiment of the orthodox Hindu community, and in any case, this House will have full opportunity and freedom hereafter to consider the whole Bill as submitted to it by the Select Committee.

As I have said, I understand the Bill to deal almost entirely with case law—the law of judicial decisions which now wholly governs the administration of this part of Hindu law as to a son's liability for the debts of his father. That law, owing to those decisions and conflicts of opinion, is now in a somewhat uncertain condition. Dr. Gour has drawn attention to the use by their Lordships in their latest decision of the word "reversioner" as applicable to a son. I do not feel any very great difficulty about that. No doubt, it is used by their Lordships in the wide English sense. A son in a Hindu joint family succeeds as a survivor; to his father's separate intestacy he would succeed as an heir; but where the father has a right to dispose of property by will, the son may well come in as a reversioner. But, having regard to the narrow sense in which the word "reversioner" is used in India, and has been used for many years in

connection with Hindu law. I say, with all respect, that the use of that word in the decision of their Lordships which Dr. Gour read out is unhappy, and might possibly be a fairly good illustration of those difficulties of construction which arise when English Judges interpret the Hindu Shastras. I think the House will be well advised to allow this Bill to be handled by a Select Committee, after which, as I have said, it will be possible to see how far, if at all, the measure is likely to set at rest doubt and uncertainty on a subject about which it is undoubtedly desirable that a settlement of that kind should be made. I therefore support the motion.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I also rise not to oppose the motion of Dr. Gour, because I fully remember that once before I offended him and incurred his displeasure, and I therefore do not propose to run the risk again. However, I feel constrained to say a few words upon the policy which he has pursued in this Bill. It may appear to Honourable Members of this House who are not lawyers that we are all talking shop, but heterogeneous as our combination is in this Assembly, when we lawyers are coming here to learn about the merchant shipping and coal trade questions, the other members also should learn something of our law as the Legislature is primarily intended for legislation.

Sir, Dr. Gour stated at the end of his speech that the aim of legislation, and his hope also in a legislation of this kind, is to make the law perfect and unambiguous. But, Sir, so far as my 25 years' experience in the Bar goes, the one thing that I have most impressively learnt is that law is like a dog's tail and can never be made straight with any amount of effort. There were cases like this as when we attempted to amend the Madras Rent Recovery Act. The new Act, elaborate as it was, gave rise to such a bumper crop of litigation that lawyers thought that it was more profitable to them than for the litigants. In this Bill, for instance, Dr. Gour recognises two principles in the Statement of Objects and Reasons which he wants to achieve by the enactment of this Bill into an Act; and those two principles are the removal of doubts as to the law of liability of a coparcener for the debts incurred by the manager or the father, and the second principle is, "the Government now recognises the value of shortening litigation". I do not see the force of "now," but however I leave it to be settled between him and the Government. These are the two principles which he wants to achieve by this Bill, and I wish the House to see that these two principles are carried out by the Bill and if not to offer certain points for the consideration of the Select Committee, so that these two objects may be achieved in the process of discussion in the Select Committee. Now taking the Bill, I will consider it only from the aspect of its principle, as I do still recollect the warning given to me by the President yesterday that I should not go into details, and I will confine myself entirely to the principle and deal only with the principle underlying this Bill, but of course I am only an Entered Apprentice in this Assembly and I should be excused and given some margin if I step a little out of this limit. This Bill, Sir, has first, like all other Bills or Acts, an interpretation clause and I take it that the principle on which the interpretation clause is generally based is to make any expressions which occur in the course of the Bill to be explained by the interpretation clause. Now, I find here "antecedent debt" defined as being with reference to a transfer made by the father, a debt contracted prior thereto in a transaction unconnected therewith. This definition or interpretation must be intended to interpret a similar phrase

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occurring anywhere in the Act or Bill. But I do not find anywhere in the Act or Bill any such expression occurring and I fail to see what the object of this interpretation clause is unless it is to operate as an encumbrance in the course of any dispute arising although it may not be covered by this Bill itself. Again his definition of debt also, he himself admits, is new, but I think it is not based on the proper principle and it is capable of leading to several disputes. He says:

“‘Debt’ includes a pecuniary obligation arising out of a contract, express or implied, or from a breach of civil duty, enforceable by a suit.”

That, I submit, Sir, will lead to a good lot of litigation and is not based on a correct principle of Hindu law. A breach of civil duty may amount to one's neglect of the protection of his illegitimate child, but nevertheless it will not be an obligation on the part of a Hindu son or a Hindu coparcener to bear that debt.

Dr. H. S. Gour: Enforceable by a suit.

Mr. C. Duraiswami Aiyangar: Yes, the protection of an illegitimate child is enforceable by suit so far as I am aware. Then with reference to this Bill as a whole, we can divide it for the purpose of understanding the principle of it under three headings; that is, the substantive law, the rules of evidence and the adjective law. The substantive law portion of it is covered by sections 3 and 4. When once Dr. Gour wants to incorporate into this Bill the universal principle that a son or a grandson is under a pious obligation bound to pay the debts of his father or grandfather, no question of antecedent debt can ever arise, and it is that question of antecedent debt that has been raising so many complications and for the removal of which Dr. Gour intends his Bill. This question of antecedent debt has been taken in courts to such a length that it has been argued in a vicious circle or a vicious infinity, if I may so call it. I will explain it for the information of those who are not familiar with the subject. The father executes a mortgage deed. When the suit is brought up on the mortgage deed, the Court says the debt is incorporated in the mortgage deed itself and is therefore not antecedent, and the mortgage is not supported by an antecedent debt. If one mortgage deed is a renewal of a previous mortgage deed the previous deed is attacked on a similar ground. And so on it is taken infinitely. If, on the other hand, one wants to evade that law, one has simply to take a promissory note one hour before that and take the mortgage deed later on. That is, the promissory note becomes, then, the antecedent debt and the mortgage is rendered valid. The course of disputes relating to mortgages or other transfers made by the father or manager without an antecedent debt or with an antecedent debt must be put an end to. The principle which Dr. Gour wants to incorporate in this Bill is to eradicate all the distinction. Whether or not there is an antecedent debt, the son is bound to pay the debt of his father, even though his father is alive as a matter of pious obligation which is convertible into a legal obligation. Therefore, Sir, if this be the object of this Bill, I would like the Select Committee to consider the effect of this clause and if necessary they may add another clause that transfers made by a father by way of mortgage or sale shall be binding upon the son, provided it is not illegal or immoral. Now, so far as the substantive law is concerned, clauses 3 and 4 deal with that question. So far as clauses 5, 6, 8 and 9 (4) are concerned, they relate to the rules of evidence. In framing the rules of evidence, Dr. Gour—I am unable to understand for what reason—has

taken up two inconsistent principles. In one clause the principle that he lays down is that in a suit by an unsecured creditor it is the duty of the plaintiff to show only that there was a debt; it will be the duty of the son to adduce counter evidence showing that it is illegal or immoral, and it is the duty of the plaintiff to rebut that evidence. That is the principle he lays down with reference to an unsecured debt. With reference to a secured debt he says it is the duty of the mortgagee to prove in the first instance that the debt is binding on the son in every way; that is to say that it is not illegal or immoral and is in every way binding. I submit, therefore, that the principles of the rules of evidence or burden of proof which are adopted in clauses 5 and 6 appear to me to be inconsistent. As regards the rules of evidence on the basis of the facts which he wants the Court to take into consideration in clause 9 (4) I think, Sir, an inquiry started on these lines would prolong litigation for generations. He wants several facts to be taken into consideration by a Court, and that in execution proceedings instituted, namely, the intention of the Court, the intention of the purchaser, and several other psychological facts. How are we to lay down such principles as you find in clause 9 (4)? Then again a decree passed against the manager in respect of a liability incurred within the scope of his authority is made enforceable against the other members of the joint family? In sub-clause (2) he says:

“But in such case the other members are not precluded from contesting the authority of the manager or the binding nature of the debt.”

That is, the decree is enforceable against the other members who are not parties to the suit. But it is open to the other coparceners who might have been interested in the original suit to step in in the execution stage and the execution proceedings take a more complicated course than the original suit itself does. If this is the procedure which is to be adopted in the Courts of allowing the other coparceners in the execution proceedings, I think the object which is laid down by him in the Statement of Objects and Reasons that it will shorten litigation or curtail litigation is entirely defeated. I therefore think that this is also a question which the Select Committee must take into consideration in curtailing this Bill, amending it or adding to it. Therefore, Sir, these are the grounds upon which I wanted to say without opposing his motion for referring the Bill to a Select Committee, that it must be permissible to empower the Select Committee, to give the Select Committee additional powers, full powers to go into questions of principle also and amend the Bill or add to the provisions of the Bill which has now been framed. In this connection, I will also say what has been incidentally referred to by Dr. Gour, that the Civil Justice Committee, which is now making an inquiry, is also going into the same question to some extent, as you will find from one suggestion made by Mr. Fawcett, which is also before the Civil Justice Committee, namely:

“Simplifying or clarifying the rules as to joinder of parties, for example, by enacting that the Manager of a joint Hindu family may sufficiently represent the family in regard to monetary transactions of the family and providing for representation of parties having similar interests by one of such parties after notice to the others.”

That is on page 89 of the Gazette Notification. You will find that Mr. Fawcett has framed this among some suggestions made by him. I therefore request that the Select Committee be also empowered to take into consideration the suggestions to be made by the Civil Justice Committee and frame this Bill in such a manner as will be consistent with the suggestions

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made by the Civil Justice Committee as also to remove the doubts which I ventured to place before you. Then one other point I may say is that in clause 8 it is stated that:

"In a sale made in execution of a decree obtained against the manager the Court will presume that the purchaser, etc."

The Court will presume. We do not ordinarily find this language in law. We say "may presume" or "shall presume". But the words "will presume" are not ordinarily found in law. I remember having read in my early days in the Courts that it simply means that the Judge will presume like that. "In the third will simply foretells a future feat". What the legal effect of that will be cannot exactly be realised by the way in which clause 8 has been framed. So, Sir, these are the principles to be borne in mind by the Committee which has been requested to go into this Bill and shape it in such a manner that absolutely no doubt is left in the minds of the parties or the courts in deciding questions relating to the law of coparceners.

One other question which I would also like to have settled once for all in a Bill like this is in cases in which alienation by way of mortgage or by way of sale is made by the manager of a joint family property or by the father, when other adult members of the family attest the document. The effect of the attestation must be to bind them and to estop them. There is a good deal of dispute with reference to the legal effect of attestation and the attestation of documents by adult coparceners must imply that they are also liable under the document without any further question. Whether they are liable or not I leave it to the Select Committee to decide, but I would certainly request that this question must also be taken into consideration by the Select Committee in disposing of this Bill. I have no doubt that the Committee, as has been said by Sir Henry Stanyon, is a sufficiently strong Committee chosen out of the inner circle from which the panel of members of important committees is usually chosen. Very strong and trustworthy members have been chosen, and Sir Henry Stanyon, who is also one of the Committee, has assured us that he will not encroach upon the precincts of the Hindu Shastras. In fact, there was a lurking suspicion whether Sir Henry Stanyon and Mr. Jinnah will import the principles of their personal laws in disposing of this question, but there is a distinct assurance from my Honourable friend and I am sure such a gentleman ought to be there because he is more scrupulous about encroaching upon the precincts of the Shastras than even the reformed Dr. Gour himself.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I should like in the first place to refer to that passage in the speech of my Honourable and learned friend in which he said how he had been commiserating himself upon the opposition he had met from what he styled the galaxy of legal lights which adorn the Treasury Benches. Well, Sir, what were the facts about the Bill which he tried to pass through the last Assembly? It was introduced, Sir, on the 28th February, 1922, Government made no opposition to that motion at all. On the 25th March 1922, in the absence of my friend, another Member attempted to move the motion that the Bill should be circulated for the purpose of eliciting opinion. You, Sir, ruled that that motion could not be made in the absence of my friend. Then the Honourable the Home Member (Sir William Vincent) said that he was prepared on behalf of Government to circulate the Bill by executive action.

Objection, however, was taken in this House and that course was therefore not followed. On the 20th September, 1922, Dr. Gour moved for a reference of the Bill to a Select Committee and then Sir William Vincent moved an amendment that the Bill be circulated for the purpose of eliciting opinion. That amendment was adopted by the Assembly without any opposition. The next occasion upon which the Bill came before the House was on the 20th February, 1923. At that time Government had not received all the opinions which had been sought upon the Bill and there had been no opportunity of coming to any final conclusion upon its merits. Speaking on that occasion, Sir, I said:

"If this House is not prepared to endorse the principle of this Bill, then we also are not prepared to contest that view. If, on the other hand, they wish to refer it to a Select Committee, we would suggest rather that the motion should be postponed than that such a decision should be arrived at now when the opinions are not complete."

Well, Sir, Government left the decision to the House and the motion moved by my friend was rejected. I find that the Honourable the Home Member, Sir Henry Moncrieff Smith and I myself did not vote in the division, so that, I do not think that the Honourable Member has much reason to commiserate himself upon the opposition which he met from Government on the Bill in the last Assembly.

Let us turn to the main objects of the Bill. The main principle of the Bill, as stated in the Statement of Objects and Reasons, is to set at rest the conflict between decisions consequent upon the uncertainty created in the law by the decision of their Lordships of the Privy Council in Sahu Ram's case. Well, Sir, that was an object for which legislation might have been required before the decision of their Lordships of the Privy Council in the recent case of Raja Brij Narain decided in November last. I would venture to suggest that the support which my Honourable friend has received for his motion is due to the fact that this decision is not yet very well known to Members of this House. I know, Sir, that at any rate the Honourable Mover of the motion had to come and borrow a copy of the ruling from me yesterday.

Dr. H. S. Gour: May I offer a personal explanation? I think I was indebted to the Honourable the Home Member for lending me his copy on the last occasion when I introduced this Bill, and I am responsible for drawing the attention of the Legislative Department to the existence of this ruling.

Mr. H. Tonkinson: I do not think, Sir, that that is a fact, because we knew of the ruling before we heard anything about it from the Honourable Member. What are the objections which the Honourable Member has taken to the propositions as laid down by their Lordships in this case? He objects, Sir, to the use of the word reversionaries in the second proposition. Well, that is a misleading word. We will admit that at once. But I do not think that it will cause any confusion whatsoever or that it will raise doubts in the minds of the most inexperienced of our Munsiffs. He objects also, Sir, to the fact that the propositions are not complete. I am astonished that such an objection should have been taken when we look at the present Bill. He objects to the fact that their Lordships only referred to the word "necessity" and did not speak about the benefit to the estate and so on. But legal necessity, Sir, is a subject the law on which is now fairly well settled, and the difficulty of defining "benefit to

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the estate" was indicated by Lord Atkinson in the ruling quoted in 40 Madras page 709. Lord Atkinson said:

"No indication is to be found in any of them (that is, in any of the authorities which have been referred to) as to what is in this connection the precise nature of the things to be included under the description 'benefit to the estate'. It is impossible, their Lordships think, to give a precise definition of it applicable to all cases, and they do not attempt to do so."

Dr. H. S. Gour: That was "benefit", not "legal necessity".

Mr. H. Tonkinson: Benefit to the estate.

Dr. H. S. Gour: That is not legal necessity.

Mr. H. Tonkinson: I submit, Sir, that the law has now been satisfactorily enunciated in the judgment to which reference has been made and also that if we legislate now, we shall only be making the law more difficult to understand. If we legislate now, the result will be that all our courts, all our litigants and all our lawyers must look to this ruling and look to the Bill to find what was the reason, after this clear statement of the law, why the Legislature thought it necessary to enact these provisions. With that, Sir, I think I have dealt sufficiently with the main principle of the Bill.

I will now turn to the second part of the Bill. I do not think it is necessary to refer at any great length to clauses 5 to 9 of the Bill because my Honourable and learned friend is quite prepared, as he has said, for the Select Committee to cut them out altogether. But I should just like to read in this connection the remarks upon these clauses which were made by the learned author of the last edition of Mayne's Hindu Law, the present Chief Justice of the Madras High Court. He says:

"The Bill has a comprehensive title to define the liability of a Hindu coparcener which is not justified by its contents. It is perfectly justifiable to pass an Act merely to nullify the effect of a particular decision thought to be inexpedient or to be contrary to the sentiments of the people. It is equally justifiable to take up and codify a definite portion of Hindu law with a view, no doubt, to the ultimate codification by compartmental legislation as a whole. The Bill, in my judgment, complies with neither of these requirements."

He goes on:

"It is not easy to know where to begin, whether we should deal with this Bill as of a general or of a limited scope."

Let me turn to another point. My Honourable friend said that this Bill is going to reduce the law's delays, it is going to remove uncertainty. I have indicated already the reasons why to my mind it will only add to uncertainty. In this connection, however, I should like to read the brief comment of the late Chief Justice of the Madras High Court upon the Bill. He said:

"If it is desired to codify Hindu law, this does not seem to be the way to do it. I should imagine that every line of this Bill would result in litigations and in conflicting decisions of the Court."

Well, although, Sir, I must oppose this motion before the House, I do not wish to suggest that at some time it may not be desirable to codify this portion of the Hindu law. I do, however, suggest that a very much greater consideration ought to be given to this subject than has been given to it in the Bill before the House at the present time, and I will suggest that it would be quite improper of the House to refer the Bill in its present form to a Select Committee.

Mr. C. Duraiswamy Aiyangar: May I know from the Honourable Member why the opinions which have been gathered upon this Bill were not circulated among the Members of the Assembly for their benefit?

Mr. H. Tonkinson: The Bill is a new Bill before the Assembly. Before the late Assembly it was circulated on a motion passed by the Assembly and the opinions received were made into papers on the Bill and distributed to Honourable Members. Further printed copies would not have been available now for distribution once again for we scarcely expected that the Honourable Member, after the signal defeat which he received on the last occasion, would want again to introduce this Bill.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): The simple question now for the consideration of the House is whether or not it is desirable and expedient to codify this particular branch of the Hindu law. I do not think it is desirable at the present stage to examine the language of the Bill in any detail, or for the matter of that, to criticise it at all. The language may be open to very serious criticism; in fact, I am not enamoured of it, and I do not commit myself to any approval of the language of the clauses of the Bill. But I should like to give my support to this proposition on the short and simple ground that it is expedient to codify this particular branch of the Hindu law.

Now, what are the principles which should govern the decision of this question as to the desirability of codification? If the law on any particular subject has been wanting in consistency, uniformity or clearness, it is a fit subject for codification. I am not one of those who advocate the wholesale codification of the Hindu law. A great part of it is unfit, unripe, for codification at the present moment. A great part of it is still in a fluid condition. It has to be evolved by Courts into a condition which will more appropriately meet the requirements of present day conditions. But so far as this branch of the law is concerned, it has for many years past been governed entirely by decided cases. It has been one of the most intricate subjects in the Hindu law. By degrees the law was getting crystallised by means of decisions of the Privy Council and we thought they had at last settled down into something like a definite body of principles. Subsequently, a decision of the Privy Council was passed which upset the whole current of previous decisions and lawyers were staggered at this decision of the Privy Council. Then again within a few months or about a year we have the latest decision of the Privy Council which attempts to restore the previous course of decisions and to place the law to a large extent upon its own footing. Now, in that state of things there is unfortunately no guarantee that even the Privy Council will stick to any particular principle with regard to this matter. It used at one time to be considered that the Privy Council ought not to vary its decisions, but even that principle has given way now, in this particular instance happily given way, to the stress of circumstances. It seems to me eminently a case where codification should be attempted. I admit that the Select Committee will have to go through it very carefully to beat the Bill into shape and make it accurate and precise and clear. It seems to me that, if we attempt to circulate the Bill at the present time, an enormous amount of criticism will be expended upon the faulty language of the Bill. It is hardly worth while circulating the Bill in its present form for opinion. The best course will be to refer it to a Select Committee, and after receiving the report

[Sir P. S. Sivaswamy Aiyer.]

of the Select Committee, to consider whether it is necessary to circulate it for opinion or not. At this stage I think it is undesirable to circulate it for opinion and the best course will be to refer it to a Select Committee.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): I rise to support the motion of my Honourable friend Dr. Gour. It is a simple motion to send the Bill to the Select Committee, and I am really surprised that Government should have objected even to that proposal. Personally, I am not a practising lawyer and I am therefore not familiar with the intricacies of law, but I have sufficient grounding in law to take at least a commonsense view of this legal topic. My friend Dr. Gour has already anticipated an objection which should never have been taken against his motion, but which was actually taken by my friend Sir Henry Stanyon. He said it was an attempt at codification, as if that attempt was something of a very heinous or sinister character. What objection could there be, speaking generally, to codification of any particular law either in whole or in part. Even supposing that this is an attempt at codification of a great subject in part, I should say that the method is more logical, is more legitimate, because it is an inductive or synthetical method. Let us take any law and you will find that it would be a big order to codify the whole of the law on that subject. Therefore you must resort necessarily and naturally to only piecemeal codification. My friend Dr. Gour has already cited the high testimony of Lord Macaulay on the subject of codification, and I may cite another authority, the eminent jurist, the late Sir Henry Maine, who always insisted upon codification of law. Now, it is said, it is a piecemeal codification and therefore it must be objected to. But these objections could be taken both ways. If you take a whole subject in hand, of course the objection would be even greater because you could not possibly attempt to codify the whole law at once, and also the needs of the case may not arise for such a course at one and the same time. If you take up only one particular subject or topic in law and attempt to codify it, then you are told, "Here is an insidious attempt to take up only one subject and grapple with it and what is to happen to the rest?" The simplest answer to that is that codification of a single topic in law would be no less logical, or natural or reasonable than the kind of codification which is already in progress in case law. I do not know whether I am strictly correct in characterising case law also as codified law. Of course it is apparently not codification because case law has not the imprimatur or the authority of legislation; but all the same so long as a case law holds the field it has all the power and authority for practical purposes of an enactment of law. Just put the two things side by side, case law on a particular topic and codified law on that particular topic. Apparently case law looks fluid and code law looks rigid. Apparently that is so, but really in my opinion it is not so. When it comes to citing the authority in a law court on a particular law point, what do we find? The lawyer actually quotes a sentence, a full sentence, and a complete sentence from the judgment of a High Court as if it were a section of the law. I cannot possibly see the difference between putting forward one whole section of a codified law and one whole complete sentence or portion of a judgment or a judicial decision. Therefore, whatever objection applies to the codification of a new topic in law of course also applies to case law. And is not the forest of case law that exists a sufficient testimony to the fact that what is condemned apparently as an

attempt at codification is incessantly going on from point to point and from moment to moment? Then my friend Sir Henry Stanyon said that this codification was an invasion upon customary law by this Legislature. Even assuming that the attempt at codification of the customary law by the legislature was an invasion upon that law, it is certainly a more welcome invasion of the customary law because this House is to a very large extent, if not thoroughly, a representative House of legislators. In any case this invasion is more welcome than the invasion by the Privy Council. Those that are conversant with the decisions of the Privy Council in the different departments and domains of Hindu law are quite familiar with the fact that the Privy Council has on a number of occasions driven most comfortably a coach and four through the Shastras, and has practically left nothing at the bottom of what was really the spirit of the Shastras themselves. Without any disparagement of the forensic ability or the judicial temperament of the members of the Privy Council, I would say this that they are a set of ignorant old fossils unnecessarily concerning themselves with interpreting the Shastras. What Shastric assistance have they got when they pretend to interpret the Shastras? Our Shastras are always to be interpreted according to the accepted canons of criticism and interpretation in what is called the Mimansa Shastra. I do not suppose that the Privy Council at any time possessed any advisers who could advise the Judges on the Shastras. And yet they are the advisers of His Majesty as to the actual method of interpretation of the Shastras. There are generally in the Privy Council two European counsel on either side who go on arguing the law point based on Shastras as if they were Rishis or Shastris themselves, and we have the Privy Council giving judgments which are very harmful. Take the case of the law of adoption or the law relating to the widow's estate and you find that the decisions of the Privy Council have gone entirely in an opposite direction from that which has been accepted by the Shastras themselves. Now, if it were the case as in old times of Indian Judges sitting to decide questions of Hindu law assisted by Shastris sitting by their side, as in the case of the old Sudder Adalat, then it might be a different case. I can more easily and more comfortably accept a decision as given by those Indian Judges with the assistance of those Indian Shastris rather than any decision of the Privy Council. But, Sir, even in that case I would insist upon and prefer codification of the law rather than leave the interpretation of the Shastras to the Judge and the Shastris, because we know that logic, like equity, varies with each Judge's foot, and I do not want, so far as I can help it, the interpretation of the Shastras to be left to the personal equation of the Shastri or the Judge for the moment. Ultimately of course, any law goes to the interpretation of the court. That I know, but this attempt at codification is an attempt to stop litigation as far as possible and to give a new start. It will standardise interpretation, and if I may describe codification rather rudely I would say that codification at once and authoritatively and in lump standardises strict logical interpretations. Supposing codification were to be adopted even piecemeal by this legislature, the decision given by this Legislature would certainly be preferable to any judgment given by any particular court, much less the Privy Council, in this respect. Therefore I support the motion of Dr. Gour.

Dr. H. S. Gour: I shall very briefly reply to the criticisms levelled against my motion by the Honourable Mr. Tonkinson. He says that on

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the last occasion when this motion of mine to refer to a Select Committee was thrown out by this House the Government did not oppose it, and yet he speaks with evident gusto of my defeat as a signal defeat. Well, Sir, that will show the temper with which my Honourable friend referred to the previous progress of the Bill.

Then, Sir, referring to the merits of the Bill he admits that their Lordships of the Privy Council in their latest pronouncement have used an unhappy phrase, a phrase which is likely to cause in the near future some trouble in its interpretation and yet he says he opposes my motion. At the same time he winds up his criticism by saying that there is a good deal to be said in favour of codification but that codification must come from the sapient source of all codifications, the Government Benches, and not from this side of the House. The opposition is not to codification but codification at the instance of a private Member.

The Honourable Sir Malcolm Hailey: My Honourable friend did not say that.

Dr. H. S. Gour: He meant it if he did not say it.

The Honourable Sir Malcolm Hailey: I refuse to accept Dr. Gour's interpretation of Mr. Tonkinson's intentions.

Dr. H. S. Gour: I thank my Honourable friend, Mr. Duraiswami Aiyangar, for not having opposed the motion to go to the Select Committee out of deference to what he regards as prospective ire on my part. If that influences the judgment of the House, let me inform the House, including the Honourable Members of the Treasury Benches, that, if they do not vote with me on my motion to refer the Bill to the Select Committee, I shall pour all my ire upon them for having thwarted my useful measure.

Mr. C. Duraiswami Aiyangar: Never vote with them.

Dr. H. S. Gour: We will do that. It is a measure of public utility and a measure the necessity of which is even granted by the protagonist speaking on behalf of Government. I do not wish to go into the details of the criticism which has been made upon the various sections by the Honourable Mr. Duraiswami Aiyangar. I have no doubt that the Select Committee that will sit upon this Bill will thoroughly examine those criticisms and give effect to them. But I wish to say one word before I close. My friend with a certain amount of suppressed irony mentioned that the Committee is an ideal Committee composed from the inner circle of Members from whom Select Committees are drawn. I think my friend could not have forgotten that I had approached my Honourable friend himself to join the charmed circle of Members from whom the members of the Select Committees are drawn, but he refused my offer. So that, Sir, if any Member wishes to go into this charmed circle of members of the Select Committee upon his Bill, let me assure them that they are most welcome. I submit the more members there are to come upon the Select Committee the happier I should feel in having representatives of all shades of opinion in this House to support us in carrying this measure through the Select Committee. With these words, Sir, I move my motion.

(A Voice: "Has the Honourable Member any objection to the Hindu Members of this House forming themselves into a Select Committee?")

Mr. President: The question is:

"That the Bill to define the liability of a Hindu Coparcener be referred to a Select Committee consisting of the Honourable the Home Member, Sir P. S. Sivaswamy Aiyer, Pandit Madan Mohan Malaviya, Mr. M. A. Jinnah, Colonel Sir Henry Stanyon, Mr. Gaya Prasad Singh, Mr. Ambika Prasad Sinha, Mr. S. C. Ghose, Diwan Bahadur M. Ramachandra Rao, Rai Sahib M. Harbilas Sarda and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was adopted.

THE INDIAN STAMP (VALIDATING) BILL.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I ask for leave to introduce a Bill to validate certain insufficiently and incorrectly stamped instruments.

It will be within the recollection of Honourable Members that in the last July Session of the Assembly at Simla the Indian Stamp (Amendment) Act of 1923 was passed. The main effect of this Act was to increase the stamp duty on certain instruments such as share and stock certificates, letters of allotments for shares, letters of credit and of proxy from a stamp duty of one anna to a stamp duty of two annas. Another of the important provisions introduced by this Act was to increase the stamp duty on promissory notes. This Act was supposed to have come into force on the 1st of October 1923. But the Act itself with the assent of the Governor General was published on the 6th of October, and it was published in the local Gazette, for example, in the Fort St. George Gazette at Madras, on the 16th October, 1923. According to the provisions of the General Clauses Act, such an enactment would come into force on the day on which it received the assent of the Governor General, and the day on which it received such assent was the 1st of October 1923. So, Sir, the position is this. Even though this important enactment was supposed to have come into force on the 1st of October 1923, the provisions came to be known in Madras only on the 16th of October 1923. Therefore, at least in the period between the 1st October and the 16th October, instruments executed would in all probability have been stamped under the provisions of the old Act. It might be supposed that this may not result in very serious hardship after all, because people, when enforcing suits on these documents, might pay the requisite penalty of stamp duty and thereby get a remedy. But, unfortunately, under section 35 of the Indian Stamp Act, these are a class of instruments which cannot be admitted in evidence and upon which no suit can be enforced if they are not properly stamped. These instruments cannot be admitted in evidence at all. And, therefore, Sir, the position comes to this. If a person had a promissory note executed between these two days and had it stamped according to the provisions of the old Act, the man who lent the money cannot enforce the promissory note because such a promissory note will not be admitted in evidence. I need not tell Honourable Members of this House what a serious hardship will be caused if this were allowed to continue. For a long time people have been accustomed to use a one anna stamp on promissory notes, and I doubt very much, Sir, if, even now after the lapse of nearly six months, very many people in the country have yet realized the change that has come over the law. This aspect of the question was brought home even during the passage of the Bill in the Assembly.

[Mr. R. K. Shanmukham Chetty.]

My Honourable friend, Sir Sivaswamy Aiyer, who spoke on the occasion, said:

"Now the real hardship comes in on account of the provisions of section 35 of the Stamp Act, according to which if a promissory note is not properly stamped, the defect cannot be cured by payment of a penalty and the instrument will not be admissible in evidence in the civil courts for any purpose."

That is the real source of the hardship caused by an enhancement of the stamp duty. Even the Honourable the Finance Member, who was in charge of this Bill, admitted this hardship. He said:

"Really the whole difficulty that we have is how to get over that problem, how to bring home to the small man after this duty is changed the fact that it is changed in time to prevent him from being hurt by the change. Now the main thing that hurts him is the fact that these promissory notes, if insufficiently stamped, or not stamped in the first instance, cannot be validated afterwards."

One would naturally have expected that in enforcing a provision of law like this some time would have been allowed to elapse before people have actually come to know of the change in the law, but, unfortunately, Sir, in this case no such time had been given to the public to realize the fact of the change that had been brought about in the law. And, moreover, according to the rules that have been made under the amending Act, Honourable Members might know that only a particular denomination of stamps is to be used on promissory notes. For example, a promissory note chargeable with a four anna stamp duty must be stamped with stamps of the denomination of half an anna or one anna. If a person in ignorance had used a four-anna stamp on a promissory note of Rs. 5,000, he simply cannot sue upon that promissory note. I am sure, Sir, Honourable Members will realize the great difficulties which will be caused, especially in the country parts where people even now have not yet realized the change that has been brought about. My Bill only validates instruments executed before the 31st December 1923. It practically gives to the people three months' time, three months' grace, to realize the change that has come over the law, so that the provision is that if any promissory note or other class of instrument mentioned therein was executed before the 31st December 1923, and if it was correctly stamped according to the provisions of the old Act, it shall be admitted in evidence, notwithstanding the provisions of section 35 of the old Act or of the provisions of the amending Act. That is what I have attempted to do in this small Bill, and for these reasons, Sir, I ask the leave of the House to introduce this Bill.

Mr. President: The question is:

"That leave be given to introduce a Bill to validate certain insufficiently and incorrectly stamped instruments."

The motion was adopted.

Mr. R. K. Shanmukham Chetty: Sir, I introduce the Bill.

Sir, I move:

"That the Bill to validate certain insufficiently and incorrectly stamped instruments be taken into consideration."

Mr. President: The question is:

"That the Bill to validate certain insufficiently and incorrectly stamped instruments be taken into consideration."

The Honourable Sir Basil Blackett (Finance Member): Sir, this question, as the Honourable Mover has mentioned, was discussed at some considerable length when the Stamp Bill of last session was under consideration. As that Bill was originally introduced, it raised the stamp duty on promissory notes of all kinds. An amendment was eventually passed by agreement which left promissory notes of Rs. 250 or less to bear the same stamp as before. It was the opinion of this House that that exclusion of the very small promissory notes, or any promissory note up to Rs. 250 provided sufficiently for the difficulty which this Bill is now introduced to meet. The exclusion of any note under Rs. 250 means that the difficulty now applies only to promissory notes of more than Rs. 250 which are drawn as a rule by people who might be expected to know the law. It is possible, however, that in some cases such promissory notes have been insufficiently stamped—though no cases have been brought to my notice—and therefore I did not rise to oppose the principle of the Bill on introduction. I should like, however, to point out to the Honourable Member that he was not quite correct in saying that no steps had been taken to give time between the passing of the Bill and the time when it came into force in order that the change in the law might be brought to general attention. The Bill was passed in the July session of the Assembly: it was not brought into force until the 1st of October. More than two months were therefore given during which opportunity arose for people to become acquainted with the fact that the law was about to be changed. Furthermore, the Government of India took steps through the Local Governments to bring to attention as far as they possibly could the impending change in the law and, after the law had been changed, the fact that it had been changed.

The Bill, as it is drafted, goes I think rather further than is necessary. The effect would be in the first instance to penalize those persons who have sufficiently stamped promissory notes during the period in question. It seems to me quite unnecessary to provide that such promissory notes should be valid in spite of being insufficiently stamped. It surely will be enough to give power for a certain period to make them valid by stamping them sufficiently. There is no reason why people should be let off altogether from the stamp. A period of three months to the end of December seems to the Government also to be rather unnecessarily long. We would suggest that the period up to the end of October would give enough leeway to meet the difficulty. I think in the Statement of Objects and Reasons a suggestion is made that other documents besides promissory notes will be dealt with by the Bill. But I would point out that documents no longer being instruments chargeable with the duty of one anna can now be validated on payment of the amount required to make up the full difference, so no provision of law is required to enable insufficiently stamped documents of those kinds to be made valid. In the circumstances, I would suggest that as a good many small alterations will probably be necessary in the Bill, we should refer it to a Select Committee. I therefore move:

"That the Bill be referred to a Select Committee consisting of Mr. R. K. Shanmukham Chetty, Sir P. S. Sivaswamy Aiyer, Mr. Harchandrai Vishindas, Mr. Bipin Chandra Pal, Dr. L. K. Hyder, Colonel Sir Henry Stanyon, Mr. A. H. Lloyd, Baba Ujagar Singh Bedi and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. President: Amendment moved:

"That the Bill be referred to a Select Committee consisting of Mr. R. K. Shanmukham Chetty, Sir P. S. Sivaswamy Aiyer, Mr. Harchandrai Vishindas, Mr. Bipin Chandra Pal, Dr. L. K. Hyder, Colonel Sir Henry Stanyon, Mr. A. H. Lloyd, Baba Ujagar Singh Bedi and the Honourable Sir Basil Blackett, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The question I have to put is that the Bill be referred to that Committee.

The motion was adopted.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEALING) BILL.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908.

Honourable Members will see that the Act I wish to repeal is Act XIV of 1908. The history of this legislation is as follows:

It was passed at a single sitting on the 11th December 1908. The reason given by Sir Harvey Adamson in support of this measure was that a number of anarchical crimes had broken out in Bengal and that bombs were being manufactured for overawing the Government of India and that a drastic provision of the law was necessary for that purpose. That was divided into two parts—Part I and II. Part I created a special tribunal to deal with political cases of the character I have described, and Part II dealt with unlawful associations. I shall place the House in possession of the leading facts of Part II for reasons which I shall presently state. Part I, which deals with certain offences to be tried by a special tribunal, has been repealed in consequence of the recommendations of the Repressive Laws Committee. It was repealed by section 2 of Act V of 1922. Therefore nothing need be said about Part I. I shall now therefore deal with Part II.

In this Part II the leading principle is as follows. It was open to the Governor General in Council to declare any association as an unlawful association, and, if after the declaration made by the Governor General in Council, the association took part in any meeting of such association or contributed or received or solicited any contribution for the purpose of any such association or in any way assisted the operations of any such association, the members thereof were liable to punishment with imprisonment for a term which was to extend to six months or with fine or with both; and whoever managed or assisted in the management of an unlawful association or promoted or assisted in promoting the meeting of any such association or of any members thereof, was liable to punishment with imprisonment which might extend to 3 years, or with fine, or with both. Therefore, the main provisions of Part II may be subdivided into two different branches. In the first, the Governor General in Council was given the power under section 15 to declare any association to be an unlawful association, and the other sections then invoked the assistance of the judiciary

to punish the members and managers of such association. Sir, I do not wish to speak here as a politician. I take my stand upon the broad ground of law and I will address my remarks to this House, purely and simply as a lawyer. Honourable Members who have studied jurisprudence will know that in the early days of a nation's constitution all powers, executive and judicial, are centred in the head of the State. That head of the State may be designated the Sovereign or the King or it may be a collective body of men like the British Parliament, or it may be one person chosen by that Parliament in days of great national crisis and emergency as a Dictator, such as was chosen in the early days of Rome. But whatever may be the position of the State in times of emergency, all powers are centred in a small body of men or in one man. But in an ordinary state of society, when peace reigns supreme and ebullitions of crime are local and sporadic, constitutional law recognises no power in the Executive to wield and perform judicial functions. Those who have read Bentham's "Theory of Legislation" and the works of other legal jurists will have no hesitation in subscribing to this doctrine. India now has reached a position of constitutional development when the judicial powers of the Sovereign have been transferred to the judiciary and all cases dealing with offences are triable and tried by that body. Sovereignty in this sense is divisible and, while executive functions remain with the Executive Government, judicial functions have been accorded and assigned to a body of judicial experts who are given the sole power of deciding cases between man and man. That, I submit, is the constitutional position of this country. It is a position which England attained several hundred years ago. We all know the provisions of the Habeas Corpus Act where the assumption of the power by the Crown was resisted by the people, and it was desired that all cases of a purely judicial character should be tried by an independent tribunal. And what Englishman here or outside this House will not be proud of the Habeas Corpus Act? It is the *magna charta* of his liberty and individual independence.

Much has been said about the short-comings of the last Assembly, but let me remind the Members of this House that, if the last Assembly has been more moderate in its demands, it has also enlarged the liberties of the people, and the provisions of the Magna Charta Act have been embodied and now find a place in sections 491 and 491A of the Code of Criminal Procedure. The public at large ought to know of the work done by the late Assembly in enlarging the liberties of the people of this country. There is a proviso, proviso No. 3, namely, that nothing contained in section 491 of the Criminal Procedure Code will affect the Bengal Regulations and the ancillary Regulations applicable to Bombay and Madras. But those who remember the recommendations of the Repressive Laws Committee will not need to be reminded that they have recommended the retention in a modified form of those Regulations and the proviso we find inserted in section 491 is in consequence of the fact that the Government had not then made up their mind to give effect to the recommendations of the Repressive Laws Committee. That, of course, is a defect which has since been sought to be remedied by a recommendation which we have addressed to the Governor General in Council.

Now, Sir, between the Regulations and the Criminal Law Amendment Act, I think the Criminal Law Amendment Act is far more dangerous to the liberties of the people, for while the Regulations deal with individuals, the Criminal Law Amendment Act deals with a body of men who

[Dr. H. S. Gour.]

can all be silenced and their activities suspended by one stroke of the executive pen by declaring them unlawful associations. Therefore, I submit that if a choice is to be made between the Regulations and the Criminal Law Amendment Act, this House will support the repeal of the Criminal Law Amendment Act, Part II. Now, Sir, I am not oblivious of the facts addressed to this House by my esteemed friend, the Honourable Mr. Pilcher, and other European Members of this House, who have said that there is a recrudescence of anarchical conspiracy in Bengal and that, if the Executive are deprived of the beneficent provisions of this exceptional piece of legislation, they will be powerless to act. But if I can reply to them and satisfy their misgivings, I have no doubt that I shall be able to take them into the lobby with me in case the Government challenge a division.

Well, Sir, in 1913, another piece of legislation was placed upon the Statute-book and that is the legislation known as the Criminal Conspiracies Act, and Sir Reginald Craddock, the then Home Member, dealing with this Criminal Conspiracies Act, as it then was, referred to the very evil, to which reference has been made in this House by my esteemed European friends, and said that the Criminal Conspiracy Bill was intended to deal with offenders of this character. Let me quote to you his exact words: from page 298 of the Official Reports. He said:

"It is within the knowledge of this Council that in recent years such conspiracies have come into existence, and it is impossible for the Government to disclose all that it may know of their continued existence, but that it has the knowledge that they do exist, this Council must take on trust. Surely the Council needs no argument from me to convince them that this is a state of things which cannot be tolerated a day longer than is necessary."

This appeal was made to the then Imperial Legislative Council, with the result that the Legislature agreed to add two sections to the Indian Penal Code dealing with criminal conspiracies and the punishment for them. I therefore submit that in 1913 the addition of these two sections was made with the express purpose of coping with the nature of crime which has been described within the last few days as having re-occurred in Bengal, and the Government of India, therefore, are not without a remedy which has been given to them by the substantive Statute law of this country by the addition of these two clauses in 1913. Honourable Members will find that, when I read Part II of the Criminal Law Amendment Act, I mentioned that in 1908, when this Act was placed upon the Statute-book, the power to declare an association unlawful was given to the Governor General in Council. But what has been the change? The change has been brought about by section 2 and Schedule I of the Devolution Act of 1920, Act XXXVIII of 1920, where the words "Local Government" are substituted for the words "Governor General in Council." Now, what is the effect of these Devolution Rules placed on the Statute-book by the Act which I have just named? When this Act was passed in 1908, the power rested and reposed in the Central Government to declare associations unlawful. If there was an unlawful association in Bengal, the Bengal Government as the accuser came before the Central Government with facts and figures to ask the Central Government for their authority and their power under this Act to declare an association an unlawful association. There was some safeguard. The detached Central Government could look at things in an impartial and detached manner. But since the enactment of these Devolution Rules and the placing of them on the

Statute-book, the accuser becomes the judge and the Bengal, Bombay, or other Local Governments concerned, if they are of opinion that any association should be suppressed, are given the power to declare those associations as unlawful. That, I submit, was not the original purpose of the Bill as enacted in 1908 and its terms have been enlarged by the subsequent enactment to which I have referred. I submit, if it was dangerous in 1908 to confer the power of a judicial tribunal upon the Executive Government, it is still more dangerous since the enactment of 1920 to confer that power upon the Local Government. Honourable Members must further remember that there is no provision in this Act calling upon the members of the association individually or collectively to show cause why they should not be declared unlawful. There is no appearance by Counsel or otherwise before them. There is no argument that they can address to the Local Government. There is no reference by way of appeal or revision or otherwise to the High Court or before a judicial tribunal with a view to test the legality or propriety of an order passed by the Local Government. The power of the Local Government therefore is absolute, untrammelled and unrestricted by any judicial form of procedure or any judicial control for the purpose at any stage up to the declaration of an association as an unlawful association. That, I submit, is a power which I, speaking as a lawyer, strongly deprecate and I submit that, when this country has been placed in matters judicial under the administration of the High Courts and the other judicial officers of the country, this matter which is primarily a judicial question must be left for the decision of the judiciary. It will therefore be seen, Sir, what danger lurks within the provisions of Part II of the Criminal Law Amendment Act. I need not cite examples of its use or abuse. Members will remember these for themselves. I am only now introducing my Bill and therefore, Sir, by the convention which you have laid down, I am restricted to a very short speech. The Honourable the Home Member laughs, but I hope the Honourable the Home Member will remember that he took more than 40 minutes to attack a similar Resolution of this character moved in the last session of this House and I hope, Sir, that he will be as brief as I have been if he wishes to oppose this Bill at this stage of introduction. I move, Sir, for leave to introduce this Bill.

Mr. President: The question is:

"That leave be given to introduce a Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908."

The Honourable Sir Malcolm Hailey (Home Member): As Dr. Gour anticipated, I must oppose this motion; it has been my duty to oppose a similar motion before, and it would not be consistent if I did not oppose it to-day, and indeed at every stage. He has argued his case, as he says, purely is a legal one, on pure principles of jurisprudence. I confess that I have found some difficulty in appreciating his point in that respect. He speaks as though this power of declaring associations unlawful was some prerogative of the Executive, as though it was the remainder of some autocratic privilege which had not yet been repealed by the Legislature. Now that is not the case. It is a power definitely given to the Executive by the Legislature. It is akin to the many powers given to the Executive in the Criminal Procedure Code, such as for instance in our preventive sections; it is akin to the power given to the Executive under the Police Act for the declaration of routes or closing of public places to public meetings or processions; you will find similar instances not only in the

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legislation of India but in the legislation of other countries. The real question is not whether this power is contrary to the best principles of jurisprudence, but whether it is justified, whether it is a power which should be maintained in the interest of general peace and tranquillity. Dr. Gour has referred to the circumstances under which this Act was passed. It was passed at a time when anarchical and revolutionary movements were first showing head in Bengal. I may say that, as a result of that movement, in five years, some 174 outrages of an anarchical or revolutionary character occurred. It was passed because in the words of a non-official Member of the Council at the time it was found necessary to:

"make provision against conclaves where carnivals of sedition are systematically carried out, revolutionary doctrines are daily preached, violent and mischievous lies are daily disseminated and susceptible minds daily infected with the venom of sedition."

These were the circumstances in which it was passed. I do not wish to suggest to the House that the whole of these circumstances may recur; but no attempt has been made in this House to deny the fact that there has lately been a recrudescence of revolutionary conspiracy in Bengal, and those who know the details of that movement will realise that it is controlled by the same associations as directed it in 1908, and that those associations have the same motives, and the same objective of murder and assassination as they had at that date. I say advisedly, that this is not the moment at which to seek to deprive society of this weapon. Now, that was the original purpose for which it was passed. It has, I know, as Dr. Gour has also said, been applied in subsequent years in order to break up associations which were not distinctly of an anarchical or a revolutionary character, associations primarily of a political character, but whose existence and whose activities were felt to be dangerous to law and order. But what was the character of those associations as judged by their results? Remember in the first place one point, that they were all under one pledge, a pledge to be ready to disobey without question any law or Act of Government when called upon to do so by the executive. The formation of such associations had one result, an inevitable result, as everyone—and not only the agents of Government—very clearly foresaw would be the case. There was intimidation and there was terrorism of every kind. I confine myself definitely not to charges brought against these associations by executive authority but to what has been written about them by judicial authorities. Now take a judgment of the Sessions Judge of Lucknow who dealt in 1921 with a case in which volunteers belonging to one of these associations objected to the mere presence of the police in the village and drove them out, tearing off their uniforms. That might seem a small matter. But I pass to the next. The Sessions Judge at Rae Bareilly showed that, in pursuance of the volunteer campaign to urge tenants to seize possession of land, a brutal murder was committed. Then again, they were convicted of violent assaults in large numbers by the Sessions Judge of Sitapur. The Sessions Judge who dealt with the Molegaon outrage found that it was directly due to the volunteer movement and that decision was confirmed by the High Courts. The High Court of Allahabad, when dealing with the Chauri Chaura case, pointed out that the non-violence of volunteers was by no means absolute. They had a semi-military organisation, and the Court was under the necessity of sentencing a number of them to death for the terrible outrages that occurred at that time. There were innumerable conflicts between these associations and the

police. At Rae Bareilly on one occasion 5,000 of them marching under their flags, attacked the town hall and had to be fired on. But indeed were I to go through the long list, some of the most conspicuous names of which are Rae Bareilly, Dharwar, Bangalore, Ferozepore, Sirajgunj, Sylhet, Tippera, Cuttack, and other places too numerous to detail—if I were to go through that list—I should unduly extend the scope of my reply. There was on every side evidence that town rowdies were enlisted in these volunteer corps to take part in the work of picketting, that on numerous occasions temperance picketers were arrested themselves in a high state of intoxication by the police. There was wholesale looting of shops; there were cases where these associations prevented the burial of respectable Muhammadans. There were even worse cases in which they were shown to have taken the men out of their graves and mutilated them. Those were the circumstances in which we proceeded against these Associations. Let me be very clear. I am not alleging now nor have I any desire whatever to allege that conduct of this kind was approved of by the more responsible leaders of the non-co-operation movement. I am far from alleging that all those against whom action was taken were hooligans or rowdies. I am saying only this, that as a result of the formation of those associations, numerous men came into them who were not under discipline or under control. The general result throughout the country was disastrous to law and order. It did not end there, because under the influence of the atmosphere of disorder which was created, violent crime generally was largely increased. There is much evidence to show that crime of the type of dacoity was committed by men who would never have ventured to act but for the general air of lawlessness introduced by the activities of volunteer associations:

"This murder"

says the Judge of Rae Bareilly:

"would never have been committed but for the recent wave of unrest and lawlessness which swept over the district."

Then, again, the Sessions Judge of Fyzabad says:

"The dacoits were themselves as convinced as their victims that all rule had come to an end and took no precautions to avoid recognition."

It was the general result of spreading disorder and crime throughout the country that influenced us in taking action against these associations. And indeed, we had no other remedy. I know no other provision of the law under which you are able to break up associations of this kind. There are cases when under the conspiracy sections referred to by Dr. Gour you can proceed against those who have been concerting crime, but that is not preventive action. There arrives a certain stage when preventive action of this kind has to be taken in the general interests of the country. I quite admit that, on the last occasion when this Act was used, the net was swept wide and large numbers of men came into it who were not themselves criminals. That I admit. But I also wish to point out that, when reference is made to the wide use of this Act, it must be remembered that very large numbers of men offered themselves for arrest, or when they were arrested, refused to plead in our courts. We were not responsible for that. If the Honourable Mover or if any one else can advise any better law for use against associations of this type, which are so fraught with danger to the public, we should be, as we always have been, glad to consider it. But so far we have been asked only to repeal. No real remedy has ever been suggested. The Mover of this motion takes his

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stand on the prescriptions of jurisprudence and of law. I say, there is some higher law, the law which bids the State to protect the common citizen against intimidation, terrorism and wrong, and that is the reason for my opposing the repeal of the Criminal Law Amendment Act.

Mr. President: The question is:

"That leave be given to introduce a Bill to repeal certain provisions of the Indian Criminal Law Amendment Act, 1908."

The Assembly divided:

AYES—58.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Alimuzzaman Chowdhry, Mr.
Aney, Mr. M. S.
Belvi, Mr. D. V.
Bhat, Mr. K. Sadasiya.
Chaman Lal, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. Bhubanananda.
Das, Mr. Nilakantha.
Dumasia, Mr. N. M.
Duni Chand, Lala.
Dutt, Mr. Amar Nath.
Ghulam Bari, Khan Sahib.
Goswami, Mr. T. C.
Gour, Dr. H. S.
Gulab Singh, Sardar.
Hans Rai, Lala.
Ismail Khan, Mr.
Jalani, Haji S. A. K.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kasturbhai Lalbhai, Mr.
Kazim Ali, Mr. M.
Kelkar, Mr. N. C.
Malaviya, Pandit Krishna Kant.

Malaviya, Pandit Madan Mohan.
Misra, Mr. Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murtuza Sahib Bahadur, Mauvi Sayad.
Mutalik, Sardar V. N.
Narayandas, Mr.
Nenu, Dr. Kishenlal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Piyare Lal, Lala.
Ramachandra Rao, Diwan Bahadur M.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Reddi, Mr. K. Venkataramana.
Roy, Mr. Bhabendra Chandra.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafce, Maulvi Muhammad.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Gangnand.
Syamacharan, Mr.
Venkatapatiraju, Mr. B.
Vishindas, Mr. Harchandrai.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr. M.

NOES—39.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmad Ali Khan, Mr.
Aiyer, Sir P. S. Sivaswamy.
Akram Hussain, Prince A. M. M.
Allen, Mr. B. C.
Bahawal Baksh, Chaudhri.
Bell, Mr. R. D.
Blackett, The Honourable Sir Basil.
Burdon, Mr. E.
Butler, Mr. M. S. D.
Calvert, Mr. H.
Chatterjee, The Honourable Mr. A. C.
Dalal, Sardar B. A.
Faridoonji, Mr. R.
Fleming, Mr. E. G.
Hailey, The Honourable Sir Malcolm.
Hira Singh, Sardar Bahadur Captain.
Holme, Mr. H. E.
Howell, Mr. E. B.

Jones, The Honourable Sir Charles.
Lloyd, Mr. A. H.
Makan, Mr. M. E.
Moir, Mr. T. E.
Moncrieff Smith, Sir Henry.
Muhammad Ismail, Khan Bahadur Saiyid.
Nag, Mr. G. C.
O'Malley, Mr. L. S. S.
Owens, Lieut.-Colonel F. C.
Percival, Mr. P. E.
Pilcher, Mr. G.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Singh, Raja Raghunandan Prasad.
Sinha, Mr. Ambika Prasad.
Stanyon, Colonel Sir Henry.
Tonkinson, Mr. H.
Turing, Mr. J. M.
Wright, Mr. W. T. M.

The motion was adopted.

Dr. H. S. Gour: I introduce the Bill.

THE INDIAN EVIDENCE (AMENDMENT) BILL.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Munammadan Rural): I beg to move for leave to introduce a Bill further to amend the Indian Evidence Act, 1872. This Bill was in another form placed before this House on the 21st February 1924 and therein I asked for the amendment of section 114 of the Indian Evidence Act. Objection was taken on behalf of Government by Sir Henry Moncrieff Smith that that was not the proper place and that it was sought to introduce an amendment in another section by a side-ways arrangement. I now propose in this Bill to amend section 68 of the Indian Evidence Act by adding to it an Explanation which runs as follows:

"Proof of execution under this section may be presumed to have been made where the attester proves his presence at the execution or the acknowledgment thereof by the executant."

Honourable Members will see that the object of this Bill is to get mortgage documents proved even where the attester proves the acknowledgment of the executant. What I pray for is only to give the right to court to presume. "May presume" is the expression used. I do not want to take away the effect of the provision in the Transfer of Property Act which requires that it should be attested, and the word "attest" has been held by the Privy Council in the decision quoted to mean the actual witnessing of the execution. But section 68 of the Indian Evidence Act gives us the method of proof or such a document, and there again, attestation has to be proved by an attester which was held by the Privy Council though there were conflicting decisions of the various High Courts, to mean a person who actually saw the execution by the executant. The object of the present Bill is to see that injustice is avoided and justice rendered where, as it often happens, the attester is kept out of the way or is under the control of the defending party. A party may admit execution, he may remain *ex parte*, but yet the attester may be made to say that he did not see the execution but only had the acknowledgment made to him by the executant. In such a case, the law, as it has been interpreted, compels the court to dismiss the suit even when the defendant is not really contesting it and remains *ex parte* or admits execution. The Madras and the Calcutta High Courts have taken one view while the Allahabad and Bombay High Courts have taken another view about the proof to be given. But their Lordships of the Privy Council, after going through the whole matter and the wording of section 68 of the Indian Evidence Act and of section 59 of the Transfer of Property Act, could not hold that an acknowledgment will be sufficient proof. Under those circumstances it is felt that in many cases the existing law works great hardship unnecessarily. What I propose to do is that in cases where such evidence is either found not to be procurable or where such evidence is purposely kept out of court, a presumption may be made so that justice may be rendered and injustice may not be perpetrated. A close reading of the decision of the Privy Council will indicate that their Lordships only feel constrained to hold in the way they have done owing to the wording of the sections. I therefore ask for leave to introduce the Bill.

The Honourable Sir Malcolm Hailey (Home Member): With regard to the attitude of Government, though we do not accept the Honourable Member's arguments, we think that the issue being a legal one it had perhaps be fought out at a later stage on the floor of the House.

(2211)

Mr. President: The question is:

"That leave be given to introduce a Bill further to amend the Indian Evidence Act, 1872."

The motion was adopted.

Mr. K. Rama Aiyangar: Sir, I introduce the Bill.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State, at their meetings held on the 25th March, 1924, have passed without any amendments the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, which was passed by the Legislative Assembly on the 19th March, 1924."

MOTION FOR ADJOURNMENT.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): I beg to move the adjournment of the House. The motion I have to put is that I move the adjournment of the House to discuss the refusal of passports to several prominent Indian leaders of the Khilafat movement, including Maulana Muhammad Ali, Maulana Shaukat Ali, Dr. Kitchlew and others who have been selected to proceed as members of delegations to Turkey, Persia and certain Arab States on a religious mission of peace, including the settlement of the future of the Khilafat, thereby creating a grave cause of unrest among the Mussalmans of India. The question before the House is one of the most important that it has fallen to the lot of this Assembly to discuss during this present Session. It is a question which goes deep down to the constitution under which we live in India to-day, it goes into the rights of the people of India, into the constitutional practice that prevails in this country and into the autocratic methods which prevent us from exercising our inherent rights in our own land. The facts of the situation are very simple. On the 25th November last Maulana Shaukat Ali wrote a letter to the Secretary to the Government of India, Foreign Department, stating as follows:

"The undersigned has been directed by the Working Committee of the Central Khilafat Committee to request you to kindly issue the necessary passports for the delegations which the all-India Khilafat Conference have resolved to send to Turkey, Hedjaz, Mesopotamia, Syria, Palestine and other Arab States with a view to adjust the religious relations of all Muslims and to remove all existing misunderstandings.

The undersigned will greatly appreciate if you will be good enough to let him know at your earliest convenience what particulars you would require for issuing the above passports and how long it would take you to issue them. It is hoped that the matter will be treated as urgent."

To this letter of the 25th November a reply was received by Maulana Shaukat Ali from the Government which stated:

"With reference to your application on behalf of the Working Committee of the Central Khilafat Committee for the issue of passports to enable delegations to visit Constantinople, Angora, Palestine, Iraq, Hedjaz, Syria and other countries I am directed to request you to intimate to me the name and number of the members of the proposed delegations and the routes they propose to follow."

It was taken for granted by the Central Khilafat Committee that since this reply had been issued, a mere intimation of the names of the members of the proposed delegation would be sufficient to obtain passports from the Government of India, but it appears that between November the 25th and February the 5th, there was some sort of a change in the attitude of the Government of India on the subject. The names of members which were intimated to the Government of India are these: Hakim Ajmal Khan Sahib, Maulana Abul Kalam Azad, Maulana Muhammad Ali, Dr. M. A. Ansari, Mrs. Sarojini Naidu, Pandit Motilal Nehru, Pandit Jawaharlal Nehru, Haji Abdullah Haroon, Dr. Syed Mahmood, Mr. Shuaib Qureshi. This first deputation was known as the Hedjaz deputation. The second deputation was also a Hedjaz deputation which consisted of the following: Hakim Ajmal Khan, Maulana Shaukat Ali or Seth Yakub Hasan, Maulana Syed Suleman Nadvi and Mr. Ashfaq Ali (Secretary). The third deputation consisted of the following gentlemen: Maulana Abdul Majid, Dr. Kitchlew, Maulana Hussain Ahmad and Munshi Khurshed Husnain. The names of the members of these three deputations were submitted to the Government of India, but after the submission of these names, there was, as I said, apparently a change in the attitude of the Government of India. A reply was sent on the 5th of March and I hope I may be forgiven for reading the whole letter. It is a short letter, but it is very important and its contents ought to be made known to Members of this House. It is a letter from Mr. C. W. Gwynne, Deputy Secretary to the Government of India, to Maulana Shaukat Ali. It runs:

"In reply to your letter of the 5th January, 1924, applying for the issue of passports to enable certain delegations to visit Constantinople, Angora, Palestine, Iraq and other Arab States, I am directed to say that previous consultation with the Governments of the various countries to be visited is for obvious reasons indispensable as it is necessary to ascertain whether they would be prepared to receive the delegations and grant them the requisite facilities. Steps to elicit their views have been taken. I am to add that the Government of India could not in any case agree to grant passports to persons who have been convicted and sentenced to imprisonment for offences against the State or for inciting Government servants to disaffection."

I take my stand upon this paragraph, this second paragraph, which states that Government are not prepared to grant passports to any person who has been convicted of offences against the State or for inciting Government servants to disaffection. As far as I am aware, there is no law, there is no rule, there is no regulation under which the Government of India can prevent the grant of passports to His Majesty's subjects on the grounds mentioned in the letter which I have just read out. In brief, these are the bare facts of the whole situation. I will come back presently to the reply given to this last letter by Maulana Shaukat Ali; but having stated the facts let me revert to the motives governing the whole situation. No one will deny that the Khilafat movement has been a thorn in the side of the Government. No one will deny that Government have done their level best to put down this movement in India. The Government have imprisoned and interned men who started this movement. They have banned and they have persecuted the followers of this movement until it has become almost impossible for any honest man holding honest convictions about this question to state them publicly and openly without at the same time being made subject to inquisitorial inquiries instituted by Government in this behalf and to punishment for stating openly his honest views. Moreover, there has been throughout this controversy an atmosphere of international intrigue which has covered the Khilafat movement with the poisonous miasma of hatred and fear. These are the real facts of the situation. No one will deny that this international intrigue has

[Mr. Chaman Lal.]

existed. No one will, I dare say, deny that from time to time attempts have been made to put this intrigue into execution. Was it not in 1916 that a demand was made that that convenient henchman Husam should be made the Khalif? But when they found that it was much too bold a step to take they took refuge in granting him a very high-sounding, grandiloquent title known as the Malik-ul-Hedjaz. Is there any one, Sir, who is prepared to deny that article 139 of the Treaty of Sèvres contemplated, or rather suggested, that the Turkish Sultan should renounce all sovereignty, all jurisdiction over Mussalmans, which could not mean political jurisdiction, but could only mean his religious jurisdiction over the Mussalmans of the world?

Mr. N. M. Dumasia (Bombay City: Non-Muhammadian Urban): Did not the Government of India do their best to bring about a modification of the Treaty of Sèvres?

Mr. Chaman Lal: The Honourable Member wants to know whether it was not the Government of India, who brought about a revision of the Treaty. My reply to that, Sir, is that it was not the Government of India but the Sword of Mustapha Kemal Pasha. It was article 139 which said . . .

Mr. President: Order, order. I must remind the Honourable Member that we cannot turn this into a debate on foreign policy. The Honourable Member himself has restricted this debate by the terms of his own notice. It is the question whether the Government of India were or were not exercising their discretion properly in imposing certain restrictions which made it impossible for certain citizens of India to proceed on a certain mission.

Mr. Chaman Lal: I merely wanted to point out, Sir, that the genesis of the whole trouble which has resulted now in not granting passports to the gentlemen I have mentioned lay in the fact that there was an international intrigue and an international intrigue which exists even to-day. The results of this intrigue were such that there was throughout India a great wave of agitation amongst the Mussalmans of India; so much so that great men like Mahatma Gandhi threw in their lot with the Muhammadans on the side of the persecuted against the persecutors. And the result of this agitation was that Maulana Shaukat Ali and Maulana Muhammad Ali were interned and hundreds of their colleagues were imprisoned.

What, Sir, is it that they demand? They demand nothing but this, that they should be allowed to proceed peacefully on their mission to other countries in order to bring about a settlement of the Khilafat question. Nobody here will deny that the Muhammadans of India along with the Muhammadans of the rest of the world are very greatly agitated about the Khilafat question. And it is in order to settle that question, in order to bring peace and tranquillity in the Mussalman world, that Maulana Shaukat Ali and Maulana Muhammad Ali, the acknowledged leaders of the Mussalmans of India, demand passports to go abroad—aye indeed in order to settle this matter in consultation with their co-religionists. They are going on a purely religious mission. It may be said that passports would have been granted to them if they had been going on a purely religious mission and that this mission is not purely religious. I challenge that statement. The ban that has been placed upon them is unconditional. It does not say, you shall not go to such and such a country; it does not

say that the mission shall be only for religious propaganda. It says quite clearly that persons who have been convicted of causing disaffection, persons who have been convicted of crimes against the State, those are the persons who shall not be allowed passports. The reply to this declaration made by Government, issued by Maulana Shaukat Ali, is a very interesting document. It says:

"With reference to the first part of para. 1 of that letter the undersigned regrets that he is unable to appreciate the reasons assigned for a previous consultation with the Governments of various countries to be visited and no other reason is 'obvious'. The Central Khilafat Committee has no reason to doubt that the Governments concerned would be prepared to receive the delegations, unless of course any outside influence is brought to bear upon some of them and a prejudice against these delegations is thereby sought to be created."

May I remind the House that only a couple of days ago a cable was received from Angora which said that they would welcome the delegation which was intended to be sent out by the Central Khilafat Committee. Further, Maulana Shaukat Ali states:

"As a matter of fact, however, the Turkish Government has already telegraphed that the Khilafat delegation would be most welcome and *Al-Qibla*, the official organ of the Hedjaz Government, has also published that the Sharif Saheb of Mecca is equally prepared to welcome such a delegation. Other indications also exist which leave the Central Khilafat Committee in no doubt about the matter."

Even if the Central Khilafat Committee had any doubt about the reception of these delegations it would be far from clear why the Government of India should want to elicit the views of the Governments in question with regard to a matter with which only Mussalmans are concerned. It is a religious obligation imposed on every Muslim to exert himself and make peace whenever some Muslims have fallen out amongst themselves and the situation in Muslim countries which the Khilafat delegation under reference would seek to improve has recently been aggravated as newspapers indicate by a sanguinary conflict in which one of the sons of the Sharif Saheb of Mecca is stated to have been severely wounded by the forces of the Amir of Najd. It is surprising indeed that it should occur to any non-Muslim that such peaceful efforts as the delegations are intended to make would be unwelcome to those who share the same religion and are bound to recognise the imperative nature of a Muslim's duty to make peace between his brethren.

It has repeatedly been declared by the Government of India that it does not desire to interfere in the religious concerns of the Mussalmans. The undersigned has no doubt that the Mussalmans of India would look upon the intervention of Government in this matter as undesirable interference in a purely religious matter which is a domestic concern of the Mussalmans themselves and that they would certainly regard such interference as contrary to the repeated declarations of Government.

As things stand at present it is entirely in the hands of Government to prevent any Muslim who wants to do his obvious duty by his co-religionists from going out of this country to do it.

Moreover, it is universally understood that the object of issuing passports by a State is to enable those who apply for them to seek the protection of the representatives of that State in the countries to be visited in case of necessity. The Khilafat delegations would not need and do not desire such protection and passports have been applied for only because under existing rules no Indian can leave the shores of India without them. To refuse to issue passports in such a case seems to be a clear abuse of a system designed in the interests of those who apply for passports. In conclusion the undersigned trusts that the passports applied for will be issued without further delay."

That, Sir, is the situation according to Maulana Shaukat Ali who applied for the passports and was refused because the Government laid down certain conditions. Further, there was another letter to which I need not refer at the present moment in which the Government said that they wanted an undertaking from those who were going in this mission that they would not indulge in any sort of political propaganda. It passes my understanding how anybody could imagine that a purely religious mission of peace is going to indulge in any sort of political propaganda. I do

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not believe that this delegation were going to indulge in any political propaganda. They were going on a purely religious mission of peace and that alone should have been enough for you to grant them their passports forthwith.

There are three grave issues involved in the question I have raised. In the first place, as Maulana Shaukat Ali pointed out, and as I allege, the Government are interfering with the religious liberty of His Majesty's Indian subjects. There is a passage which I would ask Honourable Members to note with great attention. It reads as follows:

"Firmly relying Ourselves on the truth of Christianity and acknowledging with gratitude the solace of Religion, We disclaim alike the Right and the desire to impose Our Convictions on any of Our Subjects. We declare it to be Our Royal Will and Pleasure that none be in any wise favoured, none molested or dickered by reason of their Religious Faith or Observances; but that all shall alike enjoy the equal and impartial protection of the Law"

This is a passage from the proclamation of Her Majesty Queen Victoria, of November the first, 1858. Is it consistent with the principles enunciated in that passage for you to refuse passports to delegates going out to do nothing more than their religious duty? I declare, Sir, that it is not consistent with principles you yourself uphold.

In the second place, I assert that you are trying to interfere with the constitutional liberty of His Majesty's Indian subjects, and I call to your mind the fact that you are abusing the law in imposing any restrictions upon the grant of passports to His Majesty's subjects. I challenge you to point out the specific provisions of the law under which you have refused those passports. Take the Passport Act of 1920, Act XXXIV. Where in the whole of this Act do you find a single provision, a single clause, which gives you the power to refuse passports to His Majesty's Indian subjects? The Act says that no person shall enter British India including British Baluchistan, the Santhal Pargannas without a passport. Where does it say that no British subjects shall leave India without a passport? It is entirely an Act for those who enter India, not for those who leave the shores of India. Neither in the Act nor in the Rules issued by notification under it, is there a single passage, a single clause or a single word which gives you the power to refuse a passport to any of His Majesty's Indian subjects who demand those passports from you. Finally, Sir, I contend that you are interfering with the political liberty of His Majesty's subjects by the restrictions and conditions which you have laid down and which I have read out to you. Under such restrictions, under such rules that you have laid down, under such conditions that you have imposed, you are really, by executive order passing an order of internment, upon those members of the delegation who intend to leave this country. You interned them once and you localised their internment, but now you want to turn the whole of India into an internment camp. You really are taking your stand upon absolutism and upon autocracy. You are content and you are at peace only if you can seal your ports and if you can turn the key in the lock of your prison house. You are content and at peace only if you have stamped under foot the ordinary principles of human liberty and human freedom. Let it not be said that you are not prepared to listen to the voice of the people, that you never will be responsible to the people of India, that it is your policy to own responsibility neither to man nor to God.

Mr. President: The question is:

"That this House do now adjourn."

Maulvi Muhammad Shafee (Tirhut Division: Muhammadan): Sir, it is difficult to conceive of a greater injustice at the present moment to the Muslim community of India than to refuse to allow them to send a deputation of their own choice.

The Muslim community in India has received a very great shock from the declarations of the Angora Assembly regarding the Khalifa and the Khilafat and the actions it has taken. Nobody would doubt that Mussalmans have every right to endeavour to understand all the truth about the matter, to consult all the leading Mussalmans of the world, to discover ways and means to mend the situation so as to fit the Shariat of Islam. They have the undeniable right of meeting the leading Mussalmans of the world to confer with them on this all-important question which goes to the very root of Islamic constitution.

The necessity of conferring with the leading Mussalmans of the world with the objects mentioned above has not been doubted, I understand, by the Government. I say this because I find that the Government is ready to issue passports to a deputation to the Muslim countries mentioned by Maulana Shaukat Ali in his letter to the Government of India. It is because of the restrictions and limitations put on the deputation by the Government of India that the question has arisen in this House.

Now let us examine the restrictions. First of all, could there be any restrictions imposed? I need not go to the objects and reasons of the Passport Regulations. It is obvious that the Government are using the powers given to them for a particular purpose to serve another object. I would therefore confine myself to the simple question whether the Government are justified in putting any restriction in view of the object of the deputation.

The object is purely religious. It is of the very essence of Islam that the institution of the Khilafat must at all costs be preserved, and it is with this object in view that the deputation is being sent. There is nothing in it which clouds the issue.

I do not think therefore that the Government would be properly advised in putting restrictions on the deputations. It would again be obvious interference with a purely religious matter of the Mussalmans of India. No amount of sophistic argument can convince any Mussalman that it is not, once more, a direct attack on their undeniable right of moving in a matter which is their sole concern. You do it and you expose yourself again to the perfectly just attack of the Mussalman community and of those of the non-Mussalman community who sympathise with the Mussalmans in their calamity.

Now, take one of the restrictions. It is said that the Government of India could not in any case agree to grant passports to persons who have been convicted and sentenced to imprisonment for offences against the State and for inciting Government servants to disaffection. Now to understand the reason why the Government is not prepared to grant passports to such persons, we have to recall before our mind the personages to whom the ban is meant to apply. They are Maulana Abul Kalam Azad, Maulana Shaukat Ali, Maulana Muhammad Ali and hundreds of other leading stars of the Muslim community who come under the ban. In fact almost all those who took an active interest in defence of their religion had to be stamped with the label of offenders against the State. There was certainly no law giving the authorities power to attack the religion of the people in a direct manner. They had to find out their weapon of attack from the

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ordinary law of the country and they found it in the sections relating to the offences against the State. Government made these sections an excuse for locking them up. But the people, on the other hand, honoured them. Their confidence in such men was the more restored.

Now when such a serious time has come, the Government mean to tell them that such men should not have the confidence of the Mussalman community to represent them on the deputation to the Muslim States. Is there any reason in it?

The people's confidence in the abovementioned personages is perfectly well known to the Government. The people have only recently given them the highest honour that they have in their power to bestow.

Maulana Abul Kalam Azad was in September last in this very city of Delhi elected to occupy the chair of the Indian National Congress. Maulana Shaukat Ali was, even before he came out of jail, universally acclaimed as the President of the all-India Khilafat Conference at Cannada, and so was Maulana Muhammad Ali chosen to occupy the chair of the Indian National Congress at the same place.

If the Mussalmans of India are not going to send such gentlemen to represent them before the Muslim States, who else would be able to do more justice to the cause of religion which their Mission is designed to do? The other ground is that in view of the object of the delegation, the Government are not prepared to grant passports except to persons professing the Muslim religion.

One cannot understand the reason of this decision. If a non-Muslim is convinced of the righteousness of the cause of the Indian Mussalmans and wants to share the trouble of his Muslim brother, who can prevent such a non-Muslim from sympathising in the most active form with his Muslim brother in the hour of his trial?

I do not understand, Sir, why this active sympathy on the part of non-Muslims should be a source of trouble to the Government, or why there should be an attempt on the part of Government to prevent such non-Muslims from sharing with their Muslim brothers their trouble in their hour of calamity. I submit, Sir, that Government would be properly advised to withdraw the restrictions and to let the Muslim community understand that the Government are not going to interfere with their religious liberty and the action which they want to take in order to defend their religion.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, whatever may be the opinion of the Government of India, with regard to the intention of the members of the deputation who want to proceed to Angora, Palestine, Iraq and such other places or to the object with which they want to proceed to such places, I submit to the House that the mission is purely religious. Sir, the abolition of the institution of the Khilafat and the deposition of the last Khalifa of the line of the Osmanlis have created a deep sense of resentment and consternation among the Sunni sections of the Muhammadan community. Though the Shias have no religious concern with the Khilafat, yet leading members of the Shia community, such as the Right Honourable Sir Syed Ameer Ali and His Highness the Aga Khan are taking a keen interest in the matter, and that from the viewpoint of Muhammadan brotherhood and fraternity.

Here, I cannot help expressing my sense of deep gratitude to the great leader, Pandit Motilal Nehru, who has expressed his willingness to proceed with the deputation to Angora and other Muslim States. Sir, it was chiefly because of Mahatma Gandhi's taking up the cause of the Khilafat in right earnest that he is respected, honoured and loved by the whole Muslim world, if not more at least as much as by their Hindu brethren.

Sir, it is common knowledge that owing to the abolition of the Khilafat and the deposition of the Khalifa, Egypt and Hedjaz have set up their claim to the exalted office, and one in high office has gone so far as to suggest the name of His Exalted Highness the Nizam of Hyderabad. It is also common knowledge that Maulana Muhammad Ali is in correspondence regarding the Khilafat with the Angora Government, the Hedjaz Government and the Egyptian Government, and that the Indian Moslems are trying their level best to see that the Muhammadan world is not divided on this question and that different Khalifas may not be appointed in the different Muhammadan States. It is simply to prevent the dismemberment of the Muhammadan world that Indian Muhammadans are so keenly interested in this question. It is the desire of the Indian Moslems that the Khilafat should remain with the Turks, as the only strong and independent Muhammadan Power; and, Sir, the object of the delegation therefore is to take time by the forelock and to consult the Angora Government and its head, Kemal Pasha, as to the best solution with regard to the appointment of the Khalifa before it is too late; otherwise, if different Muhammadan States, especially in these critical times in their history, have their own Khalifa—one in Egypt, one in Palestine—one even in India and one in Afghanistan, the Muhammadan world will be disunited. This kind of dismemberment, according to the views we hold, is the very object which the enemies of Islam have in view. I would therefore advise the Government to help the Muhammadan community and not to interfere in any way with the delegation; otherwise I am afraid the consequences will be anything but pleasant. These gentlemen wish to go to Angora, rightly or wrongly—whatever their opinion may be; and just as in the case of the Akhalis by stopping them from going to Jaito you created so much disturbance, so I am afraid, if you interfere with or stop these men on different grounds, whatever they may be, you will create another disturbance. Sir, I am grateful to my Honourable friend, Mr. Chaman Lal, for having taken up this matter and moved the adjournment of the House, and I support his motion.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): I feel bound to associate myself with the previous speakers in this momentous question—a question of life and death to the Muhammadan community. This question of the Khilafat is a very momentous question which has been agitating the minds of Muhammadans for some time past. Had this delegation been permitted to go to Angora and other places they would have come out successful. They would have with the co-operation of the Moslem world prevailed upon the Angora Government to realise the necessity of making common cause with all other Muhammadans, so that a common understanding might have been brought about. Had this delegation gone in time to Angora, Syria, and even Arabia, they would have succeeded in bringing about cordiality and brotherly feelings between fellow-Muhammadans and the question of the Khilafat would have been decided smoothly to the satisfaction of the Muhammadans as also to the satisfaction of the Government. So far as the Home Government are concerned,

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they have assured the Muhammadans that they have no interest whatever in the Khilafat; but so far as the Government of India are concerned, my Honourable friend, Mr. Dumasia, said that the Government of India have already evinced interest in the Khilafat movement. Now we ask that the Government of India should show their sympathy with the Khilafat movement in a practical way. If they want to show real and practical sympathy, let them grant permission to these members of the delegation so that they might go peacefully on their religious mission to try and bring about friendly feelings and cordiality. Now that several Muhammadans have tried to proclaim themselves as Khalifas—for instance Shah Husain in one place, Amir Abdul Husain in another place, and Fouad Pasha of Egypt in still another place, it has become a question of great importance to us Muhammadans. When this delegation succeeds in going to all those places the question of the Khilafat, we may hope, will be settled in one way or another, and we shall have an amicable settlement at last. That is why we are so very much interested in this delegation and I echo the voice of the entire Moslem world when I ask that the Government of India should show their magnanimity at least in this case, if they have not shown it in other cases, by granting permission to this delegation to proceed. I would repeat what a previous speaker Khan Bahadur Sarfaraz Husain Khan has so clearly said, that, if no such permission be granted, we are afraid that Muhammadans will be put to the necessity of following the example of the Akalis. Just as they have been peacefully doing their religious duty, Muhammadans will also do their religious duty peacefully; and on behalf of the whole community I would request that permission be granted to this deputation without any hesitation. I challenge the Government to say that it is not a religious mission. If they can prove that it is not a religious mission, they may stand in our way; but when they cannot successfully prove that it is anything but a religious mission they should not put difficulties in our way unnecessarily and so wound our religious feelings.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, there seems to be some misapprehension underlying this motion and giving rise to some of the very natural excitement which we have witnessed. Mr. Chaman Lal rightly said that the Indian Passport Act is designed to control the entry of people into India and not to control the departure of British Indians from India. The Act is really, as I understand it, irrelevant to this discussion. It is wholly wrong to say that the refusal of the passport to Maulanas Muhammad Ali and Shaukat Ali, if it should take place, would amount to an internment of them in India. It would be nothing of the kind. There is nothing in the passport law of India to keep them interned in India. They can go out when they please; but it is when they come to the boundaries of a foreign country—Turkey, for example, that the passport law of that country will bar them (*Mr. N. C. Kelkar*: "Let it.") if its Government be so minded to use its passport law. I may say, subject of course to correction, because I am not aware of what may be the treaty arrangements—those are only known to the Governments concerned,—that, if the Turkish Government desire to welcome this deputation, they can let it enter Turkey without any passports whatever. But where is the law which compels the Government of India to give a passport to any particular person to go to any particular country? Such a passport could not be given to go to Turkey, I imagine, unless the wishes

of the Turkish Government were specially communicated or are generally known to the Government of India. Now I have seen in the papers that the present Government of Turkey have gone so far as to prohibit His Holiness the Khalifa himself from indulging in any propaganda with regard to the Khilafat. If that is so, then surely any Government would have to be very careful to ascertain what might be the wishes of the Turkish Government before they could give passports to a deputation whose object is to preach on that particular subject in Turkey. But apart from that,

if there is no law to compel the Government of India to give a passport to any particular person, are the Government of India unreasonable in refusing, or would they be unreasonable, if they should refuse passports to persons who, in season and out of season, have declared that they do not recognise the Government of India as any Government at all, and that the only Government to which they owe allegiance is the Government of Turkey? If that is so, let them go direct to the Government they recognise and ask for the passports they want, and if their mission is a purely religious one, I have no doubt whatever that, with the strong religious feeling that prevails throughout Islam, they will get permission without any difficulty. So far as this delegation is said to be a purely religious one, I do not profess to be able to explain one feature of it; I make no suggestion, no insinuation, because I do not know the facts. But it does seem to me that a point which would require explanation is how it happens that in a purely Islamic deputation,—a purely religious deputation,—two of the members are Brahmins?

Maulvi Muhammad Yakub (Rohilkhand and Kumaon Divisions: Muhammadan Rural): Sir, some 600 years ago the Mussalmans were faced with the same situation with which we are faced to-day. 600 years ago Halaku Khan sacked Bagdad and the Abbaside Khilafat was destroyed. The same sensation which now exists throughout the Islamic world was then created amongst the Muslims at the downfall of Bagdad, and on that occasion a famous Persian poet, Sheikh Sadi, wrote a memorable *Kasida* which gives expressions to the feelings of Muhammadans about the Khilafat, and I cannot but recite here one couplet from that memorable *Kasida* which gives expression to our feelings to-day on the question of Khilafat. He began by saying:

"Asman na haq buwad gar khun bigiryad bar zamin.

Bar zawal-i-mulk Mustasim Amir-ul-mominin."

A European friend of mine has translated it for me in English verse, and it means this. "What wonder if the heavens are dissolved in tears of blood over the fate of Khalifa Al-Mustasim, the great and good." These were the feelings of the Mussalmans on the downfall of the Abbaside Khilafat and I have no doubt that these are the feelings of the Mussalmans throughout the whole world now on the downfall of the Ottoman Khalifa. I am sure that the Government of India are aware of the intensity of the feelings of the Mussalmans of India on the Khilafat movement. The importance of the Khilafat from the religious point of view of the Mussalmans cannot be overestimated. The keen interest which His Highness the Aga Khan and the Right Honourable Sir Syed Amir Ali have taken in the matter proves beyond doubt that not only the Sunnis but also Mussalmans not belonging to the Sunni sect consider the Khilafat as the most vital question for the whole Islamic world. The sensation which the recent action of the National Assembly of Angora has created

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throughout the whole Muslim world is in itself sufficient to justify the action proposed by the Central Khilafat Committee of India as regards sending deputations to Angora and to other Islamic countries. Sir, the Mussalmans of India form a very large and important section of the Mussalman population of the world, and it is our bounden duty to take immediate action in order to solve the situation created by the decision of the Angora Government. The British Government are no longer at war with the Angora Republic. On the other hand, the sympathetic attitude of His Excellency the Viceroy towards the Ottoman Red Crescent Delegation which lately visited Delhi shows that relations between the two Governments are quite cordial. Under these circumstances, it is difficult to understand why the Government of India should refuse passport to any gentleman who wishes to go from India to those countries. It is really very difficult to understand the ways and manners of the Government of India. Lately, we had in India a delegation from Angora. Well, I do not know if the Government of India inquired what sort of persons the delegation was composed of, how many of them were ex-convicts, what were their political views, but they were allowed to come to India and to express their feelings in whatever way they liked, and the Government of India did not mind it. But when our people are going to other countries, probably it seems that the Government of India are more anxious for the safety and peace of other countries than the safety of India itself. It has been pointed out more than once that the British Government is the largest Muslim power in the world, and it is, therefore, in the interests of the British Government itself that the Mussalmans of India should be allowed to take a prominent part in the international affairs of the Muslims of the world. These deputations are not going to do any propaganda work against the British Government, and therefore I am at a loss to know how convictions, for giving expression to one's religious sentiments, should disqualify any person from performing his religious duty. If these gentlemen are to-day refused passports to proceed to Angora and Palestine because they have been guilty of holding political views which are not favoured by the Government of India, then I think to-morrow they may as well be refused passports to proceed to the holy shrine at Mecca in order to perform the Fariza of Haj. I could not follow Sir Henry Stanyon when he said that the Government of India were not compelled to grant passports to any person going out of India. Well, I say, if you do not stop them from going, then by no means do we want any passport. If you do not put any restrictions upon their movements, then we do not want any passports at all. It is merely because you are putting restrictions upon their movements that these passports are required. If the Government of India have no objection to this delegation proceeding without passports, then they would go without the passports and we should have no complaint against the Government. These passports are required to comply with the requirements of the law of the Government of India, because if any company agrees to take the members of the delegation without their producing passports, then the members of the delegation are quite willing to proceed without the passports, and they do not want passports but you have made a law on account of which no company will take passengers without showing their passports. Thus, indirectly, you compel the people to take passports. It means that without any rhyme or reason the Indians are prisoners in their own country, and they cannot freely perform their religious observances. Sir, it is difficult for me to

forestall the serious results if this attitude of the Government of India continues. Sir, I beg to assure the Government that I am as anxious to see peace and tranquillity and order in this country as any responsible officer of the Government of India and therefore it is my earnest desire that the Government should refrain from taking action that cannot but disturb the peace of the country. With these words, Sir, I appeal to the good sense and the statesmanship of the Government of India that for the sake of the benefit of their own country and for the sake of the benefit of the peace and prosperity of British India they will not withhold passports and they would allow the delegations to proceed to the Holy Places for performing their religious duties and for solving this all important question of the Khilafat.

The Honourable Sir Malcolm Hailey (Home Member): Something that Mr. Muhammad Yakub has said for he spoke, if I may be allowed to say so, with greater restraint on one aspect of the question than some of the previous speakers—makes it advisable for me to explain the position of Government at this stage. For I should be unwilling indeed to allow other speakers to suggest that in the action we have taken we were actuated even in the most distant manner by antipathy to Muhammadan religious aspirations or by any desire to place in their way obstacles to their attempts to find a solution to the difficulties arising from questions about the Khilafat. I know as well as anyone here the intensity of feeling that has been aroused lately in India on the subject of the Khilafat, just as I know well the deep feeling that prevailed in India, when it was feared that Europe was combining against Turkey, when it was believed that the Khilafat was in danger from without. I should be genuinely grieved, not merely on grounds of State, but for personal grounds to see my Muhammadan friends once again harassed by any recollection of these feelings, for I could hope they were banished for good. Some of my Honourable friends who have spoken on this subject have assumed, but entirely without warrant, that we were proposing to place an embargo on delegations as such going either to Angora or to the other Muslim countries. It is entirely wrong to say that we are interfering with what has been described as a domestic concern of Muhammadans, that we are preventing Muhammadans as such going on religious missions, that we have acceded in any way to what Mr. Chaman Lal described as a sinister international intrigue. All we have done is to lay down certain principles under which we would grant passports to delegations proposing to visit certain countries, always assuming that those countries themselves were willing to receive a delegation from India, a matter which has yet to be ascertained. Now, what right have we, says the Mover for the adjournment, what legal right have we to lay down any such principles? As Sir Henry Stanyon correctly pointed out, our passport law refers only to persons coming into India. If we grant passports to persons leaving India, it is because they need them to gain entry into certain other States which require passports; we do not grant them under our own passport law, but to meet the requirements of the laws of other countries. Applicants for such passports cannot therefore assert that they have a legal claim to obtain passports from us; it is a privilege obtained at the hands of the State. It is because the State is responsible for the conduct of its subjects to whom it gives passports to visit other countries, it is because the State is responsible for their safety in those countries, that it exercises a discretion in granting passports to those that leave its shores. Let me repeat—for one cannot

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be too clear on that point—that, if the citizen of any State requires from his State authorities that they should give him a passport to any other country, then he is asking a privilege and he cannot claim it as a right. To proceed. In the present case, we were not considering ordinary applications for passports. As the Honourable Member knows, it is not necessary to get a passport, for instance, to perform your sacred duties at the Hedjaz. This is the case of a delegation visiting another country, seeking possibly access to its political leaders, but certainly seeking access to large bodies of persons who influence the opinion of that country, religious or otherwise. In such circumstances, it is only a matter of ordinary diplomatic usage that we should ask the country which such a deputation intends to visit, whether they would welcome its arrival. This is universally done; its need is obvious and will be admitted. But before we approached the countries in question, we ourselves laid down certain requirements for the personnel of these delegations, and here I think that the chief cause of difficulty of my friends arises. The terms which we laid down have been read to the House; they are no doubt clear in Member's minds. We have first laid down that we would not exercise this discretion or assume this responsibility on behalf of persons who have been convicted of certain offences. I ask, is it reasonable of any State that it should assume this responsibility on behalf of those who have been ill-advised enough—I use the mildest term that occurs to me—ill-advised enough to preach insubordination or worse to its troops and who have been convicted of that offence? Remember, that they are asking the State to accept responsibility for them, and to spread the shadow of its protection over them. Again, we have said that we will not exercise our discretion in favour of those who have been convicted of certain offences against the State of other descriptions, not falling within that graver charge. But here again, is that an unreasonable requirement? You do not acknowledge the authority of the State; what right have you to go to the State and ask that it shall protect you when you go abroad?

Mr. C. S. Ranga Iyer: May I interrupt the Honourable the Home Member and draw his attention to certain statements which Maulana Muhammad Ali made recently in which he said that his quarrel was not with the King of England to whom he bore allegiance, and when a Resolution for complete independence was brought before the Congress, he said that he believed in Swaraj within the Empire and he also made repeated statements to the effect that he was not prepared nor preparing to go out of the Empire. It is clear, therefore, that Maulana Muhammad Ali's views have undergone a radical change and I think it would be desirable for the Honourable the Home Member to review the situation in the light of recent events and utterances.

The Honourable Sir Malcolm Hailey: I quite recognise the force of what my Honourable friend says. I am aware of what Mr. Muhammad Ali said at Cocanada. I think, however, that I should require from him something further before I felt that he had purged himself of the original offence for which he was convicted at Karachi. However, if I may continue. There are certain persons who for their own reasons, rightly or wrongly, defy the authority of the State. Is it in any way reasonable that they should come to the State, and ask that it should exercise its powers in their behalf and give them the benefit of its protection abroad? I want

to make one further distinction in that respect. When a British Indian subject leaves India, with a British Indian passport, the protection that he can claim abroad is that not of the Indian Government but of the British Empire, and in the last resort it is the Government of the United Kingdom which must be responsible for British Indian subjects when they are visiting the countries named. Let me advert also for one minute to another fact. Each one of the countries which the said deputation proposes to visit has lately been the subject of much controversy and much dissension. One of them, Turkey, has only lately concluded its peace with the British Empire. Another, the Hedjaz, is situated in circumstances of the utmost difficulty owing to the existence of powerful and sometimes hostile Arab neighbouring tribes. Persia appears to be in the throes of a dynastic revolution. I say only this that the British Government would have every right to exercise the greatest caution in approaching the Governments of these countries in regard to the deputations which it is proposed to send from India.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): May I ask, in that case, whether the British Government will be responsible for refusing passports or the Government of India?

The Honourable Sir Malcolm Hailey: I think I have made my case perfectly clear; namely, we have laid down these principles regarding the personnel, and that when we get the names of the delegations settled; it will then be for the British Government to arrange with the Government of these countries for their visit to them. Then, Sir, what is there in this which constitutes even in the very vaguest way any kind of an attack on religion? What is there in all this of an offence to the Moslems of India at large? We have laid down certain restrictions. It is possible that those restrictions will prevent a few of the persons who were mentioned by the Central Khilafat Committee from taking part in those deputations. Is that really an offence against the Moslems of India? Does the united Moslem world of India subscribe to the belief that the only solution of the difficulties of the Khilafat can be found in the presence of Mr. Muhammad Ali and his brother? (Some Voices: "Yes.") Well, for my part, I say I require some further evidence of that. I should be completely astonished if that doctrine was subscribed to by all the Members of this Assembly; and I again should be even more astonished if Moslems at large felt it necessary that advice on the Khilafat question should be offered to Angora by Hindu sympathizers. But be that as it may, there is at all events nothing of an offence to the Moslem world. There is in all this nothing of that restriction of the general liberty of the subject of which we were told just now. I am prepared to believe that this order has given offence to some of my friends, but if they take offence, I would ask them only this, that they should take offence not on exaggerated grounds but on the true ground, namely, their personal attachment to the particular persons of the delegations against whom these orders will operate. I understand that feeling. But in common justice it is not right for them to say here or to repeat elsewhere that we have been guided by any feeling against the Moslems or their religion or that we intend to do anything which would prevent the peaceful and successful solution of the Khilafat difficulty.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, the Honourable the Home Member has made

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the position of the Government as clear as any one could make it. The questions that now arise for consideration are very few, and very clear also. It is clear that the Government do not refuse to issue passports to all the members of the deputation. The Honourable the Home Member has given his reasons why the passports have been refused, or will be refused to certain members of the deputation. Those reasons are very much a paraphrase, naturally, of what was stated in the letter of the Deputy Secretary to the Government of India, dated the 5th February 1924, which was read to this Assembly by my Honourable friend, Diwan Chaman Lal. In that letter it was stated that the

"Government consider that previous consultation with the Governments of the various countries to be visited is for obvious reasons indispensable as it is necessary to ascertain whether they would be prepared to receive the delegations and grant them the requisite facilities. Steps to elicit their views have been taken."

So far as this is concerned I do not think that that need be a matter for quarrel between the Government and others in this House, because, if it is the object of Government to secure that the members will receive a welcome in the countries to which they go and if the Government merely want to satisfy themselves on that point, that would not be a matter for complaint. I think, that as it has already been announced that the Angora Government have expressed their willingness to welcome the deputation, the task of the Government should be easy. I do not think, Sir, that the Governments of any of these countries would refuse to receive a deputation consisting of the gentlemen whose names have been read to this House.

The next point and the only point then left for consideration is that which was mentioned later by the Honourable the Home Member and which is also mentioned in the second paragraph of the letter, namely, that:

"the Government of India could not in any case agree to grant passports to persons who have been convicted and sentenced to imprisonment for offences against the State or for inciting Government servants to disaffection."

The Honourable the Home Member has relied in support of this, on the view expressed by my Honourable friend, Sir Henry Stanyon, that the Government of India were not bound to issue passports to every body who applied for them. He said that the asking for a passport is not a matter of right, but one the decision of which rests in the discretion of the Government of India, and that when a gentleman has been violently opposed to the Government of India or has been guilty of an offence against the State, that is a valid reason why the Government of India should refuse to issue a passport. It is on this point that I join issue with my friend, the Honourable the Home Member. I can well understand the Government taking up this attitude against a man who was guilty of some offence involving moral turpitude. I can well understand the Government refusing to issue passports to a man who was guilty of any offence involving moral turpitude. But the reason for the refusal is to be found in the case in question in the fact that some members of the deputation are persons who were convicted and sentenced to imprisonment for offences against the State. One of the offences for which two members of the deputation, or three, so far as I remember, were convicted, was the offence for which they were tried in the Karachi trial. That related to the Khilafat agitation. The second, that is, exciting disaffection among servants of the Government, was also involved in the same charge. Now, it is very well

known that the Khilafat or Turkish question has been solved largely as Mr. Muhammad Ali, Mr. Shaukat Ali and Mahatma Gandhi and those who worked with them wished it to be solved. It may be, as has been urged by some, by virtue of the power of the sword of Kemal Pasha and those who fought along with him for their country's independence, or it may be by other circumstances—it is not necessary for me to go into that question here,—but the Khilafat or Turkish question was solved very much as these gentlemen wanted. When the Khilafat question was solved and the Treaty of Sèvres was revised, is it right for the Government to hold the offences for which Mr. Muhammad Ali and others were convicted to be such offences as would justify Government in refusing the issue of passports to them? What was the political offence of which these gentlemen were guilty? It was not anything which involved any stain on their moral character. It was an offence in which they openly, frankly and courageously—it may be some people might think unwisely, others might think perfectly wisely—declared their views that they would fight to the last in the cause of the Khilafat, that as Mussalmans, while life lasted in them, they could not give up the cause of the Khilafat. It was in support of that view that they offered themselves for prosecution and were punished by Government. Messrs. Muhammad Ali and Shaukat Ali were interned for nearly five years. After that they were prosecuted and sentenced to two years' imprisonment, each of them. By undergoing the internment and imprisonment and suffering they proved the sincerity of their views. And when their suffering was ended by the termination of the sentences which were inflicted upon them, I should have thought that Government would not look at that chapter again, that that matter was closed and would remain closed for all time so far as any personal objection to them was concerned. It would be honourable to regard that chapter as closed and not to revive the fact of their having been prosecuted and sentenced as a matter which should count against them when they desired to go out of their country to visit other countries. So also in the other offence relating to a charge of exciting disaffection among the servants of Government. The two hang together, and I submit that when the Khilafat question was solved and when also the sentences inflicted upon these gentlemen were undergone, these matters should not be revived again. It would be more honourable for Government to refuse to look at those questions, to treat them as honourable opponents who had in the intensity of their religious convictions stood up for what they believed to be right, to be necessary in the interests of their religion and offered themselves to bear any suffering which that attitude might bring upon them. It is with such men that the Government are dealing.

Now, Sir, let us look at the other aspect of the case, the result of the refusal by the Government to issue passports to them. Some members of the deputation will certainly go to Angora and other countries. According to the canon laid down here, there will be many members who can go, and some certainly, one may expect, will go. But what will be the feeling in those countries? That two such men, as Messrs. Muhammad Ali and Shaukat Ali who are well known—it will not be disputed—in the Muslim world as very intense devotees of the Muslim faith, as persons who are very strongly addicted to their religion and who are prepared to suffer anything for their religion—that such persons asked for permission of the British Government, asked for passports from the British Government to go out of their country, not to create any agitation against the British Government, not to stir up discontent against the British Government, not to organise

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a party against the British Government, but in order to confer with their Muhammadan brethren in different countries on the question of the Khilafat, and the British Government, after a treaty has been established between them and the Turkish Government and these other Governments, refused to issue passports to those stalwart Mussalmans, stalwarts in their faith. What would be the impression that would be created? Will there be any cause to quarrel with those who might interpret this as an attitude of unfairness, as an attitude that the Government possessing power were exercising that power to strike down those who had ventured to stand up against Government in the defence, as they believed it, of their religion? Will it not be regarded as a thing which would not raise the British Government in India in the estimation of these Muslim Governments and other civilised Governments in other parts of the world? Because the matter is quite obvious. There can be no mincing about it. There is no possibility of any other excuse being offered or any other explanation being afforded. The matter has been put very clearly both by the Honourable the Home Member and by his Secretary in the letter. The opposition is due to nothing personally wrong in these gentlemen, but frankly to the view that these gentlemen had been guilty of certain offences against the State. Who tried them for those offences? It was the agents of the British Government in India. Their plea was that they were not guilty. Whatever my Honourable friend, the Home Member, might say with regard to the opinion generally held about these two brothers in the country, I ask him to name one single Muhammadan or to let me know the name of any single Muhammadan who would dispute the fact that Maulanas Muhammad Ali and Shaukat Ali acted as they did act because of their belief that they were serving the cause of their religion. They might have been mistaken in their belief, they might have been wrong in their belief, but I do not think that any believing Mussalman will doubt the fact that they were prompted honestly by that belief and that they acted in that belief. That being so, what will be said to-day in India, what will the papers here as well as outside say? That the Government, having the power to issue passports, refused passports to these two brothers and others who might be situated like them, merely because they had the courage in the past to stand up against what was the view of the Government at the time, and because they had the courage to speak against Government even when they might be charged as they were charged with offences against the State and had to suffer punishment which that attitude involved. I do not think, Sir, Government will be able to justify their attitude anywhere in this country or outside. I do not think it is a fair attitude to take up.

Political differences are inevitable between members of a foreign governing body and the people of the land over whom they are placed as governors. It is impossible that in such circumstances there should not be strong differences of opinion between them in politics; but will it come to this that owing to differences in politics which may lead, as they have led during the last three years to the imprisonment and suffering of the most honourable men among the Indians living,—that such differences resulting in such punishments shall not be buried with the sentences when they have been undergone but shall be kept up and brought up against these individuals even when they desire to go out of their country to serve what they believe and what others with them believe, to be the cause of their religion. Why should any passport be refused to any such persons? The Honourable the

Home Member says that it is a matter of gift from the Government, it is not a matter of right with anybody to claim such a passport. If there was no restriction, if there was no difficulty, in the way of Indians going out abroad, as there was not until a few years ago, I am certain these gentlemen would not have applied for passports. Now, as the rules stand, as matters stand, passports are needed. Shipping companies will not book passages. They would not take passengers whom they may have to land on the way somewhere before they reach their destination. Therefore it has become necessary to obtain passports. As the Act to which attention was drawn has shown, passports were intended to restrict the coming in into India of undesirable men. It was never meant to prevent people going out of India so long as they went on a lawful and peaceful object. But the passport rules are being abused. They have been abused and are being abused. People are finding unnecessary difficulty in getting passports. I know it for a fact that passports are being refused without any rhyme or reason in some other cases also. I do not want to refer to those cases because I do not know whether by doing so I may not be prejudicing the cases of the persons concerned. They have been refused even to a lady whom her husband wanted to take abroad on grounds of health. Is that right? I submit not. Let passports be refused in the case of non-descripts about whom Government cannot vouch anything to the Governments of the countries to which they may go, but in ordinary cases where the individuals are known, where their position is known, the Government have no reason to refuse passports.

Mr. Muhammad Ali and his friends do not ask for credentials from the Government of India. They do not ask that the Government of India should certify to the Government of Angora and other Governments that they are men who are held in high esteem by their fellowmen and that they should be received with consideration. They do not ask for that. All that they ask for is that such passports as are necessary under the existing rules to enable them to travel from one place to another, as any gentleman might travel, may be granted to them. A friend whispers that a passport is a credential. There are credentials and credentials. The credential which these gentlemen ask for is merely this, that they are men whose personality is known, whose character is known and who can be described as gentlemen of education who are going from their country to another. I do not think that any of the members of the deputation require a passport to certify that they were gentlemen to whom the Angora Government or the Government of any other foreign country should accord a royal welcome or a salute when they reach the capital of those places. Government can go further. Government may send letters to the Governments of these places describing the character and antecedents of every one of these gentlemen, and what they think of every one of them singly and collectively. I think the members of the delegation would not quarrel with Government on this account, if they seek to guard themselves against anything that may affect their relations with the Governments of those countries. But why should the Government refuse to issue passports which should be available to any person who wants to go out, where the Government are satisfied that the man has got money enough to travel at his own expense and that he will not be wandering about as a loafer in some of the streets of the capitals of those foreign countries and that the man has not been guilty of any action involving moral turpitude. I hope that in this view the Government will reconsider the matter. I do not think that Government in refusing passports to these gentlemen are acting

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fairly and squarely. These gentlemen have suffered imprisonment in trials where the justice of the charge against them was disputed. They are held in high esteem by their fellow men. And if passports are refused it will create a widespread feeling in the country that the Government have taken an improper and unbecoming advantage of their position to refuse passports.

One word about the presence of two Hindü members in the deputation. My Honourable friend, Sir Henry Stanyon, referred to that point. He wondered why, if the deputation was a religious deputation, there should be on it two Brahmins. Perhaps my Honourable friend has not had the opportunity of knowing Brahmins closely. When he does, perhaps he will find out that the Brahmin can be of real use in promoting cordial feelings between man and man, that he stands for justice and for goodwill. But he should have known that the presence of my Honourable friend, Pandit Motilal Nehru, would be a factor which would be of great help to his Indian Mussalman friends in discussing the questions in which they were interested with the Mussalmans of the other countries and in inducing them to adopt a course of action by which Mussalmans might be united. We Hindus are not afraid of unity among Mussalmans. We do not apprehend that any evil will come to us because our Mussalman brethren are going to unite themselves as a federation. We wish them joy and strength and power. We wish power to every fellowman of every community in the world. We wish power for ourselves also, and that is why Pandit Motilal Nehru and his son, Pandit Jawaharlal Nehru, have, I understand, agreed at the request of the Khilafat deputation to undertake this long journey.

This House will remember that when victory came to the Angora Government, they sent a message to India offering their thanks and congratulations to Mahatma Gandhi and Mr. Muhammad Ali and Mr. Shaukat Ali and others who had worked with them. The Muhammadans of Turkey have been good enough to recognise that the good wishes of the Hindus in India were of some moral help to them in the very great struggle upon which they were engaged. Is it at all surprising that the Khilafat Committee should ask two Hindus to go with their deputation to meet the Angora Government, to return their thanks and be possibly of some service in cementing unity and harmony between those who are not able to agree among themselves regarding the Khilafat? That explains the presence of Pandit Motilal Nehru and Pandit Jawaharlal Nehru on the deputation. I hope, Sir, that Government will reconsider the matter.

Mr. President: The Honourable Member has exceeded his time limit. I must ask him to bring his remarks to a close.

Several Honourable Members: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. President: The question is that this House do now adjourn.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 27th May, 1924.

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Adopted. 1060.

IMPERIAL BANK OF INDIA (AMENDMENT)—

Motion for leave to introduce. 2137.

Introduced. 2137.

Motion to circulate. 2137-40.

Adopted. 2140.

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INDIAN COINAGE (AMENDMENT)—

Motion for leave to introduce. 125.

Adopted. 125.

Introduced. 125.

Motion to consider. 260-66.

Motion to refer to Select Committee. 266-72.

Motion to refer to Select Committee adopted. 272.

Motion for constitution of the Select Committee. 517.

Adopted. 517.

Presentation of the Report of Select Committee. 703.

Motion to consider the Report of the Select Committee. 927-32.

Adopted. 932.

Motion to pass. 939.

Adopted. 939.

Motion that Amendment by Council of State be taken into consideration. 1989.

Adopted. 1990.

Amendment made by Council of State agreed to. 1990.

INDIAN COTTON CESS (AMENDMENT)—

Motion for leave to introduce. 126-27.

Adopted. 127.

Introduced. 127.

Motion to consider. 175.

Adopted. 176.

Motion to pass. 176.

Adopted. 176.

INDIAN CRIMINAL LAW AMENDMENT—

Motion for leave to introduce. 447-48.

Adopted. 448.

Introduced. 448.

Motion to refer to Select Committee. 705-08.

Adopted. 708.

Motion for extension of the date for presentation of the report of the Select Committee. 1375.

Adopted. 1375.

Motion to withdraw the instructions given to the Select Committee to present its report by the 26th March, 1924. 2137.

INDIAN CRIMINAL LAW AMENDMENT (REPEALING)—

Motion for leave to introduce. 2204-10.

Adopted. 2210.

Introduced. 2210.

INDIAN EVIDENCE (AMENDMENT)—

Motion for leave to introduce. 875-76.

Negatived. 878.

Motion for leave to introduce (Revised Bill). 2211-12.

Adopted. 2212.

Introduced. 2212.

INDIAN FINANCE—

Motion for leave to introduce. 1096.

Adopted. 1096.

Introduced. 1119.

Motion to consider. 1908-60.

BILL(S)—*contd.*INDIAN FINANCE—*contd.*

Negated. 1960.

Message from His Excellency the Governor General recommending the Assembly to pass the —. 1966.

Motion for leave to introduce the — in the recommended form. 1975-78.

Negated. 1978.

INDIAN INCOME-TAX (AMENDMENT)—

Motion for leave to introduce. 125-126.

Adopted. 126.

Introduced. 126.

Motion to refer to Select Committee. 448.

Adopted. 449.

Motion to extend the date for presentation of the Select Committee's Report. 1207.

Adopted. 1207.

Motion to nominate Mr. M. A. Jinnah to the Select Committee. 1207.

Adopted. 1207.

Presentation of the Report of the Select Committee. 1376.

Motion to consider Select Committee's Report. 1990.

Adopted. 1990.

Motion to amend clause 11. 1990.

Adopted. 1991.

Motion to pass. 1991.

Adopted. 1991.

INDIAN MERCHANT SHIPPING (AMENDMENT)—

Motion for leave to introduce. 255-59.

Adopted. 259.

Introduced. 259.

Motion to circulate. 1968-73.

Adopted. 1973.

INDIAN PASSPORT (AMENDMENT)—

Motion for leave to introduce. 272.

Adopted. 272.

Introduced. 273.

Motion to consider. 455.

Adopted. 455.

Motion that the consideration of the Bill be postponed. 462.

Negated. 465.

Motion for leave to withdraw. 467.

Adopted. 467.

INDIAN PENAL CODE (AMENDMENT)—(Amendment of section 375)—

Motion for leave to introduce. 875.

Adopted. 875.

Introduced. 875.

Motion to refer to Select Committee. 1046-56.

Adopted. 1056.

Presentation of Report of Select Committee. 1850.

INDIAN PENAL CODE (AMENDMENT)—(Protection of Minor Girls)—

Motion for leave to introduce. 123-24.

Adopted. 124.

Introduced. 124.

Motion to consider. 166.

Motion to circulate. 167-71.

BILL(S)—*contd.*INDIAN PENAL CODE (AMENDMENT)—(Protection of Minor Girls)—*contd.*

Negated. 172.

Motion to refer to Select Committee. 172-75.

Adopted. 175, 446.

Presentation of Report of Select Committee. 771.

Motion to consider the Report of Select Committee. 1019.

Adopted. 1019.

Motion to pass as amended. 1042.

Adopted. 1043.

INDIAN REGISTRATION (AMENDMENT)—(Mr. K. Rama Aiyangar)—

Motion for leave to introduce. 873.

Adopted. 875.

Introduced. 875.

INDIAN REGISTRATION (AMENDMENT)—(Diwan Bahadur T. Rangachariar)—

Motion for leave to introduce. 1063-65.

Adopted. 1065.

Introduced. 1065.

INDIAN STAMP (VALIDATING)—

Motion for leave to introduce. 2201-02.

Adopted. 2202.

Introduced. 2202.

Motion to refer to Select Committee. 2203.

Adopted. 2204.

INDIAN TARIFF (AMENDMENT)—

Motion for leave to introduce. 254-55.

Adopted. 255.

Introduced. 255.

Motion to consider. 449-51.

Motion to refer to Select Committee. 454.

Motion to refer to Select Committee adopted. 455.

Motion for nomination of Members of Select Committee. 708.

Adopted. 708.

Presentation of the Report of the Select Committee. 949.

Motion to consider the report of the Select Committee. 1318.

Adopted. 1319.

Motion to pass. 1319.

Adopted. 1319.

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Adopted. 1019.

Introduced. 1019.

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Motion to consider. 1119.

Adopted. 1119.

Motion to pass. 1119.

Adopted. 1119.

SEA CUSTOMS (AMENDMENT)—

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Introduced. 927.

Motion to consider. 1319.

Adopted. 1319.

Motion to pass. 1319.

Adopted. 1319.

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Budget Demand for "Audit". 1799-1800.

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Budget Demand for "Customs". 1376-77.

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தமிழ்நாடு ஆவணக்காப்பக முகவரி,
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ப. எண் :

வழங்கிய தாள். (1)	திருப்பிய தாள். (2)	வழங்கிய தாள். (1)	திருப்பிய தாள். (2)
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