

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I

(28th January to 23rd February, 1929)

FOURTH SESSION

OF THE

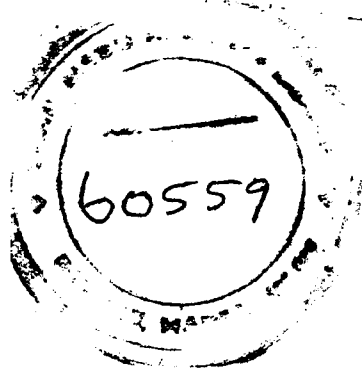
THIRD LEGISLATIVE ASSEMBLY, 1929



DELHI
GOVERNMENT OF INDIA PRESS
1929

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Legislative Assembly.

President :

THE HONOURABLE MR V. J. PATEL.

Deputy President :

MAULVI MUHAMMAD YAKUB, M.L.A.

Panel of Chairmen :

PANDIT MADAN MOHAN MALAVIYA, M.L.A.

SIR DARCY LINDSAY, KT., C.B.E., M.L.A.

SIR PURSHOTAMDAS THAKURDAS, KT., C.I.E., M.B.E., M.L.A.

MR. JAMNADAS M. MEHTA, M.L.A.

Secretary :

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

Assistant of the Secretary :

RAI SAHIB D. DUTT.

Marshal :

CAITAIN SURAJ SINGH BAHADUR, I.O.M.

Committee on Public Petitions :

MAULVI MUHAMMAD YAKUB, M.L.A., *Chairman.*

MR. DWARKA PRASAD MISRA, M.L.A.

SIR PURSHOTAMDAS THAKURDAS, KT., C.I.E., M.B.E., M.L.A.

MR. DEEENDRA KANTA LAHIRI CHAUDHURY, M.L.A.

NAWAB SAHIBZADA ABDUL QAIYUM, K.C.I.E., M.L.A.

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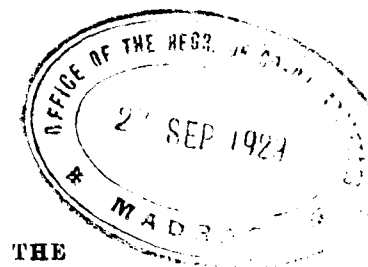
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THE
LEGISLATIVE ASSEMBLY DEBATES
 (OFFICIAL REPORT OF THE FOURTH SESSION OF THE THIRD
 LEGISLATIVE ASSEMBLY.)

VOLUME I—1929.

LEGISLATIVE ASSEMBLY.

Monday, 28th January, 1929.

ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE
 MEMBERS OF THE LEGISLATIVE ASSEMBLY.

H. E. the Viceroy: Mr. President and Gentlemen, when I appointed this date for the beginning of your session, my intention was to appoint the same date for the beginning of the session of the Council of State in order that I might be able to-day to address both Chambers. It was, however, pointed out to me that in the Delhi session, mainly owing to the fact that the Council of State has no part in the voting of supply, the burden of work which falls on the Members of the Council of State is considerably lighter than that which falls upon the Assembly, and that it would not therefore be convenient to summon the two Chambers to begin their labours simultaneously. I have, therefore, been constrained, on this occasion, to confine my address to Members of this Chamber.

For the past two months we have all laboured under the burden of a grave anxiety, owing to the prolonged illness of the King-Emperor; but, by the mercy of Providence, recent news shows that His Majesty's progress has been steadily maintained, and we may now reasonably hope that he is on the highway to complete recovery. The universal sympathy that has gone out to the Royal House, and particularly to Her Majesty the Queen, during these dark days, has shown in striking fashion how securely King George the Fifth, by devotion to duty and personal thought for all his people, has enthroned himself in their hearts. They will continue to pray that for many years he may be spared to rule over them and guide their destinies.

In the interval that has elapsed since your last session, India has lost two notable sons, the one a Member of my Council, and the other a prominent Member of this Assembly.

[H. E. the Viceroy.]

Though they differed in much, they resembled one another in the extent to which they were able to attract to themselves the affection of many outside the circle of their political associates. Of Mr. Das I can speak from the close personal knowledge that came from our work together, and which gave me ample opportunity of observing the high and selfless principles by which his life was guided. A firm friend and a wise counsellor, his death is to me a great personal loss.

Of Lala Lajpat Rai I can only speak from the standpoint of a far less intimate relationship. It fell to him to play a prominent part in the political life of his country, but there were qualities in him that led many who dissented most sharply from his political opinions, to forget much of their dissent in a genuine appreciation of a very human personality.

Honourable Members will recollect that, after a conference of leaders in this House last September, a Resolution was passed recommending the setting up of a separate establishment for dealing with the business of this Assembly. That Resolution was of the nature of a compromise which, while not going so far as your President desired, went rather further than the proposals which my Government had already submitted to the Secretary of State. Having regard to the support which the Resolution received from all quarters of the House, my Government decided to accept it with certain additions, which were imposed by the fact that this House had invited the Governor General to take the new Department into his portfolio. It was understood that, in so doing, it was the general wish of the House, in conformity with the Standing Orders, that the administration of this Department by the Governor General should be deemed to be non-controversial. That being so, it appeared desirable that the Governor General, in the administration of the new Department, should be clearly placed in a position where no controversy could arise. For this reason we have amplified the scheme of the Resolution by providing for recourse to the Public Service Commission in all cases in which the exercise by the Governor General of his powers as head of the Department might at any time bring him into conflict with the President or with the Assembly. The same protection has also, for equally good reasons, been conferred, with his consent, on the President.

The drafting of statutory rules to regulate the conditions of service in the new Department now set up will necessarily take time, but good progress has already been made in this task. Meanwhile the Secretary of State has given his consent to the introduction of the scheme on a temporary basis.

As Member in charge of the new Department I would ask the House to be indulgent while the Department is in its infancy, and not to expect it to attain its maximum degree of efficiency from the first days of its inauguration. There are indeed still some gaps in its complement; but with a view to reducing these inconveniences, the Legislative Department has made a temporary loan of the services of some of its members while the President is looking for suitable recruits. The new Department, I hope, starts with the goodwill of all sections of the House, and though, as I have said, the conclusion reached does not represent all that the President, or perhaps some sections of the House, would have desired,

I think we may nevertheless generally congratulate ourselves upon the outcome of our discussions.

In external affairs everything has been dwarfed by the upheaval in Afghanistan. Of the drama that has unfolded itself during the last few months in Afghanistan I shall say nothing save this, that the policy of Government is and has throughout been one of scrupulous non-intervention, and it is our earnest hope that there may be an early restoration of peace and order throughout the length and breadth of that country, and that India may again have on her north-western border a peaceful, strong and united country for her neighbour. During this critical time we in India could not but be proud of the gallant bearing of the British Legation, of the firm control of our tribes by the frontier administrations, and of the fine work accomplished by the Royal Air Force over the evacuation of women and children from Kabul.

In South Africa, our first Agent, Mr. Sastri, to-day relinquishes charge of his office and starts on his return voyage to India. By his services to his compatriots in South Africa and to the promotion of friendly relations between India and the Union, he has secured a high place for himself in the history of the two countries as a successful ambassador of India and has laid India under a great debt of gratitude. He has left a high standard of statesmanship for his successor to maintain; but I am sure that Sir K. V. Reddi carries with him to his new duties the confidence and good wishes of this House, not less than those of the Government of India.

The House is aware that last year His Majesty's Government appointed a Commission to report on future policy in regard to Eastern Africa. The Report has just been published and will require mature consideration. My Government, however, is fully alive to the importance to Indian interests of the decisions which His Majesty's Government may eventually decide to take in this connection, and I am glad to be able to inform you that His Majesty's Government have agreed that, before any decision is taken, they will give the fullest consideration to the views of the Government of India on all matters affecting India. The Governor of Kenya, moreover, for the purpose of discussion on the Report, has, with the approval of the Secretary of State for the Colonies, offered to appoint temporarily to the public service in Kenya, with a seat on the Executive Council, an officer of the Indian Civil Service who will be nominated by myself. In order to ascertain the judgment of enlightened public opinion on these matters I have asked the Honourable Sir Muhammad Habibullah to convene the Emigration Committee of the two Houses of the Indian Legislature at the earliest possible date this session, with the purpose of eliciting their views and practical suggestions. I do not doubt that my Government will derive great value from these discussions.

Since I last addressed the House, the Report of the Royal Commission on Agriculture in India has been published, and, as Honourable Members know, a Conference of provincial representatives assembled in Simla last October to discuss the more important proposals contained in it. The deliberations of the Conference revealed a unanimous desire for progress, and though time is doubtless required for action over so wide a field,

[H. E. the Viceroy.]

the fact that public attention has been thus focussed upon this all-important branch of national activity will bring real encouragement to all who have the imagination to see what it means in the life of India.

The bulk of the work on the Commission's recommendations must, under the existing constitution, fall to the provinces. But for some the responsibility rests primarily on the Government of India. Of these, the most important concerns the establishment of a central organisation for research purposes, and this proposal, after discussion with provincial representatives, my Government have decided to adopt. The duties of the new Council of Agricultural Research will be to promote, guide and co-ordinate research throughout India; to train research workers by means of scholarships; and to collate and make available information on research, and on agricultural and veterinary matters generally. As to the structure of this body, we propose to modify in some respects the recommendations of the Royal Commission. Our proposal is that its chief component parts should be, *firstly*, a Governing Body—the principal executive organ of the Council—presided over by the Member of the Governor General's Council in charge of Agriculture, and comprising 17 other members, of whom two will be chosen from the Legislative Assembly and one from the Council of State, and nine will be nominated by the Governments of the nine major provinces; and, *secondly*, an advisory council of 39 members, whose function will be to give expert advice to the Governing Body, and submit for its approval programmes of research inquiry. In addition to these two bodies, it is hoped that the major provinces will establish committees to work in close co-operation with them.

As regards finance, we propose to substitute, for a lump grant of Rs. 50 lakhs which the Commission favoured, a lump grant of Rs. 25 lakhs to be paid in instalments, supplemented by annual recurring grants of Rs. 7.25 lakhs. These sums will vest in the Governing Body, who will consider all proposals for research, sanction expenditure, and allot funds to meet it.

It is my sincere hope that the organisation which I have outlined will receive whole-hearted support from this House and will, before long, start upon its labours which will surely be to the lasting benefit of India's agricultural millions.

The House will be glad to learn that a generous offer has been made by the four Dominions of Canada, Australia, South Africa and New Zealand, to present to the Capital of India four stone pillars, on the model of the famous Asoka columns. My Government have gratefully accepted this gift, which will fittingly symbolise the common loyalty of the Empire to the Person and Throne of His Majesty the King-Emperor.

The past year has been marked by a series of labour troubles, which we have all witnessed with deep concern. The tale of loss and suffering involved by them need not be retold here, and we are more immediately concerned to devise means by which such profitless disputes may be avoided.

I have on more than one recent occasion appealed to labour to follow wiser counsels for the future, and to employers to prove their determination to leave their employes no justifiable ground for complaint. If both

parties can combine to establish closer relations with each other and to develop the organisation for settlement of points of difference before they reach the stage of conflict, we may face the future with confidence and Government is anxious to do everything in their power to encourage and assist such efforts. In the Trade Disputes Bill, which is now before the Legislature, we have provided for the establishment of courts of inquiry and boards of conciliation which may be called into play if disputes get beyond the stage of mutual arrangement. The proposals of Government in this connection, and in the other parts of the Bill, which aim at the protection of the public in certain circumstances from the consequences of labour disputes, will shortly come before you, and I trust that wisdom will guide your decisions in regard to them.

But these proposals will not in themselves reach the root of the matter. I have long felt that the best way to secure the advantage both of employers and employed is for Government to undertake a review of the conditions under which labour works, and to lend such help as it can in the removal of legitimate grievances. This question has for some time been under the earnest consideration of Government, and I am now able to say that His Majesty has approved the appointment of a Royal Commission during the course of the present year to undertake such an inquiry. Our intention is that the scope of the inquiry should be wide and that it should, with due regard to the economic position of industry in this country, explore all aspects of the problem affecting the conditions under which industrial labourers work. The *personnel* of the Commission has not yet been settled, but we shall use every endeavour to ensure that it is representative. I am pleased, however, to be able to say that we have secured the services as Chairman of Mr. Whitley, lately Speaker of the House of Commons, who has been in intimate touch with labour problems in England, and is widely known for his association with the establishment of the Councils which bear his name.

The announcement which I have just made will, I am confident, be generally welcomed. The conclusions of such a Commission will be of the greatest interest not only to India but to the whole industrial world. We may hope that they will provide us with a basis for future legislation, materially affecting India's industrial future, and it is essential therefore that the inquiry should be as thorough and the *personnel* as strong as it is possible for us to make it.

But there is a yet more serious side of these industrial troubles on which I feel it my duty to touch. While every allowance must be made for the genuine grievances which the labouring classes feel, there can be no doubt that the unrest of the past year has been due in no small measure to the activities of certain persons, whose end is rather to promote anti-social purposes than to secure betterment of the workman's lot. The disquieting spread of the methods of communism has for some time been causing my Government anxiety. Not only have communist agents from abroad promoted a series of strikes in the industrial world, but the programme which they have openly set before themselves include undisguised attacks on the whole economic structure of society. All classes alike are threatened by the spread of these doctrines, and no Government can afford to ignore this insidious danger. Last session my Government placed before you a measure aimed at the agents from outside India who have

[H. E. the Viceroy.]

been engaged in this mischievous work, but by a narrow margin the measure was rejected. The anticipations on which my Government then acted have been justified. The object of spreading communist ideas has been steadily pursued, and communist methods have been regularly employed. We have watched in the great city of Bombay the industrial labouring population brought into a state of great unsettlement, excited, prone to violence and often deaf to reason, while in Calcutta we have seen a strike, which appears to have no clearly reasoned basis, indefinitely prolonged. These facts are only symptomatic of a more general movement, of which many here have direct experience, and accordingly my Government have decided to place before you once more the proposals for dealing with communist agents from abroad, which were under discussion last session, and further to include in the measure power to forfeit or control remittances of money from communist sources abroad, which are not without a very appreciable influence on the activities of the communists in this country and their ability to promote and prolong for their own ends these industrial troubles.

I must now address myself, Gentlemen, to some of the broader features of the political situation. I am not concerned to-day to discuss the question whether, as some Honourable Members think, His Majesty's Government were ill-advised in deciding to recommend to His Majesty the appointment of a Parliamentary Commission, or whether, as I think and have more than once said, those were ill-advised who have chosen to adopt a policy of boycott. Although those who followed this course have thus, as I believe, deprived themselves of an opportunity, of which others have availed themselves, to influence the evolution of India's political future, each of these questions has now become a historical fact, which the historian will weigh with fuller knowledge, and it may be with more impartial judgment, than we can bring to bear upon them. But whatever may be our attitude on these matters of acute and violent controversy, it would be both unwise and unfortunate to allow them to blur the glasses through which we must try to see the future.

We meet not long after the conclusion of many important meetings, held at the close of last year, and this is not the occasion for me to attempt finally to appraise action taken and words used in the heat of controversy or under the stress of a critical occasion. It would seem evident, however, that what all people must desire is a solution reached by mutual agreement between Great Britain and India and that, in present circumstances, the friendly collaboration of Great Britain and India is a requisite and indispensable condition to obtain it. On the one side it is as unprofitable to deny the right of Parliament to form its free and deliberate judgment on the problem, as it would be short-sighted of Parliament to underrate the importance of trying to reach a solution which might carry the willing assent of political India. And it is at this stage, while we can still have no means of knowing how these matters may emerge from the Parliamentary discussions, that it is proposed to destroy all hope of peaceful and orderly progress towards agreement, unless, by a fixed date in time, Parliament should have accorded its approval to a particular solution, the result no doubt of earnest effort to grapple with

an exceedingly complex problem, and as such entitled to serious consideration, but one which important sections of opinion in India have not accepted, and which was reached through deliberations in which Parliament had no part or voice. Such procedure savours rather of intolerance and impatience than of the methods of responsible statesmanship, and would reduce Parliament to being a mere registrar of the decisions of other persons. That position of course is one that in justice to its own obligations Parliament could never accept.

I cannot predict any more than any Honourable Member here, when or in what form the report from those whom Parliament has charged with the duty of inquiry may be drawn, or whether further inquiry into specific subjects may thereafter be found necessary. In any case we may assume that His Majesty's Government will, as indeed has always been contemplated, desire to subject any proposals that it may then be disposed to make to full discussion with, and the criticism of, those persons, whether official or unofficial, who may be best qualified to contribute to the ultimate solution.

In a situation therefore that must call essentially for qualities of confidence on both sides, and for free exchange of opinion on terms honourable to all, I see very clearly that nothing but harm can flow from a threat that, unless a particular condition is fulfilled, which I believe to be mechanically impossible of fulfilment from the outset, an attempt will be made to plunge the country into all the possible chaos of civil disobedience. It is quite certain that no discussions of any kind can promise the least hope of success, when either party to them approaches the task in the spirit of hostility and suspicion from which such an ultimatum springs.

I recognise that although many leaders and schools of political opinion in India will refuse to walk along the dangerous paths of non-co-operation, many of them openly profess distrust of the attitude of Great Britain towards this country. They say, and would have others believe, that hitherto Great Britain has given no sufficient proof of her intention to fulfil the pledge that Mr. Montagu gave on behalf of His Majesty's Government in 1917, and that Great Britain is seeking to forget or deny the high policy there enshrined.

In conditions more favourable to cool judgment, I suppose that most persons would admit that British India, as we find it to-day, is a British creation, and that it is the British power which has, during the last century, held together its constituent parts. If this centripetal influence is immediately or too suddenly withdrawn, is it wholly unreasonable to fear that some at any rate of the parts might fly asunder, and the dream of a strong united India, a nation among the nations of the world, as we may speak of the British or American nation, would vanish and be destroyed? Anxious as I am to see the realisation of this dream, I can hardly hope that any words of mine may suffice to disperse the black cloud of unwarranted mistrust that has enshrouded so much of Indian political thought. But I tell this Assembly again, and through them India, that the declaration of 1917 stands, and will stand for all time as the solemn pledge of the British people to do all that can be done by one people to assist another to attain full national political stature, and that the pledge so given will never be dishonoured. And, as actions are commonly held more powerful than words, I will add that I should not be standing before

[28TH JAN. 1929.]

[H. E. the Viceroy.]

you here to-day as Governor General, if I believed that the British people had withdrawn their hand from that solemn covenant.

Those therefore who preach that a new generation has arisen in England which seeks to explain away the significance of the 1917 declaration, are, consciously or unconsciously but not the less really, misrepresenting the purpose of Great Britain, and poisoning the wells by which the common life of India and Great Britain is supported and sustained. If there are Indians who are thus tempted to mistrust Great Britain, there are no doubt many in Great Britain, resentful of what they well know to be an unfounded and ungenerous accusation, who may mistrust some of those who speak for India. But if we are thus tempted in the 20th century, I know that both India and Great Britain will be judged in the 21st by the degree to which they have refused to lose faith in one another. Gentlemen of the Assembly, though we may differ on all other issues, let us not readily or lightly impugn the good faith of one another, for that is to destroy the very foundation of all hope of better things.

I would add one or two observations of more personal kind. Whoever holds the position of Viceroy and Governor General of India is bound, through his Office and conscience, by a double duty. He is under the plain obligation of seeing that the King's Government in India is carried on, with due respect for the law, and in this sphere he may at any time be confronted with issues that are more far-reaching than ordinary political controversy, and that are indeed fundamental to all society. Respect for law is an attribute of civilisation painfully and hardly won, and a society which lacks it carries within itself the seeds of its own dissolution. Those therefore who can guide public opinion in this country are doing no service to India if they accustom her to think lightly of disobedience to constituted authority, whatever the title by which such disobedience may be described.

But in another and not less important capacity the Viceroy and Governor General stands as intermediary between India and Great Britain, and as such will constantly endeavour to interpret as faithfully as he may the hopes, the feelings, the desires of the Indian people to those who may from time to time compose His Majesty's Government in Great Britain. and, if I may quote words which are used in connection with another office in the British Constitution, "to beg His Majesty's Government ever to place the most favourable construction upon all their proceedings".

That duty I have striven, and shall strive, to fulfil to the best of my ability; and it is, gentlemen, because the smooth adjustment of these different functions, imposed on a single individual, does not lie with me alone, that I have tried to draw frankly the broad outlines of the present situation as I see them. I have desired so far as I could to employ no language which might needlessly offend the feelings of those who take a different view. For I long, as for nothing else, to see the political life of India move down orderly channels to its full term of natural development. And to achieve that end we all have our own work to do. On each one of us, in our several spheres, in this Assembly and outside, the time and the subject lay very heavy responsibilities, and it is my most earnest prayer, for you and for myself, that under God's guidance we may be permitted, during the time that lies before us, to help one another in their discharge.

The Assembly met in the Assembly Chamber of the Council House in New Delhi at Twelve of the Clock, being the first day of the Fourth Session of the Third Legislative Assembly, pursuant to S. 63D(2) of the Government of India Act. Mr. President (the Honourable Mr. Vithalbhai Javerbhai Patel) was in the Chair.

MEMBERS SWORN:

The Honourable Sir George Ernest Schuster, K.C.M.G., C.B.E., M.C. (Finance Member);
 Lala Hans Raj, M.L.A. (Jullundur Division: Non-Muhammadan);
 Mr. V. Panduranga Rao, M.L.A. (Madras: Nominated Official);
 Mr. Hubert Arthur Sams, C.I.E., M.L.A. (Director-General, Posts and Telegraphs);
 Mr. Frederick William Allison, M.L.A. (Bombay: Nominated Official);
 Rai Amal Krishna Mukharji Bahadur, M.L.A. (Bengal: Nominated Official);
 Mr. Joseph Charles French, M.L.A. (Bengal: Nominated Official);
 Mr. Michael Keane, C.I.E. M.L.A. (United Provinces: Nominated Official);
 Mr. Henry Louis Stevenson, M.L.A. (Burma: Nominated Official);
 Mr. William Alexander Cosgrave, M.L.A. (Assam: Nominated Official);
 and
 Mr. Kodikal Sanjiva Row, M.L.A. (Finance Department: Nominated Official).

QUESTIONS AND ANSWERS.

†1.*

†2.*

PAY OF TEACHERS OF THE GOVERNMENT HIGH SCHOOL, DELHI.

3. *Maulvi Muhammad Yakub: (a) Will Government be pleased to state for how many years the present incumbent of the post of the Head Master, Government High School, Delhi, has been in this post?

(b) Will Government be pleased to give the names of the teachers in the Government High School, Delhi, who are drawing the maximum pay according to their present grade?

(c) Is it a fact that all the senior teachers in the Government High School, Delhi, except one Mr. Inayat-ur-Rahman, have reached the maximum pay according to their grade?

Mr. G. S. Bajpai: (a) Since 1st September, 1922.

(b) A statement giving the information required is laid on the table.

(c) No. There is no recognised division of teachers into "senior" and "junior". Of the 21 assistant masters on the staff, five have reached the maximum of their scale of pay, the others have not.

† For this question and its answer, see at the end of starred questions for the day.

Statement giving the Names of Teachers in the Government High School, Delhi, who are drawing the maximum Pay according to their Grade.

L. Ragbir Chand,
L. Ram Charan Das,
L. Zorawar Chand,
L. Kidar Nath, and
Pandit Brahm Dutta.

EXAMINATION RESULTS OF THE PUPILS OF THE GOVERNMENT HIGH SCHOOL, DELHI.

4. *Maulvi Muhammad Yakub: (a) Will Government be pleased to lay on the table a statement showing the result of the Matriculation Examination of the Government High School, Delhi, for the last seven years?

(b) What was the position in the order of merit of this School as compared with other schools of Delhi Province in 1928:

(i) Matriculation Examination.

(ii) Head Masters' Association Examination?

(c) Is it a fact that the percentage of passes is decreasing every year?

(d) If the answer to (c) is in the affirmative, will the Government be pleased to give the reasons therefor?

(e) Are Government prepared to consider the desirability of transferring the Head Master and the senior teachers of this School who have been working there a long time and who are residents of Delhi?

Mr. G. S. Bajpai: The information asked for is being collected and will be supplied to the Honourable Member in due course.

DUTIES OF THE HEAD MASTER, GOVERNMENT HIGH SCHOOL, DELHI.

5. *Maulvi Muhammad Yakub: (a) With reference to the answer given to the starred question No. 427, dated 14th March, 1928, will Government be pleased to lay on the table the result of the enquiry instituted by the Government with regard to the additional duties of the Head Master, Government High School, Delhi?

(b) Is it a fact that Lala Suraj Bhan and Kunj Behari Lal, Government High School, Delhi, take the classes assigned to the Head Master and that it is seldom that the Head Master himself, owing to his personal engagements, takes his classes?

Mr. G. S. Bajpai: (a) Government are informed that the performance of the additional duties mentioned by the Honourable Member does not interfere with the efficient discharge by the Headmaster, Government High School, Delhi, of the duties attached to that post and to the post of Assistant Superintendent of Education.

(b) No.

NUMBER OF MUSLIMS ATTENDING THE GOVERNMENT INDUSTRIAL SCHOOL, DELHI.

6. *Maulvi Muhammad Yakub: What is the total number of students attending the Government Industrial School, Delhi, and how many of them are Muslims?

The Honourable Sir Bhupendra Nath Mitra: 260, of whom 186 are Muslims.

EMPLOYMENT OF MUSLIMS AS TEACHERS IN THE GOVERNMENT INDUSTRIAL SCHOOL, DELHI.

7. *Maulvi Muhammad Yakub: (a) What is the total number of teachers (excluding carpenters and blacksmiths) in the Government Industrial School, Delhi, and how many of them are Muslims?

(b) Is it a fact that no Muslim has ever been permanently employed as Head Master, 2nd Master, or 3rd Master of this School?

(c) If the answer to (b) is in the negative, will Government be pleased to give his or their names?

The Honourable Sir Bhupendra Nath Mitra: (a) 13, of whom 5 are Muslims.

(b) and (c). Government took over this school from the Delhi Municipal Committee only with effect from 1st April 1927. There has been no Muslim Head Master since that date. There are no posts of 2nd or 3rd Master in this school; the posts are termed Drawing Masters, Carpenters, Blacksmith, etc.

EDUCATIONAL QUALIFICATIONS OF THE PRESENT HEAD MASTER, GOVERNMENT INDUSTRIAL SCHOOL, DELHI.

8. *Maulvi Muhammad Yakub: (a) What are the educational qualifications of the present Head Master, Government Industrial School, Delhi?

(b) Are Government aware that he possesses no technical qualifications at all, which are very essential for an institution like the present?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The present Head Master is a B.A., S.A.V. (1st Division) B.T. trained (1911). He holds a Drawing Master's certificate. He also has experience of Industrial education, having visited schools of Art, Industrial Schools, and other places of educational value in England, France, Switzerland, etc. He has been employed in this school since 1908. The Inspector of Industrial schools of the Punjab recently reported that his work has been of outstanding excellence for years.

AGE AND SERVICE OF LALA JAIMAL SINGH, SECOND MASTER IN THE GOVERNMENT INDUSTRIAL SCHOOL, DELHI.

9. *Maulvi Muhammad Yakub: (a) What is the age of Lala Jaimal Singh, at present working as 2nd Master, Government Industrial School, Delhi, according to his Service Book?

(b) For how long has the said teacher served in:

(i) The Local Board Schools.

(ii) The Government Industrial School?

The Honourable Sir Bhupendra Nath Mitra: (a) 47 years. His designation is Drawing Master and not 2nd Master.

(b)(i) From 16th April, 1900 to 31st March, 1927.

(ii) From 1st April, 1927, to date.

NUMBER OF MUSLIMS EMPLOYED AS TEACHERS IN LOCAL BOARD SCHOOLS
AND SCHOOLS UNDER THE NEW DELHI COMMITTEE.

10. ***Maulvi Muhammad Yakub:** (a) Will Government be pleased to state how many teachers there are at present in the Local Board Schools and Schools under the New Delhi Committee in Delhi Province, and how many of them are Muslims?

(b) How many teachers have been recruited on the recommendation of the District Inspector of Schools in the above Schools since the 1st of January, 1926, and how many of them are Muslims?

Mr. G. S. Bajpai: A statement giving the information required is placed on the table of the House.

Statement showing particulars about teachers in the Local Board Schools and the Schools under the New Delhi Committee in Delhi Province.

No. of teachers.		No. of teachers recruited on the recommendation of the District Inspector of Schools since the 1st January 1926.	
Total No.	No. of Muslim teachers.	Total No.	No. of Muslim teachers.
467	101	89	21

UPERSESSION OF AMJED ALI, A SORTER IN THE RAILWAY MAIL SERVICE.

†11. ***Mr. T. A. K. Shervani:** (a) Is it a fact that one Amjed Ali was a seniormost sorter in Railway Mail Service, "A" Division?

(b) Is it a fact that this Amjed Ali was superseded by one Jai Govind, who was given a post in the selection grade?

(c) If the answer to (b) is in the affirmative, why was Amjed Ali superseded and not taken in the selection grade?

(d) Is it a fact that Jai Govind was fined for neglect of duty and was found incompetent to hold the post to which he was promoted?

(e) Is it a fact that Jai Govind, although found incompetent, retained his post in the selection grade?

(f) Is it a fact that this Jai Govind was a relative of one Shanker Lal, the then Superintendent, Railway Mail Service, "A" Division?

(g) Are Government prepared to enquire into the case?

The Honourable Sir Bhupendra Nath Mitra: Government have no information. If the individual referred to thinks that he has a grievance, it is open to him to address Government in the usual manner.

GENERAL AUTHORIZATION TO THE CENTRAL OR PROVINCIAL LEGISLATURES
UNDER SECTION 96 B (2) OF THE GOVERNMENT OF INDIA ACT.

†12. ***Mr. A. Rangaswami Iyengar:** (a) With reference to answers (b) and (c) of Government to my unstarred question No. 156 on the 4th September last, will Government be pleased to state whether the Secretary of State has communicated to the Government of India any decision declining to give any general authorisation to the Central or Provincial Legislatures

† This question was not put, owing to the absence of the questioner.

under section 96 B (2) of the Government of India Act to make laws regulating Public Services but proposing to consider particular proposals for legislation on their merits?

(b) If so, will Government be pleased to lay the connected despatch on the table of the House?

(c) If the answer to the former part of the question is in the affirmative, will Government state whether the question of making a general rule authorising Local Governments to legislate on this matter referred to in part (e) of the Government's answer is being again considered?

The Honourable Mr. J. Ozerar: (a) The Secretary of State has decided to postpone for the present any general authorisation of the Central and Provincial Legislatures to make laws for the regulation of the Services.

(b) It is not proposed to lay the despatch on the table.

(c) The general rule referred to in part (e) of my answer of the 4th September was one authorising Local Governments to make laws for the establishment of local Public Service Commissions. This rule has been made and is now in force.

INCONVENIENT TIMINGS OF TRAINS TO MONGHYR.

†13. ***Raja Raghunandan Prasad Singh:** Is it a fact that No. 12 Benares Cantonment-Howrah Express arrives at Kiul Junction (East Indian Railway) at 20-55, and the 46 Gaya-Monghyr Passenger leaves Kiul Junction at 20-30, that is to say, 25 minutes earlier? Do Government propose to so arrange the timings of the said two trains as to connect them for the conveniences of the passengers for Monghyr, who have, under the present arrangement, to wait for five hours at Kiul to catch the next train to Monghyr?

Mr. A. A. L. Parsons: A copy of the Honourable Member's question has been sent to the Agent of the East Indian Railway. Government cannot themselves undertake the arrangement of time tables.

PROVISION OF A RAILWAY FOR CONVENIENCE OF PILGRIMS TO BADRI
NARAYAN.

†14. ***Raja Raghunandan Prasad Singh:** How far has the plan to establish railway communication for the convenience of pilgrims to Badri Narayan proceeded? What stations has it been decided to construct en route to Badri Narayan?

Mr. A. A. L. Parsons: A report on the Rikhikesh-Karanprayag extension is awaited from the Agent of the East Indian Railway. But preliminary information received by the Railway Board does not suggest that the line will be remunerative.

CONNECTION OF NAYA DUMKA, SANTAL PARGANAS, WITH THE EAST INDIAN
RAILWAY LOOP LINE.

†15. ***Raja Raghunandan Prasad Singh:** How far has the matter of connecting Naya Dumka (Santal Parganas, Bihar and Orissa) with the East Indian Railway Loop Line proceeded? Has the necessary survey been made? When is the construction of the branch line likely to be started?

† This question was not put, owing to the absence of the questioner.

Mr. A. A. L. Parsons: The estimate of the Sainthia-Bausi Branch, which is the line to which the Honourable Member refers, has been received by the Railway Board. It shows that the line is not likely to prove a remunerative proposition, and there is therefore very little chance of it being taken up.

Mr. B. Das: May I put the question, Sir, on behalf of Mr. Neogy?

Mr. President: The Honourable Member has not informed me.

ALLEGED CONSPIRACY TO BUY UP CERTAIN NEWSPAPERS IN INDIA TO PREVENT THE SPREAD OF NATIONALISM.

†16. ***Mr. K. O. Neogy:** (a) Has the attention of Government been drawn to an Editorial note in *The Tribune*, Lahore, dated 20th September headed 'Sensational Story from Simla', alleging a conspiracy, in which Government, the Maharaja of Darbhanga and a millowning potentate are stated to be involved, to buy up certain newspapers in India to prevent the spread of Nationalism?

(b) Are the facts given in the note correct?

The Honourable Mr. J. Orerar: (a) Government have seen the article referred to.

(b) Government have no information.

AN "AT HOME" GIVEN AT MASHOBRA BY MR. C. T. ALLEN IN CONNECTION WITH THE ALLEGED PURCHASE OF NEWSPAPERS IN INDIA.

†17. ***Mr. K. O. Neogy:** (a) Has the attention of Government been drawn to a publication in *The Tribune*, dated 25th September, 1928, mentioning an "At Home" given at Mashobra by Mr. C. T. Allen of Cawnpore, and that it was attended by the Viceroy and a number of Country Leaguers interested in the purchase and promotion of newspapers in India as a challenge to Nationalism?

(b) Are the facts stated therein true?

(c) Is it a fact that the Governor General in Council is promoting this movement for not only purchasing newspapers, but for establishing a vernacular press all over the country, owned and directed by big capitalists with a view to oppose the forces which stand in the country for reform and progress?

The Honourable Mr. J. Orerar: (a) Government have seen the article referred to.

(b) Government have no information.

(c) No.

ALLEGED WITHDRAWAL OF INCOME-TAX CLAIMS FOR POLITICAL CONSIDERATION.

†18. ***Mr. K. C. Neogy:** (a) Will Government be pleased to lay on the table a statement of all outstanding claims against persons or firms, in respect of income-tax involving a total amount of rupees five lakhs and above in each case up to 31st March, 1928?

† This question was not put, owing to the absence of the questioner.

(b) Will Government be pleased to state how many of these claims have since succeeded, or been withdrawn or rejected by the appellate authorities?

(c) If any claims have been withdrawn, will Government please state the reasons for withdrawing these, particularly mentioning if political considerations, such as buying up newspapers and floating newspaper concerns, had anything to do with any of these withdrawals?

(d) Whether the withdrawal of any claims is under consideration, and whether political considerations and the need for reward for services rendered to the Governor General in Council in the political field are influencing the Government in helping the liquidation of any of these income-tax claims?

The Honourable Sir George Schuster: (a) In view of the provisions of section 54 of the Indian Income-tax Act, 1922, the Government is unable to furnish the statement asked for.

(b) In the circumstances just described, the question does not arise.

(c) Here too the question does not arise, but I may state, for the information of the Honourable Member, that political considerations have never been allowed to influence the assessment and collection of income-tax.

(d) The answer is in the negative.

RECRUITMENT OF MUHAMMADANS TO THE GENERAL LIST OF THE INDIAN AUDIT AND ACCOUNTS SERVICE.

19. ***Maulvi Muhammad Yakub:** Is it not a fact that out of 183 posts reserved for the members of the General List in the Indian Audit and Accounts Service, only 12 posts are held by Muhammadans, and that out of these 12 posts, six are held by the Muhammadan members who have been recruited only in the recent years? If it is so, have the Government of India taken any steps to ensure a regular number of Muslim recruits to this Service? If they have, what are they?

The Honourable Sir George Schuster: The answer to the first part of the question is in the affirmative. For the answers to the remainder of the question I would invite the attention of the Honourable Member to paragraphs 2 and 3 of the Home Department letter to him No. F.-167-27-Ests., dated the 7th January, 1928.

PROMOTION OF A MUHAMMADAN TO THE RANK OF ACCOUNTANT GENERAL.

20. ***Maulvi Muhammad Yakub:** Is it a fact that no Muhammadan Officer in the Indian Audit and Accounts Service is at present holding the post or rank of Accountant General? If it is so, what action do Government propose to take in this matter?

The Honourable Sir George Schuster: The answer to the first part of the question is in the affirmative. As regards the second part, a Muhammadan officer will be appointed to this rank as soon as one of sufficient merit attains sufficient seniority.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say how many Hindu Accountants-General there are?

EMPLOYMENT OF MUHAMMADAN OFFICERS OF THE GENERAL LIST IN THE FINANCE AND OTHER DEPARTMENTS OF THE GOVERNMENT OF INDIA.

21. ***Maulvi Muhammad Yakub:** Is it a fact that no Muhammadan officer of the General List is at present serving in the Headquarters Offices, such as the Finance Department, Auditor General's Office, Offices of the Accountants General, Central Revenues, Railways and Posts and Telegraphs? How do the Government of India account for this absence of Muhammadan officers from these offices?

The Honourable Sir George Schuster: The answer to the first part of the question is in the negative. One of the present Deputy Auditors General, Inspection, is a Muhammadan and there is a junior officer who is a Muhammadan in the Office of the Accountant General, Central Revenues. The second part of the question does not arise.

ALLEGED FAVOURITISM IN THE PROMOTION OF ASSISTANT ACCOUNTS OFFICERS.

22. ***Maulvi Muhammad Yakub:** (a) Are Government aware of the increase during recent years of the number of promotions to the General List from the rank of Assistant Accounts Officer?

(b) What is the policy recognised in such promotions?

(c) Kindly state the number of the officers so promoted during the last six years?

(d) What are the educational qualifications of the officers so promoted?

(e) How many years' permanent service had they rendered as Assistant Accounts Officers at the time of their promotion to the General List?

(f) What posts have they been made to hold after promotion?

(g) How many of these promoted officers are Hindus, Muhammadans and Christians?

The Honourable Sir George Schuster: (a) The number of such promotions has fluctuated during recent years. There were five in 1924, six in 1925, six in 1926, seven in 1927, nil in 1928 and one in 1929.

(b) Since 1925, the rule has been that vacancies should be so filled that one-sixth of the total cadre consists of promoted subordinates. Promotions are made on merit, and not only from the rank of Assistant Accounts Officer.

(c) Of the 31 subordinates promoted during the last six years, 25 held the rank of Assistant Accounts Officer before promotion.

(d) The 31 officers so promoted include 6 M.As. and 14 B.As.

(e) The officers who were permanent Assistant Accounts Officers before promotion had served as such for periods varying from 1½ to 8½ years.

(f) Of the 31 officers mentioned above, all except 5 have since held cadre posts in the Service. These five have held posts in or subordinate to the Finance Department.

(g) 19 are Hindus, one is a Sikh and the remainder are Anglo-Indians and Christians.

DEPARTMENTAL PROMOTIONS TO THE GENERAL LIST OF THE INDIAN AUDIT AND ACCOUNTS SERVICE.

23. ***Maulvi Muhammad Yakub:** (a) Have the Government of India ever considered the fact that promotions to the General List in the Accounts Departments cause a great deal of supersession owing to the benefit of six years' service allowed to the promoted, over and above the junior officers of the Indian Audit and Accounts Service? Has this fact ever been brought to the notice of the Auditor General by the Audit and Accounts Association?

(b) In view of the fact that this departmental promotion is generally resented by the direct recruits to the Indian Audit and Accounts Service, as it creates a block in the promotion within the said service, will the Government of India kindly state what steps they wish to take in this matter?

The Honourable Sir George Schuster: (a) The matter has been brought to the notice of the Auditor General by the Association named. In view of the facts, firstly, that the greater number of promoted subordinates are superannuated before they become eligible for promotion to the selection grades, and, secondly, that promotions to those grades are regulated primarily by selection on merit and not by seniority, Government do not consider that the interests of officers directly recruited to the Service have been prejudicially affected.

(b) The Government consider that the right action to be taken in this matter is to continue their present practice of exercising a vigilant supervision of all appointments so as to ensure, first, the greatest possible efficiency in the conduct of the Public Service, and, secondly, the preservation of a fair opportunity of advancement, according to their merits, for all officials.

EMPLOYMENT OF MUHAMMADANS AS ASSISTANT ACCOUNTS OFFICERS.

24. ***Maulvi Muhammad Yakub:** (a) Will the Government of India state the number of Assistant Accounts Officers in the various Accounts Offices in India? How many of these belong to the minority communities? How many of the latter are Muhammadans?

(b) Have the Government of India ever considered the paucity of Musalman Assistant Accounts Officers in the Accounts Offices? What steps do they wish to take now in this matter?

The Honourable Sir George Schuster: (a) There are at present 77 permanent and 23 temporary posts of Assistant Accounts Officers in India. The incumbents of 22 of these posts are Anglo-Indians or Christians, 3 are Muhammadans and the remainder are Hindus.

(b) The general practice is to fill the ranks of Assistant Accounts Officers by selection on merit from among qualified senior accountants but one or two direct recruitments of Indian chartered accountants have recently been made for work in the Commercial Audit Department. Government are not prepared to alter the general practice of appointment by strict selection; and it would obviously be unwise to allow communal considerations to operate in cases where the possession of special technical qualifications is the dominant requirement. Here again I would refer the Honourable Member to the letter No. F.167-27/Ests., dated the 7th January, 1928, addressed to him by the Home Department.

RECRUITMENT OF MUHAMMADANS TO THE SUBORDINATE ACCOUNTS SERVICE.

25. ***Maulvi Muhammad Yakub:** Will the Government of India state the number of the direct recruits to the Subordinate Accounts Service in the Auditor General's Office and other local Accountant General's Offices since the year 1921? How many of these were Muhammadans? Out of these Muhammadan candidates how many were successful in the Subordinate Accounts Service Examination?

The Honourable Sir George Schuster: The number of direct recruits to the Subordinate Accounts Service in the Auditor General's Office and in local Accountants General's Offices, since the year 1921, is 22. Out of these, two are Muhammadans. One of the Muhammadan recruits was successful in the Subordinate Accounts Service Examination, and the other reverted, at his own request, to the clerical grade, and did not appear for the Examination.

RECRUITMENT OF MINORITY COMMUNITIES TO ACCOUNTS OFFICES IN INDIA.

26. ***Maulvi Muhammad Yakub:** What action has been taken by the Auditor General to watch that the instructions of the Government of India regarding the recruitment of the minor communities in the various Accounts Offices in India, are duly observed by the Heads of those Offices?

The Honourable Sir George Schuster: The Auditor General has impressed on all Heads of offices under him that the orders of the Government of India are absolute and that he holds them personally responsible for strict compliance with those orders. The Head of each office submits to the Auditor General annually statements showing (i) the number of permanent appointments made during the year and the manner in which they were filled, and (ii) the communal composition of the office as on the 31st December of each year. These periodical reports are forwarded by the Auditor General to the Government of India, by whom they are carefully scrutinised.

PROMOTION AS ASSISTANT PERSONNEL OFFICER OF THE CASHIER OF THE RAILWAY BOARD.

27. ***Maulvi Muhammad Yakub:** (a) Is it a fact that the cashier of the Railway Board's Office who is a second division clerk, has recently been gazetted Assistant Personnel Officer?

(b) Is it a fact that the duties of the Cashier in the Railway Board's Office are practically the same as in other departments of the Government of India?

(c) Is it a fact that a second division clerk is lower in status to a first division assistant?

(d) Will Government please state the reasons why gazetted status has been conferred upon the cashier of the Railway Board's Office?

(e) Is it a fact that for this reason he will become superior in status to the senior first division assistants in the Office?

(f) Is it a fact that the son of the Cashier, Railway Board's Office, was lately appointed an Assistant Traffic Superintendent on the North-Western Railway?

(g) Did the son of the Cashier, Railway Board's Office, possess any technical qualifications for that post?

Mr. A. A. L. Parsons: (a) The Cashier of the Railway Board's Office has been awarded the honorary rank of Assistant Personnel Officer.

(b) No.

(c) Yes.

(d) In recognition of long and meritorious service.

(e) Honorary rank does not affect official status. It is a personal distinction.

(f) He was appointed in 1922.

(g) Technical qualifications were not compulsory under the system in force in 1922 for the selection of candidates.

CONSTRUCTION OF A RAILWAY BETWEEN DACCA AND ARICHA.

†28. ***Mr. A. H. Ghuznavi:** (a) Will Government be pleased to make a statement with regard to the present position of the project for the Dacca Aricha Railway?

(b) In reply to my starred question No. 18 of September 4th, 1928, the Honourable Mr. Parsons stated that the matter was under correspondence between the Government of India and the Secretary of State. Will Government be pleased to lay on the table the final decision of the Secretary of State, if any reply has been received?

Mr. A. A. L. Parsons: (a) and (b). The project has been sanctioned by the Secretary of State and it is hoped to provide funds for the inception of construction next year.

CONSTRUCTION OF A RAILWAY BETWEEN SINGHJANI AND TANGAIL-PINGNA.

†29. ***Mr. A. H. Ghuznavi:** (a) With reference to my question No. 17 of September 4th, 1928, Mr. Parsons stated that the final decision in regard to the Singhjani-Tangail-Pingna Railway depended on the Dacca-Aricha Railway problem. Will Government be pleased to state the latest position with regard to it, in the light of the decision arrived at by the Secretary of State with reference to the Dacca-Aricha problem, if any reply has been received?

(b) Do Government propose to take steps to expedite matters?

Mr. A. A. L. Parsons: (a) and (b). The Agent of the Eastern Bengal Railway will no doubt consider the effect of the construction of the Dacca-Aricha Railway, which has recently been sanctioned by the Secretary of State, on the prospects on the Singhjani-Tangail-Pingna Railway, but I am unable to make any statement at present as to the prospects of the latter line being taken up in the next two or three years.

SALE OF VEGETABLE GHEE IN INDIA.

†30. ***Mr. A. H. Ghuznavi:** (a) Are Government aware that a commodity popularly known as "Vegetable Ghee" is placed very largely in the market all over India and is intended to take the place of "ghee"?

† This question was not put, owing to the absence of the questioner.

(b) Are Government aware that this commodity is hardly very satisfactory from the medical point of view and facilitates the adulteration of ghee especially in sweetmeats?

(c) Do Government propose to take steps to stop its sale in the market?

Mr. G. S. Bajpai: (a) Government are aware that solidified vegetable oil, popularly known as "Vegetable Ghee", is largely sold in India as a foodstuff.

(b) Government are aware that this substance is deficient in vitamins, but are advised that it is not injurious to health. It is understood that vegetable ghee is used in some places to adulterate natural ghee.

(c) Government do not consider that this commodity is a menace to public health. The question of legislating to stop its sale on this account does not therefore arise.

AUCTIONING OF UNCLAIMED GOODS ON STATE RAILWAYS.

†31. ***Mr. A. H. Ghuznavi:** (a) Will Government be pleased to state what arrangements are made under the existing state of things on railways for the disposal of unclaimed goods and auctionable materials?

(b) Do Government employ private auctioneers or carry out the auctioning departmentally?

Mr. A. A. L. Parsons: (a) and (b). The procedure varies on different railways. Some railways engage the services of an auctioneering firm, some conduct their sales departmentally, and some employ both methods, engaging an auctioneering firm only for the larger sales.

PROVISION ON ALL RAILWAYS OF DOORS BETWEEN FIRST CLASS AND SERVANTS' COMPARTMENTS.

†32. ***Mr. A. H. Ghuznavi:** (a) Are Government aware that on the Bombay, Baroda and Central India Railway there is a doorway between the first class compartments and the servants' compartments?

(b) Are Government aware that this arrangement existed formerly in the Eastern Bengal Railway, and East Indian Railway and was highly appreciated by the public?

(c) Are Government prepared to revive that arrangement on all the railways?

Mr. A. A. L. Parsons: (a) Yes.

(b) If this is so, no expression of the public's appreciation has reached the Railway Board.

(c) The design of upper class stock is now under consideration. The Railway Board are inclined to favour the introduction of vestibuled stock which will do away with the necessity for servants' compartments altogether.

SALE OF FRAUDULENT QUININE IN INDIA.

†33. ***Mr. A. H. Ghuznavi:** (a) With reference to the Motion for Adjournment by Lieutenant-Colonel H. A. J. Gidney on September 4th, 1928, for the stopping of the quinine fraud in India, will Government be pleased to state what action they have taken in the matter?

† This question was not put, owing to the absence of the questioner.

(b) Do Government propose to undertake any legislation on the subject?

Mr. G. S. Bajpai: (a) Local Governments and Administrations were asked last October, to submit considered reports on the allegations regarding the sale of adulterated quinine on a large scale. Replies have so far been received only from Coorg and Ajmer-Merwara, stating that there is no evidence that adulterated quinine is sold in these provinces.

(b) Any action that may be considered necessary will be taken on the receipt of replies from Local Governments, who have been reminded.

HIGH CHARGES FOR CATERING ON THE EAST INDIAN RAILWAY.

†34. ***Mr. A. H. Ghuznavi:** (a) Are Government aware that the rates of Messrs. Kellner and Company, Caterers of the East Indian Railway, are the highest?

(b) Have Government considered the question of starting a catering department of their own for each of the railways, instead of committing the catering arrangements to private parties after the expiry of the period of contract with these parties?

Mr. A. A. L. Parsons: (a) Government have received no complaint as to the rates charged by the firm mentioned.

(b) The question whether the State-managed Railway Administrations should establish catering departments of their own will be considered about the time any of the present contracts is due to expire.

PROVISION OF A FIRST CLASS RAILWAY PASS TO MISS SCHELEK OF VIENNA.

†35. ***Mr. M. S. Sesha Ayyangar:** (a) Is it a fact that Miss Schelek from Vienna, who visited India early this year, was given a free first class railway pass during her Indian tour?

(b) If so, will Government be pleased to state in what railway or railways, why, and at whose instance this was done?

Mr. A. A. L. Parsons: (a) Yes.

(b) The pass was issued under the orders of the Railway Board and was made available over principal railways. It was granted solely for railway publicity purposes, and Miss Schelek supplied the Central Publicity Railway Bureau with a lot of material.

RATE OF FARES FOR THIRD CLASS PASSENGERS TRAVELLING LESS THAN 50 MILES.

†36. ***Mr. M. S. Sesha Ayyangar:** (a) Is it in contemplation to abolish the present rate for short distance travel of less than fifty miles, regard being had to the fact that the average distance travelled by a third class passenger is about 33 miles?

(b) Are Government aware that trains other than the mail, (especially on the South Indian Railway), are run in such a deliberately slow manner that long distance third class passengers are compelled to travel only by mail trains and pay a higher fare?

(c) If so, do Government propose to issue the necessary instructions to lessen the hardship?

† This question was not put, owing to the absence of the questioner.

Mr. A. A. L. Parsons: (a) No general reduction in third class short distance fares is contemplated at present.

(b) The reply is in the negative.

(c) Does not arise.

REVERSION TO THE CONTRACT SYSTEM FOR SUPPLYING REFRESHMENTS TO INDIAN PASSENGERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

†37. ***Mr. M. S. Sesha Ayyangar:** (a) Is it a fact that the Madras and Southern Mahratta Railway are making profits varying from 75 per cent. to 200 per cent. on the supply of light refreshments to Indian passengers in important junction stations by selling them at high prices?

(b) Are Government aware that, under the so-called company management of catering in the Madras and Southern Mahratta Railway, the food and light refreshments have deteriorated in quantity and quality, though they are sold at higher prices than before?

(c) If so, what steps do Government propose to take to improve the situation or end the present system by restoring the old system of contracts?

Mr. A. A. L. Parsons: (a) On the contrary the Indian refreshment rooms on the Madras and Southern Mahratta Railway are actually run at a loss. During the three months, July, August and September, the receipts were Rs. 1,31,873, and the expenditure, excluding charges for Indian refreshment cars and interest on capital outlay on buildings, furniture and cars, Rs. 1,23,100. The charges, not included in the figure of Rs. 1,23,100, would amount to considerably more than the difference of Rs. 8,773.

(b) No complaints have been received by the Railway Administration from the travelling public or from the Members of the Railway Advisory Committee that the quantity or quality of the refreshments served has deteriorated.

(c) Government do not propose to take any action.

ALLEGED RACIAL DISCRIMINATION IN THE APPOINTMENT OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

†38. ***Mr. M. S. Sesha Ayyangar:** Is it a fact that on the Madras and Southern Mahratta Railway and South Indian Railway, there is racial discrimination involved in providing for two classes of station masters and assistant station masters, one from Europeans and Anglo-Indians, to fill the A, B, C, D groups, and the other from Indians, to fill E, F, G groups, with a great disparity in the pay and emoluments of the two sets of recruits? If so, are Government prepared to issue instructions to put an end to such racial discrimination?

Mr. A. A. L. Parsons: Enquiries which have been made by the Railway Board show that the racial discrimination which the Honourable Member alleges in his question does not in fact exist. On the Madras and Southern Mahratta Railway, appointments in the 'D' grade are mostly

† This question was not put, owing to the absence of the questioner.

those of assistant station masters at large stations, involving turns of night duty and supervision of yard work, duties, that is to say, far more arduous than those ordinarily undertaken by an 'E' grade station master. It is also necessary for a station master who has only been at a roadside station, to serve as a 'D' grade assistant station master at a large station before he can be considered suitable for further promotion to the three higher grades, C, B, and A. In the past considerable reluctance has been experienced on the part of 'E' grade station masters to take up the more arduous 'D' grade appointments, but the Railway Administration has made very special efforts to recruit 'D' grade appointments from Indians, and during the last two years seven such appointments have been filled by Indians. They have also recently inaugurated a further scheme with the same object. Five special appointments of probationary assistant station masters have been created, and candidates for these posts were subjected to a competitive examination. The five men heading the list were selected to fill the five vacancies, and are now undergoing special intensive training to fit them for 'D' grade appointment. Although these probationary assistant station masters' appointments are open to all the traffic staff on the line, they were specially created for the purpose of encouraging promising young Indians to offer themselves for appointments in the more executive work of the traffic department, and the first five probationary assistant station masters now in course of training are all Indians.

On the South Indian Railway, scales of pay for station staff are fixed according to the importance of stations and any employee gets the scale attached to the station to which he is posted, without racial distinction of any kind.

PURCHASE OF STEEL SLEEPERS BY THE SOUTH INDIAN RAILWAY.

†39. ***Mr. M. S. Sesha Ayyangar:** (a) Are Government aware that the Nilambur unemployment is entirely due to the recent purchase of steel sleepers by the South Indian Railway on a large scale?

(b) If so, will steps be taken to stop the use of steel sleepers in future?

Mr. A. A. L. Parsons: (a) Government have received no report to this effect.

(b) Government consider that the Agent of the South Indian Railway must be left to decide what description of sleeper is best suited and most economical for adoption on the various sections of the line.

PURCHASE OF STEEL SLEEPERS BY THE NORTH-WESTERN RAILWAY.

†40. ***Mr. M. S. Sesha Ayyangar:** (a) Is it a fact that the North-Western Railway recently purchased eight lakhs of steel sleepers, and that the Punjab Timber Association protested against this to the Chief Commissioner for Railways?

(b) If so, what steps have Government taken, or do they propose to take in the matter?

Mr. A. A. L. Parsons: (a) The answer to the first part of the question is in the negative, and to the second that the deputation from the Punjab Timber Association met the Chief Commissioner, Railways, on the subject last May. Actual requirements of the North-Western Railway for

† This question was not put, owing to the absence of the questioner.

steel sleepers—about 200,000—in 1929-30 have been included in the combined call for metal sleepers issued by the Railway Board in December, 1928. In the same year the requirements for wooden sleepers are put at 10 lakhs.

(b) None.

DISCRIMINATION IN THE TERMS OF APPOINTMENT OF EUROPEANS AND INDIANS IN TEMPORARY POSTS ON INDIAN RAILWAYS.

†41. ***Mr. M. S. Sesha Ayyangar:** (a) Will Government be pleased to state if it is a fact, that, while European Officers of the Railways, in the temporary rank and file, are given a guarantee for two years, with three months' notice on either side for termination of services, the Indian Officers of the same standing are denied such stability of tenure?

(b) And if so, do Government propose to issue instructions to eliminate these differences?

Mr. A. A. L. Parsons: (a) No. Temporary officers who are engaged in England come out on a two years' covenant and their agreement provides for six months' notice of termination of service. The last appointment was made in 1926. Temporary officers who are engaged in India, irrespective of their nationality, execute no agreement; their services are terminable on a month's notice.

(b) Government see no reason to suggest any alteration to the South Indian Railway.

IRREGULARITIES IN THE AUDIT AND ACCOUNTS OFFICES OF THE SOUTH INDIAN RAILWAY.

†42. ***Mr. M. S. Sesha Ayyangar:** Has the attention of Government been drawn to the report of the Deputy Accountant General of Railways, Dewan Bahadur Mr. R. Sundarachari, on his inspection of the Audit and Account Offices of the South Indian Railway, from May to November, 1926; and do Government propose to issue instructions to the Railway to ensure that the irregularities brought to light therein do not occur in future?

Mr. A. A. L. Parsons: Reports of the inspection of railway audit and account offices by the Deputy Accountant General, Railways, are addressed to the Accountant-General, Railways, who scrutinises them and brings to the notice of the Government any serious irregularities brought to light on which he considers that action should be taken. These irregularities are carefully investigated by the Railway Board, and necessary instructions issued.

In the particular case referred to, the Accountant-General, Railways, has forwarded five paragraphs of the report to the Railway Board for action. Action has already been taken on one of these, and a report has been called for from the Railway Administration on the others.

AVOIDANCE OF SAND DUNES ON THE SOUTH INDIAN RAILWAY.

†43. ***Mr. M. S. Sesha Ayyangar:** (a) Will Government be pleased to state if the newly opened diversion in the Pamban-Dhanushkodi Section of the South Indian Railway is a success in avoiding the recurrence of sand dunes?

(b) If not, what do Government propose to do?

† This question was not put, owing to the absence of the questioner.

Mr. A. A. L. Parsons: The Agent reports that though the South Indian Railway Administration can never expect to be entirely free from difficulty in regard to blowing sand, or the formation of sand dunes on Rameswaram Island, the difficulties experienced on the south side of the island are small compared with those experienced previously, and the re-alignment has therefore been fully justified.

RETENTION FOR A FURTHER PERIOD OF THE CONSTRUCTION DEPARTMENT OF THE SOUTH INDIAN RAILWAY.

†44. ***Mr. M. S. Sesha Ayyangar:** (a) Is it a fact that the Railway Board has extended the Construction Department of the South Indian Railway, including Engineering and Audit, under the Chief Engineer, to a further period of four years more?

(b) If so, why? Is it a fact that important constructions have been completed and the existing staff is heavy and costly?

Mr. A. A. L. Parsons: (a) Yes.

(b) There is still a lot of construction work to be done on the South Indian Railway.

RETENTION OF THE CREW SYSTEM ON THE SOUTH INDIAN RAILWAY.

†45. ***Mr. M. S. Sesha Ayyangar:** (a) Is it a fact that the Crew System on the South Indian Railway involves a lot of extra expenditure, with no proper return, and yet the Agent has recommended to the Home Board an extension of the system for another year?

(b) If so, why?

Mr. A. A. L. Parsons: The Agent reports that the adoption of the system has prevented a good deal of free travelling, and thereby secured beneficial results. He also considers, as do the Railway Board, that it is essential to educate the public as to the necessity for purchasing tickets when they travel. In these circumstances he has asked his Home Board to agree to the continuance for a further year from the 1st of November, 1928, of the temporary post of Assistant Commercial Superintendent on Rs. 300 rising to Rs. 650, and the Railway Board have communicated their sanction to this proposal, subject to the approval of the Home Board of the South Indian Railway Company.

PRICE-CUTTING IN THE SALE OF MATCHES BY THE SWEDISH TRUST SYNDICATE.

†46. ***Mr. M. S. Sesha Ayyangar:** (a) Has the attention of Government been drawn to the fact that the Swedish Trust Syndicate (Match) has again taken to their old methods of price-cutting, selling at a price, which is below their cost price, with a view to ruining the Indian Match Factory?

(b) If so, do Government propose to take any immediate and effective steps towards regulating the activities of this powerful trust and thereby protecting the Indian industry?

† This question was not put, owing to the absence of the questioner.

(c) Is it a fact that the Great Indian Peninsula Railway is granting special concessions to the Swedish Syndicate in the transport of their materials to the great discomfiture of the Indian industry?

(d) If so, are Government prepared to stop this course of conduct or extend the concessions to the Indian match industry also?

The Honourable Sir George Rainy: (a) The Government of India have received a representation on the subject.

(b) The Government of India are carefully watching the progress of the Indian industry and are collecting information to this end.

(c) and (d). The Railway Board understand that the Great Indian Peninsula Railway quote special station to station rates for safety matches both from Kurla, where an Indian match factory is situated, and from Ambernath, the location of the works of the Western India Match Company, which they believe to be under the control of the Swedish Match Company; but that all the station to station rates from Ambernath have not been made applicable to Kurla. They are taking up the matter with the Agent of the Great Indian Peninsula Railway.

AMOUNT OF GOLD SOLD TO AMERICA AND GERMANY FROM THE GOLD RESERVES OF INDIA IN ENGLAND.

†47. ***Mr. M. S. Sessa Ayyangar:** (a) Will Government please state the total amount of gold sold respectively, since April, 1928, to America and Germany, from out of the Gold Reserves of India kept in England?

(b) Will Government please state why this large drain is made?

The Honourable Sir George Schuster: (a) No gold has been sold from the gold reserves of India since 1st April 1928.

(b) Does not arise.

PROTECTION AND ENCOURAGEMENT OF THE INDIAN FILM INDUSTRY.

48. ***Maulvi Abdul Matin Chaudhury:** (a) Has the attention of Government been drawn to the news published in the *Statesman* of November 1, 1928, under the heading of "Cinema War in India"?

(b) Has the attention of Government been drawn to the interview given by Mr. Frank Chamberlain, which appeared in the *Statesman* of November 3, 1928, stating that certain big American film-producing interests have combined to open an establishment in India, with a head office in Bombay and branches in Calcutta, and possibly other centres, for the purpose of distributing directly to Indian theatres a large number of American films?

(c) In view of the threatened American invasion of the Indian cinema trade, what steps do Government intend to take to check this menace, which was anticipated in the Report of the Indian Cinematograph Committee?

† This question was not put, owing to the absence of the questioner.

(d) Do Government intend to take steps for the immediate imposition of the quota system, as recommended by the majority of the members of the Cinematograph Committee, for the development and encouragement of the Indian film industry?

(e) Are Government aware that the quota system is in force in Italy, France, Great Britain, Germany, Portugal, Czechoslovakia and some other European countries?

(f) Are Government aware that the French Government have doubled the income-tax payable by American distributors and exhibitors of films in France, for the prevention of a foreign monopoly of film distribution, and do Government intend to take similar steps in India?

(g) Are Government aware that the system of subsidies is prevalent in Germany for the encouragement of the indigenous film industry, and do Government propose to take similar measures to encourage the development of the Indian film industry?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Yes.

(c) and (d). The Report of the Indian Cinematograph Committee is under the consideration of the Government of India.

(e) Yes.

(f) and (g). The reply to the first part of both these questions is in the affirmative. As regards the second part, the Government are not in a position to make any pronouncement pending consideration of the Report of the Indian Cinematograph Committee.

SIMON COMMISSION: EXPENDITURE INCURRED FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY SERVING ON THE INDIAN CENTRAL COMMITTEE.

49. ***Mr. Lalchand Navalrai:** (a) Are Government aware that the Indian Legislative Assembly adopted, on the 18th February, 1928, a Resolution declaring that they will have nothing to do with the Simon Commission, at any stage and in any form?

(b) Is it a fact that the Government of India, under the directions of the Secretary of State for India, nominated some Members of the Assembly to serve on the Indian Central Committee?

(c) What would be the approximate or allotted expenses of the Members of the Assembly so nominated?

(d) From which source, the British or the Indian exchequer, do Government propose to defray such expenses?

(e) If the latter, under what rule or authority will they be authorized to do so?

The Honourable Mr. J. Orerar: (a) Yes.

(b) No. Nominations were made by His Excellency the Viceroy.

(c) and (d). No separate estimates were framed for the element nominated from the Assembly. Full information on the subject of the financial arrangements will be given in a statement to be laid on the table in reply to question No. 194, asked by Mr. Gaya Prasad Singh.

(e) Government propose to move in this session for a supplementary grant to cover the expenditure on the Indian Central Committee in the current financial year, and for 1929-30 provision to meet the expenses of the Committee is being made in the budget estimates. Meanwhile expenditure on the Committee is being incurred against the budget provision made for the Indian Statutory Commission.

INDIANIZATION OF THE ARMY IN INDIA.

50. **Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if their policy and intention since 1919 have been to Indianize the Army, both officers and soldiers in India?

(b) If so, will Government be pleased to state in detail how far and what progress has been made in that direction since the aforesaid period?

Mr. G. M. Young: (a) and (b). Government's policy of Indianization in the officer ranks of the Indian Army dates, as the Honourable Member's question suggests, from the year 1919, when Indian officers were first granted the King's Commission in the Indian Army and vacancies at Sandhurst were opened to Indian cadets. The number of those vacancies remained at 10 a year until 1928, when they were increased to 20 a year. At the same time vacancies were made available for Indian cadets at Woolwich and Cranwell. In 1919 there were nine Indian King's Commissioned officers in the Indian Army, and on the 1st January, 1929, there were 91. There has never been any question of Indianizing the soldier ranks in the Indian Army as these ranks are already filled by Indians.

NUMBER OF BRITISH OFFICERS AND TROOPS IN INDIA.

51. **Mr. Lalchand Navalrai:** (a) Will Government be pleased to state the number of British troops in India immediately before the introduction of the Montagu-Chelmsford reforms and at present?

(b) What is the number of British Officers of all ranks, respectively, at the aforesaid period and now?

(c) Has there been any reduction in the number of British Officers or soldiers since the aforesaid reforms? If so, when, how much and in what ranks?

(d) Has there been any increase in the number of Indian Officers and soldiers since the aforesaid reforms? If so, when, how much and in what ranks?

Mr. G. M. Young: I am afraid I could not collect all the information desired by the Honourable Member without the expenditure of an inordinate

amount of time and labour. I place on the table, however, a statement which I hope will meet his purpose.

Statement laid on the table with reference to starred question No. 51.

British Army in India—

Date.	No. of Officers.	No. of other ranks.
March 1920	1,654	47,635
March 1928	1,955	54,764

Indian Army—

Date.	No. of British Officers.	No. of Indian Officers.	No. of other ranks.
March 1920	3,586	4,865	2,58,683
March 1928	2,074	3,351	1,33,876

The apparent increase in the number of British troops is due to the fact that in 1920 the British Army in India was short of establishment by 2 Cavalry Regiments and 14 Infantry Battalions.

The decrease in the number of British and Indian officers and other ranks of the Indian Army is due to the fact that in 1920 the Indian Army was far above peace requirements as the aftermath of the War.

INDIAN OFFICERS PROMOTED TO THE KING'S COMMISSION.

52. **Mr. Lalchand Navalrai:** (a) Will Government be pleased to state the number of Indian Officers with their respective rank in the Army at present holding the Viceroy's Commission?

(b) Have any Subedar-Majors, or Indian Officers holding the Viceroy's Commission, been promoted to the King's Commission?

(c) If so, how many and what are their names and rank?

Mr. G. M. Young: (a) The total number of Viceroy's commissioned officers serving in the Indian Army, excluding sub-assistant surgeons of the Indian Medical Department, is 3,929. 2,325 of these are Jemadars, 1,399 Subedars or Risaldars, and 205 Subedar-Majors or Risaldar-Majors.

(b) Yes.

(c) Twenty, of whom ten have retired. Of the ten still in service, seven are Captains and three Lieutenants. I will give the Honourable Member their names, separately, if he wishes.

INDIAN CADETS WHO HAVE QUALIFIED AT SANDHURST.

53. **Mr. Lalchand Navalrai:** (a) How many Indian cadets have passed out of the Royal Military College, Sandhurst, since it was opened to Indians?

(b) How many of them have been granted the King's Commission since the aforesaid period?

(c) What are their names and ranks?

Mr. G. M. Young: (a) 67.

(b) 65. The other two candidates passed the final examination but were not recommended for Commissions by the authorities at Sandhurst.

(c) The names and present ranks of the officers now serving will be found on pages 259 to 270 of the Indian Army List, a copy of which is in the Library.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say if these gentlemen are granted permanent or temporary Commissions?

Mr. G. M. Young: Permanent, Sir.

NUMBER OF INDIANS ENROLLED IN THE AUXILIARY FORCE.

54. ***Mr. Lalchand Navalrai:** (a) Is it a fact that the Auxiliary Force in India was to be thrown open to Indians in consequence of the acceptance of an amended Resolution of the Indian Legislative Assembly in 1924, for which a Commission was to be appointed?

(b) Will Government be pleased to state if Indians have been enrolled in the Auxiliary Force in India since 1924?

(c) If so, how many and from which provinces?

(d) If not, what are the reasons for it?

Mr. G. M. Young: (a) No, Sir. The Auxiliary and Territorial Force Committee, which was appointed in pursuance of the Resolution, did not recommend the admission of Indians to the Auxiliary Force.

(b) to (d). A certain number of Indians, including Parsees, are still serving in the Auxiliary Force. The exact number is not known but is probably round about 500. The great majority were enrolled under paragraph 4 (b) of the Auxiliary Force Act, having been previously members of the Indian Defence Force. I do not know whether any Indians have been enrolled since 1924, but if any have, their enrolment was not strictly legal.

UNITS OF THE INDIAN ARMY COMPLETELY INDIANISED.

55. ***Mr. Lalchand Navalrai:** (a) Are there any units of the Indian Army completely Indianised? If so, how many?

(b) Are they officered completely by Indian Officers? If so, how many officers are there?

(c) Have such officers been promoted from the Viceroy's Commission or directly recruited in the King's Commission?

Mr. G. M. Young: (a) — (c). None of the eight units selected for Indianisation is as yet completely Indianised, but the number of Indian King's Commissioned Officers in each is approaching half. They all received their Commissions direct from Sandhurst.

RECOMMENDATIONS OF THE INDIAN SANDHURST COMMITTEE.

56. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if the Resolution of this House, dated 14th September, 1927, recommending the Governor General in Council to be pleased to accept and give effect to the unanimous recommendations of the Indian Sandhurst Committee, has found favour with Government?

(b) If so, has any effect been given to that Resolution?

(c) If the answer be in the affirmative, how far has it been carried out?

(d) If the answer be in the negative, what are the reasons for not carrying it out?

Mr. G. M. Young: The extent to which the recommendations of the Indian Sandhurst Committee have been accepted by Government, and the reasons why some of them were not accepted, have already been announced. I would refer the Honourable Member to the announcement made in this House by His Excellency the Commander-in-Chief on the 8th March, 1928, and to my speech on the 10th March.

As regards the steps taken to give effect to the recommendations accepted by Government, I would refer the Honourable Member to the reply given on the 8th September last to Mr. K. C. Roy's starred question No. 232.

CHRISTIAN RELIGIOUS INSTITUTIONS MAINTAINED BY THE GOVERNMENT OF INDIA.

57. ***Mr. Lalchand Navalrai:** (a) Is it a fact that the British Ecclesiastical Department in India is being maintained by the Indian tax-payer at a cost of Rs. 31,11,000 per year?

(b) Are there any non-Christian religious institutions or temples maintained in India by the Government from the Indian exchequer? If so, which, and each at what cost?

(c) Is any portion of the Ecclesiastical expenditure used for the British Army? If so, how much?

(d) Is any expenditure of a similar nature used for the Indian Army? If so, how much?

The Honourable Sir George Rainy: (a) The budget estimate of the expenditure under the major head "Ecclesiastical" for the year ending the 31st March, 1929, is Rs. 33,72,000.

(b) No money is expended from Central Revenues on temples and mosques beyond what is required to conserve those that have been declared to be protected monuments and are in the charge of the Archaeological Department. The expenditure on conservation operations cannot be stated with exactness because it is not always recorded separately for each building, or each class of building. It may also be pointed out that many temples and mosques in India received indirect subsidies from the Government in the shape of remissions of land revenue on land owned by them.

(c) Yes, but separate figures for the total expenditure on this account are not available.

(d) Yes; religious teachers are maintained in Indian Army Units. The annual expenditure under this head is about Rupees one lakh five thousand.

CHRISTIAN ORPHANAGES MAINTAINED BY THE GOVERNMENT OF INDIA.

58. ***Mr. Lalchand Navalrai:** (a) Are there any Christian orphanages and orphan schools in India maintained or supported, subsidized or aided by Government from the Indian exchequer? If so, where are they situated, what are their names and what is the cost of each?

(b) Are there any non-Christian orphanages and orphan schools in India similarly maintained, supported, subsidized or aided by Government from the Indian exchequer? If so, where are they situated and what are their names and what is the cost of each?

(c) If the answer to part (b) be in the negative, do Government propose to establish orphanages and orphan schools for non-Christians in India?

Mr. G. S. Bajpai: (a), (b) and (c). The information asked for is being collected and will be supplied to the Honourable Member in due course.

VACANCIES IN THE INDIAN CIVIL SERVICE RESERVED FOR INDIANS AND EUROPEANS.

59. ***Mr. Lalchand Navalrai:** (a) Is it a fact that 50 per cent. of the annual vacancies in the Indian Civil Service have been reserved for Europeans and 50 per cent. for Indians since the Great War?

(b) If not, what is the percentage reserved?

(c) Will Government be pleased to state how many Europeans and Indians, respectively, have been permanently appointed annually in the Indian Civil Service since the introduction of the Montagu-Chelmsford Reforms?

The Honourable Mr. J. Orerar: (a) and (b). Since 1925 the position has been as stated by the Honourable Member in respect of the 80 per cent. of vacancies filled by direct recruitment. The posts held by members of the Provincial Civil Services appointed to listed posts are in addition to these.

(c) A statement has been laid on the table.

Statement showing the number of Europeans and Indians selected for the Indian Civil Service during the years 1921 to 1928.

Year.	Europeans.	Indians.	Remarks.
1921	30	25	
1922	9	24	
1923	21	15	
1924	3	15	
1925	20	22	
1926	28	27	
1927	37	36	
1928	Recruitment not yet completed.		

RECRUITMENT OF EUROPEANS FOR THE PUBLIC WORKS DEPARTMENT.

60. ***Mr. Lalchand Navalrai:** (a) Is it a fact that recruitment for the Public Works Department, Imperial Service for India is now made from England from amongst Europeans only and not in India?

(b) If so, why is this discrimination made?

(c) If the answer to part (a) be in the negative, will Government be pleased to state if the recruitment of the aforesaid officers is made by the Public Service Commission by competitive examination or by selection only?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise

(c) Direct appointments to the India-recruited branch of the Indian Service of Engineers were in the past guaranteed to students of certain engineering colleges in India. The guarantees having expired recently, the question of the procedure under which direct recruitment to the branch should be made in future was taken up. This question is still under consideration, and in 1928, recruitment to the branch was, as an *ad interim* measure, effected in accordance with the system in force in the past, but the number of recruits taken was that actually required for the Service, and not the number of appointments formerly guaranteed under that system to the colleges, as the latter was in excess of the actual requirements.

SERVICES RECRUITED BY SELECTION BY THE PUBLIC SERVICE COMMISSION

61. ***Mr. Lalchand Navalrai:** Will Government be pleased to state which are the Services that the Public Service Commission recruits by selection and what is the method of selection adopted?

The Honourable Mr. J. Orerar: A list of the services and specialist posts for which the Public Service Commission make recruitment exclusively by selection according to the terms and conditions prescribed for them by the Government of India from time to time is laid on the table. The method of selection adopted is that laid down in Rule 5 of the Public Service Commission (Functions) Rules, 1926.

There are, however, other services, namely:—the Indian Civil Service, Indian Police Service, Indian Forest Service, Indian Audit and Accounts Service, Military Accounts Department, Imperial Customs Service, Indian Railway Service of Engineers, Transportation (Traffic) and Commercial, Electrical Engineering and Signal Engineering Departments of State Railways, which are mainly recruited by competitive examinations and only partially by selection or nomination, if the results of the examinations make this necessary for the purpose of redressing communal inequalities. Recruitment in the latter case is carried out in accordance with the specific rules or orders issued by the Secretary of State or the Governor General in Council.

List of Services and Specialist Posts.

1. Mechanical Engineering Department of the Superior Revenue Establishment of State Railways.
2. The Archaeological Survey of India.
3. The Geological Survey of India.
4. The Zoological Survey of India.
5. The Botanical Survey of India.
6. The Indian Meteorological Department.
7. The Medical Department of the Indian State Railways.
8. Assistant Divisional Engineers (Telegraphs) in the Indian Telegraph Department.
9. Special posts in the Railway Department, the Forest Research Institute, Dehra Dun, the Veterinary Research Department, and the Indian Stores Department.

Mr. K. Ahmed: Will the Honourable Member be pleased to say if the Deputy Secretary of the separate Secretariat of the Honourable the President will be appointed by the Public Service Commission or by the Governor General?

The Honourable Mr. J. Orerar: The appointment will be made in due course after consultation with the Public Service Commission.

METHOD OF RECRUITMENT FOR APPOINTMENTS ON STATE RAILWAYS.

62. ***Mr. Lalchand Navalrai:** Will Government be pleased to state:

- (a) Which Services in the State Railways are recruited through the Public Service Commission?
- (b) Which by the Railway Board?
- (c) Which by the Agents of the State Railways?
- (d) In cases of (b) and (c), what method of recruitment is adopted?

Mr. A. A. L. Parsons: (a) All recruitment in India for permanent appointments in the superior railway services is made through the Public Service Commission.

(b) The recruitment for temporary appointments of gazetted rank is made by the Railway Board.

(c) Appointments to subordinate establishments are made by Agents of State Railways.

(d) A roster of applicants for appointments of temporary engineers is kept in the Railway Board's office, and when a vacancy occurs the names of applicants on this roster who appear to be suitable are communicated to the Agent of the railway concerned, who interviews the candidates and sends his recommendation for the appointment to the Railway Board. Temporary appointments of gazetted officers in other branches of railway service are of rare occurrence, but the ordinary practice would be for applications to be invited by advertisement and for the applicants to be interviewed by a committee convened by the Railway Board.

On the North Western Railway recruitment to subordinate establishments is made by selection Boards composed of officers of the railway, and a similar system is being developed on other State railways.

NUMBER OF INDIAN ARTISTS IN RECEIPT OF SCHOLARSHIPS FOR STUDY IN EUROPE.

63. ***Mr. Lalchand Navalrai:** Will Government be pleased to state:

- (a) How many Indian artists are receiving scholarships from the Indian Government for study and training in Europe?
- (b) What line of study and training are they engaged in, and how much do each of them get?
- (c) To what provinces in India do they belong?
- (d) Are there any such Indian students given scholarships for their study and training in America? If so, how many are there and what amount of scholarship do they receive?

The Honourable Sir Bhupendra Nath Mitra: (a), (b) and (c). No scholarship has yet been awarded by the Government of India to Indian artists for study and training in Europe. But the attention of the Honourable Member is invited to the Press communiqué issued by the Department of Industries and Labour on the 9th November, 1928, a copy of which is being forwarded separately to him for information. It will be observed that it is the intention of the Government of India to award four State scholarships for art studies in Europe during the ensuing financial year.

(d) No such scholarship has been awarded by the Government of India. The second part of this question does not therefore arise.

EMPLOYMENT OF INDIAN DIRECTORS BY THE BURMA OIL COMPANY AND THE ASIATIC PETROLEUM COMPANY.

64. ***Mr. Lalchand Navalrai:** With reference to the answer by the Honourable Mr. A. C. McWatters to my question No. 503, dated the 12th September, 1928, will Government be pleased to state:

- (a) Whether monopolies have been granted to the Burma Oil Company and Asiatic Petroleum Company?
- (b) If the answer be in the affirmative, whether these companies have Indian directors on their rolls? If so, how many of them? If not, why not?
- (c) Do Government propose to enforce their policy by making such companies have a reasonable proportion of Indian directors?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

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

TRANSFER OF THE TAHSIL OF NASIRABAD FROM BALUCHISTAN TO SIND.

65. ***Mr. Lalchand Navalrai:** Will Government be pleased to state:

- (a) If there was a movement that the Tahsil of Nasirabad in District Sibi of Baluchistan territory be transferred to the Province of Sind, being annexed to Upper Sind Frontier District?
- (b) Is it a fact that the Deputy Commissioner of the Upper Sind Frontier and the Commissioner in Sind are in favour of the annexation?
- (c) Is it a fact that the public of the Tahsil and of the Upper Sind Frontier District are in favour of the annexation?
- (d) How far has the matter progressed?
- (e) Do Government propose to transfer the aforesaid Tahsil to the Upper Sind Frontier District?

Sir Denys Bray: Enquiry is being made from the Local Administration and a reply will be sent to the Honourable Member in due course.

†66. *

REMUNERATION PAID TO MEMBERS OF THE AGE OF CONSENT COMMITTEE.

67. ***Pandit Nilakantha Das** (on behalf of Mr. S. C. Mitra): (1) Will Government be pleased to say whether any distinction has been made

† For this question and its answer, see at the end of starred questions for the day.

between the Age of Consent Committee and the other Committees appointed by the Government of India during the last five years in relation to remuneration, rates of travelling allowances, conditions of travelling allowances, halting allowances and other facilities?

(2) Will Government be pleased to lay on the table the remuneration, rates of travelling allowances, conditions of travelling allowances, halting allowances, and other facilities which have been sanctioned by the Government to the Members of the Age of Consent Committee and the following Committees appointed by the Government of India:

(i) The Cinematograph Committee,

(ii) The Education Committee under the presidency of Sir Philip Hartog,

(iii) The Roads Development Committee,

(iv) The Central Legislature Committee to collaborate with the Simon Commission?

The Honourable Mr. J. Crerar: (a) No uniform scale of remuneration, allowances and other conditions of appointment has been prescribed for committees appointed by the Government of India. The terms of appointment are those which are considered suitable in each case and the members of such committees are informed of them at the time of appointment.

(b) I lay on the table a statement giving the information required.

Statement showing the remuneration, rates of travelling allowance, etc., of certain Committees

Name of Committee.	Remuneration of Members.	Travelling and halting allowances.	Condition of travelling and halting allowances.
1. Age of Consent Committee.	(1) <i>Chairman</i> —Rs. 3,000 a month. (2) <i>Members excepting Mrs. O'Brien Beadon</i> —Rs. 50 a day for each day of the period during which the Committee is assembled in Simla or on tour provided the member is present at Simla or at the place where the Committee happens to be while on tour. (3) <i>Mrs. O'Brien Beadon</i> —Rs. 1,800 a month.	(1) While travelling with the Committee the Chairman is entitled on requisition to a reserved first class compartment. (2) The members are classified as first class officers for the purpose of Travelling Allowance Rules. (3) Chairman and the Members are entitled to a halting allowance of Rs. 15 a day for periods of halt while on tour away from the headquarters. (4) The Chairman and Members are granted travelling allowance for journeys to join the Committee, to home and back during recess, and to return home on completion of the work of Committee.	The daily halting allowance is in lieu of and not in addition to that admissible under the ordinary rules. The travelling and halting allowances are subject to the same conditions as are applicable to first class officers of the Government of India while on tour or otherwise.

Name of Committee.	Remuneration of Members.	Travelling and halting allowances.	Conditions of travelling and halting allowances.
2. Indian Cinematograph Committee.	<i>Chairman</i> —Rs. 3,000 a month while Chairman of the Committee plus a daily allowance of Rs. 15 a day. <i>Members</i> — <i>Non-official Members</i> —Rs. 50 a day plus a daily allowance of Rs. 15 a day. <i>Mr. A. M. Green</i> .—Basic pay and overseas pay as in his post of Collector of Customs, Bombay, plus special pay at the rate of Rs. 150 per mensem, plus a daily allowance of Rs. 15 a day. <i>Mr. J. Coatman</i> .—Rate of pay as Director of Public Information, plus a daily allowance of Rs. 15 a day.	The Members of the Committee were classified as 1st Class officers for the purposes of the Travelling Allowance Rules. While travelling with the Committee the Chairman was entitled on requisition to a 1st Class compartment and a 1st Class compartment was reserved for each two Members of the Committee. The Chairman and Members received in addition their actual travelling expenses up to a maximum of 3-5ths of 1st Class fare.	The daily allowance was drawn continuously by the Chairman and Members while they were on duty with the Committee whether travelling or not. No halting allowance was granted in addition.
3. Auxiliary Committee on the Growth of Education.	(1) <i>Chairman, Sir Philip Hartog</i> .—Pay as Member of the Public Service Commission. <i>Official Member, Sir George Anderson</i> .—Pay as Director of Public Instruction, Punjab. <i>Other Members (non-official)</i> .—Personal compensatory allowance not exceeding Rs. 1,500 a month payable while in India. (2) <i>All Members</i> .—Subsistence allowance of Rs. 15 a day.	<i>Chairman and Members</i> — (1) Travelling allowance admissible to first class officers under the Fundamental Rules but without the daily allowance. (2) Reserved accommodation by train :— (a) For all journeys before the visit of the Committee to Bombay in the middle of September, one reserved compartment for the Chairman, one coupe compartment for the lady Member and two first class berths each for the other Members. (b) For all journeys from Bombay onwards, one sleeper bogie car carrying 18 first class fares—this includes accommodation for Secretary of the Committee also.	

Name of Committee.	Remuneration of Members.	Travelling and halting allowances.	Condition of travelling and halting allowances.
		(c) The Chairman and Members are entitled to recover actual expenses limited to 3-5ths first class fare if they travel on the business of the Committee otherwise than by a special train. (d) For journeys performed in the special train third class accommodation for a maximum of two private servants can be availed of free, and reasonable portage charges are also allowed on the certificate of the Secretary or Deputy Secretary of the Committee. (e) The Members of the Committee are allowed to take in their reserved accommodation their wives or any close relation provided no additional expenditure is involved. (f) The Members are entitled to 1½ths first class fares by train to join or return from the Committee from time to time. (g) The Members receive while with the Committee a conveyance allowance of Rs. 20 a day for all days other than those spent wholly in travelling by rail or steamer. (h) The Chairman is allowed to hire for the day one motor car for his use while travelling on duty to places outside the five miles radius of his camp. (i) Steamer accommodation for voyages from Calcutta to Rangoon and from Rangoon to Madras :— <i>Chairman.</i>—3½ first class fares. <i>Members.</i>—2½ first class fares if accompanied by their wives, otherwise two first class fares.	

COMMITTEES APPOINTED SINCE 1921 TO REPORT ON QUESTIONS OF ADMINISTRATION.

68. *Pandit Nilakantha Das (on behalf of Mr. S. C. Mitra): Will Government be pleased to state what committees have been appointed since 1921 by the Government of India to report on questions of administration?

The Honourable Mr. J. Orerar: I lay on the table a list of the committees appointed by the Government of India since 1921.

List showing committees appointed by the Government of India since 1921.

1. The Repressive Laws Committee.
2. North West Frontier Enquiry Committee.
3. Piece Workers' Committee.
4. Railway Industries Committee.
5. Seamen's Recruitment Committee.
6. The Military Requirements Committee.
7. The Committee appointed to consider the Esher Committee's Report.
8. The Cantonment Reforms Committee.
9. The Indianization Committee.
10. The Waziristan Committee.
11. The Braithwaite Committee.
12. The Indian Retrenchment Committee.
13. Tariff Board.
14. Indian Mercantile Marine Committee.
15. Committee to make recommendations regarding the reorganization of the administrative methods of the Forest Department.
16. Burma Reforms Committee.
17. Indian Bar Committee.
18. Civil Justice Committee.
19. The Reforms Enquiry Committee.
20. The Indian Taxation Enquiry Committee.
21. The Indian Economic Enquiry Committee.
22. Colonies Committee.
23. Deputation of the Government of India to South Africa.
24. Government of India Delegation to South Africa.
25. Government of India Deputation to East Africa.
26. Deputation of Educational Experts to South Africa.
27. Frontier Civil Forces Committee.
28. Committee to enquire into the Back Bay Reclamation Scheme.
29. Age of Consent Committee.
30. The Indian Cinema Committee.
31. The Auxiliary and Territorial Force Committee.
32. Indian Sandhurst Committee.
33. The Indian Arms Rules Committee.
34. The Indian Road Development Committee.

ADVOCACY OF AN INFORMATION BUREAU BY THE *TANGANYIKA OPINION*.

69. *Mr. Gaya Prasad Singh: (a) Has the attention of the Government been drawn to the article appearing in the *Tanganyika Opinion*, dated the 13th July, 1928, under the heading "Information Bureau" on page 9?

(b) Have Government considered the case for an Information Bureau; and what steps, if any, do Government propose to take in the matter?

Mr. G. S. Bajpai: Government have not received the issue of the *Tanganyika Opinion*, dated the 13th July, 1928. If the Honourable Member will supply me with the article referred to, I shall endeavour to answer his question.

Mr. Gaya Prasad Singh: Cannot the Honourable Member write and get a copy of the *Tanganyika Opinion* from his office direct?

Mr. G. S. Bajpai: As a matter of fact, I rely on the Honourable Member to supply us with the information on the strength of which he asks his questions.

Mr. Gaya Prasad Singh: Then all these questions go for nothing. (Laughter).

Mr. K. Ahmed: Is not the Honourable Member answering the question on behalf of the Government in a better position to get a supply of the newspaper from Tanganyika than any Honourable Member of this House?

Is it not the duty of the Government, particularly of my Honourable friend who represents his Department, to send for the paper in order to satisfy the representatives of the people of this country in this House by furnishing them with sufficient information?

Mr. G. S. Bajpai: I do not quite understand, Sir, whether the Honourable Member wishes me to supply the whole House with copies of this newspaper, or whether he wishes to know whether we get this particular newspaper in the Secretariat Library. We do get this paper for our Library, but, unfortunately, the issue of the particular date mentioned by the Honourable Member I have not been able to get hold of. Whereas there is undoubtedly on us an obligation to get newspapers of interest, I presume Honourable Members who ask questions have also the ordinary obligation of courtesy to supply us with material which they themselves possess.

Mr. Gaya Prasad Singh: Is not a copy supplied to the Public Information Bureau?

The Honourable Mr. J. Crerar: I am afraid I must have notice of that question.

Mr. K. Ahmed: Is it not the duty of the officer in charge of the Public Information Bureau to get information from outside also, or do the Government stick merely to the information obtained from the districts and provinces in India?

APPOINTMENT OF AN INDIAN TRADE COMMISSIONER FOR EAST AFRICA.

70. *Mr. Gaya Prasad Singh: (a) Has the attention of the Government been drawn to the leading article headed "Indian Trade Mission", published in the *Tanganyika Opinion*, in its issue of the 20th July, 1928 (page 11)?

(b) Do Government propose to appoint Indian Trade Commissioners in the Colonies, and specially in East Africa? If so, when?

(c) Do Government propose to place before this House the recommendations made by the Indian Trade Mission, headed by Dr. Meek? If so, when?

The Honourable Sir George Rainy: (a) Government have seen the article.

(b) The question of appointing Indian Trade Commissioners abroad is under consideration.

(c) The report of the Mission has been published, and copies have been placed in the Library.

Mr. Gaya Prasad Singh: With regard to the answer to clause (b) of the question, when is a decision likely to be arrived at?

The Honourable Sir George Rainy: I think perhaps, Sir, it would be better for me not to claim the role of a prophet, but I should certainly hope that the decision will not be very long deferred.

REPRESENTATION OF INDIA IN THE COMMERCIAL SECTION OF THE EASTERN AFRICA SHOW.

71. *Mr. Gaya Prasad Singh: (a) Has the attention of the Government been drawn to the article appearing on page 12 of the *Tanganyika Opinion*, dated the 24th August, 1928, headed "The Eastern Africa Show"?

(b) Are Government aware that in the Commercial Section of the said Eastern Africa Show, India is not represented, while England and South Africa have been represented? If so, why?

The Honourable Sir George Rainy: (a) The Government has seen the article.

(b) I observe that the article states that stands in the Commercial Section have been booked by enterprising firms from South Africa and England; but I do not know why no stands have been booked by enterprising firms from India.

CREATION OF MARKETS IN EAST AFRICA AND OTHER COLONIES BY MEANS OF PUBLICITY WORK.

72. *Mr. Gaya Prasad Singh: (a) Have Government seen the articles appearing in the *Tanganyika Opinion*, dated the 31st August, 1928 (pages 4 and 8), under the heading "The Empire Marketing Board"? And are Government aware of the manner in which publicity work is done in connection with creating markets?

(b) Are Government aware that there are little or no means available to the mercantile community of India of being directly in touch with the commercial world in the East African and other Colonies? And what measures, if any, do Government propose to take to remedy this state of affairs?

The Honourable Sir George Rainy: (a) The Government have not seen the article appearing in the *Tanganyika Opinion* of the 31st August, 1928, but they have read the report of the Empire Marketing Board on its publicity work during the year May 1927 to May 1928.

(b) The Government are considering the question of appointing Indian Trade Commissioners abroad.

CORRESPONDENCE RELATING TO THE SIMON COMMISSION BOYCOTT DEMONSTRATIONS AT LAHORE.

73. *Mr. Gaya Prasad Singh: (a) Has there been any correspondence between the Government of India, the Local Government of the Punjab, and the India Office, relating to the Simon Commission boycott demonstrations at Lahore, and the assaults on the people, and their leaders, and injuries to Lala Lajpat Rai? If so, do Government propose to publish this correspondence?

(b) Why do not Government institute an open and impartial enquiry into the matter?

The Honourable Mr. J. Orerar: With your permission, Sir, I propose to answer the questions numbered 73, 80, 81, 82, 83 and 115 together. The incidents that occurred at Lahore on the arrival of the Statutory Commission formed the subject of a public enquiry held by Mr. Boyd, Commissioner, Rawalpindi, and I am placing in the Library copies of his report. The questions arising out of this report were fully discussed in the Punjab Legislative Council. For the details connected with this matter I would refer the Honourable Members to Mr. Boyd's report and the debate in the Punjab Legislative Council. That Council, by a large majority, rejected the Resolution suggesting further enquiry. The Government of India do not propose to take any further action.

The Government of India received from the Punjab Government a full account of these incidents, and this account was communicated to the Secretary of State.

Pandit Madan Mohan Malaviya: Will the Honourable Member lay the communication which he has made to the Secretary of State on the table of this House?

The Honourable Mr. J. Orerar: All the material facts bearing on the case are included in the papers to which I have already referred and which are available to the Honourable Member.

Pandit Madan Mohan Malaviya: I put the definite question. "Will the Honourable Member lay the communication which he has made to the Secretary of State on the subject on the table of this House".

The Honourable Mr. J. Orerar: No; I am not prepared to do that, for the reason which I have stated, namely, that all material facts are contained in the report to which I have referred and in the debates in the Punjab Legislative Council in which the spokesmen of the Local Government stated the facts fully.

Pandit Madan Mohan Malaviya: I ask whether the Government of India is not responsible, even to this extent, that it will lay upon the table of this House the communication which it has made to the Secretary of State on this subject. The facts may be contained in

Mr. President: Order, order. The Honourable Member cannot make a speech. He is entitled to put a supplementary question.

Pandit Madan Mohan Malaviya: I was going to explain why I put that supplementary question.

Mr. President: Does the Honourable Member wish to put a question?

Pandit Madan Mohan Malaviya: Yes.

Mr. President: Then he will put a definite question.

Pandit Madan Mohan Malaviya: Will the Honourable Member state the reason why he is not willing to place the communication which he has made to the Secretary of State on the subject, on the table of the House?

The Honourable Mr. J. Orerar: I think I have already made my position clear on that point.

Mr. Gaya Prasad Singh: It is not clear to us.

The Honourable Mr. J. Orerar: The whole of the material facts are already, as I have explained, contained in the report to which I have referred and in the published debates of the Punjab Legislative Council.

Pandit Madan Mohan Malaviya: If the facts are contained in those published papers, is not that a strong reason why he should place that communication on the table of this House?

The Honourable Mr. J. Orerar: No, I do not think so.

Mr. O. S. Ranga Iyer: Will Government be pleased to consider the advisability of placing the communication on the table?

The Honourable Mr. J. Orerar: I have already considered the advisability and have come to the conclusion which I have already stated.

Mr. Gaya Prasad Singh: If there are no additional materials contained in the despatch which the Government of India have sent to the Secretary of State, what is the objection to placing a copy of it on the table of the House?

The Honourable Mr. J. Orerar: Redundancy.

Pandit Madan Mohan Malaviya: Does the Honourable Member mean to say that there are matters in the communication which will not bear the light of day, and that that is the reason why he is not placing it on the table?

The Honourable Mr. J. Orerar: No.

Pandit Madan Mohan Malaviya: Then what objection can he have to placing the communication on the table of the House? The Honourable Member is aware that this House does want to know what communication the Government of India have made to the Secretary of State on this very sad and deplorable incident

Mr. President: Order, order.

Mr. M. R. Jayakar: Is the House to understand that the Honourable Member is refusing to put the papers on the table on the ground of any secrecy?

The Honourable Mr. J. Orerar: I have already explained, and I hope that this will be the last occasion which will necessitate my doing so, that the whole of the material facts are contained in the report of Mr. Boyd and in the statements of the official spokesmen on the occasion of the debate in the Punjab Legislative Council. I have nothing to conceal and nothing

Mr. R. K. Shanmukham Chetty: Will not Government give to this House an opportunity of understanding what opinion the Government of India expressed on the materials that were placed before them by the Boyd Committee? That is exactly what is wanted now in the demand that this correspondence should be placed on the table.

The Honourable Mr. J. Crerar: The Government of India communicated to the Secretary of State the statement of facts which they received from the Punjab Government.

Mr. R. K. Shanmukham Chetty: Did not the Government of India communicate to the Secretary of State any conclusions which they themselves drew from the facts that were placed before them?

The Honourable Mr. J. Crerar: The Government of India concurred in the views submitted by the Punjab Government, which had already been fully stated by the spokesmen of that Government in the local Council.

Kumar Ganganand Sinha: Then they had no view of their own?

The Honourable Mr. J. Crerar: It is quite possible to maintain an opinion which coincides with the opinion of another on the same question.

Pandit Thakur Das Bhargava: Is it not a fact that the enquiry by Mr. Boyd was a one-sided one?

The Honourable Mr. J. Crerar: If that was so, it was not the fault of Mr. Boyd.

Pandit Madan Mohan Malaviya: The Honourable Member is aware that Lala Lajpat Rai was a Member of this Assembly and therefore Members of this House desire to have information as to the attitude of the Government of India on this question.

Mr. President: Order, order; I cannot permit the Honourable Member to raise a debate. If he wants to put a supplementary question, he is perfectly entitled to do so.

Mr. K. Ahmed: Then begin by saying, "In view of the fact and so on" (Laughter).

Mr. M. R. Jayakar: Is the Honourable Member aware of the strong and intense feeling which Members of this House have on some of the incidents which happened in the Punjab at that time?

The Honourable Mr. J. Crerar: I have no doubt that a strong feeling had been excited by a very unfortunate situation.

Pandit Madan Mohan Malaviya: I ask definitely whether the Honourable Member does not think it his duty, as representing the Government of India to place on the table a copy of the communication he has made to the Secretary of State on that disgraceful attack which was made on a Member of this Assembly.

Mr. President: That question has already been answered by the Honourable Member.

Pandit Madan Mohan Malaviya: No, Sir. I beg your pardon. I asked whether the Honourable Member does not think it his duty to lay on the table of this House a report he has made to the Secretary of State relating

to a Member of this Assembly. That is the point I wish to emphasize. The proceedings of the Punjab Council and the reports of the Punjab Government are not matters which touch us directly. I want to know whether the Government of India do not consider it their duty to lay on the table of the House the report which they have made to the Secretary of State, relating to an incident which affected a Member of this Assembly.

The Honourable Mr. J. Crerar: I regret I have nothing to add to the answers I have already given to questions which covered precisely the same ground.

FACILITIES GRANTED TO PROFESSOR ROERICH AND OTHER AMERICAN EXPLORERS PROCEEDING TO TIBET.

74. *Mr. Gaya Prasad Singh: (a) Will Government kindly state what facilities, if any, were given by the Government to Professor Roerich, the American explorer and his party, in their expedition to Tibet?

(b) Is it a fact that a Commission of Enquiry, composed of delegates from several American Institutions, arrived, or will shortly arrive in India, on its way to Tibet? What facilities in the way of granting passports or otherwise have been given to this Commission of Enquiry? And what is the object of this Commission?

Sir Denys Bray: (a) No facilities were given by Government to Professor Roerich (who is, by the by, a Russian, not an American subject), on his expedition into Tibet, which he entered from Chinese Turkestan.

(b) Government have of course nothing to do with a Commission of Enquiry composed of delegates from one foreign country proceeding to another foreign country, nor have they given any facilities to it.

CONSTRUCTION OF A RAILWAY BETWEEN NASIRABAD AND DEOLI.

75. *Mr. Gaya Prasad Singh: Will Government be pleased to state if it is proposed to construct a railway line from Nasirabad to Deoli (Bombay, Baroda and Central India Railway)? If so, when is the traffic survey likely to be taken in hand?

Mr. A. A. L. Parsons: A revision of the traffic survey was sanctioned in July 1928, but the results of the survey have not yet been received by the Railway Board.

APPLICATIONS FOR RELIEF TO THE RAILWAY RATES ADVISORY COMMITTEE.

76. *Mr. Gaya Prasad Singh: Will Government be pleased to lay on the table a statement, showing the names of those who have submitted applications to the Railway Rates Advisory Committee since its institution, the nature of the complaints, the kind of relief sought, and the action taken on the applications?

Mr. A. A. L. Parsons: I am having a statement giving the information required by the Honourable Member placed in the Library.

CONTRIBUTIONS FROM INDIAN REVENUES TO COST OF THE SINGAPORE NAVAL BASE.

77. *Mr. Gaya Prasad Singh: Is there any proposal before Government regarding contributions from Indian revenues towards the construction of the Singapore Naval Base?

Mr. G. M. Young: The answer to this question is, as on all previous occasions, in the negative.

INCREASE OF ACCIDENTS ON THE GREAT INDIAN PENINSULA RAILWAY.

78. ***Mr. Gaya Prasad Singh:** (a) Will Government be pleased to state the number of accidents that have occurred in the local train service of the Great Indian Peninsula Railway since the electrification of the service by passengers standing on the foot-boards due to congestion, or more due to the Railway Authorities running single units, and thereby striking at the pillars of the bridges or overhead structures or signal posts or otherwise, due to their nearness to the lines?

(b) Will Government be pleased to state whether, by a reference to statistics since the electrification scheme, the number of such casualties has increased, and if the answer is in the affirmative, what precautionary measures the Railway Authorities have taken in the matter or propose to take to minimise such accidents?

Mr. A. A. L. Parsons: (a) None. The Honourable Member is I expect referring to the accident near Byculla Bridge on the 1st of October, 1928, when two passengers fell out of a running train and were fatally injured. Investigation showed that these two men were standing in the door-way of a compartment and lost their balance; they did not come in contact with an iron structure or a signal post.

(b) The answer is in the negative. But I should like to explain that, according to a report received from the Agent of the Great Indian Peninsula Railway, there is an unfortunate tendency amongst passengers to stand in the door-way of a compartment or to ride on the foot-board of a carriage, even when there is ample seating accommodation inside. In order to prevent this, notices have been displayed on platforms and inside the carriages, warning the passengers against the danger of standing in the door-way of carriages or riding on the foot-boards, and experiments are being made as to the suitability or otherwise of the introduction of automatic doors on electric trains of the type in use on the London Underground Railways.

CAUSE OF TWO ACCIDENTS ON THE GREAT INDIAN PENINSULA RAILWAY ON 1ST OCTOBER, 1928.

79. ***Mr. Gaya Prasad Singh:** Are Government aware of the dual accidents that occurred on the Great Indian Peninsula Railway local service on the 1st October, 1928, and the following remarks passed by the Coroner and the jury:

- (a) to relieve the extraordinary congestion which is said to occur on the up local trains in the mornings;
- (b) to remove immediately from its present position the signal post at the north of the Byculla Bridge, which is in dangerous proximity to up electric trains;
- (c) to remedy defects which exist in the working of the emergency chains in the trains on their systems?

If the answers to the above are in the affirmative, will Government be pleased to state what steps the Railway Authorities have taken or propose to take in view of the observations made by the City Coroner?

Mr. A. A. L. Parsons: Government have seen the remarks of the Coroner and the jury to which the Honourable Member refers.

The Great Indian Peninsula Railway Administration report that no extraordinary congestion occurs on the up local trains in the mornings, nor, they observe, did the City Coroner and jury commit themselves to a statement to this effect. But an extra train is being run and steps are being taken to ensure that all trains during the rush hours are provided with the full complement of coaches.

The signal post mentioned has been removed and the working of the emergency chains has been improved.

INQUIRY INTO THE ACTION OF THE POLICE IN CONNECTION WITH THE DEMONSTRATION AGAINST THE SIMON COMMISSION AT LAHORE.

†80. ***Diwan Chaman Lall:** 1. Is it a fact that on the 30th of October, 1928, the police at Lahore assaulted several members of a demonstration organised as a protest against the arrival of the Simon Commission?

2. Is it a fact that among those assaulted was the late Lala Lajpat Rai?

3. Is it a fact that Lala Lajpat Rai received two injuries over the region of the heart?

4. Is it a fact that Lala Lajpat Rai complained of constant weakness as a result of the assault upon him?

5. Is it a fact that the doctors who attended upon the late Lala Lajpat Rai have averred that his death was hastened as a result of the wounds received by him?

6. Is it a fact that Lala Lajpat Rai himself expressed the opinion that he was deliberately attacked with murderous intent?

7. Will Government be pleased to state what action has been taken by them to investigate, through an impartial tribunal, the truth of the above allegations?

NATURE OF ACTION TAKEN AGAINST THE POLICE IN CONNECTION WITH THE DEMONSTRATION AGAINST THE SIMON COMMISSION AT LAHORE.

†81. ***Diwan Chaman Lall:** (a) Will Government be pleased to state the names of the officers engaged in the assaults at the Lahore Railway Station on October the 30th?

(b) Will Government state the nature of the action taken against the said officers?

STATEMENT BY LORD WINTERTON IN THE HOUSE OF COMMONS REGARDING THE ACTION OF THE POLICE AT THE BOYCOTT DEMONSTRATION AGAINST THE SIMON COMMISSION AT LAHORE.

†82. ***Diwan Chaman Lall:** Will Government state whether Lord Winterton's statement in the House of Commons is correct that the police used only necessary force "to restrain the crowds from breaking the barricades"?

† For answer to this question see answer to question No. 73.

ORDERS ISSUED TO THE POLICE IN CONNECTION WITH THE BOYCOTT DEMONSTRATION AGAINST THE SIMON COMMISSION AT LAHORE.

†83. ***Diwan Chaman Lal:** Will Government state the exact nature of orders, departmental or otherwise, issued to the police by the executive or administrative authorities in connection with the control of crowds that were expected to assemble in Lahore on October 30th, 1928, and the manner in which such crowds were to be handled?

†84. *

INCREASED ADMISSIONS TO SANDHURST, WOOLWICH AND CROYDON BY COMPETITIVE EXAMINATIONS OPEN TO BRITISH, ANGLO-INDIAN AND INDIAN BOYS IN INDIA.

85. ***Dr. B. S. Moonje:** (a) Will Government please state if it is a fact, as reported in the papers, that special arrangements have been made for nominating British cadets from India for the Royal Military College at Sandhurst?

(b) If so, what special need was there for making such racial discrimination in favour of British cadets as against the Anglo-Indian and Indian cadets?

(c) Could not the British cadets compete with the Anglo-Indian boys, who are competing with Indian boys, for admission to the Royal Military College at Sandhurst?

(d) Do Government propose to increase the number of yearly admissions from India to Sandhurst, Woolwich and Croydon, and issue orders that the selection of cadets shall be by competitive examination under a joint system applicable to all boys from India, whether British, Anglo-Indian or purely Indian?

Mr. G. M. Young: (a) Yes Sir and a Press communiqué was issued by Government on the subject on the 22nd November, 1928.

(b) No racial discrimination is involved in this measure. The Governor General of India has been empowered, like the Governors General of Dominions, to nominate a few British candidates annually for admission to Sandhurst, subject to their passing the entrance examination for which they will sit in India. The object is merely to save British candidates resident in the Dominions or India from the unnecessary trouble and expense involved by a return journey to England, if they fail to qualify at the entrance examination.

(c) If the Honourable Member's suggestion were accepted, such of these British candidates, as were successful, would gain admission to Sandhurst at the expense of Indian and Anglo-Indian boys.

(d) The answer is in the negative. British candidates from India will not be allowed to compete for Indian vacancies at Sandhurst.

Dr. B. S. Moonje: Why are British cadets exempted from competition? Why are they nominated?

Mr. G. M. Young: They are not exempted from competition. They are nominated, and then they appear at the examination.

† For answer to this question see answer to question No. 73.

† For this question and its answer, see at the end of starred questions for the day.

Dr. B. S. Moonje: Why are they exempted from competition with Indian and Anglo-Indian boys.

Mr. G. M. Young: I have already explained the reason which is, that if they were successful in competing with Indian and Anglo-Indian boys, they would gain admission at the expenses of those boys, and there would be fewer vacancies available for Indians.

(1) ADDITION TO THE ROYAL AIR FORCE IN INDIA; (2) INCREASED FACILITIES FOR THE STUDY OF AVIATION BY INDIANS.

86. ***Dr. B. S. Moonje:** (a) Will Government please state if it is a fact, as announced in the papers, that Royal Air Force Bombing Squadrons 11 and 39 are being sent out to India from England as a permanent addition to the existing Royal Air Force in India? If so, what special need is there for such an addition at a time when India is at peace with its neighbours?

(b) Do Government propose to provide for such emergencies by increasing the number of Indian boys to be sent to England annually for the study of aviation, both civil and military, and also by creating facilities in India for teaching aviation, so that the rank and file required for the Air Force may be recruited in India instead of having to import them from England?

Mr. G. M. Young: (a) The answer is in the affirmative. The Honourable Member's attention is invited to the Press communiqué, dated the 3rd January, 1928, and to pages 1154 and 1155 of the report of the Assembly debates of March, 1928. The two squadrons mentioned by the Honourable Member are being sent to India to complete the establishment of eight squadrons in accordance with decisions announced a year ago. The requirements of the Air Force in India after the war were originally calculated at eight squadrons, but for financial reasons the strength of the Force was not brought up to this figure earlier. The addition is not due to any special need or emergency.

(b) I think my Honourable friend must be aware of the decision to create gradually an Indian air squadron, and of the fact that six vacancies at Cranwell have already been offered for competition to Indians. Facilities for training the rank and file of an Indian Air Force unit already exist and will be utilised as soon as Indian cadets begin passing into Cranwell. Ten scholarships have been established for the training of Indians in civil aviation in England. It is not proposed to increase this number at present. Four light aeroplane clubs have recently been established in India. Indians can receive training in aviation by joining any of these clubs. Tenders have also been invited for the contract for the operation of an internal aeroplane service in India, and it is the intention of Government that the company which obtains the contract should be required to afford training and opportunities for employment to Indians in all branches of its work.

(1) REMARKS ON THE SIMON COMMISSION BY MR. F. W. JOHNSTONE; (2) ALLEGED PROPAGANDA BY THE GOVERNMENT OF INDIA IN AMERICA.

87. ***Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the following remarks made by Mr. F. W. Johnstone, the American representative of the League, against Imperialism at Berlin, and

published in the *Amrita Bazar Patrika*, dated the 4th December, 1928 (page 9):—

“To us Americans the Simon Commission is a bluff. We have lost confidence in investigation committees. We are for complete independence as the inherent birthright of the people”?

(b) How much money have Government spent out of Indian revenues for carrying on political propaganda in America?

The Honourable Mr. J. Crerar: (a) Yes.

(b) None.

Mr. Gaya Prasad Singh: Was not a Professor of the Patna College sent out to America for this purpose some time back?

The Honourable Mr. J. Crerar: Nobody has been sent for the purpose of carrying on political propaganda in America.

Mr. Gaya Prasad Singh: At the expense of the State?

The Honourable Mr. J. Crerar: Not for political propaganda.

Mr. Gaya Prasad Singh: Yes.

†88.*

ALLEGED MAL-ADMINISTRATION OF THE AFFAIRS OF PUSHKAR BY THE SHAMLAT COMMITTEE.

89. ***Mr. Gaya Prasad Singh:** (a) Are Government aware when the Shamlat Committee took charge of the Pushkar affairs in 1903, under the direction of the Local Government, what was the condition and extent of the landed property, and what it is now?

(b) Is it a fact that the Pushkar Raj was in possession of landed property to the extent of about 62,000 bighas, conferred by the Moghal Emperors, and now, after 25 years' management of the Shamlat Committee, it possesses only three to four thousand bighas? How is the position reversed and who is responsible for it?

(c) Are no regular accounts kept by the Shamlat Committee of Pushkar, and is it a fact that the accounts, if any, are never checked or supervised by the Local Government or the Government of India through auditors or otherwise?

(d) Are Government aware that much of the landed property of the Jagir has been sold away or otherwise disposed of by the members and whether the full proceeds thereof reached the coffers of the Shamlat Committee?

(e) What arrangement has the Shamlat Committee of the Local Government made for the safe custody and proper utilisation of the income from the Jagir, and from the pilgrims?

Sir Denys Bray: With your permission, Sir, I propose to answer questions Nos. 89, 90 and 91 together. The information is being collected and will be communicated to the Honourable Member in due course.

† Not put by the Honourable Member.

DISMISSAL OF PANDITS SOHAN LAL AND GOPI KISHEN FROM THE SHAMLAT COMMITTEE OF PUSHKAR.

†90. ***Mr. Gaya Prasad Singh:** (a) Are Government in a position to say why Pandit Sohan Lal and Gopi Kishen, who were unanimously elected by the members, were turned out by the Commissioner of the District without assigning any reason, after working for about a month in 1927? Did the Local Government make any reply to the application and telegram submitted by about 80 of the voters (total being 100) of the Shamlat Committee? If not, why not?

(b) Are Government prepared to explain how and for what the amount of Rs. 22,000 of the Pushkar Jerun Udhar Committee was spent, or is it still in banks or otherwise in deposit?

CREATION OF A MUNICIPALITY FOR PUSHKAR.

†91. ***Mr. Gaya Prasad Singh:** (a) Are Government aware that there are more than a hundred shops in Pushkar and that the place is not of small importance, but is big enough to maintain a municipality, and that seven to eight lakhs of pilgrims visit the place throughout the year?

(b) Are Government aware that there is no municipality in Pushkar and that the following things are necessary in the town:—

- (1) General cleanliness in the town, temple and the tank?
- (2) Arrangements for light and water for the pilgrims on ghats as well as on the streets at the principal places?
- (3) One dispensary for immediate help?
- (4) Preparation of metalled roads throughout the town, and especially the one leading to the Brahma Temple from the end of the road from Ajmer?

(c) Has the Local Government ever placed these points before the Shamlat Committee? If so, when, and with what result?

BOYCOTT DEMONSTRATIONS AGAINST THE SIMON COMMISSION.

92. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the speech of Mr. Beazley, Chief Secretary, Punjab Government, made in the Punjab Legislative Council on the 30th November, 1928, regarding the assault on the Simon Commission boycott demonstrators in Lahore, in course of which he stated that stringent measures became all the more necessary, “owing to the explosion at Manmad, which was a concerted attempt on the lives of the President and Members of the Simon Commission, and the explosion at Lahore”?

(b) Was an enquiry made with regard to the explosion of a bomb at Maumad or at Lahore? If so, who conducted the enquiry and when? And will Government be pleased to lay a copy of the report of the Manmad explosion incident on the table?

(c) Will Government kindly state if they have issued any instructions to Local Governments, in connection with boycott demonstrations against the Simon Commission, and the way in which the Commission should be received? If so, can a copy be laid on the table?

The Honourable Mr. J. Crerar: (a) Government have seen Mr. Beazley's speech which contains statements similar to those attributed to him by the Honourable Member.

† For answer to this question see answer to question No. 80.

(b) Enquiries into both explosions were initiated by the police of the provinces concerned immediately after their occurrence. The Manmad case is now *sub judice*. I am unable to place copies of the preliminary police reports on the table.

(c) The Government of India have issued instructions regarding the precautions necessary to secure the Commission's safety. I regret that these cannot be laid on the table.

Mr. Gaya Prasad Singh: If the Manmad case is *sub judice*, how did Mr. Beazley come to the conclusion that the explosion at Manmad was a concerted attempt on the lives of the President and Members of the Simon Commission.

The Honourable Mr. J. Crerar: The fact that it is *sub judice* is no obstacle to his being informed of a matter of administrative importance to the Punjab Government at the time.

Mr. Gaya Prasad Singh: I want to know on what evidence he came to that conclusion?

The Honourable Mr. J. Crerar: The fact that there was reason to believe that the explosion at Manmad was directed against the Commission was communicated to the Punjab Government.

Mr. Gaya Prasad Singh: How? This is begging the question. Please be more explicit in your reply.

ALLEGATIONS IN CONNECTION WITH MR. BYRT AGAINST MR. GRAHAM, SECRETARY TO THE GOVERNMENT OF INDIA IN THE LEGISLATIVE DEPARTMENT.

93. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a Bombay report published in the *Forward*, dated the 6th December, 1928 (page 8), in which it is stated that Mr. Graham, Secretary to the Government of India "is taking a leading part in the move, and addressing letters to many to back up" the candidature of Mr. Byrt, the Assembly Correspondent of the *Times of India* who was expelled by the Honourable the President, to a seat on the Legislative Assembly?

(b) Is the story of a Government official meddling in election matters and writing letters substantially correct? And has any inquiry been made in this connection?

The Honourable Mr. J. Crerar: (a) Government have seen the article referred to.

(b) There is no truth whatsoever in the story.

NOMINATION OF A QUALIFIED INDIAN LADY AS A MEMBER OF THE LEGISLATIVE ASSEMBLY.

94. ***Mr. Gaya Prasad Singh:** Do Government propose to recommend the nomination of a qualified Indian lady Member to this House, in view of many pending legislative measures in which the women are greatly interested?

Mr. L. Graham: There are at present no vacancies among the Non-Official Members and the Government of India Act does not allow of additional Members being nominated to this Chamber for the purpose of particular measures.

Mr. Gaya Prasad Singh: Why do not Government ask a Non-Official Member to vacate his seat?

Mr. L. Graham: Would the Honourable Member be prepared to resign his own seat?

Mr. K. Ahmed: Do Government propose to consider the nomination of ladies when the next vacancy occurs?

Mr. L. Graham: Nominations are not made by Government. That duty does not fall upon Government at all.

CONCLUSIONS OF THE FINANCE DEPARTMENT FRAUD CASE.

95. ***Mr. Gaya Prasad Singh:** Will Government be pleased to state the conclusions in what is known as the Finance Department Fraud case?

The Honourable Sir George Schuster: Two of the three accused persons were convicted by the lower court, but on appeal the Sessions Judge has ordered a retrial.

FENCING OF RAILWAY LINES TO PREVENT ACCIDENTS DUE TO STRAYING CATTLE.

96. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that a stray bull on the railway line near Jind Station was the cause of a railway accident, accompanied by loss of life, to the Frontier Mail to Bombay, on the 4th December, 1928? Will Government kindly state if the railway line was fenced on both sides, so as to prevent bulls or cattle from straying on to the railway line?

(b) Do Government propose to take necessary steps to have the railway lines throughout India properly fenced, where there are no fencings at present?

Mr. A. A. L. Parsons: (a) The answer to the first part of the question is in the affirmative.

(b) Railway Administrations are proceeding with the provision of fencing where they consider it desirable.

GRANT OF RAILWAY FARE CONCESSIONS TO TEACHERS ATTENDING THE BOMBAY PRESIDENCY SECONDARY TEACHERS' CONFERENCE.

97. ***Mr. M. R. Jayakar:** (1) Are Government aware that an application was made to the Railway Board and to the Agents of the Great Indian Peninsula Railway and the Bombay, Baroda and Central India Railway on behalf of the Bombay Presidency Secondary Teachers' Conference for the purposes of obtaining railway fare concessions in favour of teachers attending the same in Bombay?

(2) Are Government further aware that the said applications were rejected by the said Agents with sententious replies?

(3) Will Government be pleased to state:

- (a) why such concessions cannot be granted?
- (b) whether, under the present rule, such concessions in fares are not granted to parties of holiday tourists and sporting teams undertaking railway journeys?
- (c) if so, why the same concession should not be extended to other classes of citizens engaged in similar or more desirable objects of public benefit?
- (d) if the present rules do not permit of such concessions being granted to teachers, whether Government intend to have the necessary changes made in the rules of the Railway Companies so as to give the benefit of such concessions to bodies of persons engaged as aforesaid?

Mr. A. A. L. Parsons: (1) Yes.

(2) The Agents of the Great Indian Peninsula and the Bombay Baroda and Central India Railways replied that the concession asked for could not be granted.

(3) The object of quoting special reduced passenger fares is to stimulate traffic, and for this reason reduced fares are quoted during certain holiday periods and to teams engaging in certain games, railways are not concerned with the objects which lead people to travel, but merely with the question whether travel will be stimulated by the quotation of a reduced fare. There is no rule preventing them from quoting reduced fares for delegates to educational conferences where they think that they will obtain additional revenue by doing so, and actually the Indian Railway Conference Association, which deal with such matters when more than one railway is concerned, have now under their consideration an application from the President of the All-India Federation of Teachers' Associations for the quotation of reduced fares to teachers attending Educational Conferences. I will enquire from the Indian Railway Conference Association of the decision they have reached on this application and will let the Honourable Member know.

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†103. *

†104. *

†105. *

TRANSFER OF PARGANNA GORHI FROM THE DISTRICT OF PURNEA TO THE SANTAL PARGANNAS.

106. *Kumar Ganganand Sinha: (a) Will Government be pleased to ascertain and state, if it is a fact that proceedings have been taken to take out Parganna Gorhi from the district of Purnea and tack it on to the Santal Pargannas, a non-regulated district? If so, how far has the matter progressed? What are the reasons urged in justification of the change of the boundary?

† For this question and its answer see at the end of starred questions for the day.

(b) Will Government be pleased to lay on table all correspondence that the matter has occasioned?

The Honourable Mr. J. Orerar: (a) The Government of India have no information on the subject.

(b) There has been no correspondence with the Government of India on the subject.

PURCHASES OUT OF INDIA BY STATE RAILWAYS DURING THE LAST THREE YEARS.

107. *Kumar Ganganand Sinha: Will Government be pleased to state what articles were purchased out of India during the last three years by the different State Railways and at what cost, specifying, in every case, whether the article is produced in India or not, the reason for its purchase outside India, and the firm and country from which it was purchased?

Mr. A. A. L. Parsons: Government regret that they cannot undertake the extremely lengthy enquiries which a reply to the Honourable Member's question would entail. His attention is, however, drawn to the information given in Appendix A, to volume II of the Railway Board's reports on Indian Railways for the years 1925-26, 1926-27 and 1927-28, where he will find the value of stores imported direct, the value of imported stores purchased in India, and the value of stores of Indian manufacture and of indigenous origin purchased by the different State railways. He will also find in the reports on the work of the India Store Department, London, published by the High Commissioner for India, copies of which are in the Library, a detailed classification of the stores purchased through the High Commissioner for Indian railways.

ESTABLISHMENT OF AN INDIAN ACCOUNTANCY BOARD.

108. *Kumar Ganganand Sinha: (a) Is it a fact that Government are considering a proposal to establish an Indian Accountancy Board in order to advise the Government in maintaining proper standards of accountancy and on the qualifications required of the accountants? If so, will the Government be pleased to state what will be the status, prospects and privileges of the accountants deemed to be qualified by the Board, and in what respects if any, they will differ from London Chartered Accountants?

(b) Do Government propose to stop recruitment of Chartered Accountants of London to the service after the Board is set up? If not, why?

(c) Will the Government be pleased to state how the scheme has originated and developed?

The Honourable Sir George Rainy: (a) The attention of the Honourable Member is invited to my reply to question No. 524 asked by Mr. M. R. Jayakar on the 13th September, 1928.

(b) The Government cannot at this stage say how far in future accountants qualified under the Accountancy Board Scheme will be employed in Government service in preference to chartered accountants (who, of course, might be Indians). That is a matter which must necessarily depend upon the success of the Accountancy Board Scheme.

(c) The Honourable Member is referred to the Commerce Department circular letter No. 131-T (2), dated the 20th August, 1928, a copy of which was placed in the Library last September during the Simla Session. Replies to this letter have not yet been received from all Local Governments.

Mr. Vidya Sagar Pandya: When do Government expect to bring the scheme before this House?

The Honourable Sir George Rainy: I must ask for notice of that question. I could not give a definite answer to that at the moment.

NUMBER OF BENGAL DETENUS NOT YET RELEASE.

109. *Kumar Ganganand Sinha: Will Government be pleased to state the number of Bengal detenues who have not yet been released?

The Honourable Mr. J. Crerar: No one is any longer detained under the Bengal Criminal Law Amendment Act in jail or in village or home domicile, nor is any one confined to particular areas in Bengal or external from particular areas. Orders under section 11 (1) (a), (b) and (c) requiring notification of residence, are still in force against 31 persons.

PROCEEDINGS OF AGRICULTURAL CONFERENCE HELD IN OCTOBER, 1928.

110. *Kumar Ganganand Sinha: Will Government be pleased to lay on the table a copy of the detailed proceedings of the Agricultural Conference held in October last?

Mr. G. S. Bajpai: As the proceedings of the Conference were informal and confidential, Government cannot comply with the request of the Honourable Member without the concurrence of Local Governments, whose representatives participated in the discussions. Local Governments have, however, been asked whether they have any objection to the publication of the proceedings, and a final decision on the question will be reached on receipt of their replies.

EXCAVATION OF MOUNDS NEAR THE ASOKA PILLAR IN LAURIYA, CHAMPARAN DISTRICT.

111. *Kumar Ganganand Sinha: (a) Are Government aware of the fact that there are a number of mounds near the Asoka Pillar in Lauriya (Champaran district) that have not yet been excavated?

(b) If so, will Government be pleased to state reasons for the same?

(c) Have Government ever considered the question of excavating them? If so, with what result?

Mr. G. S. Bajpai: (a) Yes.

(b) For lack of funds up to date.

(c) Government have considered the matter and excavations will be taken up when circumstances permit.

REINTRODUCTION OF THE RESERVE BANK BILL IN THE INDIAN LEGISLATURE.

***112. *Kumar Ganganand Sinha:** Have Government received any communication from the Secretary of State for India regarding the reintroduction of the Reserve Bank of India Bill in the Indian Legislature? If so, to what effect?

The Honourable Sir George Schuster: The answer to the first part of the question is in the negative and the second part does not arise.

IMPORTATION OF ARTIFICIAL GHEE.

113. *Kumar Ganganand Sinha: (a) Is it a fact that a representation has been made to the Government by the Indian Merchants' Chamber, Bombay, regarding the importation of a large quantity of cheap artificial ghee into this country?

(b) Is it a fact that such artificial ghee does not contain the food properties of the indigenous ghee, but is getting popular on account of cheapness in price?

(c) If so, what steps are Government taking to protect the indigenous ghee from outside competition?

The Honourable Sir George Rainy: (a) Yes.

(b) Yes.

(c) The Government have consulted Local Governments on the question whether steps should be taken to prevent solidified vegetable oil from being sold as ghee.

HIGH RAILWAY FARES ON THE BENGAL NAGPUR RAILWAY.

114. *Kumar Ganganand Sinha: (a) Has the attention of the Government been drawn to the letter of "Travelling Public" published in the *Searchlight*, dated Friday, October 12, 1928, under the heading "Bengal Nagpur Railway—High rate of Passenger fare"?

(b) Do Government propose to enquire and state why the general level of fare, especially that of the third class, is kept up high?

(c) Have Government impressed upon the Railway authorities the desirability of reducing the fare? If so, how and when? If not, why?

Mr. A. A. L. Parsons: (a) Government have seen the letter referred to.

(b) and (c). The conditions with regard to passenger traffic on the Bengal Nagpur and East Indian Railways, between which the writer of the letter instituted a comparison, are in no way similar, and the Bengal Nagpur Railway, if it reduced its fares to the rates now prevailing on the East Indian Railway, could not expect to secure so large an increase in traffic as to compensate it for the loss in revenue which would otherwise result. The financial position of the Bengal Nagpur Railway is not at present such that it could afford to contemplate a reduction in passenger fares which could not be expected at least to pay for itself by the net return from an increase in traffic consequent on the reduction. The latest information, however, which the Railway Board have received from the Agent, is that the possibility of making some reduction is under his consideration.

INQUIRY INTO THE ACTION OF THE POLICE IN CONNECTION WITH THE DEMONSTRATION AGAINST THE SIMON COMMISSION AT LAHORE.

†115. ***Kumar Ganganand Sinha:** Will Government be pleased to state :

- (a) If they made any enquiry from the Punjab Government regarding the assault on Lala Lajpat Rai by the Lahore Police? If so, how and with what results?
- (b) Whether they received any communication from His Majesty's Secretary of State for India in this connection? If so, to what effect, and what reply did the Government of India give to him?
- (c) Why no enquiry was made into the matter by a responsible popular Committee?

COST OF GOVERNMENT HOUSE, NEW DELHI.

116. ***Kumar Ganganand Sinha:** (a) Is it a fact that the building for the Viceroy, constructed at New Delhi, cost nearly 1½ crores of rupees, required 4,500,000 bricks, contains 340 rooms, has 1½ miles of corridors and 14 lifts?

(b) What was the cost of the construction of the Viceregal Lodge at Old Delhi? How many rooms had it? What were its dimensions?

(c) Will Government be pleased to lay a statement on the table showing how each of the rooms in the new building will be used, and how the occupiers of those rooms are accommodated at present?

(d) Will Government be pleased to state how the Viceregal Lodge in Old Delhi will be used when the Viceroy occupies the New Delhi building?

(e) Will Government be pleased to state fully the extent to which non-Indian materials have been used in the Viceregal Lodge in New Delhi both in construction and furnishing it?

(f) Will Government be pleased to state the number of casualties that occurred during the construction of the building in New Delhi and the circumstances in which they occurred?

(g) Will Government be pleased to lay on the table a detailed statement, showing the cost of constructing and furnishing the building in New Delhi?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, approximately. The cost includes the garden. The number of rooms includes all offices, basement cellars, etc., down to the smallest bathroom and godown.

(b) Roughly nine lakhs. Government do not think it necessary to prepare a statement of rooms in the temporary Viceregal Lodge. It must be remembered that this building has grown from the old Circuit House which has been added to from year to year. The accommodation therein is supplemented by other temporary buildings for the Press, godown and offices, and further by a very large number of tents which are used for both residential and office purposes. All these are accommodated in the New Government House.

† For answer to this question, see answer to question No. 73.

(c) I shall be pleased to show the Honourable Member, if he desires it, a plan showing the allotment of the rooms in Government House. The allocation is subject to minor alterations. As already stated under (b), a large proportion of the occupiers of the rooms are at present accommodated in temporary buildings and tents.

(d) No final decision has yet been arrived at.

(e) Non-Indian materials have only been used on the construction and furnishing in cases where such materials are not available of Indian Manufacture of origin. These are confined to such things as electric apparatus, water supply and sanitary fittings, and a few special fabrics for furnishing, which are not made in India. Exact information is not available as to the total cost of these items, but it is estimated that this does not exceed seven per cent. of the total cost.

(f) There have been three or four casualties. Further details are not readily available without research into old records.

(g) A statement of the estimated cost is placed on the table.

Statement.						Rs.
Main Building	..	..	..	..	..	1,24,60,000
Electric installation	..	..	..	..	..	9,70,000
Water Supply and Sanitary installation	..	..	..	..	..	4,00,000
Furniture and fittings	..	..	..	..	..	19,44,000
Refrigerating Plant	..	..	..	..	..	33,000
Formal Indian Garden	..	..	..	..	..	10,58,000
Total						1,63,65,000

Mr. Gaya Prasad Singh: When is the new Viceregal Lodge expected to be ready for occupation by His Excellency the Viceroy?

The Honourable Sir Bhupendra Nath Mitra: It is expected to be ready for occupation by His Excellency the Viceroy next cold weather.

Kumar Ganganand Singh: May I take it that His Excellency is very uncomfortable in his present Lodge?

The Honourable Sir Bhupendra Nath Mitra: I cannot obviously answer that question.

Sir Purshotamdas Thakurdas: What is estimated to be the cost of upkeep of the new Viceregal Lodge as compared with the cost of upkeep of the present one?

The Honourable Sir Bhupendra Nath Mitra: I am sorry I have not got the figures with me, I shall be obliged if the Honourable Member will put down a separate question.

REPORTED INTENTION TO ELECT MR. BYRT, PRESS REPORTER OF THE *TIMES* OF INDIA, TO BE A MEMBER OF THE LEGISLATIVE ASSEMBLY.

117. *Kumar Ganganand Sinha: (a) Has the attention of the Government been drawn to the message, dated Allahabad, December 6th, appearing in the *Searchlight* of Sunday, December 9th, 1928, entitled "To Embarrass President Patel—European Conspiracy—Move to send the Punished Reporter in the Assembly"?

(b) Have Government enquired to ascertain how far the allegations contained in the message are correct? If so, with what results? If not, why?

The Honourable Mr. J. Crerar: The Honourable Member is referred to my reply to Mr. Gaya Prasad Singh's question No. 93 on the same subject.

SEPARATION OF THE LEGISLATIVE ASSEMBLY FROM THE LEGISLATIVE DEPARTMENT.

118. *Kumar Ganganand Sinha: Will Government be pleased to state:

(a) What steps, if any, did they take immediately to secure the sanction of the Secretary of State for India with regard to such portion of the scheme of separation of the Assembly Branch from the Legislative Department as was necessary and with what result?

(b) Why did not the Government of India give effect to such part of the scheme as it could itself do from December 1, 1928, as agreed upon?

(c) Was the Honourable the President consulted in this connection, when no action was taken on 1st December, 1928, in accordance with the Motion adopted by this House on the 22nd September, 1928? If not, why?

(d) What attempts were made by the Government to meet the wishes of this House as far as possible in this matter?

(e) How do Government desire to proceed in this matter now?

Mr. L. Graham: (a) The Government of India, after considering the Resolution of the Assembly, placed themselves in communication with the Secretary of State.

(b) Because no part of the scheme could be put into operation until the Secretary of State had sanctioned the appointments of the officers of the House.

(c) The Honourable the President was consulted before the Government of India addressed the Secretary of State. Thereafter no occasion arose to consult the Honourable the President.

(d) and (e). Do not arise in view of the setting up of the separate establishment

EXPENDITURE INCURRED FOR THE CENTRAL COMMITTEE CONSTITUTED TO CO-OPERATE WITH THE SIMON COMMISSION.

119. *Kumar Ganganand Sinha: Will Government be pleased to state the expenditure so far incurred by the Government of India on account of the Central Committee constituted to co-operate with the Simon Commission and its budget estimate under this head?

The Honourable Mr. J. Crerar: The actual expenditure incurred by the Indian Central Committee at the cost of Central revenues up till the 31st December, 1928, is reported to have been Rs. 40,711. This is the latest figure available.

The total estimated expenditure on the Indian Central Committee in the current financial year amounts to Rs. 2,80,000 and it is proposed to include a provision of Rs. 3,32,300 in the budget estimates for the year 1929-30 to defray the expenses of the Committee in that year.

Mr. C. S. Ranga Iyer: On a point of order, Sir, has it not been the practice of the House, under the Rules, to stop the putting of questions after 12 o'clock, the first one hour?

Mr. President: The Honourable Member had better read the Standing Orders (Laughter).

RECEPTION OF THE SIMON COMMISSION AT DIFFERENT PLACES IN INDIA AND BURMA.

120. *Kumar Ganganand Sinha: (a) Will Government be pleased to state whether they had any correspondence with the Provincial Governments regarding the reception of the Simon Commission? If so, to what effect? Will Government be pleased to lay the correspondence on the table?

(b) Will Government be pleased to lay on the table an authentic account of the reception of the Simon Commission and the Central Indian Committee at different places in India and Burma, with special references to the boycott demonstrations and sequels, mentioning in each case the exact source of the information received by it?

The Honourable Mr. J. Crerar: (a) The Honourable Member is referred to part (c) of the answer given to Mr. Gaya Prasad Singh's question No. 92.

(b) The proceedings are fully reported in the public Press. No official account has been prepared.

EXPENDITURE INCURRED BY PROVINCIAL GOVERNMENTS ON ACCOUNT OF THE VISIT OF THE SIMON COMMISSION.

121. *Kumar Ganganand Sinha: Will Government be pleased to call for and lay on the table a statement showing the amount of expenditure incurred by the various Provincial Governments on account of the visit of the Simon Commission and the Indian Central Committee?

The Honourable Mr. J. Crerar: The information to which the Honourable Member's question refers is not available and cannot be available for some time. If the Honourable Member will repeat his question next session I shall be glad to consider whether I can furnish it.

REPORTED DESPATCH OF ARTILLERY TO CALCUTTA IN CONNECTION WITH THE
MEETING OF THE INDIAN NATIONAL CONGRESS.

122. *Kumar Ganganand Sinha: (1) Has the attention of the Government been drawn to the *Free Press* message of December 7th, to the effect that the *Daily Tej* understood that a large body of artillery had been despatched from Delhi to Calcutta on the 5th instant, and that it would stay at Calcutta till after the Congress week was over?

(2) Is the report correct? If so,

(a) to what extent?

(b) what was the necessity of sending the artillery? and

(c) what was the cost incurred in doing so?

Mr. G. M. Young: (1) Yes.

(2) There is no truth whatever in the report.

QUESTIONS NOT PUT, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

ESTABLISHMENT OF A MUNICIPALITY AT KASAUJI.

1. *Mr. A. H. Ghuznavi: (a) Is it a fact that the civilian population of Kasauli pay approximately a sum of Rs. 10,000 a year as water-tax?

(b) Is it a fact that the Military Cantonment at Kasauli is now responsible for the supply of water at Kasauli?

(c) Is it a fact that the sum of Rs. 10,000 paid by the civilian population is made over to the Military Authorities who have got their budgeted allowance for the purpose?

(d) Is it a fact that there is a most generous supply of water in the cantonment area whereas there are most severe rules regarding the restriction of supply to the civil population?

(e) Are Government aware that the need for a municipality is very keenly felt by the civil population of Kasauli?

(f) Has the question of establishing a municipality at Kasauli been considered?

Mr. G. M. Young: (a) No, Sir. The total water-tax collected by the Cantonment Authority, Kasauli, from all sources is about Rs. 7,000.

(b) Under section 116(j) of the Cantonments Act, 1924, a Cantonment Authority is responsible for the supply of water where such a supply does not exist. There is a water supply in the Kasauli Cantonment under the control of the Military Engineer Services.

(c) The cost of water supplied in Kasauli Cantonment is collected by the Cantonment Authority and paid over to the Military Engineer Services, in accordance with section 234 of the Cantonments Act, 1924.

(d) No, Sir. Owing to shortages of water from the existing sources rationing is often resorted to in the months of May, June and July when the yield of the spring is low. Rationing is not confined to the civil population.

(e) and (f). Government are not aware that the need for a civil municipality is very keenly felt by the civil population of Kasauli, who already possess an elected Cantonment Board. No portion of Kasauli is geographically suitable for excision from the Cantonment. For administrative reasons the retention of the whole area as a cantonment is necessary.

GRANT OF COMMISSIONS TO MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

2. *Lieut.-Colonel H. A. J. Gidney: (a) Is it a fact that in the Indian Medical Department Commission ranks are given on the basis of ten per cent. of the total cadre?

(b) If so, what is the total cadre of the Department and the total number of Commissions?

(c) Is it a fact that since this proportion was arrived at about 40 to 50 have been added to the cadre of the Indian Medical Department?

(d) If so, has a corresponding number of Commissions been given to the Department?

Mr. G. M. Young: (a) No, Sir. The number of Commissions is 10 per cent. of the full establishment of Assistant Surgeons in military employ, plus the number of Assistant Surgeons in civil employ who have received promotion under the next below rule.

(b) The total cadre is 587 and the total number of Commissions is 131.

(c) No, Sir. No addition has been made to the sanctioned cadre.

(d) Does not arise.

PRICE OF JAVA SUGAR SUPPLIED TO INDIA.

66. *Haji Abdoola Haroon: (a) Will Government be pleased to state whether in November, 1928, they received any letters from the Sugar Merchants' Association, Bombay, in connection with the recent policy of the United Java Sugar Producers' Association for effecting sales of their sugar?

(b) Are Government aware of the following facts:

(i) that the United Java Sugar Producers' Association charge Fl.-1/50 per 100 kilogrammes of sugar more from India than from other countries west of Suez.

(ii) that if this policy of the United Java Sugar Producers' Association continues, India would apparently lose about Rs. 17,000,000 per year?

(c) If the reply to part (b) above is in the affirmative, will Government be pleased to state what measures they intend to adopt in this matter?

The Honourable Sir George Rainy: (a) Yes.

(b) The Government understand that the United Java Sugar Producers' Association have been allowing a rebate, ranging from Fl. 1 to 1.50 per 100 kilogrammes, on sugar shipped to destinations west of Suez in order to dispose of their surplus stocks in European markets in competition with Cuban sugar.

(c) The Government do not propose to take any action

ALLEGED DRILLING OF THE POLICE AT LAHORE WITH LATHIS AND BATONS.

84. *Diwan Chaman Lall: Is it a fact that certain members of the police force were drilled in the use of *lathis* or *batons* shortly before the occurrences of October 30th, 1928?

The Honourable Mr. J. Orerar: The Government of India have no information.

VISIT OF GENERAL GOURAUD OF THE FRENCH ARMY TO INDIA.

98. *Diwan Chaman Lall: Will Government state:

- (1) on whose authority General Gouraud has been invited to India;
- (2) the position occupied by General Gouraud in the French Army;
- (3) the object of his visit to India; and
- (4) whether questions connected with the Indian Army will be discussed with him?

Sir Denys Bray: General Gouraud, the Military Governor of Paris, was invited by His Majesty's Government, with the approval of the Government of India, who have been glad to welcome so distinguished a visitor. His visit is of a purely informal and personal character for purposes of sight-seeing, and has no military significance whatsoever, and no questions touching the Indian Army will be discussed with him.

SEPARATION OF THE LEGISLATIVE ASSEMBLY FROM THE LEGISLATIVE DEPARTMENT.

99. *Diwan Chaman Lall: Will Government state what action has so far been taken in regard to the question of the separation of the Assembly Secretariat?

Mr. L. Graham: The separation has been effected.

VISIT TO ENGLAND OF HIS EXCELLENCY SIR MALCOLM HAILEY.

100. *Diwan Chaman Lall: Will Government state the object of Sir Malcolm Hailey's visit to England and whether (a) the reports in the Press are correct that he intends to conduct political conversations with officials of the India Office or Members of the Cabinet, and (b) whether he has consulted the Government of India or any member thereof in regard to this matter?

The Honourable Mr. J. Orerar: Sir Malcolm Hailey has proceeded to England in pursuance of the leave of absence granted him for urgent reasons of private affairs, and for no other purpose.

POPULATION OF FRONTIER TRIBES: NUMBER AND COST OF FORCES EMPLOYED ON THE NORTH WEST FRONTIER.

101. *Diwan Chaman Lall: Will Government state:

- (a) the population of the Frontier tribes that owe suzerainty neither to the British Government nor to the Afghan Government?
- (b) the total amount spent in active offensive operations on the Frontier during the year ending December 31st, 1928?
- (c) the numbers of the forces employed during the same period on the Frontier?
- (d) the grand total of the amount spent by the Military Department on the Frontier during the same period, exclusive of amounts spent on active offensive operations?

Mr. G. M. Young: (a) There are no such tribes.

(b) There was one small punitive operation conducted by the Air Force, costing not more than Rs. 30,000.

(c) I am afraid it would not be in the public interest to give the figures asked for, but I may say that no addition to the ordinary peace garrisons was made during the year 1928.

(d) I am endeavouring to obtain the figures for the Honourable Member, and will communicate them to him when received.

NUMBER AND COST OF AEROPLANES PURCHASED BY THE GOVERNMENT OF INDIA DURING THE LAST THREE YEARS.

102. *Diwan Chaman Lall: Will Government state:

- (a) the total number of aeroplanes purchased during the past three years?
- (b) how many of these are all-metal planes?
- (c) whether the price of all-metal German machines is considerably lower than that of the machines purchased in Great Britain?

Mr. G. M. Young: (a) and (b). I am assuming the Honourable Member refers to military aeroplanes purchased by Government. I do not

think it would be politic to publish the actual numbers, but rather more than one-third of the machines purchased in the last three years have been all-metal.

(c) There is no standard of comparison, as Germany does not produce military aircraft.

STATUS OF INDIANS IN THE UNITED STATES OF AMERICA.

108. ***Diwan Chaman Lall:** Will Government state what action they have taken in regard to the status of Indians in the United States of America and their inability to secure the right of naturalisation?

Sir Denys Bray: I would refer the Honourable Member to my answer to a similar question put by the Honourable Mr. M. R. Jayakar on the 13th September last.

GRANT OF THE FRANCHISE TO INDIANS LIVING IN BRITISH COLUMBIA.

104. **Diwan Chaman Lall:** Will Government state what action they have taken or are taking in regard to the denial of the right of franchise to Indians living in British Columbia and the right of Indians generally to enter and live in Canada on the same terms as the Japanese?

Mr. G. S. Bajpai: In regard to the grant of franchise to Indians in British Columbia, I would invite the Honourable Member's attention to the report of the Right Honourable Srinivasa Sastri to the Dominions in 1922 and to the proceedings of the Imperial Conference of 1923, copies of which are available in the Library of the House. In 1925, the Government of Canada brought the question of conferring the Dominion franchise on Indians resident in British Columbia before a Committee of Parliament which was considering certain amendments to the Dominion Franchise Law. The Committee, however, could not see their way to recommend any change as regards Indians in British Columbia. The provincial franchise in British Columbia is a matter for the Provincial Legislature. The Government of India have had no indication so far that renewal of the representations made by Mr. Sastri in 1922 would meet with success; they have not, therefore, made any representations lately. But if the Honourable Member, who was recently in Canada, has returned with the impression that prospects have improved, Government will be glad to consider whether any action on their part is desirable.

As regards the right of Indians to enter and settle in Canada, I would invite the Honourable Member's attention to the reciprocity Resolution adopted by the Imperial Conference of 1918.

CONSTRUCTION OF A RAILWAY FROM TANGAIL TO THE HEADQUARTERS OF THE MYMENSINGH DISTRICT.

105. ***Mr. Dhirendra Kanta Lahiri Chaudhury:** Will the Honourable Member in charge of Railways be pleased to state what progress, since my last interpellation on the subject, has been made in the matter of connecting Tangail by railway with the headquarters of the Mymensingh district?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the reply which I gave to Mr. Ghuznavi's starred question No. 29.

UNSTARRED QUESTIONS AND ANSWERS.

LEVY OF A DEMURRAGE CHARGE FOR OVER-LOADING COAL WAGONS ON THE EAST INDIAN RAILWAY.

1. **Mr. K. C. Neogy:** (a) Is it a fact that, over the East Indian Railway a demurrage charge is levied for over-loading of coal wagons above the maximum carrying capacity of the wagons supplied to the collieries?

(b) Is it a fact that a similar charge was in force over the Bengal Nagpur Railway and has been suspended a few months ago?

(c) Will Government state the reason for the special levy of this charge in connection with the coal wagons alone?

(d) Will Government state why the East Indian Railway has not fallen into line with the Bengal Nagpur Railway in suspending the charge temporarily; and do they propose to ask the East Indian Railway Administration to suspend the charge, at least temporarily?

(e) Had Government or the East Indian Railway Administration occasion to examine the legality of such a charge, and if so, will Government state if they satisfied themselves as to the soundness of the legal position of the charge realised?

Mr. A. A. L. Parsons: (a) Yes, if more than five per cent. of a colliery's wagons are over-loaded, and the overloading in any month exceeds one per cent. of the amount despatched.

(b) Yes, the suspension of the charge is an experimental measure for one year from 1st April 1928.

(c) In the absence of weighbridges at collieries, loading is perforce done by guesswork. Loading of coal is done at outlying sidings, where Railway staff cannot possibly exercise any supervision, whereas the loading of other commodities is chiefly done at Railway stations, where the Railway staff have opportunities of supervision.

(d) The East Indian Railway Administration are not yet satisfied that the suspension of the charge will lead to more correct loading. Government proposed to await the result of the experiment on the Bengal-Nagpur Railway before taking any further action.

(e) The answer is in the affirmative.

STATUS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY OF LICENTIATES OF CIVIL ENGINEERING OF THE POONA ENGINEERING COLLEGE.

2. **Mr. Jamnadas M. Mehta:** (1) What is the status of Licentiates of Civil Engineering (or present Bachelors of Engineering) of the Poona Engineering College on the Bombay, Baroda and Central India Railway, i.e., are they taken on as subordinates or officers (Assistant Engineers)?

(2) How many Licentiates of Civil Engineering are working in the Engineering Department on the permanent establishment, and are their prospects the same as those obtaining in the Bombay Public Works Department?

(3) Are they given acting chances in the officers' grade whenever they are deputed on special works? If not, why not?

(4) Is it a fact that the qualification (Licentiates of Civil Engineering or Bachelors of Engineering) has not the same recognition as the Civil Engineering of Roorkee College?

(5) Why are Licentiates of Civil Engineering who have put in over 15 years' service, not given any chance as Assistant Engineer?

(6) Have Europeans working as Assistant Engineers and Executive Engineers in the Railway all got equal qualifications?

(7) Will the Railway Department supply a list of Licentiates of Civil Engineering who joined the Department, but who left the same, because they saw that they were not given the same treatment as their brothers were getting in the Bombay Public Works Department?

(8) Is it a fact that most of the present Assistant and Executive Engineers are either Roorkee hands or practical hands? If so, why are Licentiates of Civil Engineering of approved service not given even a trial as officers?

(9) Is Indianisation being steadily proceeded with by promoting these Licentiates of Civil Engineering from the subordinate service to the officers' grade? If so, at what rate has it been done until now?

Mr. A. A. L. Parsons: I will send the Honourable Member the information for which he has asked as soon as I can get it.

NAMES OF THE MEMBERS OF THE COMMITTEE APPOINTED TO INVESTIGATE CAUSES OF, AND REMEDIES FOR, RECURRING FLOODS.

3. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state the names of the members of the expert Committee formed for investigating the causes of and remedies for recurring floods (*vide* Government reply to my unstarred question No. 33 in the Assembly on 4th September, 1928)?

(b) Will they also please state by what time the report of the said Committee is expected to be submitted to Government?

The Honourable Sir Bhupendra Nath Mitra: (a) The expert Committee appointed to investigate the flood problem in Orissa was constituted as follows:

Chairman.

Mr. C. Addams Williams, C.I.E., Chief Engineer, Irrigation Department, Bengal.

Members.

Rai Bahadur Bishun Swarup, late Chief Engineer, Irrigation Department, Bihar and Orissa.

Mr. D. G. Harris, C.I.E., Consulting Engineer to the Government of India.

(b) The report of the Committee was submitted to the Local Government in August 1928.

GRANT OF CONVEYANCE ALLOWANCE TO MEMBERS OF THE LEGISLATIVE ASSEMBLY DURING THE SIMLA SESSION.

4. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they are aware of the fact that in Simla Members use rikshaws for their conveyance from their places of residence to the Assembly Chamber?

(b) If so, will Government please state the reasons why they should not be entitled to conveyance allowance during the Simla Session (*vide* Government's reply to my unstarred question No. 35 in the Assembly on 4th September, 1928)?

Mr. L. Graham: (a) The answer is in the affirmative.

(b) Government have nothing to add to the reply to which the Honourable Member refers.

CONSTRUCTION OF A RAILWAY BETWEEN MUZAFFARPUR AND SITAMARHI.

5. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state what further progress has been made in the project of the Muzaffarpur-Sitamarhi line, since Government's reply to my unstarred question No. 49 in the Assembly on 4th September, 1928?

Mr. A. A. L. Parsons: The Muzaffarpur-Sitamarhi line was found to hold out no prospects of being a paying proposition. The Government of Bihar and Orissa were given an opportunity of saying whether they would like the line constructed under a guarantee, and they replied that they were not prepared to guarantee it.

SUPPRESSION OF OPIUM SMOKING IN INDIA.

6. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state:

- if they are willing to state if the phrase "smoking in company" used in Government's reply refers only to opium smoking dens or also to private houses?
- the decision of the Central Provinces Legislative Council on the Bill aiming at the ultimate prohibition of opium smoking?
- if the Government of Madras have undertaken legislation prohibiting opium smoking?
- if the Bill to penalise smoking other than by registered smokers, which was being drafted by the Government of Bengal, has been introduced in the Legislative Council?
- what progress has been made by the Government of Bombay in the matter of the ultimate suppression of opium smoking since Government's reply to my unstarred question No. 41 in the Assembly on 4th September, 1928? (*Vide* Government reply to my unstarred question referred to above.)

The Honourable Sir George Schuster: (a) The phrase in question refers also to private houses.

(b) The Bill, as reported by the Select Committee, is being put before the Local Legislative Council at its current session.

(c) and (e). The Governments of Madras and Bombay propose to undertake legislation after the passing of the Dangerous Drugs Bill, which was moved in this House on the 21st September, 1928.

(d) No. The Bill is still under the consideration of the Local Government.

RULES UNDER THE INDIAN BAR COUNCIL ACT OF 1926.

7. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state if the Rules under the Indian Bar Council Act of 1926 are ready now in respect of the Bombay, Rangoon and Patna High Courts? (*Vide* Government reply to my unstarred question No. 50 in the Assembly on 4th September, 1928.)

The Honourable Mr. J. Orerar: Yes. They came into force on January 1st of this year.

IMPORT OF VEGETABLE GHEE.

8. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have received the views of the Local Governments referred to on the question of the import of vegetable ghee (*vide* Government reply to my unstarred question No. 54 in the Assembly on the 4th September, 1928)?

(b) If so, will they please lay the views received from the Local Governments on the table?

The Honourable Sir George Rainy: The views of some Local Governments are still awaited.

PROTECTION OF WORKERS EMPLOYED IN DANGEROUS AND UNHEALTHY INDUSTRIES.

9. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have reached a decision in the matter of regulations for the protection of workers employed in dangerous and unhealthy industries? (*Vide* Government reply to my unstarred question No. 62 in the Assembly on 4th September, 1928.)

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the negative.

(b) Does not arise.

REPORTED ASSURANCE BY LORD PEEL TO LABOUR PARTY REGARDING BENGAL DETENUS.

10. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 17th November, 1928, page 9, under the heading "Bengal Detenus—Lord Peel's Assurance to Labour Party"?

(b) If so, will the Government please state if the statements made therein are correct?

The Honourable Mr. J. Orerar: The Government of India have not seen a copy of the letter which Lord Peel is said to have written to Mr. Thomas. The position is that no one is any longer detained under the Bengal Criminal Law Amendment Act in jail or in village or home domicile, nor is any one confined to particular areas in Bengal or externed from particular areas. Orders under section 11 (1) (a), (b) and (c) requiring notification of residence, report to the police, etc., are still in force against 81 persons.

CONSTRUCTION OF A NEW HOSPITAL AT NEW DELHI.

11. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have arrived at a decision in the matter of the construction of a new hospital Delhi (*vide* Government reply to my unstarred question No. 109 in the Assembly on 4th September, 1928)?

(b) If so, will they please communicate their decision to the House?

Mr. G. S. Bajpai: (a) and (b). Subject to the approval of the Legislative Assembly to the provision of necessary funds, the Government of India have decided that a new General Hospital on up-to-date lines should be constructed on a site in immediate proximity to the existing jail outside the Delhi and Turkman Gates, so as to serve both Old and New Delhi.

EXTRA TO POSTAL OFFICIALS FOR WORKING ON SUNDAYS AND HOLIDAYS.

12. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have arrived at a decision in the matter of extra pay for Sunday and holiday work for postal officials? (*Vide* Government reply to my unstarred question No. 121 in the Assembly on 4th September, 1928.)

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: The question is still under consideration.

CONSTRUCTION OF THE ISHURDI-PABNA-SHADHUGANJ RAILWAY.

13. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if the Report of the Agent has been received (*vide* Government reply to unstarred question No. 140 (d) in the Assembly on 4th September, 1928) regarding construction of the Ishurdi-Pabna-Shadganj Railway?

(b) If so, will they please state if they have come to a decision in the matter?

Mr. A. A. L. Parsons: The report was received by the Railway Board in December, but it has not yet been examined.

VISIT OF THE MALARIA COMMISSION OF THE LEAGUE OF NATIONS TO INDIA.

14. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they can give any further information on the subject of the visit of the Malaria Commission of the League of Nations to India (*vide* Government reply to unstarred question No. 144 in the Assembly on 4th September, 1928)?

(b) If so, will they please state what further information they can give?

Mr. G. S. Bajpai: (a) and (b). The Government of India have heard nothing further on the subject.

REMARKS IN THE STATESMAN ON THE TRAINING FOR THE SEA.

15. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of November 23rd, 1928, page 2, under the heading "Training for the Sea—H.M.S. 'Dufferin' "?

(b) If so, will Government please state if the statements made in the paragraph referred to above are correct?

The Honourable Sir George Rainy: (a) Government have seen the paragraph.

(b) Yes, except that the number of boys who actually sat for the Examination was 146 and not 160.

REPORTED DIPLOMATIC DIFFICULTIES OF THE INDIAN AIR SERVICE.

16. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of November 24th, 1928, page 9, under the heading "India Air Service—Diplomatic difficulties overcome"?

(b) If so, will the Government please state if the statements made in the paragraph referred to above are correct?

Sir Denys Bray: (a) and (b). Yes.

FINAL REPORT OF THE DELEGATES OF INDIA TO THE EIGHTH (ORDINARY) SESSION OF THE LEAGUE OF NATIONS.

17. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please lay on the table the copy of Part two of the "Final Report of the Delegates of India to the Eighth (Ordinary) Session of the Assembly of the League of Nations, together with the observations of the Governments referred to" (*vide* Government reply to my unstarred question No. 151 in the Assembly on 4th September, 1928, on the subject of "Traffic in Women and Children")?

The Honourable Mr. J. Crerar: The report referred to in the answer given to the Honourable Member's question of the 4th September was not that of the Indian Delegates but that of the Special Body of Experts who reported to the League. As Part II of this Body's report is a lengthy document, running to over 200 pages of print, and India is not one of the countries with which it deals, Government do not think that any useful purpose would be served by laying it on the table.

DACCA-ARICHA RAILWAY.

18. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to state if they have received any reply from the Secretary of State regarding the project of the "Dacca-Aricha Railway" (*vide* Government reply to starred question No. 18 in the Assembly on 4th September, 1928)?

(b) If so, will they please lay a copy of the reply on the table?

Mr. A. A. L. Parsons: The Secretary of State's reply has been received it merely conveys sanctions to the construction of the proposed line.

PROVISION OF A WAITING ROOM AT SIRAJGUNJ GHAT STATION.

19. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have received any reply from the Agent of the Eastern Bengal Railway regarding the provision of a "Waiting Room at Sirajgunj Ghat Station on the Eastern Bengal Railway" (*vide* Government reply to starred question No. 20 in the Assembly on 4th September, 1928)?

(b) If so, will they please lay a copy of the reply on the table?

Mr. A. A. L. Parsons: (a) and (b). No reply was asked for. The matter was one for the Agent to decide.

HARASSMENT OF PILGRIMS BY MOALLIMS.

20. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have come to a decision in the matter of "Harassment of Pilgrims by Moallims" (*vide* Government reply to starred question No. 33, in the Assembly on 4th September, 1928)?

(b) If so, will they please communicate their decision to the House?

Mr. G. S. Bajpai: (a) and (b). The Bengal Government propose to introduce legislation in their Legislative Council with a view to securing some degree of control over the activities of Moallims.

ELECTRIFICATION OF CALCUTTA RAILWAYS.

21. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have come to a decision regarding the "Electrification of Calcutta Railways and its Suburbs" (*vide* Government reply to starred question No. 28 (d) in the Assembly on 4th September, 1928)?

(b) If so, will they please communicate their decision to the House?

(c) If not, by what time are they expected to come to a decision in the matter?

Mr. A. A. L. Parsons: (a) No.

(b) Does not arise.

(c) I am afraid it is impossible to say.

UNBOOKED LUGGAGE OF THIRD CLASS PASSENGERS.

22. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if the Indian Railway Conference Association have come to a decision in the matter of "Unbooked luggage of third class Passengers" (*vide* Government reply to starred question No. 85 in the Assembly on 4th September, 1928)?

(b) If so, will they please communicate the decision to the House?

Mr. A. A. L. Parsons: In the view of the Indian Railway Conference Association any relaxation of the existing rule would lead to a considerable increase in the amount of unbooked luggage, with resulting loss to Railways and inconvenience to passengers in general, owing to more luggage being taken in passenger carriages, and for this reason they have not recommended any alteration in the existing rule as to the free allowance of unbooked luggage. The question will be discussed with the Central Advisory Council for Railways at an early meeting.

RESULTS OF THE INDIAN CIVIL SERVICE EXAMINATION HELD IN INDIA IN 1928.

23. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please lay on the table a copy of the statement which they promised to furnish to Dr. B. S. Moonje on the subject of "Results of the I. C. S. Examination held in India in 1928" (*vide* Government reply to starred question No. 36 (a) and (f) in the Assembly on 4th September, 1928)?

The Honourable Mr. J. Orerar: I am placing three copies of the statement in the Library of the House.

* CONSTRUCTION OF A RAILWAY BRIDGE OVER THE RIVER GANDAK.

24. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state what further progress has been made in the matter of "Construction of a Railway Bridge over the Gandak" (*vide* Government reply to unstarred question No. 12 in the Assembly on 4th September, 1928)?

Mr. A. A. L. Parsons: The project report has just been received by the Railway Board and is under examination.

CONSTRUCTION OF A RAILWAY FROM RISHIKESH TO KARNPRAYAG.

25. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if the Railway Board have received the abstract estimate and revised traffic report from the Railway Administration regarding the "Construction of a Railway from Rishikesh to Karnprayag" (*vide* Government reply to unstarred question No. 25 (a) in the Assembly on 4th September, 1928)?

(b) If so, will they please lay a copy of the Report on the table of the House?

Mr. A. A. L. Parsons: The estimate has not yet been received, but preliminary information in possession of the Railway Board does not suggest that the line will be remunerative.

SEPARATE WAITING ROOMS FOR FIRST AND SECOND CLASS PASSENGERS AT HARDWAR.

26. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state if the instructions of the Agent to the Divisional Superintendent in the matter of "Separate Waiting Room for first and second class European Passengers at Hardwar" has been given effect to (*vide* Government reply to unstarred question No. 28 in the Assembly on 4th September, 1928)?

Mr. A. A. L. Parsons: Yes.

DELHI UNIVERSITY.

27. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have arrived at a decision regarding the "Report of the Committee appointed to enquire into the affairs of the Delhi University" (*vide* Government reply to unstarred question No. 29 in the Assembly on 4th September 1928)?

(b) If so, will they please communicate their decision to the House?

Mr. G. S. Bajpai: (a) and (b). No final decision has as yet been reached on the recommendations made in the Report of the Delhi University Enquiry Committee.

SPREAD OF EDUCATION ON THE FRONTIER.

28. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if the following statements, published in the issue of the *Statesman* of November 27th, 1928, page 13, under the heading "Spread of Education on the Frontier", are correct:

"The Islamic college authorities, however, urged that the increase of their maintenance grant from Rs. 70,000 to Rs. 80,000 was insufficient and that large building and equipment grants were necessary. A committee was, therefore, appointed to examine these claims and its recommendations are now being examined by the Government of India."

(b) If so, will they please state if they have arrived at a decision in the matter?

(c) If so, will they please communicate their decision to the House?

Mr. G. S. Bajpai: (a), (b) and (c). At the instance of the Government of India, a committee was appointed by the Chief Commissioner, North-West Frontier Province, in March, 1928, to enquire into and report on the administration of the Islamia College, Peshawar. As a result of the recommendations made by the Committee, the Government of India have sanctioned the payment to the College of (i) an additional recurring grant of Rs. 20,000, with effect from 1929-30, rising by annual increments of Rs. 1,000 to Rs. 25,000 in 1934-35, and (ii) a non-recurring grant of Rs. 2,02,500 to meet the cost of certain projects of improvement.

SMUGGLING OF OPIUM FROM NEPAL INTO BIHAR AND ORISSA.

29. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have come to a decision in the matter of "Smuggling of opium from Nepal into Bihar and Orissa" (*vide* Government reply to unstarred question No. 31 in the Assembly on 4th September, 1928)?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir George Schuster: The Nepal Government have recently prohibited the production of opium in their territory except for medicinal purposes. This measure will, the Government hope, help materially to diminish the difficulty experienced by the Government of Bihar and Orissa in dealing with the illicit traffic.

CONSTRUCTION OF AN OVER-BRIDGE AT GULZARBAGH, ON THE EAST INDIAN RAILWAY.

30. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Are the Government aware that there is no over-bridge at the Gulzarbagh, East Indian Railway station, Patna (Bihar and Orissa)?

(b) Is it a fact that passengers are put to very great inconvenience owing to the want of an over-bridge at the station?

(c) If so, do Government propose to consider the desirability of constructing an over-bridge at the station at an early date?

(d) If not, will they please state reasons?

Mr. A. A. L. Parsons: Government are making enquiries on the subject and will communicate with the Honourable Member in due course.

FLOOD PROBLEM IN ORISSA.

31. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if the statement "the first authoritative review of the flood problem in Orissa by the Expert Committee appointed by the Local Government last year has been issued", published in the issue of the *Statesman* of November 27th, 1928, page 10, is correct?

(b) If so, will they please state whether the Report of the Committee will be considered only by the Government of Bihar and Orissa or also by the Government of India?

The Honourable Sir Bhupendra Nath Mitra: (a) The attention of the Honourable Member is invited to the reply to part (b) of his unstarred question No. 3.

(b) The Government of India have perused the report with interest, but it will be for the Local Government to decide what action shall be taken upon it.

CONSTRUCTION OF A RAILWAY BETWEEN CONTAI AND CONTAI ROAD.

32. Khan Bahadur Sarfaraz Hussain Khan: Will Government please state what further action has been taken in the matter of "Construction of a Railway between Contai and Contai Road" (*vide* Government reply to my unstarred question No. 38 in the Assembly on 4th September, 1928)?

Mr. A. A. L. Parsons: None. It is not possible to provide funds for the construction of this line in next year's programme.

GRANT OF HELP TO THE WIDOW AND FAMILY OF MR. GANPATI AYER, LATE HEAD SORTER IN THE RAILWAY MAIL SERVICE, BANGALORE CITY.

33. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if they have arrived at a decision in the matter of "Grant of help to the widow and family of Mr. Ganpati Ayer, late Head Sorter, No. 8 Section, Railway Mail Service, Bangalore City" (*vide* Government reply to unstarred question No. 174 (c) in the Assembly on 4th September, 1928)?

(b) If so, will they please communicate their decision to the House?

Mr. H. A. Sams: (a) and (b). The matter is still under consideration.

REPORTED RAILWAY COLLISION ON THE BENGAL AND NORTH WESTERN RAILWAY.

34. Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of 29th November, 1928, page 10, under the heading "Rail Smash—2 killed in collision on Bengal and North Western Railway"?

(b) If so, will the Government please state if the statement regarding the collision, made therein, is correct?

(c) If correct, will Government please state who were held responsible for this accident and what action has been or is proposed to be taken against the offenders?

Mr. A. A. L. Parsons: (a) and (b). Yes.

(c) The District Magistrate has ordered the prosecution of the station Jemadar.

DEPARTMENTAL EXAMINATIONS FOR SUBORDINATES IN POST OFFICES.

35. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if the Director-General has come to a decision in the matter of "Departmental Examinations for subordinates in Post Offices" (*vide* Government reply to unstarred question No. 185 (b) in the Assembly on 4th September, 1928)?

(b) If so, will they please communicate the decision to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Government understand that the question is still under the consideration of the Director-General.

INDEBTEDNESS OF THE SUBORDINATE STAFF OF THE EASTERN BENGAL RAILWAY.

36. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if they have received information regarding the "Indebtedness of the Subordinate Staff of the Eastern Bengal Railway" (*vide* Government reply to unstarred question No. 249 in the Assembly on 4th September, 1928)?

(b) If so, will they please lay a copy of the information on the table?

Mr. A. A. L. Parsons: I am sending the Honourable Member the information supplied to Mr. Amar Nath Dutt. It is hardly of sufficient importance to warrant a copy being laid on the table.

PROMOTION OF DESPATCHERS AND TYPISTS IN THE ARMY DEPARTMENT.

37. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if the enquiry has been completed (*vide* Government reply to unstarred question No. 264 (c) in the Legislative Assembly on 4th September, 1928), on the subject of crossing of the Efficiency Bar in the 2nd Division by despatchers and typists in the Army Department?

(b) If so, will they please lay a copy of the result of their enquiry on the table?

Mr. G. M. Young: The enquiry promised in my reply to parts (c) and (d) of unstarred question, No. 264 has been completed, and the result communicated to Mr. S. C. Mitra. It was to the following effect:

(c) The Department of Education, Health and Lands transferred six clerks of the lower division to the third division on the introduction of that division. The number of such clerks in the Department of Industries and Labour (Public Works Branch) was two. In the remaining Departments there were none.

(d) There are no clerks in any Department who have crossed the efficiency bar of the 2nd division other than those eligible and deemed fit to do so.

RAILWAYS PURCHASED AT A PRICE OTHERWISE THAN AS MULTIPLE OF THEIR AVERAGE NET EARNINGS.

38. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if they have got the information regarding "Railways purchased at a price determined otherwise than as a multiple of their average net earnings" (*vide* Government reply to starred question No. 86 in the Assembly on 5th September, 1928)?

(b) If so, will they please lay it on the table?

Mr. A. A. L. Parsons: All the railways except the Ranaghat-Krishnagar and the Tarkessur Railways were purchased at a price determined otherwise than as a multiple of their average net earnings.

STATEMENT SHOWING RAILWAYS WHICH WERE UNDER CONSTRUCTION AT THE BEGINNING OF 1922-23 FROM STATE FUNDS.

39. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if the information regarding the "Statement showing Railways which were under construction at the beginning of 1922-23 from State funds" has been obtained (*vide* Government reply to starred question No. 91 in the Assembly on 5th September, 1928)?

(b) If so, will they please lay a copy of it on the table?

Mr. A. A. L. Parsons: I am sending the Honourable Member a copy of the information obtained. It is not, I think, of such general interest as to make it worth while laying it on the table.

REVISION OF STORES PURCHASE RULES.

40. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please communicate to the House the result of their consideration of the revision of the Stores Purchase Rules (*vide* Government reply to starred question No. 111 in the Assembly on 5th September, 1928)?

Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of 2nd December, 1928, page 5, under the heading "Stores purchase for India-Calcutta office"?

(b) If so, will Government please state if the statements made therein are correct?

(c) Will Government also please state if the organisation referred to has been established?

(d) Will they please also state what the initial and recurring cost of the establishment of the branch office in Calcutta will be?

The Honourable Sir Bhupendra Nath Mitra: (a) I would refer the Honourable Member to the Government of India's Resolution, No. S-217, dated the 18th September, 1928, on the subject, which was published in the *Gazette of India* (Part I), dated the 15th September 1928, and to the draft rules appended to that Resolution.

The answer to the second part of this question is in the affirmative.

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

(d) Initial, Rs. 5,400. Recurring Rs. 90,750.

DEPUTATION OF THE INDIAN POLICE ASSOCIATION TO HIS EXCELLENCY THE VICEROY.

41. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if they have considered and arrived at a decision in the matter of "Deputation of the Indian Police Association to His Excellency the Viceroy" (*vide* Government reply to starred question No. 156 (b) in the Assembly on 5th September, 1928)?

(b) If so, will they please communicate their decision to the House?

The Honourable Mr. J. Orerar: (a) and (b). It is not understood what the Honourable Member means by a decision in the matter of the deputation. As already explained various points were raised for consideration, and these are being examined.

NAMES AND NATIONALITIES OF PROBATIONARY SUPERINTENDENTS OF POST OFFICES IN THE BIHAR AND ORISSA POSTAL CIRCLE.

42. Khan Bahadur Sarfaraz Hussain Khan: Will Government please lay on the table the statement "showing the names and nationalities of ten probationary Superintendents who were attached to the Bihar and Orissa Circle for the purpose of training" (*vide* Government reply to starred question No. 136 (a) in the Assembly on 5th September, 1928)?

Mr. H. A. Sams: The statement is reproduced below.

Statement showing the names and nationalities of the Probationary Superintendents of Post Offices who were attached to the Bihar and Orissa Circle since its creation.

Names.		Date of appointment.
1. Mr. F. K. M. Thomas	..	.. 6th January 1914.
2. Syed Md. Mansoor	..	.. 20th June 1914.
3. Mr. F. E. N. Faithful	..	.. 10th August 1914.
4. Mr. K. P. Misra	..	.. 26th June 1918.
5. Syed Abdul Majeed	..	.. 29th July 1918.
6. Mr. N. N. Banerjee	..	.. 4th September 1919.
7. Mr. T. P. Scott O'Connor	..	.. 1st March 1921.
8. Mr. G. E. Murtrie	..	.. 1st August 1922.
9. Mr. H. K. Bose	..	.. 1st April 1924.
10. Mr. N. C. Das	..	.. 2nd November 1925.

All ten officers are Indians or Statutory Natives of India.

DUPLICATION OF IMPERIAL MAIL SERVICE FROM BOMBAY TO CALCUTTA.

43. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state if the Imperial Mail Service from Bombay to Calcutta has been duplicated (*vide* Government reply to 1st part of starred question No. 166 in the Assembly on 6th September, 1928)?

Mr. A. A. L. Parsons: Yes, on several occasions.

OPENING OF A CITY BOOKING OFFICE AT PATNA.

44. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Searchlight* of the 2nd December, 1928, page 8, under the heading "City Booking-office at Patna"?

(b) If so, do they intend to consider the desirability of opening a City Booking and Parcel Booking-office in the heart of the town?

Mr. A. A. L. Parsons: (a) Yes.

(b) The Agent of the East Indian Railway has been sent a copy of the Honourable Member's question and asked to take such action as he may consider necessary.

QUANTITY AND VALUE OF STEEL CASTINGS ORDERED FOR INDIAN RAILWAYS.

45. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please lay on the table a statement regarding "Quantity and value of steel castings for Railway Rolling Stock ordered for the Indian Railways (*vide* Government reply to starred question No. 167 in the Assembly on 6th September, 1928)?"

Mr. A. A. L. Parsons: I am sending the Honourable Member a copy of the statement which was supplied to Mr. Neogy. As it is only of ephemeral value it is hardly worth while laying a copy of it on the table of the House.

REPORT ON THE OIL INDUSTRY IN INDIA.

46. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government be pleased to state if the "Board's Report on the oil industry has been published" (*vide* Government reply to starred question No. 179 (b) in the Assembly on 6th September, 1928)?

The Honourable Sir George Rainy: The Tariff Board's Report on the Oil Industry was published on the 12th September, 1928, and the Honourable Member was sent a copy on the same date.

VISITORS ON BOARD PILGRIM SHIPS.

47. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to state if the information asked for from the Local Government regarding "Visitors on board Pilgrim ships" has been obtained (*vide* Government reply to starred question No. 189 in the Assembly on 6th September, 1928)?

(b) If so, will they please communicate the information to the House?

Mr. G. S. Bajpai: (a) Yes.

(b) It is not a fact that European ladies and gentlemen are frequently allowed on pilgrim ships, either at the time of embarkation or disembarkation. Only two ladies have ever been permitted on board; one of these

was the wife of the Master of the ship. It is understood that members of the Anjumane Khudaman—Nabi or Harmain are permitted on the wharf and on ships, in order to give iced water to the pilgrims, and that in special circumstances Muhammadan gentlemen of position are also admitted.

ELECTRIFICATION OF THE KALKA-SIMLA RAILWAY.

48. **Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state how matters stand now and what progress has been made in the investigation regarding the "Electrification of the Kalka-Simla Railway" since the reply given by Government to starred question No. 193 in the Assembly on 6th September, 1928?

Mr. A. A. L. Parsons: The Railway Board have not yet received the report from their consulting Electrical Engineers.

OFFICERS EMPLOYED IN THE OFFICES OF THE POSTMASTER GENERAL, BENGAL, AND THE PRESIDENCY POSTMASTER, CALCUTTA.

49. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that:

(i) In Bengal in the office of the Postmaster General there are three Deputy Postmasters General, one Office Superintendent, and four Assistant Postmasters General?

(ii) In the office of the Presidency Postmaster of Calcutta there are five Superintendents of Post Offices?

(b) Will they please also state the names of the officers of the (i) Postmaster General in Bengal, (ii) Presidency Postmaster of Calcutta?

Mr. H. A. Sams: The facts are not altogether as understood by the Honourable Member. A statement giving the numbers and names of the officers employed in the offices referred to by the Honourable Member is subjoined:

Statement showing the names of Gazetted Officers under the Postmaster General, Bengal and Assam, and Presidency Postmaster, Calcutta, in their Offices.

In Postmaster-General's Office.

2 Deputy Postmasters-General	Mr. S. N. Das (Postal). Mr. J. E. C. Locke (Traffic).
5 Assistant Postmasters-General	Mr. B. K. Sen, Mr. N. K. Dutt, Mr. S. Bhattacharjee, Mr. N. C. Dutt, Mr. S. C. Mitra, Mr. J. C. Popen.
1 Personal Assistant to Deputy Postmaster-General (Traffic).	
2 Superintendents, Telegraph Traffic ..	Mr. R. H. D. Parrott. Mr. J. E. Franklin.

In Presidency Postmaster's Office.

3 Superintendents of Post Offices	Rai Bahadur A. K. Mukerji. Mr. J. N. Datta. Mr. N. C. De.
1 Deputy Postmaster	Mr. S. N. Das Gupta.
2 Assistant Postmasters	Mr. Reginald Singh. Mr. D. N. Banerjee.

LUGGAGE RULES OF THE EAST INDIAN RAILWAY.

50. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 287 in the Assembly on 11th September, 1928, *re* "Luggage Rules of the East Indian Railway", will Government please state if the Indian Railway Conference Association have come to a decision in the matter?

(b) If so, will they please communicate their decision to the House?

Mr. A. A. L. Parsons: In the view of the Indian Railway Conference Association, any relaxation of the existing rule would lead to a considerable increase in the amount of unbooked luggage, with resulting loss to Railways and inconvenience to passengers in general, owing to more luggage being taken in passenger carriages, and for this reason they have not recommended any alteration in the existing rules as to the free allowance of unbooked luggage. The question will be discussed with the Central Advisory Council for Railways at an early meeting.

REPORTED DECREASE OF STATE RAILWAY EARNINGS.

51. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the information given in the issue of the *Statesman* of the 4th December, 1928, page 11, under the heading "State Railway Earnings"?

(b) If so, will the Government please state if the information is correct; and if correct, will they please state the cause of the decrease of earnings by 17 lakhs, as compared with the earnings of the week previous, and 15 lakhs less than the figures for the corresponding week of the previous year?

Mr. A. A. L. Parsons: (a) Yes. It was provided by the Railway Board.

(b) The information is correct. The decrease of 17 lakhs, as compared with the earnings of the previous week, is partly attributable to the big Solar Eclipse Fair at Kurukshetra, the earnings of which were included in the previous week, and partly to less traffic on different railways. The decrease of 15 lakhs as compared with the corresponding week of the previous year is made up as follows:

442,000	B. N. R. due to coaching, coal, lime, manganese and iron ore, salt provision, gunny and timber.
392,000	E. I. R. due to coal and general merchandise.
240,000	B., B. and C. I. due to coal, grain and cotton.
108,000	G. I. P. due to goods traffic generally.
102,000	S. I. due to grains, salt and rice.
98,000	N. W. due to cotton and sugar.
88,000	B. R. due to slack trade.
41,000	Other Railways.

1,511,000

CONDITION OF THE SUGAR INDUSTRY IN INDIA.

52. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the passage "The fact that the recommendations of the Sugar Committee have not operated for now nearly a decade

was sufficient indication that the economic condition of the sugar industry has not received the proper attention at the hands of the Government of India", published in the issue of the *Statesman* of December 5th, 1928, page 10, under the heading "Improving Sugar Production; India's Position"?

(b) If so, will they please state if the statement that the recommendations of the Sugar Committee had not operated for now nearly a decade, as suggested, is wholly or partially correct?

(c) Will Government please also state how matters stand as regards the sugar industry in India so far as the remarks made in the passage quoted above are concerned?

Mr. G. B. Bajpal: (a) Yes.

(b) The statements in question are only in part correct.

(c) If the Honourable Member will specify any particular matter in regard to which he desires information, I shall endeavour to supply it.

PROVISION OF ADDITIONAL LETTER BOXES AT SIMLA.

53. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state if the additional letter boxes have been provided by the Postmaster General, Punjab; and if so, how many (*vide* Government reply to starred question No. 194 (c) in the Assembly on the 6th September, 1928)?

Mr. H. A. Sams: The Postmaster-General reports that no additional letter boxes are required in Simla. No more have therefore been provided.

I would state, for the information of the Honourable Member, that there are no less than 97 letter boxes in and around Simla.

EXPORT OF OPIUM FROM INDIA.

54. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the passage "Further the Government decided entirely to extinguish exports to the Far East in ten years; that is, no opium will be exported for purposes other than medical and scientific after December 1935", in the address, published in the issue of the *Statesman* of December 6, 1928, page 5, under the heading "Opium habit decreasing; Position in India; Effects of Government control policy"?

(b) If so, will Government please state if the passage quoted above correctly represents the policy of Government in regard to opium export from India?

The Honourable Sir George Schuster: The reply to both parts of the question is in the affirmative.

RULES FOR THE TRAINING OF INDIANS IN FLYING IN ENGLAND.

55. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to state if any rules on the subject of "Training of Indians in Flying in England" have been framed?

(b) If so, will they please lay a copy of them on the table?

The Honourable Sir Bhupendra Nath Mitra: (a) Rules have been framed regarding the grant of scholarships to Indians for training in Civil Aviation in England.

(b) A copy of the latest Rules will be laid on the table as soon as they are printed.

INCREASE IN THE PAY AND PENSIONS OF GOVERNMENT PEONS AND MENIAL STAFF.

56. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if they have arrived at a decision in the matter of "Increase in the pay and pensions of Government peons and menial staff" (*vide* Government reply to starred question No. 220 (b) in the Assembly on 8th September, 1928)?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir George Schuster: (a) and (b). The question is still under consideration.

FILLING OF VACANCIES AT SANDHURST BY SELECTED VICEROY'S COMMISSIONED OFFICERS.

57. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if the rules to regulate the filling of five or more vacancies a year by selected Viceroy's commissioned officers have been prepared (*vide* Government reply to starred question No. 282 in the Assembly, on 8th September, 1928)?

(b) If so, will they please lay a copy of the Rules on the table?

Mr. G. M. Young: (a) Yes.

(b) A copy of the regulations referred to will be placed in the Library.

FORMATION OF A SAPPER AND MINER SECTION OF THE INDIAN TERRITORIAL FORCE IN BURMA.

58. Khan Bahadur Sarfaraz Hussain Khan: Will Government be pleased to state if the Sapper and Miner section of the Burma Battalion has been formed?

Mr. G. M. Young: The answer is in the affirmative.

GRANT OF A HIGHER FORM OF COMMISSION TO SELECTED OFFICERS OF THE INDIAN TERRITORIAL FORCE.

59. Khan Bahadur Sarfaraz Hussain Khan: Will Government be pleased to state if orders on the grant of a higher form of commission to selected officers have been issued (*vide* Government reply to starred question No. 234 in the Assembly on 8th September, 1928)?

Mr. G. M. Young: The orders have been approved and are under issue from the Press.

HAJ COMMITTEES AT BOMBAY AND KARACHI.

60. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government be pleased to state if the enquiries made from the Local Government have been completed (*vide* Government reply to starred question No. 287 (c) in the Assembly on 8th September, 1928) regarding Haj Committee at Bombay and Karachi)?

(b) If so, will they please communicate the result to the House?

Mr. G. S. Bajpai: (a) Yes.

(b) The Haj Committee at Bombay was consulted when the present Protector of Pilgrims was appointed. At the time of the appointment of the present Protector of Pilgrims at Karachi, no Haj Committee existed at Karachi.

ESTABLISHMENT OF A BOARD OF INTERMEDIATE AND SECONDARY EDUCATION FOR RAJPUTANA AND AJMER-MERWARA.

61. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government be pleased to state if they are now prepared to make a statement regarding the "Establishment of a Board of Intermediate and Secondary Education for Rajputana and Ajmer-Merwara" (*vide* Government reply to starred question No. 243 (b) and (c) in the Assembly on 8th September, 1928)?

(b) If not, by what time are they expected to make the statement?

Sir Denys Bray: (a) The answer is in the negative.

(b) It is regretted that it is not possible to give any indication on the point at this stage.

RECOMMENDATION OF THE ROYAL COMMISSION ON AGRICULTURE REGARDING THE DEVELOPMENT OF AGRICULTURE IN AJMER-MERWARA.

62. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government be pleased to state if they have come to a decision regarding "Recommendations of the Royal Commission on Agriculture re development of Agriculture in Ajmer-Merwara" (*vide* Government reply to starred question No. 244 (b) in the Assembly on 8th September, 1928)?

(b) If so, will they please communicate their decision to the House?

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

(b) Does not arise.

HANDING OVER OF THE LAL BUNGALOW IN DELHI TO A CHRISTIAN CLUB FOR RECREATION PURPOSES.

63. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if their enquiry in the matter of "Handing over the Lal Bungalow in Delhi to a Christian Club for Recreation purposes" has been completed (*vide* Government reply to starred question No. 250 in the Assembly on 8th September, 1928)?

(b) If so, will they please communicate the result of their enquiry to the House?

Mr. G. S. Bajpai: (a) Yes.

(b) The New Delhi Municipal Committee, which at present occupies a portion of the building, has been asked to evacuate it by the close of the present year.

PROMPT PAYMENT OF WAGES.

64. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have arrived at a decision in the matter of "Prompt payment of wages" (*vide* Government reply to starred question No. 263 in the Assembly on 8th September, 1928)?

(b) If so, will they please communicate their decision to the House?

(c) If not, by what time do they expect to arrive at a decision in the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

(c) Government is not yet in a position to say when a decision is likely to be reached.

(a) **SUPERINTENDENTS OF POST OFFICES IN BIHAR AND ORISSA; (b) NUMBER OF WOMEN SUPERINTENDENTS OF POST OFFICES IN BRITISH INDIA AND BURMA.**

65. **Khar Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to make a statement showing the number of Superintendents of Post Offices in the Province of Bihar and Orissa and the number of them who are Hindus, Sikhs, Muhammadans and Christians, with their names?

(b) Will Government please also state the number of women Superintendents of Post Offices in British India and Burma province by province?

Mr. H. A. Sams: (a) In the Bihar and Orissa Postal Circle there are 12 Superintendents, of whom:

2 are Christians; Messrs. R. F. Kalberer and C. V. Cunningham;

7 are Hindus; Messrs. D. N. Gossain, P. N. Banerjee, J. Kumar, K. P. Misra, T. G. Mukerji, Khusi Ram and D. N. Basu;

2 are Muhammadans; Messrs. Syed Azharul Haq and Syed Abdul Majeed; and

1 is a Sikh; Mr. Sardar Harbans Singh.

(b) There are no women Superintendents of Post Offices in British India or Burma. Mrs. M. Thompson, a departmental official, has however passed the Superintendents' examination, and is at present holding temporary charge of the Lucknow Postal Division.

LENGTH OF RAILWAY FROM PESHAWAR TO MANGALORE.

66. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of December 9, 1928, page 9, under the heading "Peshawar-Mangalore Longest Railway Service"?

(b) If so, will the Government please state if the statement made therein is correct?

(c) If so, will they please state when the new service is likely to be inaugurated?

Mr. A. A. L. Parsons: (a) and (b). Yes.

(c) A time-table is being drawn up. The Railway Board hope that the new service will come into operation in the course of the next few months.

HOUSING CONDITIONS OF WORKMEN IN LILLOOAH.

67. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to state if the Agent of the East Indian Railway has completed his enquiry into the housing conditions of the workmen in Lillooah (*vide* Government reply to starred question No. 272 (b), in the Assembly on 8th September, 1928)?

(b) If so, will they please communicate the result of the enquiry to the House?

Mr. A. A. L. Parsons: The enquiry is not yet complete. The Agent has received reports from certain officers who were instructed to investigate the question, and these reports are now under his and the Railway Board's consideration.

REPRESENTATION FROM THE IMPERIAL SECRETARIAT DAFTRIES ASSOCIATION REGARDING QUARTERS IN NEW DELHI.

68. **Khan Bahadur Sarfaraz Hussain Khan:** Will Government be pleased to state what action has been taken since Government reply to starred question No. 272 (c) in the Assembly on 8th September, 1928, regarding "Representation from the Imperial Secretariat Daftaries Association re Quarters in New Delhi"?

The Honourable Sir Bhupendra Nath Mitra: Bath rooms and water taps have been provided in the quarters in question.

COMPLETION OF WORK ON THE AERODROME AT CALCUTTA.

69. **Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state by what time the work of the aerodrome at Calcutta is expected to be completed (*vide* Government reply to starred question No. 371 (b) in the Assembly on 11th September, 1928)?

The Honourable Sir Bhupendra Nath Mitra: It is hoped that the works connected with the improvements to the civil aerodrome at Calcutta (Dum Dum) will be completed during the course of the next official year.

TOTAL ADDITIONAL REVENUE EARNED BY THE IMPERIAL INDIAN MAIL RUN BETWEEN BOMBAY AND CALCUTTA.

70. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have obtained the figures regarding "Total additional Revenue earned by the Imperial Indian Mail run between Bombay and Calcutta" (*vide* Government reply to starred question No. 378 in the Assembly on 11th September, 1928)?

(b) If so, will they please state, for the information of the House, what those figures are?

Mr. A. A. L. Parsons: (a) and (b). The total additional revenue earned by the Imperial Indian Mail between Bombay and Calcutta for the year ending 31st July 1928 was Rs. 46,257, as against the estimated additional revenue of Rs. 35,000. In addition, Rs. 2,842 were paid by the Peninsular and Oriental Company on account of their guarantee of 20 fares in respect of each train run during the slack months of the year.

INCREASE IN THE SUBSISTENCE ALLOWANCE OF PEONS IN THE TELEGRAPH DEPARTMENT.

71. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if they have arrived at a decision in the matter of "increase in the subsistence allowance of task work peons in the Telegraph Department" (*vide* Government reply to starred question No. 399 in the Assembly on 11th September, 1928)?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). No decision has yet been reached.

WATERWORKS FOR KASAULI.

72. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if they have completed their enquiries regarding "Water Works for Kasauli" (*vide* Government reply to starred question No. 461 in the Assembly on 11th September, 1928)?

(b) If so, will they please communicate the result of their enquiries to the House?

Mr. G. M. Young: (a) Yes.

(b) A copy of my letter on the subject dated the 26th September 1928, to Mr. Ghaznavi is laid on the table.

Copy of letter dated 26th September, 1928, from the Secretary to the Government of India, Army Department, to Mr. A. H. Ghaznavi, M.L.A.

With reference to my answer in the Legislative Assembly on the 11th September, 1928, to your starred question No. 461, I give below the information you asked for:

(a) No.

(b) A water supply system has been in existence since 1908. The supply is plentiful except in the months of May—July when, owing to the low yield of the spring at the source, rationing has to be resorted to. To improve the position storage for an extra 750,000 gallons is being provided.

(c) No. The source indicated is not satisfactory from a medical point of view.

DISCONTENT AMONG SUBORDINATES OF THE ELECTRICAL BRANCH OF THE POSTAL AND TELEGRAPH DEPARTMENT.

73. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if the Director General of Posts and Telegraphs has

come to a decision on the subject of "Discontent among the subordinates of the Electrical Branch of the Indian Postal and Telegraph Department" (*vide* Government reply to starred question No. 470 in the Assembly on 11th September, 1928)?

(b) If so, will they please communicate the decision of the Director General for the information of the House?

Mr. H. A. Sams: (a) No decision has yet been reached.

(b) Does not arise.

PAY OF THE HEADMASTERS AND TEACHERS OF INDIAN HIGH AND MIDDLE SCHOOLS MAINTAINED BY THE EAST INDIAN RAILWAY.

74. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if they have completed their enquiries *re* "Pay of the Headmasters and Teachers of Indian High or Middle Schools maintained by the East Indian Railway" (*vide* Government reply to unstarred question No. 271 in the Assembly on 11th September, 1928)?

(b) If so, will they please communicate the result of their enquiries to the House?

Mr. A. A. L. Parsons: I am sending the Honourable Member a letter containing the information given in reply to the question mentioned by him.

RAISING OF THE PLATFORM AT GUDUR JUNCTION ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

75. Mr. C. Duraiswami Aiyangar: Will the Government be pleased to state what steps have been taken to raise the platform at Gudur junction of the Madras and Southern Mahratta Railway to avoid inconvenience to the travellers?

Mr. A. A. L. Parsons: Government are not aware of the exact arrangements at this station. They have sent a copy of the Honourable Member's question to the Agent of the Madras and Southern Mahratta Railway, who is competent to deal with such matters.

CROSSING OF THE RAILWAY LINE BY PASSENGERS ARRIVING AT RENUGUNTA JUNCTION STATION ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

76. Mr. C. Duraiswami Aiyangar: (a) Are Government aware that at Renugunta Junction on the Madras and Southern Mahratta Railway the midnight shuttle trains are not taken to the platform but are left on the second line and that passengers are obliged to get down in the dark at the second line and cross the first line at risk?

(b) Do Government propose to direct that the practice must be stopped at once?

Mr. A. A. L. Parsons: Government are not aware of the individual lines at which particular trains are received at various stations. They have sent a copy of the Honourable Member's question to the Agent, Madras and Southern Mahratta Railway.

DISCONTENT AMONG GRADUATE CLERKS IN THE POST OFFICE IN PRESIDENCY TOWNS.

77. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government be pleased to state if they have come to a decision in the matter of "Discontent among Graduate Clerks in the Post Office in Presidency Towns" (*vide* Government reply to starred question No. 457 (a) in the Assembly on the 11th September, 1928)?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

ISSUE OF MONTHLY TIME TABLES BY THE EASTERN BENGAL AND EAST INDIAN RAILWAYS.

78. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if the Railway Board have arrived at a decision in the matter of issue of monthly time-tables by the Eastern Bengal and the East Indian Railways (*vide* Government reply to starred question No. 459 in the Assembly on 11th September, 1928)?

(b) If so, will they please communicate the decision to the House?

Mr. A. A. L. Parsons: The matter was referred by the Railway Board to the Indian Railway Conference Association for their consideration, since it is really a question of the desirability and practicability of issuing more frequent time-tables on all railways. I understand that the Indian Railway Conference Association's Operating Committee for Interchange are likely to consider the subject in February, 1929.

PROVISION OF A RAISED PLATFORM AND SUITABLE WAITING ACCOMMODATION AT MEGNA ON THE EAST INDIAN RAILWAY.

79. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government be pleased to state if they have obtained the information *re* "Provision of a raised platform and suitable waiting accommodation at Megna on the East Indian Railway" (*vide* Government reply to unstarred question No. 341 in the Assembly on 11th September, 1928)?

(b) If so, will they please communicate the information to the House?

Mr. A. A. L. Parsons: (a) Yes.

(b) The Agent reported that there were more important demands at other stations, but this work would be taken in hand as soon as funds could be allotted for it, having regard to more urgent requirements.

UNWORKED RESOURCES OF COAL IN THE JHARIA COALFIELDS.

80. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if they obtained the information called for, in respect of "Unworked Resources of coal of 13, 14, 15, 17 and 18 Seam, left workable in the Jharia Coalfields" (*vide* Government reply to unstarred question No. 341 in the Assembly on 11th September, 1928)?

(b) If so, will they please communicate the information to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) A statement giving the required information was duly supplied to Mr. Neogy who put the question. A copy of the statement has now been laid on the table of the House.

Estimates of coal available in certain seams in the Jharia Coalfield up to a depth not exceeding 1,000 feet based on information obtained from mine-owners.

Number of Seam.						Quantity.
						Tons.
18	..	..	..	..	..	35,074,000
17	..	..	..	..	..	38,851,000
15	..	..	..	..	..	158,390,000
14-A	..	..	..	..	..	12,929,000
14	..	..	..	..	..	285,202,000
13	..	..	..	..	..	190,135,000

NUMBER OF PERSONS EMPLOYED IN RAILWAY COLLIERIES ON CERTAIN SPECIFIED SALARIES.

81. Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if they have obtained the information called for in respect of "Number of persons employed in railway collieries on certain specified salaries, etc." (*vide* Government reply to unstarred question No. 339 in the Assembly on the 11th September, 1928)?

(b) If so, will they please communicate the information to the House?

Mr. A. A. L. Parsons: (a) Yes.

(b) The information is as follows:

	Rs. 1,000 and above.	Between Rs. 500 to Rs. 1,000.	Rs. 250 to Rs. 500.
Europeans	.. 16	15	3
Indians and Anglo-Indians	Nil	3	13
<i>Appointments made during the last 2 years.</i>			
Europeans	.. 2	1	2
Indians and Anglo-Indians	Nil	Nil	1

RECOGNITION OF RAILWAY UNIONS.

82. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if the information *re* "Recognition of Railway Unions" has been obtained (*vide* Government reply to unstarred question No. 325 in the Assembly on 11th September, 1928)?

(b) If so, will they please communicate the information to the House?

Mr. A. A. L. Parsons: I am sending the Honourable Member a letter giving the information supplied in reply to the question mentioned by him.

WITHDRAWAL OF RECOGNITION FROM RAILWAY UNIONS.

83. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if information has been obtained in respect of "Withdrawal of Recognition from Railway Unions" (*vide* Government reply to unstarred question No. 323 in the Assembly on 11th September, 1928)?

(b) If so, will they please communicate the information to the House?

Mr. A. A. L. Parsons: I am sending the Honourable Member a letter giving the information supplied in reply to the question mentioned by him.

DECISION ON THE REPORT OF THE ROYAL COMMISSION ON AGRICULTURE.

84. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if they have considered the Report of the Royal Commission on Agriculture and come to a decision (*vide* Government reply to starred question No. 484 (a) in the Assembly on 12th September, 1928)?

(b) If so, will they please communicate their decision to the House?

Mr. G. S. Bajpai: The Report of the Royal Commission on Agriculture is receiving careful consideration. The Government of India are examining the recommendations which affect them, and have no doubt that the Local Governments are doing the same with those with which they are concerned.

REPRESENTATION OF THE EAST INDIAN RAILWAY ON THE INDIAN MINING ASSOCIATION, CALCUTTA.

85. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if their enquiries in the matter of "Representation of the East Indian Railway on the Indian Mining Association, Calcutta" have been completed (*vide* Government reply to starred question No. 507 in the Assembly on 12th September, 1928)?

(b) If so, will they please communicate the result of their enquiries to the House?

Mr. A. A. L. Parsons: The Agent of the East Indian Railway has been asked to withdraw from membership of the Indian Mining Association, after giving such notice as may be required by the rules of the Association.

AMELIORATION OF LEAVE AND PENSION TERMS OF INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.

86. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have come to a decision in regard to the amelioration of leave and pension terms to inferior servants of the Government of India (*vide* Government reply to starred question No. 482 in the Assembly on 12th September, 1928)?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir George Schuster: (a) and (b). The matter of leave terms is still under consideration. The cost of certain proposals is being investigated with a view to ascertaining whether financial considerations would permit of any new expenditure on this account being admitted. As regards pensions, the Government of India are now inquiring of Local Governments what action they have taken, or propose to take, since it is important that, in a matter of this kind, the practice should be uniform.

APPOINTMENT OF MEMBERS OF THE PROVINCIAL CIVIL SERVICE AS HIGH COURT JUDGES.

87. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact (i) that four judgeships were conferred on members of the Provincial Civil Service in the Calcutta High Court, one in 1883 for a short period, one in 1913 for five months and four days, one in 1920 for one month, and one in 1928 for 3 months and 24 days; (ii) that there are Judges appointed from the Provincial Service in the Madras, Allahabad, Lahore and Rangoon High Courts?

(b) Will the Government be pleased to state if a Judgeship in the Patna High Court has been conferred on any member of the Provincial Civil Service, so far? If so, how many, when and for what period?

The Honourable Mr. J. Orerar: (a) Yes.

(b) A member of the Bihar and Orissa Civil Service has been appointed Additional Judge of the Patna High Court from the 1st December, 1928, to the commencement of the High Court's vacation of 1929.

FURTHERANCE OF MEDICAL RESEARCH AND PUBLIC HEALTH IN INDIA.

88. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of 27th December, 1928, page 22, under the heading "Medical Research in India"?

(b) If so, will they please state if schemes for the furtherance of medical research and higher education in public health are under the consideration of the Government of India?

(c) If so, will Government please state if they have considered the schemes and arrived at a decision?

(d) If they have arrived at a decision, will they please communicate their decision to the House?

Mr. G. S. Bajpai: (a) and (b). Yes.

(c) and (d). The details of the schemes are still under consideration.

ASSESSMENT TO SUPER-TAX OF NON-INDIAN SHIPPING COMPANIES.

89. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to the second supplementary question to starred question No. 751 in the Assembly on 20th September, 1928, regarding assessment of Non-Indian Shipping Companies to Super-tax, will the Government be pleased to state if they have looked into the matter and arrived at a conclusion?

(b) If so, will they please communicate their conclusion to the House?

(c) Will the Government be pleased to state if non-Indian Shipping Companies trading on the Indian coast did not pay any income-tax until the attention of the Government was drawn to that non-payment in the year 1922?

The Honourable Sir George Schuster: (a) Yes.

(b) The Government are satisfied that no non-Indian shipping company escapes the payment of the super-tax to which it is liable under the Income-tax Act.

(c) Non-British shipping companies were exempted from the payment of income-tax until the 1st April, 1919, and British and Dominion Shipping Companies until the 22nd April, 1921. Since these dates, respectively, assessments have been duly made.

TRAINING OF INDIANS IN MARINE ENGINEERING.

90. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if their proposals regarding "Training of Indians in Marine Engineering" have been placed before the Standing Advisory Committee of the Commerce Department and before the Standing Finance Committee respectively (*vide* Government reply to starred question No. 752 in the Assembly on 20th September, 1928)?

(b) If so, will Government please communicate the result to the House?

The Honourable Sir George Rainy: (a) Yes.

(b) The proposals have been generally accepted by both the Committees and necessary provision is being made in the next year's Budget Estimates.

RAISING THE RESERVE OF NURSES IN INDIA.

91. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 721 (c) in the Assembly on 20th September, 1928, will Government please state if they have considered the question of raising the reserve of nurses in India, and come to a decision in the matter?

(b) If so, will they please communicate their decision to the House?

Mr. G. M. Young: (a) and (b). No decision has been reached as yet.

DETAILS OF EXPENSES REQUIRED BY THE INCOME-TAX AUTHORITIES FROM ASSESSEES.

92. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have called for and received reports from the Commissioners of Income-tax regarding "Details of Expenses required by the Income-tax authorities from Assesseees" (*vide* Government reply to starred question No. 722 (a) in the Assembly on 20th September, 1928)?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state what steps they have taken or propose to take in the matter?

The Honourable Sir George Schuster: (a) Reports were called for and have been received.

(b) The reports disclose that assesseees who claim the allowance of payments on account of interest, brokerage, commission, etc., are usually asked to prove their claims by furnishing the names and addresses of the

recipients. Such proof has been found by experience to be essential, but an assessee is not necessarily penalised by its absence if the Income-tax officer is satisfied that the expenditure has been genuinely incurred. While the information obtained in this manner is used primarily for the proof of claims for allowances it is available for the check of the returns of income made by the recipients and also for the discovery of new assesseees. The information is treated in a confidential manner and has been used with discretion by the assessing officers. The Government will not hesitate to authorise the use of all legitimate means for ascertaining what income is liable to taxation. This is the duty of assessing officers, although in exercising their powers, they are instructed to consider the convenience of assesseees as far as possible. In order that these officers may be able to perform their duties without undue trouble and friction, the Government relies on the public spirit and assistance of those who are liable to tax. The reports received provide evidence that, in the vast majority of cases, co-operation between officers of the Income-tax Department and the private individuals with whom they come in contact is proceeding satisfactorily, and that there is no complaint that officers are abusing their powers in the sense of causing unnecessary inconvenience or otherwise. The practice now being followed is in accord with what it has been already for many years and the Government, in the absence of any evidence to justify a change, do not propose to issue contrary instructions.

ADMISSION OF INDIAN BOYS INTO THE RAILWAY ENGINEERING SERVICE.

93. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 723 (d) and (e) in the Assembly on 20th September, 1928, regarding "Admission of Indian boys into the Railway Engineering Service", will the Government be pleased to state if the advice of the Public Service Commission has been obtained and a decision arrived at?

(b) If so, will Government please communicate the decision to the House?

Mr. A. A. L. Parsons: It has been decided that the selection shall be made normally at a date later in the year than the announcement of the results of the qualifying examinations, so that candidates may be able to compete for selection in the same year as they take the qualifying examination.

RECRUITMENT TO THE CENTRAL SERVICES.

94. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have consulted the records on the subject of "Recruitment to the Central Services" (*vide* Government reply to supplementary question to starred question No. 768 in the Assembly on 20th September, 1928)?

(b) If so, will they please make a statement to the House?

The Honourable Mr. J. Orerax: (a) and (b). Rules making a formal delegation of powers are under the consideration of the Secretary of State and Government of India. They will be issued as soon as their final form can be determined.

PROLONGATION OF THE STAY OF THE GOVERNMENT OF INDIA IN NEW DELHI.

95. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have arrived at a decision regarding "Prolongation of the stay of the Government of India in New Delhi" (vide Government reply to starred question No. 763 in the Assembly on 20th September, 1928)?

(b) If so, will they please make a statement on the subject?

The Honourable Mr. J. Crerar: (a) and (b). After very careful consideration, Government do not at present contemplate any substantial change in the period of their stay in New Delhi.

WORKING HOURS OF THE OFFICIALS OF THE SAVINGS BANK DEPARTMENT OF THE GENERAL POST OFFICE, CALCUTTA.

96. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 740 in the Assembly on 20th September, 1928, regarding "Working hours of the officials of the Savings Bank Department of the General Post Office, Calcutta", will the Government be pleased to state if they have enquired into the matter?

(b) If so, will they please communicate the result of their enquiries to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The enquiries are still in progress. The question of communicating to the House the result of the enquiries will be duly considered when the enquiries have been completed.

ANNUAL INCOME FROM THE COTTON CESS.

97. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have obtained information in respect of "Annual Income from the Cotton Cess, etc." (vide Government reply to unstarred question No. 405 in the Assembly on 20th September, 1928)?

(b) If so, will they please communicate the information obtained to the House?

Mr. G. S. Bajpai: Final information has not yet been obtained. When available it will be supplied to the Honourable Member.

REPRESENTATIONS FROM TOWN INSPECTORS OF POST OFFICES.

98. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred questions Nos. 387 and 388 in the Assembly on 18th September, 1928, will Government be pleased to state if they have considered the representations of the Town Inspectors, Service Associations and others and arrived at a decision in the matter?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: I propose to answer questions Nos. 98 and 183 together. The Government of India reached a decision in the matter in their letter No. 14-P. T. E., dated the 2nd October, 1928, a copy of which I lay upon the table.

No. 14-Pte.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR.

POSTS AND TELEGRAPHS BRANCH.

Dated Simla, the 2nd October, 1928.

From

F. RYAN, Esquire, C.I.E.,

JOINT SECRETARY TO THE GOVERNMENT OF INDIA,

To

THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

SUBJECT:—Appointments to the posts of Inspectors of Post Offices.

SIR,

I am directed to inform you that the Government of India have given their careful consideration to representations, submitted by you for their

Letter No. 11-Pte., dated the 5th August, 1927, from the Department of Industries and Labour to the Director-General, Posts and Telegraphs.

Letter No. 11 Pte., dated the 15th September, 1927, from the Department of Industries and Labour to the Director-General, Posts and Telegraphs.

Memorandum No. E. A.-279-28, dated the 11th February, 1928, from the Director-General, Posts and Telegraphs, to heads of Postal Circles.

orders, from the All-India (including Burma) Postal and Railway Mail Service Union, from the Association of All-India Postal Town Inspectors, and from individual Town Inspectors, in regard to the application of the orders quoted in the margin; and I am to communicate the following observations for your information and for communication to the parties concerned.

2. The Government observe with regret that the orders issued on this subject have been differently interpreted in different postal circles with the result that in some of these the existing incumbents of the posts of Town Inspectors were displaced to an extent considerably in excess of what was contemplated. Although it cannot be admitted that the then incumbents had an absolute claim to be retained in the posts, and while the Government of India do not see their way to a complete reversal of decisions already taken and made effective, they are of opinion that some measure of special consideration is called for in favour of the displaced officials, on the occurrence of vacancies; and that a concession should be made to officials with a reasonable length of approved service in regard to exemption from the selection grade examination before confirmation. The following instructions should accordingly be given effect.

3. Previous incumbents of the posts of Town Inspectors who have not been displaced in consequence of the orders contained in Industries and Labour Department letter No. 11-Pte., dated the 15th September, 1927, or your letter of the 11th February, 1928 and who still continue in those posts, should be regarded as being on probation in the posts until such date as they pass the new selection grade examination and have been ruled by the head of the Circle concerned to be in all respects suitable for confirmation as Town Inspectors. In the case of failure to qualify for confirmation within a period of two years from the date of this letter they should be reverted to the clerical grade. As an exception to the foregoing however those Town Inspectors who have already rendered three years' satisfactory service in that capacity may be confirmed in their posts at your discretion without examination; and all Town Inspectors who have already passed the examination for appointment as Sub-Divisional Inspectors and Divisional Head clerks should also be exempted from passing the new selection grade examination.

4. As regards those incumbents of the posts of Town Inspectors who, under the operation of the orders cited above, have ceased to hold those appointments, special consideration should be paid by you, on recommendations of Heads of Circle; to the cases of these displaced officials whenever a permanent vacancy of a Town Inspectorship of a first class Post Office has to be filled in future in a Circle in which they are employed. On promotion to be Town Inspectors these officials should be considered as on probation subject to the conditions and exceptions prescribed in paragraph 3 of this letter, the period of two years mentioned therein being counted from the date of promotion.

5. The orders contained in paragraph 4 relate only to promotion in permanent vacancies amongst Town Inspectors and are not to be interpreted as imposing any restrictions on the appointment of any of these displaced officials to officiate in temporary vacancies amongst Town Inspectors or in other vacancies, permanent or otherwise, in the selection grade, provided they are suitably qualified.

I have the honour to be,

SIR,

Your most obedient servant,

T. RYAN,

Joint Secretary to the Government of India.

REPORT OF THE INDIAN STATES COMMITTEE.

99. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 679 (a) in the Assembly on 20th September, 1928, regarding "Report of the Indian States Committee", will Government please state if they have since examined the point and arrived a decision in the matter?

(b) If so, will they please communicate their decision to the House?

Sir Denys Bray: (a) Yes.

(b) The report will be submitted direct to the Secretary of State.

APPOINTMENT OF INDIANS AS TRADE COMMISSIONERS ABROAD.

100. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have considered and arrived at a decision regarding the "Appointment of Indians as Trade Commissioners abroad" (vide Government reply to starred question No. 753 in the Assembly on 20th September, 1928)?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir George Rainy: The question of appointing Indian Trade Commissioners abroad is still under consideration.

SUPERSESION OF MR. GANGADHARA MUDALIAR, JOINT SECRETARY OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY EMPLOYEES UNION.

101. **Mr. M. K. Acharya:** Will the Government be pleased to state:

(a) whether it is a fact that the claim for promotion of one Mr. Gangadhara Mudaliar, the Joint Secretary of the Madras and Southern Mahratta Railway Employees Union, was overlooked nearly on eight occasions and junior men were put over his head by the Madras and Southern Mahratta Railway authorities, and whether Mr. Mudaliar rose from a starting salary of Rs. 12 and whether his work has never been found fault with?

(b) whether on an appeal by Mr. Mudaliar the Agent pronounced that he was not fit for more responsible work, although Mr. Mudaliar was never tried in any more responsible post and found wanting?

(c) whether men drawing higher salaries in the same department as Mr. Mudaliar are doing exactly the same kind of work as Mr. Mudaliar, *vis.*, dealing with claims?

(d) whether the overlooking of Mr. Mudaliar's claims has been due to his being an office bearer of the Union?

Mr. A. A. L. Parsons: Government have no information and regret that they are not prepared to interrogate the Agent as to his reasons for granting promotion to, or withholding promotion from, any of the Company's servants.

TRANSFER TO DISTANT PLACES OF MENIALS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

102. **Mr. M. K. Acharya:** (a) Is it a fact that menials on the Madras and Southern Mahratta Railway are often transferred to places nearly 300 miles away but are given passes only up to 100 miles and are asked to pay the fare for the rest of the distance?

(b) In view of the hardship caused to poor men in going far away from their homes, do Government propose to issue instructions that menials should not be transferred to places more than 100 miles distant from their homes?

Mr. A. A. L. Parsons: I am addressing the Agent and will communicate his reply to the Honourable Member on its receipt.

INDIAN REFRESHMENT ROOMS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

103. **Mr. M. K. Acharya:** (a) Has the attention of the Government been drawn to the series of articles entitled "Indian Refreshment Rooms" on the Madras and Southern Mahratta Railway, in the August, September and October issues of the *Indian Railway Magazine*?

(b) Is it a fact that the cooks and staff of the Indian refreshment rooms are not allowed to take coffee or tiffin in the rooms and that they are given only rice and dhal for two meals and are refused food if they fall sick?

(c) Is it a fact that in the Manager's Book there are two columns "Quantity Wasted" and "Quantity Saved" and that Managers are debited for quantity wasted and are asked to show a saving, and that this leads to adulteration and deterioration in the quality of refreshments served to the public?

(d) Is it a fact that a junior Room Manager was formerly started on Rs. 40 but that he is now started on Rs. 35?

(e) Is it a fact that the pay of Inspectors of Refreshment Rooms is shown as Rs. 100—10—130 but that they are started only on Rs. 75?

(f) Is it a fact that the Officer-in-Charge of the Catering Department is managing it as a family concern, having 90 per cent. of the contractors and fruit stall contractors from among his own relations?

Mr. A. A. L. Parsons: I propose, with your permission, Sir, to reply to questions Nos. 103 and 104, together. Government have seen the articles referred to. They are not aware whether the statements made in them are correct, but have sent a copy of the Honourable Member's questions to the Agent of the Madras and Southern Mahratta Railway, with a request that he will investigate the matter and take such action as may seem to him to be necessary.

MANAGEMENT OF THE CATERING DEPARTMENT OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

†104. **Mr. M. K. Acharya:** (a) Is it a fact that the present officer, when he was Assistant Traffic Superintendent, was managing the Catering Department as a full time officer and that after becoming District Traffic Superintendent, he is still keeping it on with the help of the Manager of the Rates Section?

(b) Are Government aware of the fact that the Sieve-Wright Committee appointed by the Indian Railway Conference to enquire into the conditions of food and water supply to third class passengers, recommended the appointment of a whole-time officer?

(c) Do Government propose to issue instructions to the Agent to put the Department in charge of some other officer immediately?

NUMBER OF PERSONS EMPLOYED IN LIGHT HOUSE SERVICES IN INDIA.

105. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred questions Nos. 622 and 623 regarding "Number of persons employed in the Light House Services and Sea and Coast Lights Establishments in India", in the Assembly on 17th September, 1928, will the Government be pleased to state if the information is now available?

(b) If so, will they please lay it on the table?

The Honourable Sir George Rainy: The information is not yet available. It will be supplied to the Honourable Member as soon as possible.

OPENING OF A BROAD GAUGE RAILWAY BETWEEN JAKHAL AND SIRSA, *via* FATEHABAD.

106. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 359 regarding "The opening of a broad gauge Railway line between Jakhal and Sirsa *via* Fatehabad" in the Assembly on 17th September, 1928, will the Government be pleased to state if the recommendation of the Punjab Government has been considered and a decision arrived at?

(b) If so, will Government please communicate the decision to the House?

Mr. A. A. L. Parsons: The Railway Board have sanctioned the traffic survey of this line, but the results of the survey are not yet ready.

† For answer to this question, see answer to question No. 103.

REMOVAL TO NEW DELHI OF THE BRANCHES OF ARMY HEADQUARTERS.

107. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that the Branches of Army Headquarters and certain sections of the Military Finance Branch have been temporarily accommodated in the old Secretariat in Delhi?

(b) If so, will Government please state when they are likely to be removed to New Delhi?

Mr. G. M. Young: (a) Yes.

(b) Government hope that the move will be made next cold weather.

IMPORT OF ARTIFICIAL FLOUR.

108. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 647 in the Assembly on 18th September, 1928, regarding "Import of Artificial Flour" will Government be pleased to state if they have completed their inquiries?

(b) If so, will they please communicate the result of their inquiries to the House?

Mr. G. S. Bajpai: (a) and (b). No imports of artificial flour have been noticed at any of the ports by the Customs authorities.

SAVING OF THE SUGAR INDUSTRY FROM EXTINCTION.

109. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 648 in the Assembly on 18th September, 1928, regarding "Saving of the Sugar Industry from extinction in India", will Government please state if they have considered and arrived at a decision in the matter?

(b) If so, will they please communicate their decision to the House?

Mr. G. S. Bajpai: The information required by the Honourable Member will be supplied in reply to subsequent starred questions Nos. 219 and 220 by the Honourable Mr. Mukhtar Singh.

REVISION OF LEAVE RULES FOR SUBORDINATES OF THE GREAT INDIAN PENINSULA AND EAST INDIAN RAILWAYS.

110. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply "New leave rules for Railway Services as a whole have not yet been framed, but the Railway Board, as a separate matter, are going into the question of revising the leave rules for subordinates on the Great Indian Peninsula and the East Indian Railways, who were originally in the Company's Service", to starred question No. 572 in the Assembly on 17th September, 1928, will Government be pleased to state if the Railway Board have revised the Rules?

(b) If so, will Government be pleased to state when the Rules are expected to be published?

Mr. A. A. L. Parsons: I propose to reply to questions Nos. 110 and 111 together. The Railway Board have accepted a proposal of the Agent of the Great Indian Peninsula Railway that subordinates who have been acting in the superior grade continuously for a period of three years or more

should be paid leave allowances based on the average pay of their officiating appointments for the previous year and not on the pay of their substantive appointments as subordinates. Orders to this effect are under issue, and the Agent of the East Indian Railway is being informed that the Railway Board will have no objection to a similar alteration in the leave rules of his line.

SUBORDINATES OFFICIATING AS OFFICIALS ON RAILWAYS.

111. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 573 in the Assembly on 17th September, 1928, regarding "Subordinates officiating as officials on Railways", will the Government be pleased to state if they have arrived at a satisfactory conclusion in the matter?

(b) If so, will they please communicate the result to the House?

TIME SCALE OF PAY FOR THE OUTDOOR CLERICAL STAFF OF THE NORTH WESTERN RAILWAY.

112. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if the information regarding "Time-scale of pay for the outdoor clerical staff of the North Western Railway", called for from the Agent, North Western Railway, has been received (*vide* Government reply to starred question No. 617 in the Assembly on 17th September, 1928)?

(b) If so, will they please communicate the information to the House?

Mr. A. A. L. Parsons: I am sending the Honourable Member a letter giving the information supplied in reply to the question mentioned by him.

GRIEVANCES OF PILGRIMS TO HEDJAZ.

113. **Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state if the following grievances of the pilgrims to Hedjaz or any of them, are real? If real, will they please state what steps they propose to take to redress the grievances which are real?

- (1) The space allotted in the ships to each passenger is inadequate, and hence there is too much crowding, congestion and consequent discomfort.
- (2) The pieces of fire-wood supplied by the ships to the passengers are so thick that they require tools to cut them and make them serviceable. Usually tools cannot be had on the ships, and such tools as are available can be procured only on payment of tips to the ship's employees. It is extremely difficult for the passengers to cut these pieces of wood when the ship is crowded with passengers and the sea is rough.
- (3) Latrine arrangements are very bad. Latrines are ill-constructed. In some ships these latrines are exposed to view and the place is very narrow. Scavenging arrangements are practically nil.
- (4) Sufficient water is not given to passengers.

† For answer to this question, see answer to question No. 110.

- (5) Nominally there is always a doctor with a store of medicine on board the ship. But the doctor refuses to give medicine to the patient if he comes to him after the prescribed time, with the result that patients suffer for want of medical aid.
- (6) The most serious grievance has its root in the return ticket system. After the last pilgrimage, when the pilgrims did not get ships at Jeddah, they suffered unspeakable hardships. Pilgrims who hold return tickets of the Namazee Company or the Shustari Company, were the greatest sufferers. Hundreds of pilgrims, who could have reached India, died at Jeddah while waiting for ships. On their return journey, pilgrims are naturally short of money and they hurry to Jeddah in the hope of finding a ship for their return voyage, at the most say a week after their arrival at Jeddah. But contrary to their expectation they have to stop at Jeddah for a long time, sometimes for 20 or 25 days.

Mr. G. S. Bajpai: (1) Government have ordered that every pilgrim ship shall provide at least sixteen superficial feet and ninety-six cubic feet of space for each pilgrim in the between deck on which he may be accommodated. This accommodation is in accord with the provisions of the International Sanitary Convention, 1926.

(2) Government have no information, but will make enquiries. Under the rules, each pilgrim ship is required to carry hatchets for cutting wood.

(3) The Honourable Member is referred to rules 62 and 63 of the rules contained in Appendix 'E' to the "General Instructions for Pilgrims to Hedjaz", a copy of which will be found in the Library. Government are not aware that these rules are not observed, but will make enquiries.

(4) The Honourable Member is referred to the reply given to part (b) of his unstarred question No. 397 on the 14th March, 1928.

(5) Government have no information, but will make enquiries.

(6) Government are aware that, during the last pilgrim season, pilgrims holding return tickets issued by the Namazee Company had to wait at Jeddah for a return passage to India longer than usual and were put to inconvenience. As regards the adoption of a deposit system, to the exclusion of the return ticket system, the Honourable Member's attention is invited to the reply given to Mr. Anwar-ul-Azim's starred question No. 165 on the 6th September, 1928.

DATE OF COMPLETION AND COST OF RAILWAY BETWEEN CHITTAGONG AND DUHAZARI.

114. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of December 19, 1928, page 10, under the heading "Railway Extension—Nucleus of Indo-Burma connection"?

(b) If so, will Government please state if the statement made therein is correct?

(c) Will Government please also state the approximate period during which the line referred to, namely, the Chittagong-Duhazari Railway, is expected to be completed, and the approximate expenditure on the construction of the Railway?

Mr. A. A. L. Parsons: (a) Yes.

(b) and (c). As stated, the Railway Board have sanctioned the construction of a metre gauge line from Scholashahar Junction to Duhazari on the Assam Bengal Railway. The construction of the line is justified on its own merits, as providing railway communication in a very populous tract; it is for this reason, and not because it follows the alignment which an Indo-Burma railway connection might conceivably take, that the project has been taken up. The line is expected to cost 45½ lakhs and there is a big bridge over the river Kornafuli. It is hoped that it will open to traffic in the winter of 1931-32.

NUMBER OF QUESTIONS ASKED, RESOLUTIONS MOVED AND BILLS PASSED IN THE LEGISLATIVE ASSEMBLY.

115. Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to make a statement showing:

- The total number of questions asked in the present Assembly up to the last Simla Session and the total number of questions asked in the last Assembly during the corresponding period?
- The number of Resolutions moved in the present Assembly till the last Simla Session and the number of Resolutions moved at the last Assembly during the corresponding period?
- The number of non-official Bills passed in the present Assembly up to the last Simla Session and the number of Bills passed in the last Assembly for the corresponding period?

The Honourable Mr. J. Orerar: I lay on the table a statement which gives the information asked for by the Honourable Member.

Statement .				
Sessions.	*Questions put in the Legislative Assembly.		Resolutions moved in the Legislative Assembly.	Non-official Bills passed in the Legislative Assembly.
	Starred.	Unstarred.		
<i>Present Assembly.</i>				
Delhi Session 1927	1,278	236	5	1
Simla Session 1927	1,204	140	8	1
Delhi Session 1928	570	494	8	3
Simla Session 1928	929	568	4	Nil.
Total	3,981	1,438	25	5
<i>Second Assembly.</i>				
	<i>Second Assembly.</i>		<i>Second Assembly.</i>	<i>Second Assembly.</i>
Delhi Session 1924	1,043	230	20	Nil.
Simla Session 1924 (May and June).	528	59	2	Nil.
Simla Session 1924 (September).	794	181	5	1
Delhi Session 1925	1,279	265	14	2
Simla Session 1925	999	191	12	1
Total	4,643	926	53	4

*N.B.—Excluding the short notice questions which approximately number about 6 in each session.

SCHEMES FOR RECRUITMENT OF LABOUR IN ASSAM.

116. Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the statement "With regard to recruitment, the Secretary said that in October last, the Indian Tea Association at Calcutta forwarded to the Government of India for consideration two alternative schemes for future recruitment. So far as he was aware the schemes were still under the consideration of the Government of India", published in the issue of the *Statesman* of December 21, 1928, on page 7, under the heading "Labour Problem in Assam. Future Recruitment. Improved System of working"?

(b) If so, will Government please state if the statement made is correct?

(c) If correct, will they please state if they have come to a decision in the matter?

(d) If so, will they please communicate their decision to the House?

(e) If not, by what time are they expected to come to a decision?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) and (c). The alternative schemes for recruitment were submitted by the Indian Tea Association in connection with the question of the revision of the Assam Labour and Emigration Act (VI of 1901) which is still under the consideration of the Government of India.

(d) Does not arise.

(e) The Government of India hope to be able to arrive at an early decision.

EXPANSION OF INDIA'S TRADE WITH EUROPE.

117. Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of December 21, 1928, page 9, under the heading "India's Trade Expansion—London Agency—Plans by the High Commissioner. More offices needed"?

(b) If so, will Government please state if the statement "The High Commissioner (Sir Atul Chatterjee) has submitted proposals to the Government of India for adequate trade representation in Europe and America" has been correctly reported?

(c) If so, will they please lay a copy of the proposals of the High Commissioner on the table?

The Honourable Sir George Rainy: (a) and (b). Yes.

(c) The High Commissioner's proposals are under consideration and Government do not propose to lay them on the table at present.

TRANSFER FROM COMPANY TO STATE MANAGEMENT OF RAILWAYS IN BURMA.

118. Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state if the Burma Railways, which have hitherto been company-managed, will pass over to State management from January 1, 1929, as reported in the paragraph published in the issue of the *Statesman* of December 21, 1928, page 10, under the heading "Burma Railways—State management from New Year"?

Mr. A. A. L. Parsons: They have done so.

DEPLORABLE CONDITIONS OF THE QUARTERS OF THE INDIAN STAFF OF THE
 OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

119. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 521 in the Assembly on 13th September, 1928, regarding "Deplorable condition of the quarters of the Indian Staff of the Oudh and Rohilkhand Section of the East Indian Railway", will Government be pleased to state if the Agent, East Indian Railway, has considered the question sent to him and arrived at a decision in the matter?

(b) If so, will Government please communicate the decision to the House?

Mr. A. A. L. Parsons: (a) and (b). The Agent proposes to spend considerable sums on improving present quarters and building additional quarters.

RECOMMENDATIONS OF THE INDIAN CINEMATOGRAH COMMITTEE.

120. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have secured the views of the Local Governments and come to a final conclusion in the matter of "Recommendations of the Indian Cinematograph Committee" (*vide* Government reply to starred question No. 318 in the Assembly on 10th September, 1928)?

(b) If so, will they please communicate their decision to the House?

The Honourable Mr. J. Orerar: (a) The answer is in the negative.

(b) Does not arise.

SALE OF VEGETABLE OR VANASPATHI GHEE IN INDIA.

121. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 348 in the Assembly on 10th September, 1928, will Government be pleased to state if the views of the Local Governments regarding "Vegetable or Vanaspathi Ghee" have been received?

(b) If so, will Government please state if they have considered the matter and come to a final decision?

(c) If so, will they please communicate their decision to the House?

The Honourable Sir George Rainy: I would refer the Honourable Member to the answer given to his Question No. 8 of date.

TRANSFER TO STATE MANAGEMENT OF THE BENGAL AND NORTH WESTERN
 RAILWAY.

122. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state when the term of contract of the Bengal and North-Western Railway Company expires?

(b) If the term has expired, will the Government please state when they propose to bring the Bengal and North-Western Railway Company under State-management and control?

Mr. A. A. L. Parsons: (a) 31st December, 1932.

(b) Does not arise.

DATE OF NEXT ELECTION OF THE LEGISLATIVE ASSEMBLY.

123. **Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state if the next Assembly election will be held at its usual time or after the passing of the Bill in Parliament as a result of the report of the Statutory Commission on Reforms?

Mr. L. Graham: Government are not so far in possession of any definite information in this matter.

NUMBER OF GOVERNMENT COLLEGES AND SCHOOLS IN THE PROVINCE OF
 DELHI.

124. **Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to make a statement showing the number of Government colleges, primary and secondary schools in the province of Delhi?

Mr. G. S. Bajpai: The information asked for is being collected and will be supplied to the Honourable Member in due course.

BENGAL AND NORTH WESTERN RAILWAY ADVISORY COMMITTEE.

125. **Mr. Gaya Prasad Singh:** (a) Is it a fact that under the rules framed or approved by the Government of India, the Bengal and North-Western Railway Advisory Committee for Bihar and Orissa, consists of:

- (1) Agent of the Bengal and North-Western Railway;
- (2) a representative of the Bihar and Orissa Government (the Commissioner of the Tirhut Division);
- (3) a member of the Legislative Council of Bihar and Orissa, to represent Industries and Agriculture;
- (4) a member of the Legislative Council of Bihar and Orissa, to represent the travelling public;
- (5) a representative of the Bihar Planters' Association;
- (6) the Senior Government Inspector of Railways?

(b) Are Government aware that the Bihar Planters' Association consists exclusively of Europeans; and that the only two seats that are allotted to the Indians, are confined strictly to the Members of the Bihar and Orissa Legislative Council?

(c) Are Government aware that, on many of the other railways in India, the rules and constitution of the Advisory Committees are more wide, and that many members of the general public and of this House have been allotted seats on the Committees?

(d) Have Government any objection to bringing the Rules of the Bengal and North-Western Railway Advisory Committee into line with those of many other Advisory Railway Committees in India, so as to secure a wider representation of interests, and a strengthening of the Committee?

Mr. A. A. L. Parsons: (a) Yes.

(b) Government are not aware of the exact constitution of the Bihar Planters' Association. They are obtaining the information and will communicate it to the Honourable Member. There is nothing in the rules prohibiting Indians from occupying any of the seats on the Advisory Committee.

(c) It is hardly correct to say that the constitution of the Bengal and North Western Railway Advisory Committee is less wide than that of the Committees on other railways in India. The position is as follows:

When the Local Railway Advisory Committees were started it was laid down that the number of members should be decided by circumstances subject to a maximum of 12. When the information of an Advisory Committee for the Bengal and North Western Railway first came under consideration in 1922, it was held that the objects for which these committees were being formed would be best secured by having separate committees of equal status, one at Gorakhpur and one at Muzaffarpur. This was on account of the divergence of trade interests and local knowledge in the two areas. Action was taken accordingly and the membership of the Bihar and Orissa Committee at Muzaffarpur was fixed at six as detailed in part (a) of the Honourable Member's question, and at seven at Gorakhpur.

(d) Government are not aware that there is lack of sufficient representation on the Advisory Committee at Muzaffarpur, but will send a copy of the Honourable Member's question to the Agent for his consideration.

CONSTRUCTION OF A RAILWAY FROM MUZAFFARPUR TO SITAMARHI.

126. **Mr. Gaya Prasad Singh:** (a) With reference to the reply to my question No. 17 of the 4th September, 1928, regarding the proposed construction of the Bengal and North-Western Railway line from Muzaffarpur to Sitamarhi, will Government kindly state what conclusions, if any, have been arrived at as a result of the traffic survey? If not, when is a decision likely to be arrived at?

(b) Are Government aware that the local public are very greatly interested in the early construction of this Railway line?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the reply given to Khan Bahadur Sarfaraz Hussain Khan's question No. 5.

REFUSAL OF LEAVE AND A GRANT FROM THE GENERAL PROVIDENT FUND TO MR. K. K. WARRIYAR, LATELY A CLERK IN THE OFFICE OF THE COLLECTOR OF CUSTOMS, BOMBAY.

127. **Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Have Government received a petition from Mr. K. K. Warriyar, late clerk in the Bombay Custom House, against the action of Collector of Customs, Bombay, in refusing leave and an advance from the General Provident Fund on the occasion of the death of his grand-mother?

(b) Are Government aware that such refusal on the part of the Collector compelled the petitioner to resign in order to save himself from excommunication by his community?

(c) Are Government aware that such refusal was at the suggestion of the Assistant Collector, who was a Brahmin hailing from Northern India?

(d) Was the truth or otherwise of the representation of the clerk verified by reference to any independent authority before his resignation was accepted?

(e) Does the Assistant Collector, Mr. S. C. Satywadi, possess any knowledge of the religious obligations of the Warriyar Caste in Malabar, Cochin State, and has he served at any time in Malabar or Cochin State? If not, why did the Government refuse to accept the petitioner's statement, supported by the opinion of the District Magistrate for the Cochin State, produced by the clerk?

(f) Have Government instituted, or do Government propose to institute any enquiries on the petition of the clerk, submitted to the Government, to ascertain whether the circumstances under which the clerk was compelled to resign were the result of the ignorance of the Assistant Collector?

(g) Do Government propose to enquire into the matter and see that justice is done to the clerk?

The Honourable Sir George Schuster: (a) The Government of India have received a petition from Mr. K. K. Warriyar asking for permission to withdraw his resignation, which followed upon the refusal of an advance from the General Provident Fund. This advance was refused under clause (8) of rule 20 of the rules governing that Fund, under which an advance was only admissible for strong reasons, to be recorded in writing. The Collector of Customs did not refuse him leave.

(b) The clerk resigned in order to obtain the balance at his credit in the Fund.

(c) to (e). The decision that there were not strong reasons to grant the advance within the spirit of the rules governing the Fund was one for the discretion of the Head of the Department, and the Government of India are not prepared to disclose the discussion upon which that officer's decision was based.

(f) The Central Board of Revenue and the Government of India have given careful consideration to appeals submitted by the clerk.

• (g) No, Sir.

SUICIDE OF MR. LALKHAN, AN AGENT OF THE GOVERNMENT OF INDIA IN THE NORTH-WEST FRONTIER PROVINCE.

128. **Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Has the attention of the Government been drawn to a communication in the Press that one Mr. Lalkhan, an Agent to the Government of India, in the North-West Frontier Province, committed suicide owing to the pressure of his official duty?

(b) What action have the Government taken to mend matters so that his successors also might not resort to such an irreligious act?

(c) Have the Government made any provision for the members of the bereaved family? If not, do they propose to do so?

Sir Denys Bray: Enquiry is being made from the local Administration and a reply will be sent to the Honourable Member in due course.

COMFORT OF THIRD CLASS PASSENGERS ON INDIAN RAILWAYS.

129. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if matters affecting the comfort of third class passengers have been discussed with the Central Advisory Council (*vide* Government

reply to starred question No. 498 in the Assembly on 12th September, 1928)?

(b) If so, will Government please communicate the result of the discussion to the House?

Mr. A. A. L. Parsons: (a) Yes.

(b) The Central Advisory Council had only time to discuss two aspects of the question, namely, overcrowding in third class passenger carriages, and the cleanliness of latrines in passenger stock. Certain suggestions were made and the views of the Agents of Railways on these suggestions are being obtained. The discussion will be resumed at the next meeting of the Council.

APPOINTMENT OF SIR BASANTA KUMAR MULLICK AS A MEMBER OF THE CENTRAL BOARD OF OPIUM TRAFFIC.

130. Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of December 18, 1928, page 12, under the heading "Opium Traffic Board, Sir B. K. Mullick as India's representative"?

(b) If so, will they please state if the news published therein that "Sir Basanta Kumar Mullick has been appointed as a permanent member of the Central Board of Opium Traffic" is correct?

The Honourable Sir George Schuster: The answer to both parts of the question is in the affirmative.

INSTITUTION OF AN ALL-INDIA ACCOUNTANCY BOARD.

131. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if they have received the opinions of Local Governments in respect of the "Introduction of a Bill for the Institution of an All-India Accountancy Board" (*vide* Government reply to starred question No. 524 in the Assembly on 13th September, 1928)?

(b) If so, will Government please state if they propose to introduce legislation in the present Delhi Session?

The Honourable Sir George Rainy: (a) and (b). The Government are still awaiting replies from some Local Governments.

COMPLETION OF GOVERNMENT HOUSE, NEW DELHI.

132. Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state when the Government House in New Delhi is expected to be completed and when His Excellency the Viceroy is expected to occupy it?

The Honourable Sir Bhupendra Nath Mitra: It is expected that Government House, New Delhi, will be ready for His Excellency the Viceroy to move in at the end of October, 1929.

PAY OF TOWN INSPECTORS OF POST OFFICES.

†133. Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to unstarred question No. 411 in the Assembly on 20th September, 1928, regarding "Revised Scale of Pay for Town Inspectors of Post Offices", will the Government be pleased to state if the recommendations of the Director General of Posts and Telegraphs have been considered and a decision arrived at?

(b) If so, will they please communicate their decision to the House?

INTRODUCTION OF AN EXAMINATION FOR THE TRAFFIC BRANCH OF THE POST OFFICE.

134. Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to starred question No. 781 (e) in the Assembly on 21st September, 1928, regarding "Introduction of the Examination for the Lower Selection Grade Posts in the Post Office", will the Government be pleased to state if they have considered the question of prescribing an examination in the Traffic Branch, and arrived at a decision in the matter?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) The matter is still under consideration.

(b) Does not arise.

QUARTERS FOR CLERKS OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

135. Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if they have since considered the question of providing quarters for the clerks of the Railway Clearing Accounts Office, Delhi (*vide* Government reply to unstarred question No. 466 (b) in the Assembly on 21st September, 1928)?

(b) If so, will they please communicate their decision to the House?

Mr. A. A. L. Parsons: (a) and (b). Government have decided to proceed with a scheme for providing quarters for 1,000 clerks of the Clearing Accounts Office.

OVERWORKED STAFF IN THE TRAFFIC AND LOCOMOTIVE DEPARTMENTS OF THE BENGAL AND NORTH WESTERN RAILWAY.

136. Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to starred question No. 469 in the Assembly on 21st September, 1928, regarding "Overworked Staff in the Traffic and Locomotive Departments on the Bengal and North Western Railway", will the Government be pleased to state if they have completed their enquiries?

(b) If so, will they please communicate the result of their enquiries to the House?

Mr. A. A. L. Parsons: I am sending the Honourable Member a letter giving the information supplied in reply to the question mentioned by him.

† For answer to this question, see answer to question No. 98.

INTRODUCTION OF THE ELECTIVE SYSTEM IN ALL THE MUNICIPALITIES AND LOCAL BOARDS OF THE NORTH-WEST FRONTIER PROVINCE.

137. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 823 in the Assembly on 21st September, 1928, regarding "Introduction of the Elective System in all the Municipalities and Local Boards of the North-West Frontier Province", will the Government be pleased to state if they have considered the question and reached a conclusion in the matter?

(b) If so, will they please communicate their conclusion to the House?

Mr. G. S. Bajpai: (a) and (b). The details are primarily for consideration by the Chief Commissioner, North-West Frontier Province, who has been asked for a report.

SALE OF ADULTERATED QUININE.

138. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question No. 774 (e) in the Assembly on 21st September, 1928, regarding "Prevention of the importation and sale of adulterated drugs, and control of the sale of Poisons", will the Government be pleased to state if the considered report on the subject of sale of adulterated quinine, which was proposed to be asked from the Local Governments, has since been received and a decision arrived at?

(b) If so, will they please communicate their decision to the House?

Mr. G. S. Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given to-day to Mr. A. H. Ghaznavi's starred Question No. 33.

ABSORPTION IN THE PERMANENT ESTABLISHMENT OF SUPERNUMERARY EMPLOYEES OF THE EAST INDIAN RAILWAY.

139. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 498 in the Assembly on 24th September, 1928, regarding "Absorption in the Permanent Establishment of the Supernumerary hands of the East Indian Railway", will the Government be pleased to state if they have completed their enquiries?

(b) If so, will they please communicate the result of their enquiries to the House?

Mr. A. A. L. Parsons: I am sending the Honourable Member a letter giving the information supplied in reply to the question mentioned by him.

REFUSAL OF CASUAL LEAVE TO THE STAFF OF THE EAST INDIAN RAILWAY.

140. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 500 in the Assembly on 24th September, 1928, regarding "Refusal of Casual Leave to the Staff of the East Indian Railway," will the Government be pleased to state if the Agent, East Indian Railway has considered and come to a decision in the matter?

(b) If so, will they please communicate the decision arrived at to the

Mr. A. A. L. Parsons: Government left it to the Agent to decide whether any action was necessary, and are not aware whether, so far as casual leave alone is concerned, he thought that any specific action was required. I must remind the Honourable Member that casual leave cannot be claimed by anyone as of right. Government are however aware that the Agent considers some increase of relieving staff to be needed and the Railway Board have recently sanctioned the creation of 48 posts in the subordinate establishment of the Transportation (Traffic) department, and have agreed to an investigation by a special officer into the question what further relieving staff is required.

EXPENDITURE INCURRED BY THE EAST INDIAN RAILWAY ON THE CREW DEPARTMENT AND TRAVELLING TICKET INSPECTORS.

141. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have collected the information regarding "Expenditure incurred by the East Indian Railway on the Crew Department and Travelling Ticket Inspectors" (vide Government reply to unstarred question No. 508 in the Assembly on 24th September, 1928)?

(b) If so, will they please lay the information on the table?

Mr. A. A. L. Parsons: I am sending the Honourable Member the information furnished in reply to the question mentioned by him. It is hardly of such general importance as to warrant its being laid on the table.

OVERWORKED STAFF ON THE BENGAL AND NORTH WESTERN RAILWAY.

142. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have since completed their enquiries regarding "Overworked Staff in the Traffic and Locomotive Departments on the Bengal and North Western Railway" (vide Government reply to unstarred question No. 519 in the Assembly on 24th September, 1928)?

(b) If so, will they please communicate the result of their enquiries to the House?

Mr. A. A. L. Parsons: I am sending the Honourable Member a letter giving the information supplied in reply to the question mentioned by him.

CASUALTIES IN THE ACCIDENT BETWEEN HAYAGHAT AND KISHUNPUR STATIONS ON THE BENGAL AND NORTH WESTERN RAILWAY.

143. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 520-2 (a) in the Assembly on 24th September, 1928, on the subject of "Casualties in the accident between Hayaghat and Kishunpur Stations on the Bengal and North Western Railway" will the Government be pleased to state if they have completed their enquiry from the Agent of the Railway?

(b) If so, will they please communicate the result of their enquiry to the House?

Mr. A. A. L. Parsons: The Railway Board have ascertained that on January the 2nd, 1928, the driver and crew of the wrecked train were on duty for seven hours and 40 minutes during the run from Samastipur to Bairagnia. They were then off duty for one hour and 35 minutes, and they were on duty for seven hours and 15 minutes from Bairagnia to the time of the accident.

DETECTION OF BASE COINS AND FORGED CURRENCY NOTES ON THE BENGAL AND NORTH WESTERN RAILWAY.

144. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have enquired into the matter of "Detection of Base coins and forged currency notes on the Bengal and North Western Railway" (*vide* Government reply to unstarred question No. 531 in the Assembly on 24th September, 1928)?

(b) If so, will they please communicate the result of their enquiries to the House?

Mr. A. A. L. Parsons: (a) Yes.

(b) I will communicate the information to the Honourable Member; it is hardly of sufficient importance to lay on the table of the House.

HOUSING CONDITIONS AT LILLOOAH.

145. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if the Agent, East Indian Railway, has completed his enquiry into the housing conditions at Lillooah (*vide* Government reply to unstarred question No. 544 in the Assembly on 24th September, 1928)?

(b) If so, will they please communicate the result of the enquiry to the House?

Mr. A. A. L. Parsons: The Honourable Member is referred to the reply given to his unstarred question No. 67.

REORGANISATION OF THE OFFICE OF THE CONTROLLER OF PRINTING AND STATIONERY.

146. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to unstarred question No. 552 (a) in the Assembly on 24th September, 1928, regarding "Reorganisation of the office of the Controller of Printing and Stationery", will the Government be pleased to state if the memorial received from the Controller has since been considered and a decision arrived at?

(b) If so, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) The memorial is still under the consideration of the Government of India.

(b) Does not arise.

PERMANENT LOCATION OF THE INDIAN STORES DEPARTMENT.

147. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to state if they have decided the question of the permanent location of the Indian Stores Department (*vide* Government reply to starred question No. 929 (c) (i) in the Assembly on 25th September, 1928).

(b) If so, will they please communicate their decision to the House?

(c) If not, by what time are they expected to arrive at a decision in the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) The question has not yet been decided.

(b) Does not arise.

(c) I am unable to say definitely when a decision will be arrived at in the matter.

NUMBER OF EUROPEANS AND INDIANS EMPLOYED AS MEDICAL OFFICERS ON STATE RAILWAYS.

148. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if the information has been collected regarding "Number of Europeans and Indians employed as Medical Officers on the State Railways" (*vide* Government reply to question No. 3 in the Council of State on 11th September, 1928)?

(b) If so, will they please communicate the information collected to the House?

Mr. A. A. L. Parsons: I am sending the Honourable Member a letter giving the information supplied in reply to the question mentioned by him.

THE ISHURDI-PABNA-SADHUGUNJ RAILWAY PROJECT.

149. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to question No. 12 in the Council of State on 11th September, 1928 regarding "The Ishurdi-Pabna-Sadhugunj Railway Project", will the Government be pleased to state if the Railway Board have received the Agent's report on the subject?

(b) If so, will they please state if they have arrived at a decision?

(c) If so, will they please communicate their decision to the House?

Mr. A. A. L. Parsons: (a) Yes.

(b) No.

(c) Does not arise.

REGISTRATION OF ASSOCIATIONS OF GOVERNMENT SERVANTS UNDER THE TRADES UNION ACT.

150. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have considered the question of the registration of associations of Government Servants under the Trade Unions Act (*vide* Government reply to question No. 17 in the Council of State on 11th September, 1928), and arrived at a decision?

(b) If so, will they please communicate their decision to the House?

The Honourable Mr. J. Orerar: (a) and (b). The question is still under consideration.

CONTRACT FOR THE CARRIAGE OF MAILS BETWEEN ENGLAND AND INDIA.

151. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to question No. 82 in the Council of State on the 17th September, 1928, regarding "Contract for the carriage of mails between England and India with the P. and O. Steam Navigation Company", will the Government be pleased to state if the information has since been collected?

(b) If so, will they please communicate the information to the House?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) A copy of the statement, which, as promised in the Council of State, was furnished to the Honourable Sir Phiroze Sethna, is placed on the table of the House.

Separate contracts existed from 1850 for the conveyance of mails to India, China and Australia, the nett loss on the Indian and China contracts being shared equally between Great Britain and India.* Since 1867 the P. & O. Coy. have been carrying the East Indian and China mails under contracts made from time to time with His Majesty's Postmaster-General. During the years 1867-1888 the payments made by India ranged between £65,240 and £75,000 per annum. Since 1888 the Australian service has also formed part of these contracts from which year the mails were first carried through the Suez Canal. From 1876 to 1889 the contribution paid by India to the subsidy was apportioned on the basis of an arbitration in 1876, by Lord Halifax of certain vexed questions. The share of subsidy paid by India ranged during this period from £67,820 to £69,380 annually. Questions of detail regarding the apportionment of cost arose between 1876 and 1889 and were duly settled at the time. In 1890, however, India gave up that system of apportionment and made a fixed payment of £59,900 every year and this continued until the year 1898.

2. In the latter year, a sixth contract was arranged with the P. & O. Coy. by the British Post Office for a subsidy of £330,000, for a period of 7 years. India raised at that time certain questions regarding the principles to be followed in the apportionment of the subsidy, and as these questions could not be settled by agreement the matter was submitted to the arbitration of Lord Morley, who decided that the following main principles should be observed in apportioning the subsidy. This is known as Lord Morley's award.

- (a) The cost of the Australian service (which was then fixed at £85,000) should first be deducted from the subsidy.
- (b) The service should be divided into seven sections as shown in the margin and the cost of each section should be ascertained by dividing the subsidy in proportion to the annual mileage of each section.

Brindisi to Port Said. Port Said to Aden. Aden to Bombay. Aden to Colombo. Colombo to Singapore. Singapore to Hongkong. Hongkong to Shanghai.	and the cost of each section should be ascertained by dividing the subsidy in proportion to the annual mileage of each section.
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- (c) India should pay for the cost of the sections up to Bombay according to the proportion of letters sent and received by it in relation to the letters sent and received by the other contributing countries.
- (d) The postage collections in India and the United Kingdom on correspondence conveyed over the service, and transit charges realized from non-contributing countries who availed themselves of the service should be pooled and after deducting payments for Continental transit and rates to other countries, the balance should be equally divided. This was called the pooling account.
- (e) The credit on account of this pooling should go to reduce the share of India's subsidy.
- (f) India should bear the whole cost of sorting at sea between Aden and Bombay

3. The contract made in 1898 was extended to 1907 and an account was prepared in 1903 by the London General Post Office in accordance with the principles of Lord Morley's Award. According to this India's annual contribution was fixed at £59,339 from the year 1898. The subsidy to the Company was, however, increased on the 1st February 1905 by £10,000 (making the total subsidy £340,000), and, in consequence India's share rose to £61,226 from 1905-06. In 1907, however, the Company agreed on certain considerations to accept a reduced subsidy of £315,000 with retrospective effect from 1st February 1905 and in consequence India's share for the years 1905-0 to 1907-08 was revised and stood at £56,485, the excess amount which had been already paid in accordance with the former assessment being adjusted in due course.

4. The P. & O. contract was again renewed for 7 years from 1st February 1908 on a reduced subsidy of £305,000 and in consequence India's contribution was reduced proportionately and was fixed at £54,588 as from the year 1908-09. India continued to pay at this rate until 1914-15.

* Just before 1867 the Indian share was £41,000.

5. In 1915 a refund of £30,000 on account of the three years 1912-13 to 1914-15 was made to India by the British Post Office. This refund appears to have been based on statistics taken in 1913 which revealed a position more favourable to this country than the previous accounts anticipated. In 1917, again, a fresh account was prepared in accordance with the principles of Lord Morley's Award on the basis of the figures of 1913, and further adjustments in respect of certain other items were also made in that account. As a result, India's total share for the 3 years referred to was calculated at £90,452, thus giving an average figure of £30,151 for each of the three years. This reduction in India's share was mainly due to credits in respect of the pooling account having increased to £27,772 as indicated by the figures of 1913, from £6,513 in the account of 1903. Simultaneously with the decrease in our share, the account of 1917 showed an increase of over £100,000 in the share of the United Kingdom.

6. About this time it appears that the British Post Office found that the principles of Lord Morley's Award were since 1913 re-acting upon them unfavourably and they were dissatisfied with its application. They therefore addressed themselves to seeking the adoption of some alternative methods of determining a more equitable apportionment of the subsidy. When the account of 1917 showed an appreciable increase in the share of cost borne by the British Post Office this stimulated their desire to escape from the situation which the Award had created. The contract which expired in 1915 was extended from time to time but India continued to make provisional payments at the old rate of £54,588 until 1920. The total payments made in this manner during the period amounted to £249,038.

7. The provisional payments having been discontinued in 1921, the British Post Office called in question the equity of the principles of Lord Morley's Award and the whole question of the apportionment of subsidy came under review. A lengthy discussion ensued between the Government of India, the Secretary of State and the British Post Office and two Conferences were held at the London General Post Office in April and July 1923 at which Sir (then Mr.) Geoffrey Clarke and Mr. Sams were present. The British Post Office were able successfully to show that the strict application of the pooling arrangement under the Award would result in India eventually receiving a subsidy for allowing her mails to be carried by the P. & O. service instead of paying for this to be done. India on the other hand resisted their demand for arrear payments and required a modification of the methods it was proposed to follow in calculating her share of subsidy.

8. Eventually it was decided that the successive steps to be taken for the assessment of the share of India's subsidy were to ascertain:

- (a) the gross amount to be apportioned by adding incidental expenses to the amount of the subsidy.

(These incidental expenses at that time were £15,000 a year for the Channel service and the net cost of the Indian Mail Officer service, about £200 a year).
- (b) the net amount to be apportioned by deducting from the gross amount under (a) all receipts from foreign administrations and the sea postage on all parcels sent over the service whether by contributors or non-contributors.
- (c) the Postal Union value* of the mails sent by each contributor at the appropriate sea transit rates for (1) letters and postcards and (2) other articles.

Having arrived at these facts, the subsidy would be apportioned by dividing the net amount under (b) in the same proportions as the ascertained amounts under (c) amongst the several contributors.

9. The above method was applied to the figures of 1922, and worked out an annual subsidy of approximately £22,000. It was, further, decided that payments based on this method should come into force from the 1st April 1923. The rate of the annual subsidy ascertained under the method described in paragraph 8 will vary periodically on the basis of the Union statistics—which are taken every five years—and annually so far as the receipts from sea postage on parcels are concerned. The Union statistics were last taken in 1924 and are due to be taken next in 1929.

* Postal Union value means the transmit charges that would have been paid for the conveyance of correspondence by the P. and O. Service at the rates prescribed by the Universal Postal Union, had the service been owned by another Administration.

10. Regarding the past, the British Post Office renewed their claim, on the basis of the new method and the figures of 1922, for a sum of £68,511 in addition to the provisional payments which had been made. This included a sum of £12,467 on account of the cost of the Aden-Bombay sea post office up to July 1916. The Sea post office was actually abolished in September 1914, but in view of certain considerations it was agreed by the Government of India not to press for any rebate for the period prior to 1st July 1916. This whole question of arrears payment was ultimately decided by the British Post Office agreeing at the instance of the Secretary of State to consider the total amount of provisional payments already made, viz., £249,038 as adequate to cover India's contribution to the subsidy for the period from 1st February 1915 to 31st March, 1923. This works to an annual average subsidy of £30,494 for the period referred to, viz., 1915-16 to 1922-23.

11. The P. and O. contract which has been extended from time to time since 1915 cannot, as at present arranged, terminate before the 31st January 1931.

REPORT PUBLISHED IN THE STATESMAN OF DISPUTES IN INDIA.

152. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the Report published in the issue of the *Statesman* of January 6, 1929, page 3, under the heading—"Trouble in India—2,66,000 men involved in 85 disputes"?

(b) If so, will Government please state if the facts and figures published are correct?

(c) If correct, wholly or partially will Government please state the cause or causes of the disputes?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Yes.

(c) The attention of the Honourable Member is invited to the press communiqué of the 4th January 1929, issued by the Government of India in the Department of Industries and Labour, a copy of which will be found in the Members' Library.

ADOPTION IN STATE RAILWAY WORKSHOPS OF THE SYSTEM OF ACCOUNTS SUGGESTED IN THE REPORT OF SIR ARTHUR DICKINSON.

153. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if the memorandum on the subject of "Adoption of the system of accounts suggested in the Report of Sir Arthur Dickinson in State Railway Workshops" has been prepared (*vide* Government reply to question No. 78 (a) in the Council of State)?

(b) If so, will they please lay a copy of it on the table?

Mr. A. A. L. Parsons: The Honourable Member will find the memorandum reprinted in pages 29 to 37 of the proceedings of the Standing Finance Committee for Railways, Vol. V, No. 4, a copy of which is in the Library.

DISCONTINUANCE OF THE PRESENT LINE BETWEEN BAKULAHA AND REOTE RAILWAY STATIONS.

154. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to question No. 116 (c) and (d) in the Council of State on 19th September, 1928, on the subject of "Discontinuance of the present line between Bakulaha and Reote Railway Stations on the Bengal and North-Western Railway", will the Government be pleased to state if they have obtained the information from the Agent of the Railway?

(b) If so, will they please lay the information on the table?

Mr. A. A. L. Parsons: Yes. The land was taken up in 1925, but no compensation has yet been paid. The amount to be paid has not yet been settled by Government, who have appointed another special officer to report on certain points.

QUALIFICATIONS REQUIRED FOR THE REGISTRATION OF MEAT CONTRACTORS IN BOMBAY.

155. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if the report called for has been received (*vide* Government reply to questions Nos. 121, 122 and 123 in the Council of State on 21st September, 1928)?

(b) If so, will they please lay a copy of their report on the table?

Mr. G. M. Young: (a) and (b). The report has been received and the information promised to Sir Ebrahim Jaffer has been furnished to him. I am sending a copy to the Honourable Member.

INCREASE OF THE GRANT TO PRINCESS RAUNAQ ZAMANI BEGUM.

156. **Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government's reply to question No. 125 in the Council of State on 21st September, 1928, regarding "Increase of the grant to Princess Raunaq Zamani Begum, grand-daughter of the ex-King of Delhi", will the Government be pleased to state if the information regarding the matter has been collected?

(b) If so, will they please lay a copy of it on the table?

Sir Denys Bray: The information was furnished to the Honourable Member concerned in a letter, of which a copy is placed on the table.

No. D.-3124-C./28.

From—The Deputy Secretary to the Government of India in the Foreign and Political Department.

To—The Hon'ble Sir Ebrahim H. Jaffer, Kt., Haroon Mansion, Poona Cantonment.

Dated New Delhi, the 14th November, 1928.

Sir,

With reference to the reply given to your question in the Council of State, No. 5, I am directed to convey the following information:

(a) Yes. The quarters occupied by the Begum were condemned as unfit for human habitation and not likely to withstand rough weather. The Begum was therefore asked to vacate her quarters and move into a house to be engaged for her by the Commissioner of Police, Rangoon. This, however, the Begum refused to do.

(b) The house belongs to Government and the Begum pays no rent.

(c) The Begum is drawing a pension of Rs. 300 per mensem. The pension was raised from Rs. 200 to Rs. 300 in 1920. The Begum applied in October 1923 for an increase but in reply was informed by the Government of Burma that they could not see their way to move the Government of India on her behalf. The Begum was however given to understand that she could appeal to the Government of India, if she liked, against those orders, but no appeal has been received from her by the local Government against their orders refusing to move the Government of India to increase her pension.

- (d) & (e). In October 1926 the Begum applied for a motor car. As the Begum owns a brougham provided for her at Government expense and an Australian waler and the latter is a strong and healthy animal, which is quite capable of doing the work required of it, the local Government were unable to see their way to move the Government of India on her behalf in this matter.
- (f) The answer is in the negative. The Begum does rent the out-buildings attached to her present house for the stabling of gharries, carts, etc., but in the opinion of the local Government she does this not out of necessity, in view of the fact that she lives rent free and enjoys a pension of Rs. 300 a month.
- (g) & (h). There is no special grant for the maintenance of the descendants of the ex-King of Delhi. Charitable allowances of Rs. 10 per mensem for life have been granted to destitute persons among his descendants, but no fresh grants of this nature are now made. The allowances were granted in cases where the persons concerned were quite incapable of earning a livelihood and had no relations who were able and willing to support them.
- (i) It is not proposed to increase the allowances. The Burma Government report that it is not a fact that the cost of living has considerably increased in recent years and that index figures for cost of living in Rangoon indicate a substantial decline from 1921.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.) H. WILBERFORCE-BELL,

Deputy Secretary to the Government of India.

ALLEGATIONS AGAINST RAI SAHIB A. C. CHUNDER, A SUPERINTENDENT IN THE CENTRAL STATIONERY OFFICE, CALCUTTA.

157. **Mr. Satyendra Ohandra Mitra:** (a) Is the Honourable Member in charge of the Labour and Industries Department aware that a large number of questions was asked in this Assembly during the last two sessions, concerning the activities of the Superintendent Rai Saheb A. C. Chunder, I.D.S.M., of the Central Stationery Office, Calcutta?

(b) Is he aware that a large number of publications were issued in daily papers questioning the activities of that gentleman mentioned in (a) above?

(c) Will he be pleased to say whether any independent enquiry was made at any time to find out the truth of the allegations made in the Assembly and the press?

(d) If the answer to (c) above be in the negative, will the Honourable Member be pleased to state whether it is a fact that the Superintendent of the Stationery office furnished wrong facts in answer to questions put by me in this Assembly during the last Winter Session?

(e) If the answer to (d) above be in the affirmative, will the Honourable Member be pleased to say what step he has taken to prevent the recurrence of such a thing in future?

(f) If the answer to (c) above be in the affirmative, is the Honourable Member prepared to intimate the result of the enquiry?

(g) If the answer to (f) above be in the negative, will the Honourable Member be pleased to state the disciplinary measures taken against the Superintendent of the Central Stationery office?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Yes.

(c) The Controller has been asked to make an enquiry into the irregularities in regard to the appointment, confirmation and promotion of clerks in the Central Stationery Office.

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

(f) The enquiry has not yet been completed.

(g) Does not arise.

ALLEGATIONS AGAINST RAI SAHIB A. C. CHUNDER, A SUPERINTENDENT IN THE CENTRAL STATIONERY OFFICE, CALCUTTA.

158. **Mr. Satyendra Ohandra Mitra:** (a) Will the Honourable Member in charge of the Industries and Labour Department be pleased to state whether it is a fact that important papers and records, mostly relating to the appointments and confirmations in the Central Stationery Office, are found systematically missing?

(b) Is it a fact that the Superintendent of the Central Stationery Office is in charge of the General Branch of that office, which deals with establishment cases?

(c) If the answer to (b) above be in the affirmative, will the Honourable Member be pleased to say whether the Superintendent has been held responsible for such frequent missing of papers in the Central Stationery Office?

(d) If the answer to (c) above be in the affirmative, will he be pleased to say what disciplinary action has been taken against the Superintendent for such frequent missing of papers from the branch under his direct control?

(e) Is it a fact that he keeps all important papers in the almirahs under lock and key in his office room?

(f) Is it a fact that papers and records revealing utter neglect of duty or irregularities on his part, as pointed out in questions put in this Assembly in its last two sessions, are generally missing?

(g) Will the Honourable Member be pleased to state what measures were adopted by the Controller of Printing and Stationery to guard against such frequent missing of papers and records in the Central Stationery Office?

(h) If the reply to (g) above be in the negative, will the Honourable Member be pleased to state the circumstances which prevented the Controller from taking any action in this connection?

The Honourable Sir Bhupendra Nath Mitra: The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Central Stationery Office, and Government do not propose to call for information regarding these administrative details, which are matters for his discretion.

REORGANISATION OF THE CENTRAL STATIONERY OFFICE, CALCUTTA.

159. **Mr. Satyendra Ohandra Mitra:** (a) Will the Honourable Member in charge of the Industries and Labour Department be pleased to state whether it is a fact that the Central Stationery Office was last reorganised

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in January, 1925, under the direction of Mr. F. D. Ascoli, M.A., I.C.S., and a special officer deputed from the Industries and Labour Department for that purpose?

(b) Will he be pleased to put up a statement showing the strength of the Central Stationery Office and Store (officers and clerks in different grades):—(i) as it stood in March, 1925, after reorganisation, and, (ii) with additions temporary or permanent made at different times till the end of 1928?

(c) Will he be pleased to state whether it is a fact that a reorganisation scheme of the Central Stationery Office has been submitted to Government for sanction?

(d) If the answer to (c) above be in the affirmative, will he be pleased to state what additional strength (officers and clerks in different grades) has been proposed in the scheme recommended by the Industries and Labour Department?

(e) Is it a fact that the total cost of stationery supplied from the Central Stationery Office amounted to Rs. 62,52,000, Rs. 63,40,000 and Rs. 69,60,000 approximately during 1925-26, 1926-27 and 1927-28 respectively?

(f) Is it a fact that the reorganisation scheme submitted involves a recurring expenditure of about one lakh and twenty thousand rupees a year?

(g) Is it a fact that the increase of Rs. 6,20,000 approximately in 1927-28 over that of 1926-27 in the supply of stationery articles, requires the maintenance of a staff involving the expenditure as stated in (f) above?

(h) Does the Honourable Member propose to depute a special officer to enquire into the workings of the Central Stationery Office before the reorganisation scheme mentioned in (c) above is sanctioned?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Government regret that they cannot undertake the preparation of the statement desired by the Honourable Member.

(c) Yes.

(d) and (f). The information will be available to the Honourable Member from the proceedings of the Standing Finance Committee which will shortly be published.

(e) Yes, except that the figures for 1927-28 are not yet available.

(g) The additional staff is required for the additional work that has devolved upon the Central Stationery Office since the last reorganisation. The increase is not based solely on the increase in the value of stationery supplied by the office.

(h) Government have at present no such intention.

ALLEGED IRREGULARITIES IN APPOINTMENTS AND PROMOTIONS IN THE CENTRAL STATIONERY OFFICE, CALCUTTA.

160. Mr. Satyendra Chandra Mitra: (a) Will the Honourable Member be pleased to put up a statement showing:

(i) the names of persons, with dates of appointments in the Central Stationery Office, during 1925-26, with period or periods for which they were on probation,

(ii) the dates of confirmation of persons who were so appointed, with a remark in cases where confirmations were not made according to seniority of appointments in spite of the expiration of the probationary period or periods,

(iii) the number of vacancies in different grades till the end of 1928, and

(iv) the names of persons confirmed in these permanent vacancies, either by promotions in the office or recruitment from outside, with a remark in each case why the persons appointed on probation were not confirmed in these vacancies?

(b) Will he be pleased to state what steps have been taken by the Controller of Printing and Stationery to rectify these irregularities in confirmations where seniority in service has been ignored?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The collection of the information asked for in part (a) would entail an amount of time and trouble disproportionate to the result. The attention of the Honourable Member is invited to the reply given to questions Nos. 187 and 188 asked by him in the Legislative Assembly on the 4th September, 1928.

MEMORIAL OF THE MINISTERIAL STAFF OF THE FOUR OFFICES IN CALCUTTA UNDER THE CONTROLLER OF PRINTING AND STATIONERY.

161. Mr. Satyendra Chandra Mitra: (a) Will the Honourable Member in charge of the Industries and Labour Department be pleased to refer to question No. 541 at p. 687 of Vol. III, No. 8 of the Legislative Assembly Debates and say whether any action has since been taken on the memorial submitted by the ministerial staff of the four offices in Calcutta under the Controller of Printing and Stationery?

(b) If the answer to (a) above be in the negative, will he be pleased to state whether it is a fact that the memorial has been shelved because its consideration will clash with the sanction of the reorganisation scheme of the Central Stationery office also submitted to Government?

(c) If the answer to (b) above be in the negative, will he be pleased to state whether it is a fact that the reorganisation scheme has been submitted to the Standing Finance Committee for sanction?

The Honourable Sir Bhupendra Nath Mitra: (a) The memorial is under the consideration of Government.

(b) No.

(c) Government's proposals in connection with the reorganization scheme have been placed before the Standing Finance Committee.

EXPENDITURE INVOLVED BY THE PROPOSED REORGANISATION OF THE CENTRAL STATIONERY OFFICE, CALCUTTA.

162. Mr. Satyendra Chandra Mitra: (a) Will the Honourable Member in charge of the Industries and Labour Department be pleased to say (i) when the memorial from the staff of the Calcutta offices under the Controller of Printing and Stationery and (ii) the reorganisation scheme of the Central Stationery office were submitted to Government?

(b) Is it a fact that the reorganisation scheme contains the proposal for:

- (i) the enhancement of the salary of the Deputy Controller of Stationery,
- (ii) the creation of the post of a second Assistant Controller of Stationery,
- (iii) the creation of the post of an additional Head Assistant,
- (iv) the enhancement of the salary of the posts of Store Keeper and the Deputy Store-keeper of Stationery,
- (v) the creation of the post of a Store Supervisor,
- (vi) the creation of the posts of six senior assistants, and
- (vii) the creation of a number of posts in the assistants' grade as well as in the clerical grades in the Stationery Office?

(c) Will he be pleased to state separately the estimated annual expenditure involved in these two proposals (memorial and reorganisation) as recommended by the Controller of Printing and Stationery?

The Honourable Sir Bhupendra Nath Mitra: (a) The memorial of the clerical staff was submitted by the Controller of Printing and Stationery in the middle of September, 1928, and the reorganisation scheme of the Central Stationery Office on the 20th August, 1928.

(b) and (c). Government do not propose to publish the proposals made to them by the Controller.

SANCTION OF THE PERIODICAL INCREMENT OF SALARY OF THE SUPERINTENDENT, CENTRAL STATIONERY OFFICE, CALCUTTA.

163. Mr. Satyendra Chandra Mitra: (a) Will the Honourable Member in charge of the Industries and Labour Department be pleased to say whether there is any set of rules in the Central Stationery Office under which sanction to periodical increments in the different grades is withheld?

(b) Is it a fact that late attendance, or utter neglect of duty, or gross misconduct, generally leads to the stoppage of periodical increments of the clerks in the office?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The withholding of increments is governed by Fundamental Rule 24.

GRANT OF CONVEYANCE ALLOWANCE TO CLERKS OF THE GOVERNMENT OF INDIA NOT PROVIDED WITH QUARTERS IN NEW DELHI.

164. Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to question No. 138 (d) in the Council of State on 21st September, 1928, regarding "Grant of conveyance allowance to clerks of the Government of India not provided with quarters in New Delhi", will the Government be pleased to state if the question of the justification of the conveyance allowance has been re-examined?

(b) If so, will they please communicate the result of the examination to the House?

The Honourable Mr. J. Crerar: (a) Yes.

(b) It has been decided that the general policy must be to abolish this allowance as soon as it is possible to do so.

REPORTED CONSTRUCTION OF A STATION AT ALLAHABAD TO COPE WITH THE PILGRIM TRAFFIC TO THE KUMBH MELA.

165. Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the report published in the issue of the *Statesman* of January 9, 1929, page 10, under the heading "Kumbh-Mela—Proposed new station to cope with traffic"?

(b) If so, will they please state if the statement made therein, "the E. I. Railway contemplate the building of a new station, near the junction of the two rivers at Allahabad, sufficiently large to cope with the next Kumbhmela traffic and the rush of pilgrims during the mela", is correct?

Mr. A. A. L. Parsons: (a) Yes.

(b) There is no prospect of the remodelling, if it is undertaken, being completed by the time the next Kumbhmela takes place.

REPORTED DECREASE IN THE CUSTOMS REVENUE FOR DECEMBER.

166. Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the report published in the issue of the *Statesman* of January 10, 1929, page 7, under the heading "Customs Revenue—Big drop in December figures"?

(b) If so, will the Government please state if the figures reported are correct?

(c) If so, will they please state the cause or causes of the big drop in December figures, as reported?

The Honourable Sir George Schuster: (a) The reply is in the affirmative.

(b) The figures are substantially correct.

(c) The December figures usually show a considerable drop, as compared with the November ones, presumably due to Christmas holidays. I may add that the figure for November, 1928, was unusually high, making the drop in December, more noticeable.

MARKETING OF INDIAN TIMBER.

167. Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the report published in the issue of the *Statesman* of January 10, 1929, page 8, under the heading "Indian Timber"?

(b) If so, will they please state if they have considered the Tenth Report of the Imperial Economic Committee on "the preparing for markets and marketing of timber"?

(c) If so, have they arrived at any decision?

(d) If so, will they please communicate their decision to the House?

Mr. G. S. Bajpai: (a) Yes.

(b) to (d). So far as the Government of India's own forests are concerned, an active policy of utilising the demand abroad for their timbers is being pursued. The question, in so far as it affects the marketing of timbers to be found in provincial forests, is one for the Local Governments concerned to consider. The report referred to by the Honourable Member has been brought to the notice of Local Governments.

EXISTENCE OF SLAVERY IN PARTS OF BRITISH INDIA AND BURMA.

168. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the report published in the issue of the *Statesman*, of January 12, 1929, page 16, under the heading "Slavery abolished in Gwadur—British effort"?

(b) If so, will the Government please state if the statement made therein, "the slavery was abolished in all territories under the sway of the Sultan of Muscat", is correct?

(c) Will Government please also state if slavery still exists in parts of British India and Burma?

(d) If so, in what part or parts?

(e) If the answer to (c) be in the affirmative, will Government please state what steps they propose to take, and when, to abolish this moral evil from British India and Burma wherever it exists?

Sir Denys Bray: (a) and (b). Yes. Government have no information beyond that contained in the newspapers.

(c), (d) and (e). I would refer the Honourable Member to my answers to similar questions put by him on the 29th August, 1927 and 4th September last. The anti-slavery operations are being vigorously continued and expeditions are again visiting the affected areas.

DEATHS OF THE HONOURABLE MR. S. R. DAS AND LALA LAJPAT RAI.

The Honourable Mr. J. Orerar (Home Member): Mr. President, a passage in the speech which we have just heard from His Excellency the Governor General was a melancholy reminder of the fact that, since this House adjourned last September, the Indian Legislature has lost two of its prominent Members. In view of what has fallen from His Excellency, I propose, with your permission, to add only a very few words, though I should be most reluctant to pass over this occasion in silence. The late Law Member, the Honourable Mr. S. R. Das, was not a Member of this House, but he frequently occupied his place on this Bench and participated in our debates. I am sure every section of the House will unite in a real feeling of regret that his familiar figure will not be seen again in our midst. We on this Bench have to deplore in his death the loss of a colleague whose advice and assistance we found invaluable and whose genial and kindly temperament endeared him to us all. In him the country and this House have lost a distinguished lawyer and a generous and devoted son.

The death of Lala Lajpat Rai has deprived the House of one of its most conspicuous and striking personalities. Those of us—and I am among the number—who had the experience of taking part with him in debate, or the privilege of friendly and private conversations with him could not but have been impressed by his manifest sincerity and earnestness. Whatever political differences there might be—and I cannot disguise that in my own case they were often and necessarily profound—no one could fail to recognise his deep devotion to the causes he advocated and

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his intense and active solicitude for the poor, the weak and the suffering. This House will long be sensible of the vacancy which he has left and in him too the country will deplore the loss of an ardent and indefatigable spirit.

The sympathies of every Member present will, I am sure, flow forth in full measure to both the families which have been so grievously bereaved.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, with your permission I desire to associate this side of the House with what has been said by the Honourable the Home Member. The late Mr. S. R. Das, though not a Member of this Assembly, was often among us, and we had ample opportunities of meeting him and appreciating his high qualities. He brought with him a high reputation as a lawyer, which he maintained fully on the floor of this House. His genial disposition and his unfailing courtesy will, I am sure, be remembered by all with whom he came into contact. We join in offering his family our condolence and sincere sympathy which we beg you to convey to them.

By the death of Lala Lajpat Rai the public life of this country has suffered an irreparable loss. His activities in this House, remarkable as they were for the fearless exposition of popular rights, were but a trifle compared with the great services which he rendered to his country outside this House. Those services began at a time long before the birth of this Assembly under its present constitution and long before the birth of its weaker predecessors. From his early youth, Lala Lajpat Rai dedicated his life to the service of the land of his birth, and to the last breath that he breathed, he never faltered in carrying out the resolve to give to the country the best there was in him. He was universally loved and honoured for his intense patriotism and for his great sacrifices and sufferings for the cause so dear to him. He was not a mere politician, but a true statesman. Nor were his activities confined to the political sphere. He was a great educationist, an ardent reformer—in fact there was hardly any public movement of a nation-building character with which he was not associated closely and in which he did not take a prominent and an active part. His death, Sir, leaves a void in the public life of this country which it will be very difficult to fill in the near future. We on this side tender our mournful tribute of respect to his undying memory and our sincere condolence and sympathy to his family and to the nation at large.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I join the previous speakers in expressing our sincere regret at the loss which the country has sustained at the death of Mr. S. R. Das and Lala Lajpat Rai. Mr. S. R. Das was an earnest lover of his country. Unfortunately, we differed with him in our political views, but no one ever doubted the sincerity and the earnestness of his character, and no one ever doubted that he was as earnest a lover of the motherland as any one else. He was all his life anxious to promote the good of the country in the best way he could; and particularly he very well recognised the necessity of building up an institution on the model of the great public schools of England, wherein character would be attended to as much as intellectual education. It is to me, alike to many of us, a matter for sincere and deep regret that he should not have been able to see the fulfilment of the object for which he laboured.

[Pandit Madan Mohan Malaviya.]

incessantly and for which he had collected a large fund. I join with my friends in extending our sincere sympathy to the members of the bereaved family.

As for Lala Lajpat Rai, I do not know what I should say. His loss has been a severe blow to the country, and to many of us who were closely associated with him nearly all his life. I do not know of any other man who has lived within the last fifty or sixty years in India, who was a greater lover of his country than Lala Lajpat Rai. Sincere and earnest, intensely devoted to the cause of the motherland, from the earliest period of his life, from the time when he left college, there was one idea present in his mind, oppressing his mind. That was to raise his country from the unfortunate distressing position into which it has fallen to its proper place among the nations of the world. Leaving the college, he devoted the best part of his time and energy to the building up of that great institution which is known as the Dayanand Anglo-Vedic College at Lahore, for which he laboured along with Lala Hansraj. From the earliest period of his life he also took a prominent part in the politics of the country. In 1898 he wrote a pamphlet, an open letter to Sir Sayed Ahmad in which he poured forth his soul in the devotion of the motherland. And from that time up to the last moment of his life, as Pandit Motilal Nehru has said just now, up to the last breath of his life, there was one constant thought present in his mind and that was how to lift the country from its present position to its proper place among the several nations of the world. He was fearless in the advocacy of the cause of the country. He suffered much and unjustly in the service of the country. But never daunted, he pursued his course and pursued it to the last moment of his life. He was a great friend of education, he was a great friend of the depressed classes; there was no aspect of national life which did not appeal to him and which did not receive some part of his attention and devotion. In the field of religious reform, through the Arya Samaj he tried to build up character among his fellowmen; of social reform, he was a great preacher all his life; educational work he carried on wherever he was; and political work he devoted himself mainly to. Very few imagined that he would pass away so soon from our midst, after writing that book which will long be remembered, the "Unhappy India" in which he expressed in an unhappy frame of mind the present condition of his country. I have known, I have had the privilege of being associated with nearly all the best workers in this country during the last 50 or 60 years; but I have not known any one who was more intensely oppressed with the feeling that the country was so much in the present degraded position as Lala Lajpat Rai was. He was an extremely sensitive soul. He felt for the honour of the motherland as deeply as any other son of the motherland has done. He also felt the humiliation, the degradation, therefore all the more keenly. It was most deplorable that, just before his death, he should have received that disgraceful attack which was made upon him at Lahore. I saw him a few minutes after that attack was made. I was only a few paces behind him, at his request staying in the *tonga* because I was not sufficiently strong to be there. I wish to say it because it is due to his memory. Neither he nor I had of course the desire to take that demonstration to the station; but having received a silly and illegal order from the Magistrate of Lahore saying that those who went with the demonstration to the station would be arrested and be taken into custody, we thought that we could not leave the young

men and others who were going to make that demonstration, to share that fate alone and by themselves. We felt it our duty to go at the head of the demonstration. We felt that if the Government of India or the Governments of the provinces considered it their duty to invite Indians of position to greet or welcome the Simon Commission in order to prove to the world and to the Commission that there was a body of opinion which welcomed them, it was equally the right of the people, that is those who did not agree with the Commission and did not wish to welcome the Commission, to show to the Commission and to the world, that they did not welcome the Commission. We felt that there was nothing absolutely wrong about it, nothing illegal about it; and it was under that feeling that Lala Lajpat Rai headed the demonstration. I saw him a few minutes after the attack, and I am sorry to say, I saw him three times after that, but I never saw him happy again. It seemed that the effect and the shame of the attack had gone down deep into his heart, and it is a painful thought to me, as to so many others here, that his life should have ended with that unhappy thought in him, and that the Government of the Punjab and the Government of India should have lost the opportunity of making an apology to him for an attack which in any other country would have provoked the greatest indignation and would have made the Government bow to public opinion. I am sorry, Sir, I have been led away into these digressions . . .

Mr. President: You have been.

Pandit Madan Mohan Malaviya: But I felt they should be made here and were due to the memory of the late Lala Lajpat Rai. I mourn in him the loss of a personal friend and a very much venerated friend. His purity of character, his sincerity and earnestness, his intense devotion to the motherland, his fearless advocacy of the cause of the motherland, his earnest desire that India should be free and take its place among the comity of nations, have gone with him; but it has left this painful duty upon us that we should endeavour to do the best we can to achieve the object he had in view. Sir, I join with my friends in offering a tribute of respect to his memory and our sympathy to the members of his bereaved family.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I associate myself with all that has fallen from the previous speakers regarding the sad deaths of Mr. S. R. Das and Lala Lajpat Rai. Regarding Mr. S. R. Das, few of us suspected, when we left Simla last September, that we would not meet him here again, although many of us knew that Mr. Das was keeping very poor health. Our sympathy goes out to Mrs. S. R. Das in her great bereavement, and our sympathy is the greater because the lady could not see her husband alive, although she hastened from Bombay to Calcutta to see him before his death.

Regarding Lala Lajpat Rai, a lot, Sir, has been said before now both in the Press and on the platform. Lalaji's name will go down to future generations as one who gave the best in him for the uplift of India from her present condition. Pandit Madan Mohan Malaviya has referred to one of the most tragic incidents connected with Lala Lajpat Rai's death. All that I will say, Sir, is that each one of us, Indians on this side of the House at least, feels that the blow given to Lala Lajpat Rai, whatever the excuse might have been, for it was a blow given to each one of us. Such high-handedness would not be tolerated in any other country except under

[Sir Purshotamdas Thakurdas.]

the Indian constitution under which we are at present, and none of us will feel as if we had done anything for Lalaji's memory unless we do our best to get the present constitution changed to one which will make incidents like these impossible to occur in future. Sir, I associate myself, and the whole Party to which I have the honour to belong, with the Resolution that has been moved by the Honourable the Home Member.

Sir Darcy Lindsay (Bengal: European): Sir, on behalf of our Group I join in paying humble tribute to the memory of these two distinguished sons of India, whose loss she can very ill-afford. With Mr. S. R. Das I had a personal and intimate friendship of twenty years' standing. I am therefore in a better position to testify to his steadfastness of purpose and devotion, at great personal sacrifice, to the motherland he so dearly loved.

Lala Lajpat Rai was known to me only as a Member of the Assembly. While in some matters we might not have seen eye to eye with him, I can state with all sincerity that we always found him a generous and kindhearted friend and we admired him for the great vision he had so steadfastly before him of the advancement of India to nationhood and the upliftment of the masses. Sir, we join wholeheartedly in the expression of condolence that has been offered by other Members of the House.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): Sir, on behalf of the Central Moslem Party, I associate myself with the sympathy expressed by the different sides of the House with the families of the late Mr. S. R. Das and Lala Lajpat Rai. I had not the honour of associating much with Mr. S. R. Das, except in that noble cause, which he had so much at heart, of starting a public school for India. In that I had the privilege of meeting him quite often and noticing the enthusiasm which he showed in pushing on that most essential scheme for the building of the character of the youth of India on the lines of the English public school system. I was in fact greatly charmed with the manner in which he advocated that cause. As regards his other qualities, Sir, I know that he was an eminent lawyer before he came to the Government of India; but there was another side of his character, the nobility of his heart, of which I saw several proofs in my short association with him.

As regards the late Lala Lajpat Rai, I knew him more thoroughly than I knew Mr. S. R. Das. I need hardly say much on his enthusiasm in advocating the cause of his country, as several detailed and eloquent remarks have been made by previous speakers on the subject, but I must say this much, that whenever he was convinced of a matter, whether he had to change his mind, or whether he was to follow some previous scheme, he put his whole heart into the work before him. He was an earnest worker and whatever he did he did it most enthusiastically and sincerely. Some of his traits of character were specially pleasing to a man like myself because he resembled us in so many ways, and that is one great reason why I associate myself, on behalf of my Party, with the remarks passed about his work and character.

Mr. President: It is with a heavy heart that I rise to associate myself with the expressions of regret which we have just heard. In the death of Mr. Das the Government of India have lost a valued colleague, whose sincerity was beyond question, and whose courage of conviction was proverbial. India indeed has lost an eminent lawyer.

In the death of Lala Lajpat Rai this Assembly has lost a leader of the front rank. India has lost a true and a great nationalist and a fearless fighter in the cause of freedom.

Lala Lajpat Rai's death is not only a loss to this House and a loss to India, but a loss to the world. The world has lost a staunch internationalist who fought for human progress all round. It will be my duty to convey the condolences of the House to the families of the departed.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President: I have the honour to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act:

- The Hindu Inheritance (Removal of Disabilities) Act, 1928.
- The Indian Mines (Amendment) Act, 1928.
- The Indian Succession (Amendment) Act, 1928.
- The Indian Trade Unions (Amendment) Act, 1928.
- The Indian Income-tax (Amendment) Act, 1928.
- The Match Industry (Protection) Act, 1928.
- The Repealing and Amending Act, 1928.
- The Madras Salt (Amendment) Act, 1928.
- The Indian Insurance Companies Act, 1928.
- The Indian Succession (Second Amendment) Act, 1928.

BILL AMENDED BY THE COUNCIL OF STATE LAID ON THE TABLE.

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

"I am directed to inform you that the Bill to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate, which was passed by the Legislative Assembly on the 22nd March, 1928, was passed by the Council of State at its meeting held on the 26th September, 1928, with the amendments indicated in the attached statement.

The Council of State requests the concurrence of the Legislative Assembly in the amendments."

Sir, I lay on the table the Bill as amended by the Council of State.

Pandit Hirday Nath Kunzru (Agra Division: Non-Muhammadan, Rural): May I ask when the Honourable the Home Member proposes to make a statement with regard to the course of business for next week?

Mr. President: The Honourable Member might wait.

Pandit Hirday Nath Kunzru: I ventured to put the question as it was the usual custom to make the announcement immediately after question time, but if the Honourable Member chooses to make it later, I will wait till then.

STATEMENTS LAID ON THE TABLE.

NUMBER OF EMPLOYEES OF EACH COMMUNITY IN THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION IN INDIA.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to lay on the table the information promised in reply to questions Nos. 597 and 599 asked by Messrs. Gaya Prasad Singh and S. C. Mitra, respectively, on the 17th September, 1928, regarding the number of employees of the Office of the Director of Civil Aviation in India specifying their communities, etc.

Statement showing present substantive pay of the employees of the Civil Aviation Office and the date of their appointment to that Office.

No.	Name.	Community.	Designation.	Substantive pay.	Date of appointment to Civil Aviation Office.	Remarks.
				Rs.		
1	Mr. E. W. F. Rodgers.	Anglo-Indian.	Superintendent.	500	11th January 1927.	Transferred from the Department of Industries and Labour.
2	Mr. J. Hamilton.	Anglo-Indian.	Assistant.	390	5th December 1927.	Ditto.
3	Mr. Parmanand.	Hindu.	Assistant.	210	11th January 1927.	
4	Mr. Kidar Nath.	Hindu.	Assistant.	260	23rd January 1927.	
5	Mr. J. B. Fegredo.	Anglo-Indian.	Assistant.	152	27th February 1928.	Ditto.
6	Mr. U. P. Mukerjee.	Hindu.	Clerk.	79	11th January 1927.	
7	Miss M. Trutwein.	Anglo-Indian.	Clerk.	120	30th April 1927.	
8	Mr. Hamid Hasan.	Muhammadan.	Clerk.	75	16th January 1928.	
9	Mr. D. Iyer.	Hindu.	Stenographer.	190	12th April 1927.	
10	Mr. Muhammad Ahmad.	Muhammadan.	Draftsman.	100	18th January 1928.	

EXTRA PAY FOR ASSISTANT DIRECTORS-GENERAL OF THE POST OFFICE.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to lay on the table the information in supersession of the reply given on the 18th September, 1928, to the Supplementary Question to Starred Question No. 651 put by Mr. S. C. Mitra regarding extra pay for Assistant Directors-General of the Post Office.

The Assistant Directors-General of the Post Office receive a special pay of Rs. 125 or Rs. 150 as the case may be, in addition to their grade pay.

ELECTION OF THE PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move:

"That this Assembly do proceed to elect in the manner described in the rules published in the Home Department notification No. F. 49, dated the 22nd August, 1922, as amended by the Home Department notification No. D. 794-C, dated the 30th January, 1924, a panel consisting of 9 members from which the members of the Standing Committee to advise on subjects in the Department of Industries and Labour, will be nominated."

Mr. President: The question is:

"That this Assembly do proceed to elect in the manner described in the rules published in the Home Department notification No. F. 49, dated the 22nd August, 1922, as amended by the Home Department notification No. D. 794-C, dated the 30th January, 1924, a panel consisting of 9 members from which the members of the Standing Committee to advise on subjects in the Department of Industries and Labour, will be nominated."

The motion was adopted.

ELECTION OF A MEMBER TO REPRESENT THE LEGISLATIVE ASSEMBLY ON THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, a member to represent this House on the Council of the Indian Institute of Science, Bangalore, in pursuance of the provisions of clause 9, secondly, of the scheme for the administration and management of the properties and funds of the Institute, which was published in the Gazette of India with the notification from the Department of Industries and Labour, No. I-10(T), dated the 12th February, 1926, *vide* Sir P. S. Sivaswamy Aiyer, K.C.S.I., C.I.E., whose term of office has expired."

Mr. President: The question is:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, a member to represent this House on the Council of the Indian Institute of Science, Bangalore, in pursuance of the provisions of clause 9, secondly, of the scheme for the administration and management of the properties and funds of the Institute, which was published in the Gazette of India with the notification from the Department of Industries and Labour, No. I-10(T), dated the 12th February, 1926, *vide* Sir P. S. Sivaswamy Aiyer, K.C.S.I., C.I.E., whose term of office has expired."

The motion was adopted.

ELECTION OF FOUR MEMBERS FOR THE COMMITTEE ON PUBLIC ACCOUNTS.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move:

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, 4 Members to be members of the Committee on Public Accounts in place of the 4 members who have retired in accordance with sub-rule (4) of the same rule."

Mr. President: The question is:

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, 4 Members to be members of the Committee on Public Accounts in place of the 4 members who have retired in accordance with sub-rule (4) of the same rule."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR, THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE, AND THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President: I may inform the Members that, for the purpose of election of Members to the Standing Advisory Committee for the Department of Industries and Labour, the Council of the Indian Institute of Science, Bangalore, and the Public Accounts Committee, the Assembly office will be open to receive nominations up to 12 Noon on Wednesday the 30th January, 1929. The election for the Standing Advisory Committee for the Department of Industries and Labour, if necessary, will take place in this Chamber on Monday, the 4th February, 1929. The election for the Council of the Indian Institute of Science, if necessary, will be held on Tuesday, the 5th February, while the election for the Public Accounts Committee, if necessary, will take place on Wednesday, the 6th February, 1929. The elections will be held in accordance with the principle of proportional representation by means of the single transferable vote.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Orerar (Leader of the House): Sir, with your permission, I desire to make a statement as to the probable course of Government business in the week beginning February, the 4th. The House will sit, as at present arranged, on Monday, Tuesday, Wednesday and Thursday, all of which days have been allotted for Government business. On Monday, the 4th, a motion will be made to take into consideration the Bill to amend the Indian Limitation Act, as passed by the Council of State. Thereafter a motion will be made to refer to Select Committee the Bill to amend the Workmen's Compensation Act. On that day, if time permits, and otherwise on the following day, a motion will be made for leave to introduce the new Public Safety Bill, of which copies are being circulated to Honourable Members to-day. Copies will also be available from to-morrow in the Notice Office. If the motion is carried, I shall proceed to move that the Bill be referred to a Select Committee.

APOLOGY FROM MR. BYRT, CORRESPONDENT OF THE TIMES OF INDIA, AND FROM THE PROPRIETORS OF THE TIMES OF INDIA.

Mr. President: Before I adjourn the House, I should like to make reference to one matter. Honourable Members will recollect the circumstances in which the Leader of the Opposition brought to the notice of this House the conduct of two journalists in the Press Gallery during the last session. The charges against them were that they had made criticisms and remarks reflecting on the conduct of the Assembly and impartiality of the Chair.

After full discussion, the House unanimously left me to deal with the offenders, and I cancelled the Press Passes of Mr. Rice, of the *London Daily Telegraph* and of Mr. Byrt, of the *Times of India*. In doing so, I made it clear that neither of these journalists would be permitted to re-enter the Press Gallery until they and their respective newspapers had apologised in fitting terms for their conduct, and such apologies had received adequate publication in the Press.

I have now received an apology from Mr. Byrt, correspondent of the *Times of India*, as also an apology from the proprietors of the *Times of India*, and I propose to read them to the House:

Apology from the Proprietors of the Times of India:

Times of India,
Bombay,
21st January, 1929.

"To

The Honourable Mr. V. J. PATEL,
President of the Indian Legislative Assembly.

SIR,

In the record of the Proceedings of the Indian Legislative Assembly on 14th September last, there is a report of a discussion during which a certain Despatch appearing in the *Times of India* of 8th September was arraigned.

The passages quoted from the Despatch under reference were as follow:

I. (In reference to the establishment of a Separate Assembly Secretariat):

The Home Member this afternoon made his promised statement in reply to that by the President yesterday in regard to the institution of a separate Assembly Secretariat. A good deal of publicity has been done in preparation for this discussion, in order, apparently to prejudice the Government position. Your correspondent makes no suggestion that this publicity was inspired by anybody. When the subject began to fill the air some time ago he asked in a proper official quarter whether any information could be given about it and was given, as a courtesy to the President, a polite but decided answer in the negative.

II. (On the point of order raised when Government first desired to move for consideration of the Public Safety Bill):

The President then, without mentioning the Government's plea of urgency or referring to what the Law Member had said, ruled that as copies of the Bill had not been made available for three days the matter should stand over.

These passages have been interpreted as an insinuation of partiality against yourself as President of the Indian Legislative Assembly. May we assure you and the House without qualification, fully and frankly, that no insinuation of partiality was intended; and that anything in the Despatch in question which may seem to impute partiality is withdrawn without qualification; and we offer to yourself and to the House our apologies for the appearance in our columns of anything which was open to any such construction.

We have the honour to be,

SIR,

Yours faithfully,

(Sd.) BENNETT COLEMAN & CO.

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[Mr. President.]

Apology from Mr. Byrt:

The Times of India,
Swiss Hotel,
Delhi, 21st January, 1929.

To

The Honourable Mr. V. J. PATEL,
President of the Indian Legislative Assembly.

SIR,

In the record of the proceedings of the Indian Legislative Assembly, dated 14th September last, there is a report of a discussion during which a certain despatch of mine, which appeared in the *Times of India* of 8th September, was arraigned.

The passages quoted from the Despatch under reference were as follow:

I. (In reference to the establishment of a Separate Assembly Secretariat):

The Home Member this afternoon made his promised statement in reply to that by the President yesterday in regard to the institution of a separate Assembly Secretariat. A good deal of publicity has been done in preparation for this discussion, in order, apparently, to prejudice the Government position. Your correspondent makes no suggestion that this publicity was inspired by anybody. When the subject began to fill the air some time ago he asked in a proper official quarter whether any information could be given about it and was given, as a courtesy to the President, a polite but decided answer in the negative.

II. (On the point of order raised when Government first desired to move for consideration of the Public Safety Bill):

The President then, without mentioning the Government's plea of urgency or referring to what the Law Member had said, ruled that as copies of the Bill had not been made available for three days the matter should stand over.

These passages have been construed into allegations of partiality against yourself as President of the Indian Legislative Assembly.

I desire to assure you and the House, fully and frankly, that no allegation of partiality was intended; that I withdraw without qualification anything in the despatch in question which may seem to impute partiality; and that I offer you and the House my full and unqualified apology for anything in the despatch which was open to such construction.

I have the honour to be,
Sir,

Yours faithfully,

(Sd.) A. H. BYRT."

It would, in my opinion, have been more courteous to the Assembly as well as to the Chair if these apologies had been tendered at an earlier date instead of their being put off to this late hour, for it is now some four months since I made it clear that apologies would have to be made. I have, however, decided to accept these belated expressions of regret as a sufficient fulfilment of the first condition laid down in my order.

The second condition to be carried out by Mr. Byrt and his paper was to see that these letters of apology received due publication in the Press. This condition should also have been fulfilled along with the first, but having regard to the fact that an adequate apology has been made and will, in the ordinary course, find due publication, I have decided to excuse the omission. I, therefore, direct that the Secretary do issue the necessary Press Pass to Mr. Byrt on his compliance with the prescribed formalities.

REPORT OF THE ROYAL COMMISSION ON THE EAST AND CENTRAL AFRICAN TERRITORIES.

Pandit Hirday Nath Kunzru (Agra Division: Non-Muhammadian Rural):

Sir, may I ask the Honourable the Home Member whether Government propose to set apart a day for the discussion of a question of great importance, to which attention was drawn by His Excellency the Viceroy this morning. The Report of the Royal Commission on the East and Central African Territories has been made public very recently, and I need not say how important a document it is. It raises questions of fundamental importance; it raises questions which are of a very highly controversial character, which have aroused acute, bitter and prolonged controversies in this country and in East Africa. His Excellency announced that the matter would be referred to the Emigration Committee. Now, Sir, if in dealing with this Report we had had to deal only with a few details, that would have been a different matter; but, as I have already stated, the whole subject involves questions of far-reaching principle, and I doubt whether any Committee could properly dispose of these questions without their being first considered by this House.

There is also another matter to which reference was made by His Excellency the Viceroy this morning in this connection. His Excellency announced that it had been suggested to the Government of India that they should send a Member of the Indian Civil Service to Kenya, who would be a Member of the Kenya Executive Council temporarily for the discussion of the report of the Hilton Young Commission. This too is a question of great importance and deserves early consideration. I know, Sir, that there is a day set apart for the discussion of non-official Resolutions in February, but I take it that Government would like to proceed with this question with all possible despatch. The question may be referred to the Emigration Committee at a very early date, and I hope it will be so referred. For this reason, I would ask that Government should set apart a day for the discussion of this very important question, and I am emboldened to make this request because the Government of India have in the past tried on the whole to the best of their ability, to espouse our cause and to voice our opinions in regard to our grievances in East Africa. Our points of view being the same, I hope the Government will find no difficulty in acceding to our request.

The Honourable Mr. J. Orerar (Leader of the House): Sir, I shall be glad to consider the suggestion made by the Honourable Member, but I cannot give any definite promise on the point.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th January, 1929.

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LEGISLATIVE ASSEMBLY.

Tuesday, 29th January, 1929.

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

QUESTIONS AND ANSWERS.

FORMATION OF A CENTRAL COMMITTEE TO DEAL WITH THE PROBLEMS CONNECTED WITH JUTE.

123. *Mr. G. D. Birla: (a) Will Government be pleased to state what progress, if any, has been made on the recommendation of the Royal Commission on Agriculture in India that a Central Committee, on the lines of the Indian Central Cotton Committee, should be formed to deal with all problems connected with jute?

(b) If nothing has been done so far, will Government definitely state what their intentions are in regard to the formation of the Committee and its financing from Central Revenues as recommended by the Commission?

Mr. G. S. Bajpai: (a) and (b). The subject is still under consideration.

PREFERENCE FOR BRITISH EMPIRE MANUFACTURED GOODS.

124. *Mr. G. D. Birla: (a) Is it a fact that the British National Union of Manufacturers have made a representation to the High Commissioner for India in London, complaining that the draft rules for the supply of articles required for public services in India did not mention preference to the British Empire manufactured goods, and expressing a hope that the Government of India would fall in line with the normal practice of the Empire States in this connection?

(b) If the answer be in the affirmative, will Government be pleased to lay on the table copies of that representation and of the reply, if any, made by the High Commissioner thereto?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The letter is under consideration along with other criticisms received on the draft Stores Purchase Rules. Government do not consider that any useful purpose would be served by placing a copy of this letter on the table of the House, at any rate at this stage.

†125.*

† For this question and its answer, see at the end of questions for the day.

ALLEGED UNDER-ASSESSMENT OF PIECE-GOODS IN THE KARACHI CUSTOMS HOUSE.

126. *Mr. Lalchand Navalrai: (a) Has the attention of the Government been drawn to a letter under the heading "A customs complaint", signed by Tarasing Begsing, published in the *New Times*, Karachi, dated the 20th October, 1928, regarding under-assessment of piece-goods in the Karachi Customs House?

(b) Is it a fact that the cases of short assessment were brought to the notice of the Collector of Customs, Karachi?

(c) Has the Collector of Customs come to any conclusion? If so, which?

(d) In view of the systematic fraud alleged, do Government propose to undertake a thorough inquiry to shift out the truth as early as possible?

The Honourable Sir George Schuster: (a) The Government have seen the letter.

(b) and (c). Certain allegations were made to the Collector of Customs, Karachi, which were carefully investigated but proved to be without foundation.

(d) In view of the answer to (b) and (c) above, the question does not arise.

NUMBERS OF VARIOUS COMMUNITIES EMPLOYED IN THE CUSTOMS HOUSE, KARACHI.

127. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state the total strength of clerks, examiners and appraisers in the Karachi Customs House, their nationality and the province to which they belong?

(b) Will Government be pleased to state:

(i) How many vacancies of appraisers, examiners, preventive officers and clerks have fallen vacant during the last five years in the Karachi Customs House?

(ii) How many have been conferred on:

(1) Sindhis?

(2) Madrasis?

(3) Europeans and Anglo-Indians?

(4) Parsis and other non-Sindhis?

The Honourable Sir George Schuster: With your permission, I will deal with questions Nos. 127 to 130. The information is being collected and will be supplied to the Honourable Member on receipt.

EMPLOYMENT OF SINDHI GRADUATES IN THE CUSTOMS HOUSE AT KARACHI.

128. *Mr. Lalchand Navalrai: (a) Are Government aware that there is much unemployment amongst the educated Sindhis in the Province of Sind?

(b) Have Sindhi graduates applied for posts in the Karachi Customs House and have any Sindhi graduates been taken up?

† For answer to this question, see answer to question No. 127.

(c) Do Government propose to encourage the entry of Sindhi graduates in the Department?

(d) Is it a fact that there is discontent among the examiners of the Karachi Customs House owing to much direct recruitment of appraisers in the Karachi Customs House?

(e) Has any such direct recruitment taken place since January, 1928? If so, how many persons have been so employed and for what reasons?

(f) Do Government propose to take steps to remove the complaint?

FREQUENT TRANSFER OF EXAMINERS WORKING IN THE IMPORT YARD OF THE CUSTOMS HOUSE, KARACHI.

129. *Mr. Lalchand Navalrai: (a) Is it a fact that examiners working in the Import Yard of the Karachi Customs House are subject to weekly transfer? If so, what are the reasons for it?

(b) Is it a fact that the public object to such a course and complain of inconvenience?

(c) What steps do Government propose to take in the matter?

SHORTAGE OF APPRAISERS AND EXAMINERS IN THE CUSTOMS HOUSE AT KARACHI.

130. *Mr. Lalchand Navalrai: (a) Are Government aware that, owing to shortage in the number of appraisers and examiners in the Karachi Customs House, the Indian dealers are put to inconvenience owing to their goods being detained?

(b) Have any proposals been submitted for the strengthening of the establishment in these branches?

(c) If the reply be in the affirmative, when are the proposals likely to be sanctioned?

(d) If the reply be in the negative, do Government propose to call for a report from the Collector of Customs, Karachi, whether an increase in the number of appraisers and examiners is required, and pass necessary orders?

PAY OF EXAMINERS OF THE CUSTOMS HOUSE, KARACHI.

131. *Mr. Lalchand Navalrai: Will Government be pleased to state if the maximum pay fixed for the Preventive Officers of the Karachi Customs House will be given also to the examiners of the Karachi Customs House? If the reply be in the negative, will the Government be pleased to give reasons?

The Honourable Sir George Schuster: The answer to the first part of the question is in the negative.

The reason for allowing a higher maximum rate in the case of Preventive Officers is that their duties are liable to be more arduous and responsible than those of examiners.

RULES FOR RETIREMENT OF SUBORDINATE OFFICERS.

132. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state what stage the proposal regarding subordinates retiring on half pay pension after 25 years has reached?

(b) Do Government contemplate giving a gratuity and bonus to the subordinate officers in lieu of pension?

† For answer to this question, see answer to question No. 127.

The Honourable Sir George Schuster: (a) No proposal answering exactly to the description given in this part of the question is under the consideration of the Government of India. There is a proposal to base pension upon 25 years' actual duty instead of 30 years' service (including both duty and leave) as at present, but this is mainly a formal change, as 25 years' duty will generally imply 30 years' service.

(b) This is a matter which has been under examination for some time, and a stage has been reached at which the Government of India will shortly consult Local Governments, and probably service associations also, in regard to certain definite proposals which have been drawn up, involving the substitution, in whole or part, of Provident Funds for pension.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say when these rules regarding pension are likely to come out?

The Honourable Sir George Schuster: That I am afraid is a question which I cannot answer.

SAVINGS IN PENSIONS DUE TO EARLY DEATHS OF SUBORDINATES IN THE CUSTOMS HOUSE, KARACHI.

133. ***Mr. Lalchand Navalrai:** What are the savings in pensions due to early deaths of subordinates in the Customs House, Karachi, during the last 10 years?

The Honourable Sir George Schuster: The Government of India are unable to supply the information required, but have satisfied themselves that the mortality among the officers named has not been abnormal in the period mentioned.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state what are the reasons for not supplying the information?

The Honourable Sir George Schuster: The information is not available. It is not part of the business of the Government to make calculations of the kind referred to in the question.

Mr. Lalchand Navalrai: Am I to understand that the Government is not to give us any information which requires calculation?

The Honourable Sir George Schuster: I can give the Honourable Member exact figures of the deaths and the numbers of the staff and I think that, with these, perhaps he can make his own calculation.

Year.	Total strength.				Total number of deaths.
1918-19	..	..	..	..	192
1919-20	..	..	..	..	192
1920-21	..	..	..	..	196
1921-22	..	..	..	..	199
1922-23	..	..	..	..	245
1923-24	..	..	..	..	245
1924-25	..	..	..	..	246
1925-26	..	..	..	..	248
1926-27	..	..	..	..	252
1927-28	..	..	..	..	258

That is to say, in the last five years there have been only three deaths and the figures show progressive improvement.

AUTHORITY OF AGENTS OF STATE RAILWAYS IN REGARD TO MISUSE OF GOVERNMENT STORES.

134. ***Mr. Lalchand Navalrai:** Will Government be pleased to state:

(a) Which are those matters in which the Agents of the State Railways are the final authority for deciding them?

(b) Under what authority are they so empowered?

(c) With reference to starred question No. 83 by the Honourable Maulvi Muhammad Yakub, on Wednesday, the 6th September, 1928, will the Government be pleased to state under what rule or authority the decision of the Agent on matters as to the misuse of Government stores is held to be final?

(d) With reference to the supplementary question to the above Question No. 83 by Lieutenant-Colonel H. A. J. Gidney, will the Government be pleased to state under what rule or order the Railway Board is authorised not to interfere in such matters when they come to the notice of the Railway Board?

(e) Will Government be pleased to state which are the matters in which the Railway Board is authorised to interfere with the decision of the Agents, and which are left to be finally decided by them?

Mr. A. A. L. Parsons: (a) I am sending the Honourable Member a copy of the schedule of powers of Agents of State Railways in establishment matters, and am having copies of the schedule placed in the Library.

(b) By the authority of the Government of India.

(c) and (d). Under the schedule of powers, to which I have referred, Agents have full powers to deal with all establishment matters in which the previous sanction of the Railway Board, or of a higher authority, is not required under the provisions of the schedule; it was not required in the case mentioned by the Honourable Member.

(e) The schedule of powers which I have mentioned shows the cases in which the final decision is not left to Agents.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say if the Railway Board has a right to review the orders of the Agent?

Mr. A. A. L. Parsons: The Railway Board could, in exercise of its general powers of supervision, look into any particular establishment case which had been decided by the Agent of a State-managed Railway. Naturally they do not ordinarily interfere in matters of this kind.

ASSESSMENT ON A FICTITIOUS BASIS OF FARES ON THE LARKANA-JACOBABAD RAILWAY.

135. ***Mr. Lalchand Navalrai:** (a) Are Government aware that, on the Larkana-Jacobabad Railway, the railway fares are assessed on a fictitious mileage?

(b) Will Government be pleased to state what is the actual mileage between Larkana and Shahdadkot, and for how many miles the passengers of all classes are actually charged?

(c) If it is a fact that the fare and goods freight are charged on an exaggerated mileage, will Government be pleased to state since when this practice has been going on and why?

(d) Will Government be pleased to state if there are any other railways in India where such a system is in force? If so, where?

(e) Is it a fact that guards and drivers on the aforesaid loop line are paid allowances, calculated on the actual mileage, and not the exaggerated one for which the passengers are charged fare and goods freight?

(f) Do Government propose to direct that the fare should be charged on the actual mileage?

Mr. A. A. L. Parsons: (a) An additional mileage charge of 50 per cent. in excess of the actual mileage is levied for both passenger fares and goods rates on the Larkana-Jacobabad Railway.

(b) The actual mileage between Larkana and Shahdadt Kot is 31½ miles and the distance for charge is 48 miles.

(c) The additional mileage has been charged since the opening of the Larkana-Jacobabad Railway in 1922. Such additional charge is made on certain sections of lines where either the cost of construction or the working expenses, or both, are higher than usual and a return on the outlay incurred cannot otherwise be obtained.

(d) Yes, on certain other sections of the North Western Railway and on certain sections of the Assam Bengal, Bombay, Baroda and Central India, East Indian, Great Indian Peninsula, the Burma Railways and the Gakwar's Baroda State Railway.

(e) Guards are paid mileage allowances for 100 miles for 8 hours' work for trains between Larkana and Silra Shahdadt Kot, and double the actual mileage for trains running through to Dadapur; such trains being considered as van goods trains. This is in conformity with the mileage allowance paid to guards on the rest of the North Western Railway system. Drivers are paid allowances on the actual mileage.

(f) No.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say why the actual charge on the mileage is not made at a higher rate instead of charging the exaggerated rate?

Mr. A. A. L. Parsons: Does the Honourable Member refer to the mileage allowances paid to guards and drivers?

Mr. Lalchand Navalrai: I am referring to (b) and (c) of the question.

Mr. A. A. L. Parsons: For the reason I have given. This was an expensive section of line to build and therefore if we charged merely the ordinary mileage we should not get a return on the money invested.

Mr. Lalchand Navalrai: My question is why is not the higher rate charged instead of charging on an incorrect mileage.

Mr. A. A. L. Parsons: It happens to be the method by which we work out the higher rate.

RECRUITMENT BY SELECTION OF SUBORDINATES ON THE NORTH WESTERN RAILWAY, KARACHI SECTION.

136. ***Mr. Lalchand Navalrai:** (a) Is it a fact that recruitment of subordinates in the North Western Railway, Karachi section, is made by selection and a list of selected candidates in order maintained?

(b) If the answer be in the affirmative, will Government be pleased to place on the table lists of the 2 selections prior to the last one, together with a statement showing which of the candidates out of these lists have already been provided with appointments?

(c) Were the appointments given in the order in which candidates were selected? If not, why not, and has it not created discontent?

(d) Is it a fact that, before the list of prior selections is exhausted, new candidates are selected and made to supersede the old selected candidates? If so, what are the reasons for it?

(e) Do Government propose to take measures to allay the discontent created by such treatment?

Mr. A. A. L. Parsons: I propose, with your permission, Sir, to reply to questions Nos. 136 and 137 together, I am obtaining the information for which the Honourable Member asks and will communicate it to him on receipt.

SELECTION OF CANDIDATES FOR EMPLOYMENT BY THE NORTH WESTERN RAILWAY AT KARACHI.

137. ***Mr. Lalchand Navalrai:** (a) Is it a fact that the Railway Department of the North Western Railway, Karachi section, had recognized the superiority of Bombay education to that of the Punjab and treated the qualification of a candidate having passed the 6th Standard English Examination in Bombay Presidency as equivalent to the Matriculation of the Punjab University?

(b) Was any selection actually made on that principle?

(c) Is it a fact that this principle was departed from at the latest selection at Karachi? If so, why?

(d) Is it a fact that, at the latest selection at Karachi, five candidates were selected, and even though two candidates appeared with Bombay Matriculation certificates, all the five candidates with Punjab Matriculation were preferred? If so, why?

REDUCTION OF INTERMEDIATE CLASS FARES ON THE NORTH WESTERN RAILWAY.

138. ***Mr. Lalchand Navalrai:** Will Government be pleased to state:

(a) When were the revisions made in Railway fares on the North Western Railway during the last 10 years?

(b) Was any reduction made in first, second and third class fares? If so, how much?

(c) Was any reduction made in the intermediate class fares at the time of the last revision or the one previous to it? If not, what were the reasons for not doing so?

(d) Is it a fact that, during the last 10 years, no reduction has been made in the intermediate class fares? If not, why not?

(e) Do Government propose in the interests of the middle class people who use the intermediate class, to revise and reduce the intermediate class fares? If so, when?

Mr. A. A. L. Parsons: (a) A statement giving the information is laid on the table.

(b) Yes. The statement shows the reductions.

(c) and (d). Intermediate class fares for distances over 50 miles were reduced on 1st April 1926.

(e) No further reduction in intermediate class fares on the North Western Railway is at present contemplated.

Statement showing fares in force over the North Western Railway during the last ten years.

1st class.			2nd class.			Inter class.			Third class.		
Date of revision.	Fares in force.	Pies per mile.	Date of revision.	Fares in force.	Pies per mile.	Date of revision.	Fares in force.	Pies per mile.	Date of revision.	Fares in force.	Pies per mile.
Prior to 1922.	All distances.	18	Prior to 1922.	All distances.	9	Prior to 1922.	All distances.	4½	Prior to June 1922.	All distances.	3
1st January 1922.	1-300 miles.	24	1st January 1922.	1-300 miles.	12	1st January 1922.	By Bombay and Calcutta mail trains—		1st June 1922.	All distances.	3½
	301 and over.	18		301 and over.	9		1-300 miles.	6	1st April 1926.	1-50 miles.	3½
1st April 1926.	All distances.	18	1st April 1926.	All distances.	9		301 and over.	4½		51 and over.	3
1st February 1927.	1-300 miles.	18	1st February 1927.	1-300 miles.	9		By other trains—		1st February 1927.	1-50 miles.	3½
	301 and over.	12		301 and over.	6	1st June 1922.	All trains—	4½		51-800 miles.	3
							All distances.	5		301 and over.	2
						1st April 1926.	1-50 miles.	5	1st April 1926.	1-50 miles.	3½
							51 and over.	4½		51-300.	2½
										301 and over.	1½

ABOLITION OF RESERVED INTERMEDIATE CLASS COMPARTMENTS FOR ANGLO-INDIANS ON THE NORTH WESTERN RAILWAY.

139. ***Mr. Lalchand Navalrai:** (a) Are Government aware that, on account of there being no sufficient accommodation, intermediate class carriages on the North Western Railway are overcrowded on the main line between Peshawar and Delhi and the Punjab-Sind sections?

(b) Is it a fact that intermediate class compartments are still reserved for Anglo-Indians on some sections of the North Western Railway? If so, where?

(c) Is it a fact that such compartments are not frequently used by the Anglo-Indians and often run empty, whereas those for Indians go crowded?

(d) Do Government propose to do away entirely with this racial discrimination and also provide sufficient accommodation for intermediate class passengers?

Mr. A. A. L. Parsons: (a) Periodical checks which have been made by the North Western Railway show that overcrowding in intermediate class carriages does not occur on these sections.

(b) No.

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

COOLING OF RAILWAY CARRIAGES.

140. ***Mr. Lalchand Navalrai:** (a) Are Government aware that there was a system for cooling the compartments of railway carriages, by *tatties* fixed to the windows, before electric fans were introduced on the North Western Railway?

(b) Will Government be pleased to state if there is any cooling system in railway carriages now in practice on any railway in India? If so, which?

(c) Do Government propose to introduce on the North Western Railway the old system of *tatties*, or some other scientific method, in addition to the electric fans, to relieve the passengers from inconvenience during the hot season?

Mr. A. A. L. Parsons: (a) Yes.

(b) No.

(c) No. The *tatties* system was dirty and ineffective, and the expense of other systems is at present prohibitive.

EMPLOYMENT OF SINDHIS ON THE NORTH WESTERN RAILWAY.

141. ***Mr. Lalchand Navalrai:** (a) Has the attention of Government been drawn to an article published in the *Sind Observer*, Karachi, dated the 4th August, 1928, headed "Sindhis in the North Western Railway service", regarding Sindhis not being given a due proportion of appointments in the railway services?

(b) Is it a fact that only 25 per cent. of the staff employed in the Karachi Division of the North Western Railway are Sindhis, the rest being non-Sindhis; whereas in the other six divisions of the North Western Railway, the staff is almost wholly composed of non-Sindhis, the Sind element being hardly one per cent?

(c) If the answer be in the negative, will Government be pleased to state the proportion of Sindhis in each division of the North Western Railway?

Mr. A. A. L. Parsons: (a) Yes.

(b) and (c). I am seeing if the information can be obtained for the Honourable Member without imposing undue labour on the North Western Railway Administration, and will communicate with him in due course. The statistics ordinarily maintained by railways do not show the localities from which individual members of the staff come.

RECRUITMENT AT LAHORE OF NON-SINDHIS FOR EMPLOYMENT ON THE NORTH WESTERN RAILWAY.

142. ***Mr. Lalchand Navalrai:** (a) Is it a fact that appointments on the North Western Railway are being made as a rule at Lahore in the Punjab which is the headquarters of the North Western Railway?

(b) Is it a fact that the head clerks and heads of sections in the Head Office at Lahore are almost all non-Sindhis?

Mr. A. A. L. Parsons: (a) The selection of candidates for appointments is as a rule made at headquarters, except for posts which are controlled by Divisional Superintendents and in which service is generally confined to the Division in which recruitment is made.

(b) Yes only one of the head clerks is a Sindhi.

EMPLOYMENT OF SINDHIS AS HEAD CLERKS AND HEADS OF SECTIONS IN DIVISIONAL SUPERINTENDENTS' OFFICES ON THE NORTH WESTERN RAILWAY.

143. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state the number of Sindhis and non-Sindhis as head clerks and heads of the sections in the Divisional Superintendents' Offices in all the 7 Divisions of the North Western Railway?

(b) Do Government propose to see their way to allot a just proportion of recruitments to equally deserving Sindhis in the Head Office and the Divisional Superintendents' Offices in all the 7 Divisions, and on the loop lines, especially in Sind?

Mr. A. A. L. Parsons: (a) There are 10 Sindhi and 99 non-Sindhi head clerks and 19 Sindhi and 109 non-Sindhi sub-heads.

(b) Government do not consider that it would be desirable specifically to distribute appointments which become vacant on any area basis such as is suggested by the Honourable Member. I notice, however, that out of 10 head clerks on the Karachi Division 8 are actually Sindhis, and out of 18 sub-heads 15 are Sindhis.

RESIDENTS OF SIND EMPLOYED AS OFFICERS OR SUBORDINATES IN THE RAILWAY BOARD.

144. ***Mr. Lalchand Navalrai:** Will Government be pleased to state if there are any officers or subordinates in the offices of the Railway Board who are residents of Sind?

Mr. A. A. L. Parsons: There is one clerk.

RAILWAY TRAINING SCHOOL FOR THE CONVENIENCE OF SIND SUBORDINATE RAILWAY SERVANTS.

145. ***Mr. Lalchand Navalrai:** Will Government be pleased to state:

(a) If there was a Railway Training School for the convenience of Sind subordinate railway servants at Sukkur, North Western Railway?

(b) If so, from what year to what year was it in existence?

(c) Is it a fact that, after the close of the Sukkur Training School, one was opened at Kotri, North Western Railway?

(d) If so, when was it closed and for what reasons?

(e) Was there any similar Railway Training School in the Punjab simultaneously with those at Sukkur and Kotri?

Mr. A. A. L. Parsons: (a) and (b). There was a training school for railway telegraphists in Sukkur from some time before 1895 until December 1908, when it was closed. It was not specially for Sindhis, but to meet the demand for signallers on the whole of the North Western Railway.

(c) and (d). A school was opened at Kotri in May 1917 to meet the demand for signallers required overseas in Mesopotamia and East Africa. It was closed in September 1919.

(e) Yes, at Lahore and Saharanpur.

EMPLOYMENT OF A SINDHI INSTRUCTOR AT THE LYALLPUR TRAINING SCHOOL FOR THE BENEFIT OF SINDHI STUDENTS.

146. ***Mr. Lalchand Navalrai:** (a) Is it a fact that the Sind Railway subordinates have now to go a long way off to Lyallpur in the Punjab for their training?

(b) What is the number of the persons from Sind and Baluchistan who attended for training at the Lyallpur School during each year since the opening of that school?

(c) How much allowance does each Sindhi student get at the Lyallpur School?

(d) Are Government prepared to make enquiries if this allowance is found to be insufficient for a Sindhi to live upon, and whether the Sindhis complain of it?

(e) Is there any Sindhi Instructor, Superintendent, or Lecturer in the Lyallpur School for the benefit of the Sindhi students?

(f) If the answer be in the negative, are Government prepared to appoint some Sindhis to facilitate instruction being imparted to the Sindhi students?

Mr. A. A. L. Parsons: (a) They have to go to Lyallpur.

(b) 176 in 1927 and 198 in 1928.

(c) From Rs. 18 to 22 per mensem.

(d) No complaints have been received. Government are not prepared to make enquiries.

(e) There is one Sindhi Instructor in the school.

(f) Does not arise.

Mr. Lalchand Navalrai: According to my information, Sir, there is a necessity for making an enquiry. Complaints have been received by me. Would the Government therefore undertake an enquiry?

Mr. A. A. L. Parsons: I see no reason to undertake an enquiry when complaints have not been received by the Agent of the North Western Railway, who would be the natural authority to whom they should be made.

APPOINTMENT OF GUARDS ON THE NORTH WESTERN RAILWAY TO BE STATION MASTERS.

147. ***Mr. Lalchand Navalrai:** Will Government be pleased to state:

- (a) If it is a fact that the guards on the North Western Railway are transferred from their cadre as station masters and supersede the station masters already working on the line?
- (b) Are the station masters similarly transferred to the guards cadre?
- (c) Are Government aware that the system of transferring and making the guards supersede the station masters has caused great discontent amongst the station masters?
- (d) If the answer be in the affirmative, do Government propose to put a stop to this system?
- (e) If the answer be in the negative, are Government prepared to undertake an enquiry into the matter?

Mr. A. A. L. Parsons: (a) No.

(b) There is no restriction to such transfers if the exigencies of the service permit.

(c) No.

(d) Does not arise.

(e) Enquiry has been made from the North Western Railway Administration who report that they are not aware of any such discontent.

PROPORTION OF VARIOUS COMMUNITIES EMPLOYED IN THE TRAFFIC DEPARTMENT OF THE NORTH WESTERN RAILWAY.

148. ***Mr. Lalchand Navalrai:** (a) With reference to the answer given to me by Mr. Parsons in September, 1928, referring me for information to the report on the Indian Railways for 1926-27, are Government aware that Volume I, Appendix F, of the said report indicates the following number of Railway Gazetted Officers belonging to their respective classes in the Transportation Department on the North Western Railway in 1927?

Europeans.	Hindus.	Muslims.	Anglo-Indians.	Other classes.
41	9	18	3	2

(b) Is it a fact that, according to the same report, the number of the subordinates in the Transportation Department of the North Western Railway drawing Rs. 250 per mensem or over was as follows?

Europeans.	Hindus.	Muslims.	Anglo-Indians.	Other classes.
100	35	14	122	27

(c) In view of the aforesaid disproportion of appointments amongst the aforesaid classes, do Government propose in future to confer these posts on these respective classes on a more equitable basis?

Mr. A. A. L. Parsons: (a) The number of Muslims is 8, of Anglo-Indians 1; otherwise the Honourable Member's question correctly repeats the figures in the Appendix.

(b) Yes.

(c) The principles which now govern recruitment to both the Gazetted and non-Gazetted railway services are, I think, well known to the Honourable Member, and Government cannot admit that there is anything inequitable in them.

LOSS TO CLAIMANTS AGAINST THE GREAT INDIAN PENINSULA RAILWAY FOLLOWING THE DECISION IN HIRACHAND V. THE GREAT INDIAN PENINSULA RAILWAY.

149. ***Mr. N. C. Kelkar:** (a) Has the attention of Government been drawn to the following remarks of the Bombay High Court, in the case of *Hirachand versus Great Indian Peninsula Railway*, reported at page 977 of 30 Bombay Law Reports?

"It appears unnecessary that the plaintiff should give two notices, one to the railway administration in certain cases and the other to the Secretary of State under section 80 of the Civil Procedure Code for securing the same object. But it is a matter for the Legislature to consider whether, in the case of a suit against a railway belonging to the State, it is necessary to give notice under section 80 of the Civil Procedure Code when notice of claim is given under sections 77 and 140 of the Indian Railways Act. We have, however, to give effect to the wide language of section 80 which does not admit of any exception."

(b) Is it a fact that representations were made by a number of people to the Law Member to the Government of India at Simla, on the subject contained in the remarks above quoted? Will Government state whether any and what reply was given to the applicants?

(c) Has the attention of Government been drawn to the contention that the demand for a second notice is inequitable, and has already caused wrongful loss to a number of claimants against the Great Indian Peninsula Railway, and that it is likely to cause further such loss, unless some preventive or remedial action is taken?

(d) Do Government propose to make enquiries and give information to this House about the number of suits in different law courts, in which a plea of want of second notice led to dismissal of suits on technical grounds relating thereto and the claims involved in them?

Mr. A. A. L. Parsons: (a) Yes.

(b), (c) and (d). There is no record of any representations on this subject having been made to the late Honourable the Law Member, but I should like, with your permission, Sir, to take the opportunity afforded to me by the Honourable Member's question, to explain the attitude of Government in this matter, first premising, more particularly with reference to part (c) of his question, that the objects of notices under section 77 of the Railway Act and section 80 of the Civil Procedure Code are different.

The first is a notice of claim, the object of which is to enable the railway administration to investigate the factum and validity of the claim; the second is a notice of suit, the object of which is to give the Secretary of State an opportunity to reconsider his legal position and make amends or settle the suit, if so advised, without litigation. It may, therefore, be just and necessary in certain cases that both the notices should be given, and the contention that a notice under section 80 of the Civil Procedure Code is inequitable in all cases cannot be accepted as sound.

When this matter was brought to notice by the Honourable Member's question and by the Bill to amend the Indian Civil Procedure Code, Act V of 1908, of which he has given notice, Government sought the advice of their legal authorities whether an amendment of the Civil Procedure Code was actually necessary. The advice given to them was as follows:

"The Great Indian Peninsula Railway was taken over by the State on the 1st July 1925, and all claims which were in existence on that date have been either settled, or brought into court, or have become barred by limitation. The only claims immediately at issue are, therefore, those which were *sub judice* on the date of transfer of the Great Indian Peninsula Railway from the Great Indian Peninsula Railway Company to the Secretary of State. With regard to these claims, it is always open to Government, if they so desire, to waive the notice required under section 80 of the Civil Procedure Code, (*vide* Indian Law Reports, 40 Calcutta, page 503), and this appears to be the simplest way of meeting the object of the Bill, of which the Honourable Member has given notice."

In accordance with this advice, instructions have been issued to the Agent of the Great Indian Peninsula Railway that, in any cases, *i.e.*, those which were *sub judice* on the date of transfer of the Great Indian Peninsula Railway from the Great Indian Peninsula Railway Company to the Secretary of State, the notice required under section 80 of the Civil Procedure Code should be waived; and similar instructions have just been issued to the Agent of the Burma Railways, which have just been taken over by Government. When, and if, any further railways are transferred from Company to State management, similar instructions will be issued.

2. These orders will, I think, meet the object which the Honourable Member has in view, except to the extent that he has proposed that retrospective effect should be given from the date on which the Great Indian Peninsula Railway was transferred to State management. Government will be prepared to consider the reimbursement of any expense which may be proved to have been incurred by claimants in suits which were *sub judice* on the date of transfer owing to their having had to give a second notice to the Secretary of State under section 80 of the Civil Procedure Code; and have issued instructions to this effect to the Agent of the Great Indian Peninsula Railway, to whom applications for the reimbursement of such expense should be made.

3. In view of the undertaking which I have given, the Honourable Member may no longer require the information for which he has asked in part (d) of his question; but should he still desire it, I am quite prepared to obtain it for him.

Mr. President: I desire to bring to the notice of Honourable Members that answers to questions must take the form of answers. Long statements in answer to questions are ordinarily not permissible.

Mr. K. Ahmed: In view of the fact that the Honourable Mr. Parsons has given a lengthy answer, is he asking the Honourable the Questioner in his reply to withdraw his Bill which he has introduced in this Assembly?

Mr. A. A. L. Parsons: I made no such request.

LOSSES ON BRANCH LINES IN BURMA.

150. ***Mr. N. C. Kelkar:** With reference to the answer given on September 5th, 1928, to starred question No. 87, will Government state when and what was the actual amount of losses, realised from the Burma Government?

Mr. A. A. L. Parsons: The loss of Rs. 3,97,983 for 1926-27 was realised in 1927-28.

For losses incurred prior to 1926-27, a sum of Rs. 7,90,881 was realised during that year.

STATEMENTS OF ACTUAL EARNINGS OF NEW BRANCH LINES.

151. ***Mr. N. C. Kelkar:** With reference to the answer given on September 5th, 1928, to starred question No. 101, will Government lay on the table copies of such of the statements as the Railway Board may have received so far?

Mr. A. A. L. Parsons: I am sending the Honourable Member copies of the statements which have so far been received.

FUNDING OF FUTURE LIABILITIES ON RAILWAY REVENUES ON ACCOUNT OF PROVIDENT FUND AND GRATUITIES.

152. ***Mr. N. C. Kelkar:** Will Government state what steps, if any, are being taken to fund the future liabilities on railway revenues, on account of Provident Fund and gratuities?

The Honourable Sir George Schuster: I think it will be convenient to the Honourable Member if, in answering his question, I explained in some detail what the present position is. I trust that in doing so I shall not transgress your reminders so far as railway provident funds are concerned, the deposits received from the employes are credited in the Government accounts under the head 'unfunded debt', which term is applied to certain interest-bearing obligations relating to funds deposited with Government for various purposes, *vide* page 570 of the Finance and Revenue Accounts of the Government of India for the year 1926-27. The deposits of the employes are supplemented by contributions from railway revenues, but these, too, are credited to the accounts of the individual employes every half-year, and these amounts also are thus included under the head 'unfunded debt'. When this stage has been reached, railway revenues have no further liability to meet, and so far as those revenues are concerned no question of funding arises. The Honourable Member is probably aware that, so far as general revenues are concerned, the balances of all provident funds are merged in the general balances of the Government of India and are used by them for their general Ways and Means purposes. The total sum is included in the debt statistics given in the budget speech every year, *vide* paragraph 16 of the budget speech for 1928-29 and is also taken into account in the Government of India's debt redemption scheme.

2. The annual disbursements on account of gratuities chargeable to railway revenues are at present in the neighbourhood of 70 lakhs. Gratuities are not, strictly speaking, liabilities as they are not claimable as a matter of right, and it does not appear that there is any practical necessity to introduce a system of charging to revenue, not the actual disbursements, but the amount chargeable on the basis of actuarial calculations.

CHARGE FOR USE OF MAIN LINE ROLLING STOCK ON NEW EXTENSIONS.

153. *Mr. N. C. Kelkar: With reference to the statement made by Mr. A. A. L. Parsons at page 2913 of the Legislative Assembly Debates of March 28, 1927, that it has been found in practice that 5 per cent. of the gross earnings is approximately a reasonable annual figure as a charge on account of the use of main line rolling stock on new extensions to commercial lines, will Government state what inquiries have been made, or tests applied, to ascertain the general reasonableness of the particular percentage charge?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the reply given on the 5th September, 1928 to question No. 108 put on his behalf by Mr. Belvi.

RECOMMENDATIONS ON RAILWAY ACCOUNTS MADE BY SIR A. L. DICKINSON.

154. *Mr. N. C. Kelkar: Will Government lay on the table a statement showing the progress of the consideration of the recommendations made by Sir A. L. Dickinson in his report on Railway Accounts?

Mr. A. A. L. Parsons: I lay a statement on the table.

Statement showing the progress made in the consideration of the recommendations in the Report by Sir A. Lowes Dickinson, M.A., E.C.A., on the System of Accounting, Audit and Statistics of the Railways owned and managed by the Government of India.

Item No. of recommendations in the summary of recommendations at pages V to VIII of Part I of Sir Arthur Dickinson's Report.

Progress made up to the 15th January, 1929.

1, 2, 3, and 4	These recommendations have been considered and dealt with in connection with the scheme for the Separation of Accounts from Audit on Indian Railways.
5	The efficiency of a railway administration is judged by the considerations referred to by Sir Arthur Dickinson among other tests.
6 to 19, 27 to 32, 35 to 37	Under consideration. Preliminary investigation has been made of almost all these recommendations and as soon as the Government of India come to a final conclusion in regard to each of them a Memorandum on the subject will be placed before the Standing Finance Committee for Railways.
20 to 26 and 38	These have been fully considered and the views of the Government of India have been placed before the Standing Finance Committee for Railways.
33 and 34	A Memorandum on the subject will be placed before the Standing Finance Committee for Railways at a future meeting.
39 and 40	It has been decided not to accept these recommendations.

N.B.—By coming to an early decision in regard to the recommendations in item 20 to 26 and 33 and 34, more than 75 per cent. of the accounting work performed on railways has been dealt with.

NUMBER AND COST OF LOCOMOTIVES SOLD BY ONE RAILWAY TO ANOTHER IN CERTAIN YEARS.

155. *Mr. N. C. Kelkar: Will Government state, for each of the 4 years, 1924-25 to 1927-28, the number and cost of locomotives sold by one railway to another and the amount of the sale-proceeds credited to revenue?

Mr. A. A. L. Parsons: The information is being obtained from railway administrations, and will be communicated to the Honourable Member in due course.

ADJUSTMENT OF CHARGES INCURRED ON STRATEGIC LINES.

156. *Mr. N. C. Kelkar: With reference to the following statement in paragraph 2, at page 2, of the Budget Estimate of 1926-27, that "A major portion (about 304 lakhs), of this increase is due to a different method of adjustment having been adopted for the distribution of certain charges commonly incurred with the strategic lines", will Government state the two different methods in question and to what charges they refer?

Mr. A. A. L. Parsons: The two methods were described in the sentence following that quoted by the Honourable Member. The charge represents the share of the strategic lines of the expenditure under Administration on the North Western Railway system as a whole.

RECOMMENDATIONS OF THE INDIAN RETRENCHMENT COMMITTEE.

157. *Mr. N. C. Kelkar: Will Government lay on the table a statement showing the recommendations of the Indian Retrenchment Committee of 1922-23, in Part II of its report, which have not yet been carried out, and the reasons for not giving effect to them?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the statement showing the action taken on the recommendations of the Retrenchment Committee, which was circulated to Honourable Members in March, 1927.

SUPPLY TO MEMBERS OF COPIES OF UNSTARRED QUESTIONS BEFORE ORAL QUESTIONS ARE TAKEN UP.

158. *Mr. N. C. Kelkar: With reference to the concluding portion on page 15 of the Legislative Assembly Debates of 4th September, 1928, will Government state whether they have decided to furnish Members of the Assembly with copies of answers to unstarred questions before oral questions are taken up?

The Honourable Mr. J. Orerar: The Government have considered the matter and have decided that, when replying to starred questions, no reference shall be made to replies to unstarred questions which are not already in possession of Honourable Members. They trust that this will meet the practical requirements of the case.

INTRODUCTION OF THE DIVISIONAL SYSTEM ON THE EASTERN BENGAL RAILWAY.

159. *Mr. N. C. Kelkar: With reference to the statement that "Steps are also being taken to introduce the divisional system on the Eastern Bengal Railway" occurring at the top of page 6 of the Railway Administration Report for 1924-25, will Government state what progress has been made in the matter during the last 4 years?

Mr. A. A. L. Parsons: Since 1925 considerable progress has been made in the introduction of some of the special features of the Divisional System of organisation.

In the Traffic Department, the Transportation and Commercial functions have been separated, and in the Locomotive Department, the Transportation (Power) and Workshop functions. The headquarters of the Locomotive Superintendent and the Deputy Locomotive Superintendent (Power), have been brought into the general administrative offices.

The ultimate divisional headquarters have been decided upon and officers representing Transportation, Commercial, Locomotive, and to a certain extent the Civil Engineering Branches of the railway organisation have been located at the proposed divisional headquarters as far as accommodation permits; and the Traffic Transportation, and Power Transportation Districts have been made co-terminal.

The Agent has also delegated considerable powers in administrative and financial matters to heads of departments which will correspond largely with those to be delegated later to Divisional Superintendents.

Further progress, leading up to the final completion of the organisation, is now under consideration. It will necessarily be slow, as accommodation has to be provided for officers and staff and for offices, and special difficulties attaching to the absorption of the Engineering Branch into the organisation have still to be overcome.

REPORT OF THE COMMITTEE FOR THE REVISION OF STATISTICS OF INDIAN RAILWAYS.

160. ***Mr. N. C. Kelkar:** With reference to the answer given to my starred question No. 90, on September 5, 1928, will Government place in the Library a copy of the report of the Committee for the revision of statistics of Indian Railways?

Mr. A. A. L. Parsons: A copy of the report has been placed in the Library.

INSTRUCTIONS BY THE RAILWAY BOARD FOR THE COMPILATION BY THE RAILWAYS OF FINANCIAL AND STATISTICAL INFORMATION.

161. ***Mr. N. C. Kelkar:** With reference to paragraph 56 of the Railway Administration Report for 1925-26, will Government place in the Library an up-to-date copy of the detailed instructions drawn up by the Railway Board for compilation of each set of financial and statistical figures to ensure accuracy?

Mr. A. A. L. Parsons: A copy has been placed in the Library.

WORKING EXPENSES OF BRANCH LINES.

162. ***Mr. N. C. Kelkar:** Will Government lay on the table a statement showing, by each abstract of revenue and expenditure, the methods adopted for arriving at the working expenses of branch lines built under the Government of India, Railway Department Resolution No. 2181-F. of February 19, 1925?

Mr. A. A. L. Parsons: I have had a copy of the rules for the preparation of railway projects, as revised in 1926, placed in the Library. The Honourable Member will find the information which I understand him to desire on pages 37 to 42 of this publication.

SPECIFIC INSTANCE WHICH NECESSITATED QUESTION IN CLAUSE 11 OF TERMS OF REFERENCE IN SIR A. L. DICKINSON'S REPORT ON RAILWAY ACCOUNTS.

163. ***Mr. N. C. Kelkar:** With reference to clause 11 of the terms of reference at page 2 of Sir A. L. Dickinson's Report on Railway Accounts, will Government state the specific instance and the circumstances connected with it, which gave rise to the question put?

Mr. A. A. L. Parsons: The question was referred at the instance of the Auditor General and arose out of the sale to the Great Indian Peninsula Railway in 1922 of a building in Bombay belonging to the Posts and Telegraphs Department at a price much higher than the book value.

COASTAL RESERVATION BILL.

164. ***Kumar Ganganand Sinha:** Will Government be pleased to state if they have received any communication from the India Office regarding the Coastal Reservation Bill? If so, will the Government be pleased either to lay the same on table or state the gist of it?

The Honourable Sir George Rainy: No communication has been received from the India Office as regards the Coastal Reservation Bill.

APPLICATION OF THE DEFINITION "BRITISH INDIAN SUBJECT" TO EUROPEANS OF INDIAN DOMICILE OF A CERTAIN NUMBER OF YEARS.

165. ***Kumar Ganganand Sinha:** Have Government under consideration the question of bringing Europeans of Indian domicile of a certain number of years under the definition of "British Indian subject"? If so, since when? What was the occasion for the cropping up of the question?

The Honourable Mr. J. Orerar: I have had some difficulty in determining the meaning of this question. If the Honourable Member wishes to know whether there is any proposal to alter the definition of "European British subject" in the Code of Criminal Procedure, the answer is in the negative.

RECRUITMENT OF BIHARI HINDUS AS SUPERINTENDENTS OF POST OFFICES.

166. ***Kumar Ganganand Sinha:** With reference to the answer given to Raja Raghunandan Prasad Singh's starred question No. 137 (a) on 5th September, 1928, will Government be pleased to state:

- (1) The number of vacancies occurring in the post of Superintendents in the Bihar and Orissa Postal Circle since September last?
- (2) The dates when such vacancies occurred and were filled?
- (3) How many such vacancies were filled by departmental promotion and how many by the recruitment of probationers?
- (4) Whether any such vacancy was filled by a Bihari Hindu probationer?

(5) If the answer to (4) is in the negative, why?

(6) What arrangement, if any, do Government propose to make for the recruitment of Bihari Hindus as Superintendents of Posts and Telegraphs, to make their representation in the service adequate? If no arrangement is going to be made in this regard, will Government be pleased to state reasons for the same?

The Honourable Sir Bhupendra Nath Mitra: (1) Two.

(2) The vacancies occurred on 5th September, 1928, and on 10th October, 1928, and were filled on 12th September, 1928 and 23rd December, 1928, respectively.

(3) By departmental promotion—One.

In the other vacancy a Probationary Superintendent was confirmed as Superintendent and the resultant vacancy of Probationary Superintendent was filled by an outsider.

(4) No.

(5) and (6). Probationary Superintendents were, up to 31st December, 1928, selected from a list of candidates who applied to the Director-General for appointment as Superintendent of Post Offices. That list did not contain the name of any Bihari Hindu. From 1st January, 1929 the recruitment of Probationary Superintendents of Post Offices in any official year is confined to candidates who have obtained qualifying marks at the examination for admission to the Indian Audit and Accounts Service held by the Public Service Commission in the previous year. One-third of the vacancies are reserved for redressing communal inequalities, provided that the requisite number of qualified candidates is forthcoming.

GRIEVANCES OF CLERKS OF THE DINAPUR DIVISIONAL SUPERINTENDENT'S OFFICE.

167. ***Kumar Ganganand Sinha:** (a) Has the attention of the Government been drawn to the letter of "A Sufferer", published in the *Searchlight*, dated Friday, October 12, 1928, under the heading "Grievances of Clerks of the Dinapur Divisional Superintendent's Office"?

(b) If so, has any enquiry been made into their condition? If not, why? Do Government propose to take any steps to remedy their grievances? If so, what?

Mr. A. A. L. Parsons: (a) Yes.

(b) A copy of the Honourable Member's question has been sent to the Agent, East Indian Railway, in order that he may consider whether any action is needed.

†168. *

†169. *

†170. *

†171. *

†172. *

†173. *

†174. *

† For this question and its answer, see at the end of questions for the day.

†175. *

†176. *

†177. *

†178. *

†179. *

†180. *

†181. *

†182. *

†183. *

†184. *

†185. *

†186. *

REPORT ON EAST AFRICAN TERRITORIES INCLUDING TANGANYIKA.

187. ***Mr. K. G. Roy:** Will the Government of India be pleased to state:

- whether the Hilton Young Report or Reports on East African Territories, including Tanganyika, has been received in India;
- whether they will be pleased to lay a copy of the Report on the table at the earliest possible moment?

Mr. G. S. Bajpai: (a) Yes.

(b) Copies of the Report have been placed in the Library of the House.

INSTRUCTIONS TO SIR REGINALD MANT ON INDIAN QUESTIONS IN EAST AFRICA.

188. ***Mr. K. G. Roy:** Will the Government of India be pleased to state whether Sir Reginald Mant had either sought or received any instructions from the Government of India or the India Office on Indian questions in East Africa, and will they be pleased to lay on the table the papers, if any, on the subject?

Mr. G. S. Bajpai: So far as the Government of India are aware, the answer to both queries in the first part of the question is in the negative. They have no papers on the subject to lay on the table of the House.

ACTION TAKEN ON DISCUSSION OF SIR JOHN GILMOUR'S REPORT.

189. ***Mr. K. G. Roy:** Will the Government of India be pleased to state what action, if any, they have taken on the discussion of Sir John Gilmour's Report by the Legislative Assembly during its past Autumn Session?

The Honourable Sir Bhupendra Nath Mitra: The Government of India regret that they are unable, for reasons explained in the discussion referred to by the Honourable Member, to place the correspondence on the table, in terms of the Resolution of the Assembly. Due attention has, however, been paid to the views expressed in the House in the further correspondence with the Secretary of State which is still continuing.

DECISION ON THE CABLE AND WIRELESS MERGER SCHEME.

190. ***Mr. K. G. Roy:** Will the Government of India be pleased to state what decision, if any, has been taken by them on the Cable and Wireless Merger Scheme (Sir John Gilmour's Report), and also place the correspondence on the subject on the table?

† For this question and its answer, see at the end of questions for the day.

The Honourable Sir Bhupendra Nath Mitra: No decision has yet been taken by the Government of India on this subject. The question of the bearing of the scheme on Indian interests is under correspondence with the Secretary of State for India.

It is regretted that, for reasons explained in the debate on the 5th September last, Government do not see their way to placing the correspondence on the table.

†191.*

LETTER ON POLITICAL SUBJECTS WRITTEN BY HIS EXCELLENCY SIR LAURIE HAMMOND, GOVERNOR OF ASSAM.

192. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a letter, dated Government House, Shillong, 20th December, 1927, written by His Excellency Sir Laurie Hammond, Governor of Assam, (who was for many years in the Government of Bihar and Orissa) to the Honourable Maharajah Sir Rameshwar Singh Bahadur of Durbhanga, (published in the *Forward*, dated the 22nd December, 1928, and in the *Searchlight* of Patna, dated the 23rd December, 1928)?

(b) Are Government aware that the letter deals with highly controversial political questions, such as the representation of landlords in the Councils, and the sort of evidence to be tendered before the Simon Commission, and also canvasses support to the Simon Commission?

(c) Do the Government Servants' Conduct Rules apply to the Head of a Province?

(d) Do Government propose to take necessary steps to prevent the occurrence of similar indiscretions on the part of Government Officials?

The Honourable Mr. J. Orerar: (a) to (d). I am not prepared to deal with questions arising out of a private letter of this character, written by the Governor of a Province, and published without authority. I should merely add that any suggestion that the Governor of a Province should not deal with controversial political questions entirely ignores the nature of his functions and responsibilities.

Mr. Gaya Prasad Singh: What is the reply to part (c) of my question. Do the Government Servants' Conduct Rules apply to the Head of a Province?

The Honourable Mr. J. Orerar: The answer to that question is that two of the rules at any rate do purport to apply to Governors of Provinces. But there is considerable room for doubt whether in view of the provisions of the Government of India Act from which the Government Servants' Conduct Rules derive their validity, they are in point of fact applicable to the Governors of Provinces. That point is under consideration.

REFUSAL OF THE MADRAS GOVERNMENT TO INTRODUCE A BILL TO AMEND THE MADRAS ESTATES' LAND ACT AS PROMISED.

193. ***Mr. V. V. Jogleh:** (a) Is it a fact that the Government of India wanted to include questions relating to the rights of landlords and tenants in the terms of reference to the Royal Commission on Agriculture?

† For this question and its answer, see at the end of questions for the day.

(b) Is it also a fact that the Government of Madras objected to their inclusion, on the ground that they had appointed a committee to go into the question, and stated that they would undertake to introduce necessary amendments in the Estates' Land Act?

(c) Are Government aware that two non-official Bills to amend the Madras Estates' Land Act were withdrawn on the assurance given by the Madras Government in the month of March, 1927, that they would introduce a Bill in September, 1927, but that they have not yet done so? If so, will the Government be pleased to state why the Madras Government did not redeem their promise made to the Government of India and the public?

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

(c) The Government of India have no information beyond what is contained in the proceedings of the Madras Legislative Council of 29th and 31st March, 1927. The last part of the question can only be answered by the Government of Madras, who I may observe, made no promise to the Government of India in this connection.

EXPENDITURE BY THE GOVERNMENT OF INDIA ON THE SIMON COMMISSION.

194. ***Mr. Gaya Prasad Singh:** (a) Will Government kindly state what has been the total approximate cost up to date of the Simon Commission, and how much of it has been spent in India, and how much in England?

(b) What is the daily allowance given to the President, and to the Members of the Simon Commission, and how much to the Indian Members of the Joint Committees?

(c) What is the estimated amount of total expenditure that is likely to be incurred in connection with the Simon Commission, and the Indian Committees, and will any part of it be shared by His Majesty's Government in England or the Local Governments in India? If so, how much?

The Honourable Mr. J. Orerar: A statement giving the information asked for is laid on the table.

(a)	Statement.	
	In India (actuals).	In England (actuals).
	Rs.	
1927-28	1,57,251-15-4	£3,141-2-8 (or Rs. 41,882),
1928-29 (up to 31st December, 1928)	80,355-10-3	Charges incurred by the Indian Statutory Commission in England have not yet appeared in the Home accounts of the Secretary of State received up to date for the current year.
(b) Name of the Commission or Committee.	Amount of daily allowance sanctioned for Chairmen and Members.	
Indian Statutory Commission	Rs. 15 a day.	
Indian Central Committee	Rs. 15 a day.	
Provincial Committees	Not known. This is a provincial charge.	

(c) The actual expenditure incurred on account of the Indian Statutory Commission during 1927-28 is given in (a) above. The estimated expenditure during 1928-29 and 1929-30 on the Indian Statutory Commission, the Indian Central Committee and on the Auxiliary Committee on the Growth of Education is given below:

	Indian Statutory Commission.	Education Committee.	Indian Central Committee.
	Rs.	Rs.	Rs.
1928-29	7,50,700	2,15,665	2,90,000
1929-30	2,97,700	..	3,32,300

The Government of India have no information of the estimated expenditure by Local Governments on the Provincial Committees.

Against the total expenditure on account of the Indian Statutory Commission's Enquiry, His Majesty's Government have made a contribution of £20,000.

ARREST AND DEPORTATION OF MR. F. W. JOHNSTONE, A DELEGATE TO THE TRADE UNION CONGRESS AT JHARIA.

195. *Mr. Gaya Prasad Singh: (a) Will Government kindly state under what law Mr. F. W. Johnstone, who recently attended the Trade Union Congress at Jharia as a delegate of the League against Imperialism, was arrested and deported out of India? And for what offence, and on what evidence?

(b) Is it a fact that Press messages booked from Jharia, containing speeches of Mr. Johnstone, Mr. Ryan and others, have been withheld, and why?

The Honourable Mr. J. Ozerar: (a) Under section 8 of Act III of 1884 Mr. Johnstone was ordered to remove himself from British India, and he was apprehended under section 4 of the same Act on his neglecting to comply with the order. Mr. Johnstone is a Communist and had come to India to promote the ends of Communism.

(b) The Government of India have no information.

ACTION TAKEN ON SIR A. L. DICKINSON'S REPORT ON THE ACCOUNTING AND AUDITING OF INDIAN RAILWAYS.

196. *Mr. Gaya Prasad Singh: Will Government kindly state if any action has been taken, and if so, what, on the Dickinson Report on the system of Accounting and Audit on Indian Railways? Is it proposed to bring out European accountants and auditors; if so, how many, and when?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the statement which I laid on the table in response to Mr. Kelkar's question No. 154. It is not proposed to bring out European accountants and auditors.

Mr. Gaya Prasad Singh: Do I understand that it is not proposed to bring out either European or American accountants and auditors?

Mr. A. A. L. Parsons: It is not proposed to bring in any accountants and auditors either from Europe or America, or to recruit from any country except India.

DATE OF INAUGURATION OF THE WEEKLY AIR MAIL SERVICE BETWEEN INDIA AND ENGLAND.

197. *Mr. Gaya Prasad Singh: Will Government kindly state by what time the weekly air mail service between India and England is likely to come into existence?

The Honourable Sir Bhupendra Nath Mitra: The Government of India have no precise information, but they understand that the weekly air mail service between India and England will commence on or about the 1st April, 1929.

DATE OF NEXT ELECTION OF THE INDIAN LEGISLATURE AND PROVINCIAL LEGISLATIVE COUNCILS.

198. *Mr. Gaya Prasad Singh: Will Government kindly state when the next General Elections to the Indian Legislature, and the Local Legislative Councils, are going to take place?

Mr. L. Graham: Government are not so far in possession of any definite information in this matter.

TRANSFER OF THE ADMINISTRATION OF ADEN FROM THE INDIA OFFICE TO THE COLONIAL OFFICE.

199. *Mr. Gaya Prasad Singh: (a) With regard to the transfer of the administration of Aden, are Government aware that to a question on this subject in the Legislative Assembly on the 16th January, 1922, the official reply was that "the Government have no intention of arriving at a decision without giving the Assembly an opportunity for discussion", which reply was substantially repeated in answer to a question in this House on the 7th September, 1922?

(b) Are Government aware that, in reply to a similar question in the Council of State on the 9th June, 1924, the official spokesman said that "before a final decision is arrived at, the Indian Legislature will be given an opportunity to express its opinion"?

(c) Will Government kindly explain why a final decision was in fact arrived at, and the transfer of Aden effected, as announced by His Excellency the Commander-in-Chief in this House on the 3rd March, 1927, without giving an opportunity to this House to express its opinion?

(d) Are Government aware that, in the House of Commons on the 28th February, 1921, in reply to the question "Is Aden no longer to be administered by the India Office", the Prime Minister's reply was: "No, by the Colonial Office"?

(e) Are Government aware that, in the House of Commons on the 14th July, 1921, the Right Honourable Mr. Churchill stated that "the India Office has very kindly handed over Aden to the Colonial Office"?

(f) Was the decision arrived at so early as in 1921; and why was this information withheld from this House?

Sir Denys Bray: With your permission, Sir, I shall answer questions 199, 200 and 201 together. And as it is my own undertaking—though the Honourable Member is too courteous to say so—which he regards as having been broken, he will, I am sure, allow me to answer his questions in my own way in a general form.

His elaborate documentation is scrupulously correct. Where misunderstanding has arisen, it has chiefly arisen from the fact that the word Aden has been commonly used in two different senses. What the Indian Legislature has been concerned with throughout is the Port and Settlement of Aden, and its civil administration. Aden in this, the true sense, remains part of British India as heretofore; its judiciary remains subordinate to the Bombay High Court, its civil administration remains under the control of the Bombay Government. I repeat my promise that the transfer of Aden from India will not be effected without this House being taken into prior consultation. I hasten to add that all idea of such a transfer has long since been abandoned.

The other and lesser use of the word connotes that block of tribal territory more properly styled the Aden Protectorate or hinterland, with its political ramifications. It is in respect of this tribal area and the military administration of Aden alone, that a transfer has been made from the Indian Government to the Colonial Office. The financial relief to Indian revenues, on present figures, works out apparently at about seventeen lakhs a year. The relief from external political responsibilities is imponderable but great.

Pandit Hirday Nath Kunzru: Does the Honourable Member remember that in the course of a debate in the other House in 1921 he said that the administration of Aden was intimately connected with that of the hinterland and that his promise in that debate applied not merely to Aden itself but also to the hinterland?

Sir Denys Bray: I am exceedingly sorry if that was the impression gained by either this House or the other. I am extraordinarily interested to learn from my Honourable friend the suggestion that India would have been glad to remain burdened with these political responsibilities. When I spoke in the other House, Sir, I was—I was going to say, I was “hooted at” when I made the suggestion that India should regard these political responsibilities as serious.

Pandit Hirday Nath Kunzru: Does the Honourable Member remember the undertaking he gave then, whatever the feelings of the other House might have been in regard to the undertaking of political responsibility in Aden or elsewhere?

Sir Denys Bray: I am afraid I must ask for notice. I have not been able to refresh my memory in the short time available. But I would say quite frankly, and I hope the Honourable Member will take it from me, that when I made an undertaking in this House it never entered my mind that India would not regard as other than welcome relief from external political responsibilities.

Mr. Gaya Prasad Singh: Will the Honourable Member kindly state on what authority he says that the Indian Legislature meant by “Aden” something different from the sense in which the Prime Minister used that expression?

Sir Denys Bray: I have not followed that entirely. But here again, though I must speak from a memory which apparently my Honourable

friend seems to think very defective, I say quite frankly that when the debate took place in the Council of State, not a single voice was raised on the side of the retention by India of those external political responsibilities. On the contrary, it was put to me as I thought quite clearly, especially by the Bombay representatives, that what they were concerned with was the Aden Settlement itself and the British Indian connection with it.

Mr. B. Das: In the eventuality of India getting Dominion Status and in the interests of the Bombay Presidency, have Government included any provision in the agreement that the military control of Aden will be transferred to India at the time?

Mr. President: Is that not a hypothetical question?

Mr. Gaya Prasad Singh: Has Question No. 201 been answered, Sir?

Sir Denys Bray: I have endeavoured to answer that in a general form. I should like to add that the details asked for in Question No. 201 have not yet been prepared; but when they are prepared, I will let the Honourable Member have a copy.

Mr. Gaya Prasad Singh: Will a copy be laid on the table?

Sir Denys Bray: Yes; a copy will be laid on the table.

NON-CONSULTATION OF THE GOVERNMENT OF BOMBAY ON THE QUESTION OF THE TRANSFER OF THE ADMINISTRATION OF ADEN TO THE COLONIAL OFFICE.

†200. ***Mr. Gaya Prasad Singh:** (a) Are Government aware that the Council of State, on the 26th September, 1921, adopted, with the concurrence of Government, a Resolution to the effect that “the administration of Aden be continued under the Government of India, and not be transferred to the Colonial Office”; and in course of the debate, the official spokesman stated that “very strong protests have been recorded by the trading communities of Bombay and Aden, and for these reasons, for the present, the Bombay Government objects to any change in the *status quo*”?

(b) Is it not a fact that in the Bombay Legislative Council, on the 10th March, 1927, the Home Member, referring to the announcement made by His Excellency the Commander-in-Chief in this House on the 3rd March, 1927, stated that the announcement came as a surprise to the Government of Bombay, as much as to the general public, and added that the Government of Bombay indeed knew nothing further than what had appeared in the Press?

(c) Will Government kindly state why this transfer was effected without consulting the Government of Bombay?

(d) Have Government received any protest from the Government of Bombay? Are the Government of Bombay responsible for the civil administration of Aden, or the Government of India?

SAVING TO INDIAN REVENUES BY THE TRANSFER OF THE ADMINISTRATION OF ADEN TO THE COLONIAL OFFICE.

†201. ***Mr. Gaya Prasad Singh:** (a) Will Government kindly state what was the approximate annual charge borne by Indian revenues

† For answer to this question, see answer to question No. 199.

over (i) the civil administration, and (ii) the political and military administration of Aden, before the transfer, and what it is now?

(b) Are Government aware that His Excellency the Commander-in-Chief, in this House on the 3rd March, 1927, stated that "Aden has always been a most unprofitable economical proposition for us. It has involved very heavy expenditure year after year, and the revenue from it is small indeed"? What is the approximate net annual saving to Indian revenues as a result of this transfer?

REFUSAL OF PASSPORTS TO INDIANS WISHING TO ENTER THE PHILIPPINE ISLANDS.

202. *Mr. Gaya Prasad Singh: (a) Will Government kindly state how many Indians wishing to enter the Philippine Islands have been refused visas, during the last two years, and why?

(b) Are Government aware that many Indian merchants, their assistants, and clerks, are put to great hardship and loss by refusal of visas to them?

Sir Denys Bray: The grant or withholding of visas for the Philippines rests, of course, with the American Consular authorities, and the number of visas refused is not available to the Government of India. Presumably any refusals were based on the general restrictions imposed by the Government of the Philippine Islands, the effect of which is that only Indians who have actually been merchants in India for at least two years are at present admitted.

LIGHT AEROPLANE CLUBS FOR INDIANS IN INDIA.

203. *Mr. Gaya Prasad Singh: (a) Will Government kindly state how many Indians have been appointed as officials or clerks in the Aero Club since its institution?

(b) How many light Aeroplane Clubs have been started in this country, and where? And what assistance has been given by Government to each of them?

(c) What facilities for the training of Indians have been provided in them, and how many Indians, if any, are actually under training?

The Honourable Sir Bhupendra Nath Mitra: (a) No Indians are employed as officials or clerks in the Aero Club of India and Burma Limited, whose staff consists of one secretary, one stenographer and one accounts clerk. The Club Committee is composed of 27 members, of whom 12 are Indians.

(b) Four light aeroplane clubs have been established at Karachi, Delhi, Calcutta and Bombay. To assist these clubs, Government have sanctioned a scheme costing Rs. 3,21,700, spread over two years, which provides for the supply to each club of two "D. H. Moth" aeroplanes and a spare engine, an annual maintenance grant of Rs. 20,000, a grant of Rs. 9,000 towards the provision of a hangar, and a bonus of Rs. 150 per pilot for a limited number of pilots trained by the clubs. The machines, etc., have already reached India and have been sent to the clubs concerned, while payment of two quarterly instalments of the maintenance grant has been made to each of the clubs this year.

(c) By becoming members of the clubs, Indians can on enrolling themselves for training, receive instruction in flying. The number of Indians who have enrolled themselves for training at the Bombay, Karachi, Delhi and Bengal flying clubs are respectively 30, 32, 88 and 44; while the number of Indians under training at the Bombay and Delhi Clubs are 7 and 17, respectively. Flying has not actually commenced at the Bengal and Karachi Clubs.

Sir Victor Sassoon: If I may correct the Honourable Member, the number of Indians actually being trained by the Bombay Aero Club is 9 and not 7.

Mr. President: Does the Honourable Member accept the correction?

The Honourable Sir Bhupendra Nath Mitra: Well, Sir, my information, as a matter of fact, was obtained from the clubs themselves. It is quite possible that two additional Indians have started their training after the information was communicated to me.

CONSTRUCTION OF A RAILWAY BETWEEN RISHIKESH AND KARNPRAYAG.

204. *Mr. Gaya Prasad Singh: (a) Will Government kindly state, with reference to my question No. 25 of the 4th September, 1928, whether the abstract estimate and revised traffic report have been received, regarding the proposed railway construction from Rishikesh to Karnprayag, and, if so, when is a decision likely to be arrived at?

(b) Is it a fact that Colonel Anderson, in his Report, has recommended the construction of this railway?

Mr. A. A. L. Parsons: (a) and (b). No.

REPRESENTATION FROM THE GURKHA COMMUNITY DOMICILED IN INDIA.

205. *Dr. B. S. Moonje: (1) Will Government be pleased to state if they have received a representation from the Gurkha community domiciled in India, complaining and asking for relief as follows:

- (a) That the restrictions imposed and discrimination ordered to be made in the matter of granting of employment to Gurkhas in the civil departments of India are unfair and should be abolished;
- (b) That in view of the fact that there are nearly three million Gurkhas settled in the Indian Empire, and in view of their increasing numbers, adequate representation be granted to the community in both the Provincial and the Central Legislature;
- (c) That to those Gurkha officers and other ranks who might prefer the grant of lands as jagir in lieu of money, land may be granted in the same manner as it is granted to men of other Indian forces;
- (d) That the classification of Gurkhas settled in the Province of the Punjab as a non-agricultural community, has made the position of the Gurkhas in the Punjab extremely difficult; and that, in view of the well-known fact that the Gurkhas are primarily an agricultural people, the Government be pleased to remove the existing disabilities and to grant the Gurkhas the same rights and privileges as are enjoyed by other Indians in this country; and

- (e) That adequate arrangements may be made for the establishment of schools in various Gurkha settlements and colonies in India, and facilities may be afforded for the education of Gurkha children by granting liberal scholarships and stipends to deserving candidates.

(2) If so, what do Government propose to do in the matter?

The Honourable Mr. J. Crerar: (1) Yes.

(2) The matter is under consideration. There are no restrictions on the employment of Gurkhas of British nationality or continuously domiciled in British India.

PAY AND ALLOWANCES OF INCOME-TAX OFFICERS IN THE BOMBAY PRESIDENCY.

206. ***Dr. B. S. Moonje:** Will Government be pleased to supply information on the following points:-

- (a) If it is a fact that Income-tax Officers in the Bombay Presidency start on Rs. 300 and rise to Rs. 900, with increments of Rs. 50 every two years?
- (b) How many of the present incumbents will rise to Rs. 900 if they retire at the age of 55?
- (c) What is the grade fixed for other Provinces?
- (d) Why is it that Income-tax Officers in Madras and the Punjab get better increments and every year?
- (e) If it is a fact that the pay of Income-tax Officers all over India has been fixed on the same basis as Deputy Collectors? If so, why do not the Income-tax officers in the Bombay Presidency get the same increment as Deputy Collectors in the Bombay Presidency?
- (f) Does a mofussil Deputy Collector in Sind get a permanent travelling allowance of Rs. 150?
- (g) How much travelling allowance do mofussil Income-tax Officers in the Bombay Presidency get?
- (h) If Income-tax Officers in the Bombay Presidency, in mofussil towns, who have out-door work to do for several months together, get conveyance allowance, and if not, how are their conveyance expenses defrayed?
- (i) If it is a fact that instructions have been issued to the Commissioner of Income-tax of the Bombay Presidency to recruit Muhammadans as Income-tax Officers and to continue to keep them on in service even if they fail in their departmental examination; and if not, will the Government be pleased to state why such officers have been kept in service in Sind?

The Honourable Sir George Schuster: (a) Yes.

(b) Ten.

(c) A statement is laid on the table.

(d) and (e). The pay of Income-tax Officers has been fixed primarily, but not solely, with reference to that of the Provincial Civil Service in the same province. The rates of pay, therefore, differ in different provinces. The Income-tax Officers in the Bombay Presidency have recently submitted a memorial regarding their pay and the question is at present under consideration.

(f) Yes.

(g) Income-tax Officers draw travelling allowance in accordance with the Supplementary Rules framed by the Government of India under the Fundamental Rules and the amount depends on the nature and extent of the touring done by them.

(h) Conveyance allowances are ordinarily granted only to Government servants who are required to move about within large cities. They have been granted in the Bombay Presidency to the Income-tax Officers working in five such cities (apart from Bombay).

(i) No special instructions in this sense have been issued. Since 1925 (inclusive) eighteen officers in the Bombay Presidency, whose work was satisfactory, have been exempted by the Central Board of Revenue from the necessity of passing the departmental examination. Of these only three were Muhammadans.

Scales of pay of Income-tax Officers in the various Provinces.

Province.	Income-tax Officers.
	Rs.
Madras	300—40—500—30—900.
Bombay	300—50/2—900.
Bengal	500—50/2—900.
United Provinces	350—30—800—25—900.
Punjab	300—40—850.
Burma	350—25—750—50—950.
Bihar and Orissa	400—50/2—900.
Central Provinces	300—25—550—580—30—700—40—900.

NUMBERS OF RIFLES, GUNS, PISTOLS, ETC., IMPORTED INTO INDIA DURING THE LAST FIVE YEARS.

207. ***Dr. B. S. Moonje:** (a) Will the Government be pleased to state the number of rifles and guns, pistols and revolvers (large and small), of different patterns, for the purpose of the Military Department and of sports, and the amount of their ammunition that have been imported into India yearly for the last five years?

(b) How many of these rifles and guns, pistols and revolvers and how much of their ammunition were for the Military Department and how much for sports?

(c) What are the names of the countries from which these imports came, with the numbers of these fire-arms and the amounts of their ammunition which were imported from each of these countries?

(d) What is the total value of these yearly imports for the last five years?

(e) What is the total value of these yearly imports from each country importing these materials into India for the last five years?

(f) How many of these yearly imports of these fire-arms, with their ammunition, are from Government factories and how many from private manufacturing firms, with the total yearly value for the last five years?

(g) How many Government factories and private manufacturing firms are there in India and what are the total values of their yearly outputs for the last five years, and how many of these firms are owned and managed by Indians and what are the total values of their yearly outputs for the last five years?

(h) Are such fire-arms manufactured in what is called the Trans-Frontier tribal country under British influence, and if so, what are their yearly outputs for the last five years?

(i) Are they imported into India, and if so, what are the yearly imports for the last five years?

The Honourable Sir George Rainy: The Government have no information beyond what is contained in the Annual Statement of the Sea-borne Trade of British India and the Statistical Abstract for British India. Copies of these publications are in the Library.

INADEQUACY OF TRAINING GIVEN IN ENGINEERING COLLEGES IN INDIA.

208. ***Dr. B. S. Moonje:** (a) With reference to the evidence given by the Honourable Mr. McWatters before the Simon Commission, will the Government be pleased to state if it is a fact that 40 per cent. of the posts of Engineers in the Irrigation Departments are filled by recruitment from England by the Secretary of State?

(b) If so, is it due to the paucity of competent Indian engineers available in India?

(c) Will Government be pleased to state what special need there was for them to undergo special expenses in appointing their engineers in England, to go round the universities there to find out the cause of the paucity of British recruits, and as a result of their enquiry to give special facilities to British candidates by exempting them from having to pass one year of probation with a firm of Consulting Engineers, for which the recruited candidates had to pay from their own pockets?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) No.

(c) Certain engineer officers were deputed by the Secretary of State to visit universities in England in order to find out the cause of the paucity of British recruits required for the 40 per cent. of the recruitment made

annually to the Indian Service of Engineers from England. This percentage was fixed with reference to a recommendation of the Lee Commission in order to provide the European element which is required for the Service. The special facilities proposed for such recruits referred to by the Honourable Member have not yet been given, the matter being still under the consideration of the Government of India.

Dr. B. S. Moonje: Is it that we should stick to that 40 per cent., even though we do not get sufficiently trained engineers in England—must we still stick to the 40 per cent. and import people whose training has not been completed?

The Honourable Sir Bhupendra Nath Mitra: The 40 per cent. was fixed with reference to a policy which was decided on after considering the recommendations made by the Lee Commission.

Dr. B. S. Moonje: I quite understand that, but my point is—even though we do not get sufficient educated engineers there, must we still import 40 per cent. of these engineers from England and complete their education in India.

The Honourable Sir Bhupendra Nath Mitra: As I have said, the present policy is to obtain 40 per cent. of recruits from England, and that policy was arrived at with reference to certain considerations which my Honourable friend will find stated in the Lee Commission's Report. We have not yet reached the stage that we are not actually getting qualified recruits.

Dr. B. S. Moonje: My point is, these recruits have been taken on there and they have been found to be not sufficiently educated and they are brought out here to complete their education. Is it a fact that we should still have these insufficiently educated men?

The Honourable Sir Bhupendra Nath Mitra: The statement on which the Honourable Member bases his question is not correct.

Dr. B. S. Moonje: Does the Honourable Member know that Mr. McWatters himself has said that these recruits are taken on, and instead of completing their education in England, they are sent out to complete their education in India?

The Honourable Sir Bhupendra Nath Mitra: There is no question of completing their education in India. What was referred to was the practical training which all recruits are required to have before they are permanently appointed to the service.

Dr. B. S. Moonje: As I understood Mr. McWatters' evidence, the recruits in England have to complete their education in some of the firms there in England. That qualification is exempted and they are brought in without having completed their education. Is that a fact?

The Honourable Sir Bhupendra Nath Mitra: None of the recruits so far have been brought out who have not completed their education.

Dr. B. S. Moonje: Then how is it that Mr. McWatters has said that these recruits have to come and complete their training in India?

The Honourable Sir Bhupendra Nath Mitra: I do not accept the Honourable Member's statement. I have already said that the special facilities proposed for such recruits referred to by the Honourable Member have not yet been given. The matter is still under the consideration of the Government of India.

Mr. M. S. Aney: Does the Honourable Member challenge the proposition that Mr. McWatters has stated in his evidence that candidates with incomplete education are brought into India for the purpose of completing their education?

The Honourable Sir Bhupendra Nath Mitra: So far as my information goes, I do not think the Honourable Member's statement is quite correct.

Dr. B. S. Moonje: Is it or is it not a fact that ordinarily when there is no paucity of British recruits only those boys are recruited who have passed one year of probation with firms of consulting engineers in England?

The Honourable Sir Bhupendra Nath Mitra: That is the precise point. There is no question of completing their education. The question is whether the practical training should be given in India or given in England, and that matter, as I have said in my answer, is a matter which is under the consideration of the Government of India.

Dr. B. S. Moonje: If the practical training to be received in England and in India is the same, then where is the need of preferring British recruits to Indians, if the book education to be received is the same both in England and in India?

The Honourable Sir Bhupendra Nath Mitra: That depends on the wider question of policy. The education may be the same, but on account of the wider question of policy which my Honourable friend will be able to discover for himself in the Lee Commission's Report a certain number of European recruits have to be taken into the service.

Dr. B. S. Moonje: So does it mean that even though we may not get sufficiently trained British youths, still that policy should be stuck to?

The Honourable Sir Bhupendra Nath Mitra: That inference, as I have said, is incorrect.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that no reason is given in the Lee Commission's Report for recruiting these men to the extent of 40 per cent.?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is fully aware of the reasons which made that Committee make their recommendations in general.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that the Commission have not given us any reasons for their recommendation in the body of their Report?

The Honourable Sir Bhupendra Nath Mitra: I know that the reasons which the Lee Commission gave for the recruitment of a certain percentage of Europeans for certain Services are given in their Report.

Pandit Madan Mohan Malaviya: Will the Honourable Member say whether the Government of India will consider the question of revising that policy and throwing these services open to engineers by competition in India?

The Honourable Sir Bhupendra Nath Mitra: If my Honourable friend is referring to a reconsideration of the percentage of European recruits, that I should think, must await the deliberations of the Statutory Commission which is now examining various problems connected with the constitution of India.

Dr. B. S. Moonje: Will the Honourable Member say if, for the time-being, while there may be a paucity of well trained British recruits, the policy will be changed, and instead of having British recruits of deficient training Indian recruits better qualified and better trained will be preferred.

The Honourable Sir Bhupendra Nath Mitra: I think I have told my Honourable friend several times that so far there has been no paucity of British recruits. The question under consideration was the question of giving those English recruits practical training in India and not in England. If there is an absolute paucity of British recruits, undoubtedly the whole position will have to be reconsidered by the Government of India.

Dr. B. S. Moonje: If there is no paucity, why were those engineers appointed to go round to these universities and make investigations? I really cannot understand.

The Honourable Sir Bhupendra Nath Mitra: Those engineers were sent round to stimulate recruitment.

Dr. B. S. Moonje: Then the recruitment was slack; British boys were not coming forward? Were they paid for their services?

The Honourable Sir Bhupendra Nath Mitra: Who were paid for their services?

Dr. B. S. Moonje: Those engineers who went round, were they paid, or did they do honourable work? (Laughter.) I mean honorary work?

The Honourable Sir Bhupendra Nath Mitra: If the officers were officers of the Government of India, they must have been paid for their services during the period of their deputation.

Dr. B. S. Moonje: If there was no paucity, why were they paid and why were their services required?

The Honourable Sir Bhupendra Nath Mitra: The two things are not interconnected. If we want to get a certain number of recruits, naturally we want to get the best recruits of that class and it is necessary to employ certain means to see that we do get the proper number of the best recruits.

PRICE AND FREIGHT CHARGES FOR INDIAN MANGANESE ORE.

209. ***Mr. M. S. Sesha Ayyangar:** (a) Is it a fact that the price of the best Indian manganese ore fell during the last three years from 28d. to 8d. per unit while the shipping freight during the period went up?

(b) Are Government aware that the rebate of 15 per cent. allowed by the railways cannot be taken advantage of by small mine owners who are unable to export 20,000 tons and more in nine months?

The Honourable Sir George Rainy: (a) The price of first grade manganese ore fell from 16½d. per unit in 1925 to 12d. per unit in 1927, while the shipping freights rose from 18s. to 19s. during the same period. There was a further slight fall in price in 1928 but the exact figure is not yet available.

(b) The rebate is only granted where anyone consignor forwards an aggregate weight of not less than 20,000 tons of low grade manganiferous ore containing 44 per cent., or under, of manganese belonging to himself or to the Company he represents, during the nine months from the 1st of July in one year to 31st March in the following year.

INCREASED RATE OF TRANSPORT OF MANGANESE ORE FROM SAMHALLI TO MORMUGOA HARBOUR.

210. ***Mr. M. S. Sesha Ayyangar:** (a) Are Government aware that since the opening of the new railway station at Samhalli by the Madras and Southern Mahratta Railway, the Railway Authorities have increased the rate of transport of manganese ore from Samhalli to Mormugoa Harbour by 1 anna 2 pies per maund?

(b) Are Government aware that this increase in rate works out at Rs. 9-10-3 per ton, which is more than 50 per cent. of the cost of one ton f.o.r. Samhalli?

(c) If so, do Government propose to direct the reduction of the railway freight on manganese ore from Samhalli to Mormugoa Harbour by 1 anna 2 pies per maund?

Mr. A. A. L. Parsons: I am making enquiries from the Madras and Southern Mahratta Railway, and will let the Honourable Member have a reply as soon as I have obtained the information.

GRANT OF SPECIAL RATES FOR MATCHES AND MATCH WOOD BY THE GREAT INDIAN PENINSULA RAILWAY TO THE SWEDISH TRUST FACTORY AT AMBERNATH.

211. ***Mr. M. S. Sesha Ayyangar:** (a) Is it a fact that the Great Indian Peninsula Railway gives special rates to the Swedish Trust Factory (at Ambernath near Bombay) for matches and match wood, denying the same to the Indian match factories which are on or near the Great Indian Peninsula Railway line?

(b) If so, why?

(c) Do the Great Indian Peninsula Railway charge for the match wood necessary for the foreign syndicate at Ambernath Factory, at rates charged for fuel wood, while to other factories they charge timber rates, which are 25 per cent. in excess?

(d) If so, do Government propose to direct uniformity of action? Is it a fact that the Bengal Nagpur Railway and Bombay, Baroda and Central India Railway quote the same rates for match wood for all match manufacturers, without restricting the concessions to factories lying actually on their lines?

Mr. A. A. L. Parsons: The information at present in the possession of Government shows that special rates for safety matches are quoted both from Ambernath and from other stations on the Great Indian Peninsula Railway, where there are match factories, to certain stations on the Great Indian Peninsula Railway and other Railways; and that similar special rates are quoted for match wood from certain stations to Kurla, Ambernath Thana, Ghat Kopar and Titvala stations, where there are, I understand match factories. Matchwood in wagon loads is charged as firewood in local booking over the Great Indian Peninsula Railway when consigned to the places I have mentioned. But I am not sure that there is invariable uniformity in the special rates for safety matches, and am obtaining further information on the subject. I will communicate the result of my inquiries to the Honourable Member in due course.

MIDDLE GIRLS' SCHOOLS IN THE NORTH-WEST FRONTIER PROVINCE.

212. ***Diwan Ohaman Lall:** (a) What is the total number of Middle Girls' Schools in the North-West Frontier Province, and how many of them are maintained by the Government, local bodies and denominational institutions?

(b) What aid, if any, is extended to the denominational institutions by the Government and local bodies?

(c) What is the aggregate number of girl students in all the above schools?

(d) Are the girls passing out of the Middle Schools required to undergo any special course of preparation to qualify them for admission to a High School? If so, what arrangements exist and where and since when? How long does it take them to acquire the above qualifications?

(e) Is any provision made by the Government of North-West Frontier Province for awarding scholarships, stipends, etc., to encourage the girls to continue further studies in High Schools? If so, how many are getting such scholarships?

(f) What allotment does the Government of the North-West Frontier Province make to various municipalities of the Province for educational purposes and in what proportions? Is any amount earmarked for female education? What amount do the Municipalities of Peshawar and Dera Ismail Khan receive for the above purpose?

(g) What is the total number of recognised and unrecognised Primary girls' schools in the North-West Frontier Province and what is the total number of girls receiving education in them?

(h) In how many places in the North-West Frontier Province are the parents compelled, for want of a girls' school, to send their daughters for education to a school for boys?

(i) What amount was spent on the education of boys and girls respectively in the year 1927-28?

Mr. G. S. Bajpai: (a) to (i). The information asked for is being collected 12 Noon. and will be supplied to the Honourable Member in due course.

RECRUITMENT OF MUSLIMS IN THE INCOME-TAX DEPARTMENT IN SIND.

213. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state if they have passed orders regarding the recruitment of Moslems in the Income-tax Department in Sind and other parts of India?

(b) If so, will Government state what those orders are?

The Honourable Sir George Schuster: (a) No special orders have been passed regarding Moslems, but they come within the scope of the general instructions facilitating the appointment of members of minority communities.

(b) Does not arise.

**ALLEGED PARTIALITY SHOWN TO MUHAMMADANS IN APPOINTMENTS TO THE
INCOME-TAX DEPARTMENT IN SIND.**

214. ***Mr. Mukhtar Singh:** Will Government be pleased to supply information on the following points:

- (a) How many permanent vacancies in the grade of Income-tax Inspectors and Examiners have occurred in Sind during the last three years?
- (b) How many of them have been conferred upon Muhammadans?
- (c) What is the proportion of taxes which Hindus and Muhammadans of Sind pay?
- (d) If it is a fact that out of the Muhammadans recruited for the Income-tax Department one has passed the first year's Subordinate Accounts Service Examination?
- (e) If qualified Hindus already in the Department have been superseded by non-qualified, equally qualified, and less qualified Moslems, and, if so, for what reasons?
- (f) If it is a fact that Moslems have superseded Hindus, even though they have equal and better qualifications, and, if so, for what reasons?
- (g) If it is a fact that Moslems have superseded Hindus, even though exempted from passing the Examination, while the Hindus have not been so exempted, and, if so, for what reasons?

The Honourable Sir George Schuster: The information asked for in part (c) of the question is not available, as the income-tax records are not kept with reference to different communities. Information on the other parts is being obtained and will be communicated to the Honourable Member in due course.

PROCEDURE ADOPTED FOR FIXING FREIGHT RATES ON INDIAN RAILWAYS.

215. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state the procedure adopted in fixing the freight rates for different commodities on the State Railways?

(b) Are the proceedings for fixing the freight rates available to the public, or can they be made available to the Members of this House?

(c) Are the freight rates fixed by the Agents of the different State Railways or by the Railway Board?

(d) Do the proposals for fixing freight rates come for final sanction before the Railway Finance Committee? If the answer be in the affirmative, will the Government be pleased to state if the proposals come in the first instance, or do they come only for information? If the answer be in the negative, will the Government be pleased to state if they have any objection to laying their proposals before the Finance Committee?

(e) Is any consideration paid to the development or otherwise of Indian industries in fixing the freight rates on the Indian State Railways?

Mr. A. A. L. Parsons: (a), (b) and (c). For the purpose of freight rates commodities are placed in ten different classes. Separate maximum and minimum freight rates for each class have been fixed by the Railway Board, and I lay on the table a statement showing the maximum and minimum

rates for each class at present in force. Between these maximum and minimum rates railway administrations are at liberty to quote such rates as they think desirable. But I should add that, in a few exceptional cases, with the approval of the Railway Board, a commodity may be placed on one railway in a different class from that in which it is placed on other railways.

(d) The proposals for fixing freight rates are not placed before the Standing Finance Committee for Railways. As I have explained, within the maxima and minima the actual rates charged are left to be determined by individual railway administrations.

(e) In fixing rates railway administrations keep in mind what transportation charges the commodity can bear, endeavouring to make the rate such that traffic will be stimulated. Indian industries are helped as far as possible and, there is a large number of rates quoted with this particular object.

Schedule of Maximum and Minimum Class Rates for Goods Traffic.

Class.	Pies per maund per mile.	
	Maximum.	Minimum.
1st	38	100
2nd	42	100
3rd	58	166
4th	62	166
5th	77	166
6th	83	166
7th	96	166
8th	1 04	166
9th	1 25	166
10th	1 87	166

Mr. Mukhtar Singh: Is the Standing Finance Committee consulted in fixing the maximum and minimum rates?

Mr. A. A. L. Parsons: No, Sir. As far as I am aware no occasion for altering the present maximum and minimum rates has arisen in the course of the last ten or fifteen years.

Mr. Mukhtar Singh: If any Member brings up that question before the Standing Finance Committee, would he be in order in discussing that point?

Mr. A. A. L. Parsons: No, Sir, not so far as the present functions of the Standing Finance Committee go.

Mr. B. Das: May I inquire if the Rates Advisory Committee is at all consulted by the different railway administrations regarding the fixing of maxima and minima rates?

Mr. A. A. L. Parsons: The railway administrations have nothing to do with the fixing of maximum and minimum rates, and obviously therefore do not consult the Rates Advisory Committee.

Mr. B. Das: Do I understand that it is the Railway Board that fixes the maxima and minima rates?

Mr. A. A. L. Parsons: Yes, Sir, that is what I explained in my answer to the main question.

Mr. B. Das: Do I take it that the Railway Board do not think it desirable to consult the Rates Advisory Committee, which was, I think, brought into existence in order to give advice on rates and to fix tariff rates?

Mr. A. A. L. Parsons: As I have explained, no question of altering the maximum and minimum rates has arisen, certainly within my experience, and as far as I know, for the past ten or fifteen years, or even longer. There has therefore been no occasion for considering whether it would be desirable to consult the Rates Advisory Committee. At the same time I do not think consultation on a matter of that kind would be within the functions of the Rates Advisory Committee as now constituted, but I am not quite sure on that point.

Mr. M. S. Aney: Will the Honourable Member be pleased to say whether the Railway Board is prepared to put this question of maxima and minima rates for consideration before the Central Advisory Council?

Mr. A. A. L. Parsons: At the moment there is no question for consideration: the lowest rate we charge is 10 pies per maund per mile and certainly there can be no question of reducing that rate or putting it before any Committee.

Mr. R. K. Shanmukham Chetty: In view of the fact that the maximum and minimum rates were fixed as long as ten or fifteen years ago, as the Honourable Member has himself said just now, will the railway administration consider the advisability of taking steps now to revise the whole question of maximum and minimum rates?

Mr. A. A. L. Parsons: No, Sir; I think the maximum and minimum rates as now fixed are sufficiently elastic not to require any such revision.

Mr. K. Ahmed: In view of the fact that the question has been asked in this Assembly since 1921 when Mr. Parsons was not here, and the Rates Advisory Committee, which was formed only three or four years ago, does not give relief to the people of this country in their grievances about uniformity of rates, do Government propose now to consider the matter in order to relieve anxiety and give some assistance to industries in India?

Mr. A. A. L. Parsons: I am not sure that Government propose to take any of the various courses of action which apparently the Honourable Member was suggesting.

Mr. K. Ahmed: What is the scope of the inquiry made by the Rates Committee in cases which are not brought before them in the form of petition by parties?

Mr. A. A. L. Parsons: The function of the Rates Advisory Committee is to inquire into specific complaints brought before them by parties who think that they have a grievance about the railway rates charged on certain commodities.

Mr. K. Ahmed: Did not the Honourable Sir Charles Innes, when he was Member in charge, declare, while forming the Rates Committee under the Chairmanship of Sir Narasimha Sarma, that it would bring relief to the people of this country by bringing about uniformity of rates?

The Honourable Sir George Rainy: If the Honourable Member will put down a question we should do our very best to give him an answer.

Mr. K. Ahmed: Is it not a fact that the Honourable Member's predecessor promised relief, but that no satisfaction has as yet been given to the public in this matter?

The Honourable Sir George Rainy: I must ask for notice of that question.

Mr. K. Ahmed: Will he kindly revise the undertaking given by Sir Charles Innes in the announcements then made, and having now heard the difficulties and grievances of the people, will the Honourable Member decide the matter?

The Honourable Sir George Rainy: I would be much better acquainted with the grievances referred to if the Honourable Member were to put his questions on paper.

Mr. K. Ahmed: These questions have been asked and promises have been made: will the Honourable Member kindly exercise sufficient active interest in the matter and give relief to the grievances complained of after grasping the subject properly.

QUESTIONS NOT PUT, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

SALT FACTORIES, QUANTITY AND PRICE OF SALT MANUFACTURED IN INDIA.

125. ***Mr. C. Duraiswamy Aiyangar:** (a) Will the Government be pleased to state how many salt factories are at present working along the coast line in India for the manufacture of salt?

(b) Will Government be pleased to state the total quantities of salt manufactured in India according to the varieties of rock salt, lake salt and sea salt?

(c) Will Government be pleased to state the differences in chemical analysis and compare them with that of the imported salt?

(d) Is it true that the Madras salt and other sea salt produced in India can, at a very low cost, be converted into pure white salt, and if so, will the Government be pleased to state if they have taken steps, or will take steps to have them so converted for meeting refined demands?

(e) Will Government be pleased to state the price per maund at which retail sales are made in village areas?

(f) Will Government be pleased to state what percentage it bears to the cost price per maund of salt at the factories and other places of production?

(g) Will Government be pleased to state which other coastal countries in the world levy any duty on salt, and the rate of such duty?

(h) Will Government be pleased to state which salt the Government purchases—Indian salt or imported salt?

(i) Will Government be pleased to lay on the table their proceedings, declining to refer the question of salt tax to the Tariff Board, and the report on which their resolution is based?

The Honourable Sir George Schuster: (a) There are 88 such factories, greatly varying in size.

(b) The quantities of salt produced in British India in 1927-28 may be classified as follows:

Rock salt	41,84,503 maunds.
Brine-pit and lake salt	82,39,776 „
Sea salt	2,35,11,329 „

(c) As the chemical composition of salt varies from place to place and, even in the same place, varies from season to season, a complete answer to this question is impossible. I am, however, arranging to send the Honourable Member a copy of the Administration Report of the Salt Department, Madras Presidency, for 1926-27, and would draw his attention to the analyses printed on pages 62 and 63. The Government of India are not in possession of analyses of imported salt, but have arranged to have typical samples of imported salt and of the various kinds of Indian salt analysed, and the results will be communicated to the Honourable Member in due course.

(d) The answer to the first part of the question is in the negative. The second part does not, therefore, arise; but I may point out that between 80 and 90 per cent. of the sea salt produced in India is made by private manufacturers, and the question of improving the quality of the salt is one that lies between the manufacturers and their customers. The Government will put no difficulties in the way of any manufacturer who desires to make pure white salt.

(e) The attention of the Honourable Member is drawn to the statements published each month in certain of the provincial gazettes and in the Indian Trade Journal.

(f) The percentage must differ in every village in the country; but the Honourable Member may find it useful to make his own comparison between the wholesale prices shown against the producing districts and the retail prices shown against all districts in the returns that I mentioned in my reply to part (e) of the question.

(g) According to the information possessed by the Department:

(i) The Governments of the following countries maintain salt monopolies:

Columbia,
Czechoslovakia,
Greece,
Italy,
Japan,
Roumania,
Spain.

(ii) The Governments of the following countries levy taxes on salt:

Brazil,
Bulgaria,
France,
Netherlands,
Venezuela.

I must leave it to the Honourable Member to say which of these countries are covered by his term "coastal countries". The Government of India have no up-to-date information as to the rates of tax levied by the Governments mentioned in the second list.

(h) The principal consuming department of the Government is the Army. This obtains its supplies of table salt (about 840 tons a year) from the Northern India and Bombay sources, and of salt for animals from Khewra. The Government of India have no reason to suppose that other consuming departments such as hospitals, jails, etc., obtain their salt from any other source than the prevailing source of supply in the markets of the areas in which they are situated. The amounts, so far as direct administration of the Government of India is concerned, would, in any case, be of very minor importance.

(i) The Resolution in which the Government announced their decision not to make a reference to the Tariff Board, and the report of the Central Board of Revenue that was considered before that decision was reached, were published in the Gazette of India, dated the 12th of May, 1928.

MESSRS. WHEELER AND COMPANY'S RAILWAY BOOK STALLS.

168. ***Diwan Chaman Lall:** (a) Will Government state the date of expiry of the arrangement entered into between the Railways and Messrs. Wheeler and Company?

(b) Will Government state whether, on expiry of the above mentioned arrangement, they intend to call for public tenders?

Mr. A. A. L. Parsons: The original contract of the North Western Railway with Messrs. Wheeler and Company terminated on the 31st December, 1928. According to its terms, six months' notice had to be given to the firm of any intention to terminate the contract, and the question was considered by the North Western Railway Administration in May. They decided that there was no reason to alter the existing arrangements and entered into a fresh contract for one year from the 1st of January, 1929. It had been the intention of the Railway Board that the matter should be referred to them before any decision was reached, but this unfortunately was not done. They have now issued instructions to the North Western Railway Administration to refer the question to them before any further extension of the contract is agreed to. Enquiries are being made from the other State-managed railways when their existing contracts expire, and the information will be supplied to the Honourable Member as soon as it is received. The Railway Board propose to examine the question whether public tenders should not be invited on the occasion

of the expiry of each of the remaining contracts of State-managed railways.

SETTLEMENT OF OUTSTANDING MONEY DUE TO THE INDIAN GOVERNMENT FROM THE BRITISH WAR OFFICE.

169. ***Diwan Chaman Lall:** (a) Will Government state whether they have arrived at any settlement with the British War Office with regard to outstandings due to the Indian Government?

(b) Will Government state the amount involved?

(c) Will Government state the exact nature of the difficulties which have prevented achievement of a settlement so far?

The Honourable Sir George Schuster: The Honourable Member's attention is invited to the following replies on this subject already given in this House:

(1) the reply given by Sir Basil Blackett to a question by Sir Purshotamdas Thakurdas on 1st February, 1924, and the statement of the principal outstanding questions then laid on the table;

(2) the replies given to the Honourable Member himself by Sir Basil Blackett on 15th February, 1927;

(3) the reply given on 18th August, 1927, to the question asked by Mr. Gaya Prasad Singh.

The latest statement on this subject was made by the Financial Secretary in reply to a question asked by the Honourable Dr. Rama Rau in the Council of State on the 11th September, 1928. The question is still under consideration, and I regret that I am not yet in a position to make any further statement.

PAYMENTS TO THE GOVERNMENT OF INDIA UNDER THE REPARATIONS SCHEME.

170. ***Diwan Chaman Lall:** Will Government state whether they have received any amount under the Reparations Scheme, and if not, will Government state why no arrangement was arrived at on a similar basis to that accepted by Great Britain?

The Honourable Sir George Schuster: The answer to the first part of the question is in the affirmative, the total amount received up to date being £7,17,391-7-8.

AMOUNT SPENT BY THE GOVERNMENT OF INDIA ON THE GREAT WAR.

171. ***Diwan Chaman Lall:** Will Government state the total amount expended by them during and incidental to the Great War?

The Honourable Sir George Schuster: The Honourable Member is referred to Chapter IV of the publication entitled "India's Contribution to the Great War" which will be found in the Library of the House.

PENSIONS PAYABLE TO WAR WIDOWS IN CANADA, AUSTRALIA AND INDIA.

172. ***Diwan Chaman Lall:** Will Government state the amount of pension payable to the widow of an Indian soldier killed in the Great War and the amount similarly paid by the Canadian Government and the Australian Government to their nationals?

Mr. G. M. Young: Family pensions are granted to the widows or other dependents of Indian officers and soldiers whose death is attributable to military service. The rates of family pension range from Rs. 8 a month for Sepoys to Rs. 50 a month for Subadars. Minor children receive separate allowances of from Rs. 2 to Rs. 4 a month each. The heir of a Subadar killed in action or who dies of wounds received in action is eligible for a gratuity of Rs. 1,200 and the heir of a Jemadar for Rs. 600.

The Government of India do not possess the information asked for in the latter part of the question. Even if they had the information, I doubt if any useful comparison could be instituted.

SEARCH OF EFFECTS OF INDIAN POLITICIANS VISITING GREAT BRITAIN IN 1928.

173. ***Diwan Chaman Lall:** Will Government state:

(a) whether the effects of prominent Indian politicians visiting Great Britain last summer were searched under instructions from Scotland Yard?

(b) whether, and if so, what, correspondence passed between authorities in India and authorities in Great Britain in regard to the search or surveillance of certain Indian politicians visiting Great Britain during the summer of 1928?

The Honourable Mr. J. Crerar: (a) Government have no information.

(b) There was no such correspondence.

SUBSIDY PROMISED BY THE GOVERNMENT OF INDIA TO NEW NEWSPAPERS STARTED IN INDIA.

174. ***Diwan Chaman Lall:** Will Government state whether any subsidy or assistance has been promised to any new journals or newspapers started in this country during the last six months?

The Honourable Mr. J. Crerar: The answer is in the negative.

APPROXIMATE MEMBERSHIP OF THE COMMUNIST PARTY IN INDIA.

175. ***Diwan Chaman Lall:** Will Government state whether there is in existence in India a Communist Party and what its approximate membership is?

The Honourable Mr. J. Crerar: There are several organisations in India, such as the Workers' and Peasants' Parties in Bombay and Calcutta, as well as the recently formed All-India Workers' and Peasants' Party, which preach Communist doctrines and avow Communist aims. Approximate details of membership are not available, but the adherents of these parties are already numerous and are rapidly increasing.

ADDRESSES ON MATTERS OF POLITICAL CONTROVERSY BY HIGH GOVERNMENT OFFICIALS.

176. ***Diwan Chaman Lall:** Will Government state whether some of its high officials are in the habit of addressing meetings of European Chambers of Commerce at which matters of political controversy are discussed?

The Honourable Sir George Rainy: It is a fact that Government officials sometimes attend, as visitors, meetings of Chambers of Commerce, both European and Indian, and take part in the discussion of commercial questions which may sometimes be matters of political controversy.

FORMATION OF A WHEAT POOL.

177. ***Diwan Chaman Lall:** Will Government state whether they have examined the feasibility of assisting the formation of a Wheat Pool on the lines of the Canadian Wheat Pool?

Mr. G. S. Bajpai: No proposal to this effect having been received from wheat growers in this country, the matter has not been examined so far.

WAGES AND HOURS OF WORK OF INDUSTRIAL WORKERS IN INDIA.

178. ***Diwan Chaman Lall:** Will Government state whether they propose to hold an enquiry into the conditions of life and wages and hours of work and of labour of the industrial workers of India?

The Honourable Sir Bhupendra Nath Mitra: I would refer the Honourable Member to the recent announcement made by His Excellency the Governor General in this House.

RATIFICATION OF MINIMUM WAGE CONVENTION.

179. ***Diwan Chaman Lall:** Will Government state whether they intend to ratify the Minimum Wage Convention passed by the International Labour Conference?

The Honourable Sir Bhupendra Nath Mitra: Not at present.

REPRESENTATION OF INDIAN LABOUR AT THE INTERNATIONAL LABOUR CONFERENCE.

180. ***Mr. Amar Nath Dutt:** (a) Are Government aware that the names of delegates and advisers recommended by the Jharia Session of the All-India Trade Union Congress for the International Labour Conference were adopted by the President, without putting the names to the vote, in spite of protests and cancelling certain names that were adopted by the Executive Council originally?

(b) If so, do Government propose to inquire into the regularity of the proceedings before considering the recommendations sent by the Secretary as the recommendation of the Labour in India?

(c) Do Government propose to invite recommendations from the various labour unions individually for the proper representation of Indian labour in the International Labour Conference?

(d) Are Government prepared to secure the representation of labour by consulting the Members of the Central Legislature and such other methods as may be feasible?

The Honourable Sir Bhupendra Nath Mitra: (a) to (d). Government have no information and do not propose to hold any enquiry into the matter. All organised representative associations of employers and employed were asked to submit their recommendations for the nomination of the non-Government delegates and advisers to the International Labour Conference by the 15th January, 1929, and in making such nominations, the Government of India are bound by the provisions of Article 389 of the Treaty of Versailles.

RETURN TICKETS AT CONCESSION RATES ON THE GREAT INDIAN PENINSULA RAILWAY.

181. ***Mr. A. H. Ghuznavi:** (a) Are Government aware that no return tickets at concession rates are issued to passengers on the Great Indian Peninsula Railway?

(b) Do Government propose to direct the Great Indian Peninsula Railway authorities to start issuing such tickets at an early date?

Mr. A. A. L. Parsons: (a) Certain return tickets at reduced fares are issued on the Great Indian Peninsula Railway. The Honourable Member will find details at pages 129 to 136 of the Great Indian Peninsula Railway Time Table, Guide and Coaching Tariff No. 224.

(b) It is for the Agent to decide whether the issue of such tickets is likely to be profitable. A copy of the Honourable Member's question and of this reply will be sent to him.

PROVISION OF A SUITABLE RETIRING ROOM AT LAHORE RAILWAY STATION.

182. ***Mr. A. H. Ghuznavi:** (a) Are Government aware that retiring rooms at important railway stations are very much appreciated by the travelling public?

(b) In view of the above fact, do Government propose to provide the Lahore Railway Station with a suitable retiring room at an early date?

Mr. A. A. L. Parsons: As the Honourable Member is aware from the reply given to his question No. 25, dated the 4th September, 1928, Agents of State-managed Railways, including the North Western Railway, have been asked to consider the question of providing retiring rooms at stations where it appears probable that the expense will be justified by the use made of these rooms. Government are not prepared to go further than this, for it must be for Agents to decide whether, at any particular station, a retiring room can and should be provided.

UNSUITABLE CONDITION OF WAITING ROOM AT LAHORE RAILWAY STATION.

183. ***Mr. A. H. Ghuznavi:** (a) Has the attention of the Government been drawn to the most filthy and unsuitable condition of the Railway waiting room at Lahore, which is a very big and important railway station?

(b) Do Government propose to see that the waiting room in question is rearranged at an early date?

Mr. A. A. L. Parsons: (a) No.

(b) The attention of the Agent of the North Western Railway will be drawn to the complaint made in the Honourable Member's question, in order that he may consider whether any alterations are necessary in the waiting room arrangements at Lahore.

QUANTITIES OF COAL CONSUMED BY STATE AND OTHER RAILWAYS IN INDIA.

184. ***Mr. A. H. Ghuznavi:** Will Government be pleased to lay a statement on the table showing the total quantities of coal consumed by State and other railways, specifying at the same time what quantities are drawn from railway collieries and what quantities are purchased?

Mr. A. A. L. Parsons: The total quantity of coal consumed by all railways in India in 1927-28 amounted to 7,259,427 tons, of which 3,184,255 tons were issued from railway collieries. The Honourable Member will find fuller details for 1927-28 and the previous year on pages 124-28, 177-79 and 187 of the Report by the Railway Board on Indian Railways for 1927-28. Volume II.

REDUCTION OF RAILWAY FARES ON THE EASTERN BENGAL RAILWAY.

185. ***Mr. A. H. Ghuznavi:** (a) Will Government be pleased to state if the fares on the Eastern Bengal Railway especially of third class passengers have been reduced?

(b) If the fares have not been reduced, will Government be pleased to state why such a reduction has not been effected though, according to an assurance given in this House, railway fares on other State railways have already been reduced?

(c) Do Government propose to direct the authorities of the Eastern Bengal Railway to reduce their fares at an early date?

Mr. A. A. L. Parsons: (a) The last reduction in passenger fares on the Eastern Bengal Railway was made in August, 1927, when fares by mail train were lowered.

(b) The financial position of the Eastern Bengal Railway did not permit reductions in fares similar to those which were brought into force on certain other railways this year.

(c) The question whether passenger traffic on the Eastern Bengal Railway can be stimulated by a reduction of fares is constantly being borne in mind both by the Agent and by the Railway Board.

ADMINISTRATION OF COALFIELDS BY RAILWAY COMPANIES.

186. ***Mr. A. H. Ghuznavi:** (a) Will Government be pleased to make a statement with regard to the administration of coalfields by railways?

(b) Do Government propose to order the separation of the coal-fields account from the general account to avoid confusion and to facilitate matters?

Mr. A. A. L. Parsons: (a) All collieries of State-worked railways, other than those of the East Indian Railway, are controlled and administered in their working by the Chief Mining Engineer to the Railway Board and the staff under him. There has been a colliery organisation on the East Indian Railway for many years, and the East Indian Railway collieries are, therefore, controlled and administered by the Agent of the East Indian Railway, to whom the Chief Mining Engineer to the Railway Board acts as consulting mining engineer. The output of the East Indian Railway collieries is available for distribution amongst any of the State-worked railways and is at the disposal of the Chief Mining Engineer for such distribution, in the same way as the supplies available from other State-worked railways' collieries.

(b) It is proposed to revise the system of accounts for railway collieries on the basis of proposals about to be placed before the Standing Finance Committee for Railways, which have been framed after consideration of Sir Arthur Dickenson's recommendation.

DUTIES OF CLASS I AND CLASS II CLERKS IN THE OFFICE OF THE CHIEF AUDITOR, NORTH WESTERN RAILWAY.

191. ***Diwan Chaman Lall:** (a) Will Government state whether any decision has been arrived at in regard to questions raised on memorials by the clerks, Class II, of the Office of the Chief Auditor, North Western Railway?

(b) Will Government state what special distinction or difference there is in the work allotted to the clerks of Class I and Class II in the various sections of the office?

(c) Is it a fact that, in the following items of work, no distinction is made in their allotment to both the classes:

1. Audit of station balance sheets?
2. Audit of passenger classifications?
3. Audit of invoices and parcels way bills?
4. Audit of muster rolls and time sheets?
5. Upkeep of stores ledgers?

(d) Is it a fact that work of both the classes is so intermingled that no distinction can be drawn?

The Honourable Sir George Schuster: (a) The memorials are under consideration.

(b) to (d). Enquiry is being made and a reply will be sent to the Honourable Member in due course.

THE HINDU CHILD MARRIAGE BILL.

Mr. President: Rai Sahib Harbilas Sarda.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, with your permission I rise to a point of order. I submit in this case the original Bill has been so materially and vitally changed and the Parliamentary practice has been

Mr. President: Rai Sahib Harbilas Sarda.

Rai Sahib Harbilas Sarda (Ajmer-Merwara: General): Sir, I move that the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be taken into consideration. As this House has clearly expressed itself

Mr. M. S. Sesha Ayyangar: On a point of order, I submit, that the practice in such cases is to withdraw the original Bill.

Mr. President: The Honourable Member might first allow Mr. Sarda to make his motion and then he can raise his point.

Rai Sahib Harbilas Sarda: Sir, I move that the bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be taken into consideration.

As this House clearly expressed itself in favour of passing legislation in the matter of child marriage, (*An Honourable Member:* 'No'). Yes it did. When the Bill was referred by the House to a Select Committee the principle of the Bill, about passing legislation in regard to child marriages, was unanimously accepted by this House, and as the Honourable the Home Member speaking on behalf of Government last year, stated that the Bill had the cordial support of Government, I will not say anything now regarding the policy of legislating on the question, except what a great English writer has said that, where large communities are concerned, legislation is the only effective means of accomplishing social reform. Honourable Members who have been reading their papers are well aware that almost all public bodies in India are taking an interest in social matters and almost every All-India caste conference, and the Indian National social conferences that are held every year unanimously demand the enactment of this measure.

This Bill has been circulated to the public and opinions have been received. Before I come to the opinions received by Government as a result of the circulation of the Bill, I must invite the attention of this House to the remarkably unanimous opinion of the party chiefly concerned in marriage in full support of the Bill. Sir, marriage affects the life of a woman more vitally and in a much fuller manner than that of a man. The reasons are many and obvious. One obvious reason is that marriage not only completely deflects her whole future course of life, but removes her completely from the scene of her premarried life. Not so with man. And then it is she who has to bear the burden of motherhood. Society and the State should, therefore, attach much greater weight to her views and her considered opinion in the matter of marriage. Now, what is the attitude of women towards this Bill which is of such paramount importance to them? Hundreds of ladies' meetings have been held in the country; district and provincial ladies' conferences have taken place, ladies associations and sabhas re-

presenting different communities have met and passed resolutions on this Bill. Three All-India Ladies' Conferences in different parts of the country have met, discussed and passed resolutions in the matter. But do you find a single instance of such a public meeting of women protesting against the Bill? With a unanimity which is remarkable, almost astonishing, women all over the country have demanded that this Bill be passed and passed without delay. Even the Rajputana Provincial Ladies' Conference, composed in a preponderating degree of Marwari women, which met on the 19th November 1928, emphatically demanded the immediate passing of this Bill. We thus find that half the number of people affected by marriage, and that half, considering the interests at stake, the more important, and as is justly said, the better half, wholeheartedly supports the Bill. But this is not all. By far the major part of the opinion consulted by Government also welcomes and supports this Bill. Counting the printed opinions circulated by Government, we find that, leaving out of account the report of a Local Government saying that 39 persons were consulted and the majority were against the Bill, leaving also out of account the report of another Local Government that all the officials and non-officials consulted were in favour of the Bill without giving numbers, and taking into account the printed opinions which include 10 out of the 39 mentioned above, and also all reports where numbers for and against are given, and leaving out Madras, opinions from which province are separately analysed, we find that, out of a total of 167 opinions recorded, 128 are in favour of the Bill. Of the opinions received, only 18 are for lowering the marriageable age of girls to twelve, and of these 18, two do not insist on such lowering. Five ask for thirteen, while three ask for sixteen, and one for eighteen, while the Madras Legislative Council unanimously demand sixteen for girls. As for boys, four people want sixteen (two of these being Europeans) and one wants fifteen.

As regards Madras, where it seems that special care has been taken to collect opinions and from which province alone 87 opinions have come against 167 from the rest of India, we find it repeatedly stated that, except the Brahmin community which forms only about three per cent. of the population of that Presidency, the remaining (97 per cent.) support the Bill. The women of Madras, as is clear from the womens' meetings held all over the Presidency, support it. And even among the Brahmins there are two parties, one which contains a very large number of Brahmins, and perhaps the majority, and which is not dominated by the priests, support the Bill; the other which has vested interests and is, therefore, very vocal, and which contains some who honestly believe that Brahmins are enjoined to marry their daughters before they attain puberty, oppose it. The fact that the majority even of the Brahmins of Madras is in favour of the Bill is clear from the report of Mr. Williams who says:

"I have received the opinions of 22 persons of standing in Berhampur. Of these 22, 13 are Brahmins and nine non-Brahmins. Of the 22, sixteen support the Bill. Of these sixteen, 10 are Brahmins. Thus, of the thirteen Brahmins consulted, ten support the Bill and only three oppose it."

The Sub-Collector of Kumbakonam says:

"At a meeting of the ladies of Kumbakonam town,"

—which is a seat of Brahmins—

"the Bill was unanimously supported."

[Rai Sahib Harbilas Sarda.]

Mr. Upendra Poi Avergal, District Magistrate, South Arcot, says:

"If the law is passed, I do not think that there would be serious discontent. The action of the Native States may serve as a precedent and guide in this case".

Mrs. Gomathi Ammal, speaking for the Womens' Indian Association, Veerargaupuram, says, that:

"the Child Marriage Bill has not come a minute earlier and cannot be postponed for a minute later. Child marriages must be prevented."

Mrs. Lakhshmi Ekambaram for the Ladies' Association, Tuticorin, warmly supports the Bill. The Hindu Patit Pavan Mission, Ganjam, and the Hindu Dharam Paripalan Sabha, the Madras League of Youth and the Indian Womens' Association in Madras wholeheartedly support the Bill. Only one Municipal Council in that Presidency was consulted, that of Guntur, and it has supported the Bill.

Out of the 87 opinions submitted to the Government of India from the Madras Presidency, 58 support the Bill, only fourteen are against it, and the rest are either neutral, or express no definite opinion. Twelve opinions favour 12 years for girls, one favours 13, four want 16, one 18, one 20, and the rest approve of 14.

If we take the opinion of the different Local Governments in India, we find that the Governors of Bombay, Burma, Bihar and Orissa, the United Provinces, the Punjab, and the Central Provinces, as well as the Chief Commissioners of Coorg, of Ajmer-Merwara and of the North-West Frontier Province support the Bill. The Governor of Bengal is for dropping it, while the Governor of Assam and the Chief Commissioners of Delhi and Baluchistan express no opinion on it. The Governor of the United Provinces records that he regards "the objects of this Bill as of the first importance for the social and physical well being of the country as a whole".

Turning to the opinions of the High Courts, we see that the Punjab High Court strongly support the Bill. The Chief Justice and four Judges of the Bombay High Court support the Bill, the remaining expressing no opinion. As for the United Provinces, the Chief Justice and six Judges support the Bill, and two others say that they do not oppose it. The Chief Justice and four Judges of the Bihar and Orissa High Court support the Bill, while three (two Europeans and one Indian) oppose it. The Burma Government say that the Burma High Court "apparently accept the principle of the Bill", but consider that the draft Bill is so weak that it would prove a dead letter. The Calcutta High Court express no opinion. The Madras High Court has, since the last session of the Legislative Assembly, expressed their opinion, and a majority of the Judges oppose the Bill on the ground that it interferes with the religion of the people. This is not surprising coming, as it does, from a province where untouchability flourishes and where the Courts hesitated long, even to allow all people to use public roads.

As for Judicial Commissioners, all the four Judicial and additional Judicial Commissioners of Sind fully support the Bill, as also the Judicial Commissioner of Ajmer-Merwara. Two of the four Judges of the Oudh Chief Court support it: one opposes it and one says that the Bill may be made applicable to Hindus only. The Judicial Commissioners of the Central Provinces, Baluchistan, and the North-West Frontier Province express no opinion. The above analysis shows that by far the great

majority, a preponderating majority, even of those consulted by Government, support the Bill, as well as the clauses regarding the minimum marriageable ages laid down in it.

But a complete and crushing answer to those who say that there is considerable opposition to the Bill in Madras is furnished by the Resolution unanimously passed by the Madras Legislative Council, without a single dissentient voice. The Resolution reads:

"This Council recommends to the Government that they may be pleased to communicate to the Government of India that, in the opinion of this Council, legislation raising the marriageable age of boys and girls to at least 21 and 16 years respectively is necessary".

Sir, the Madras Legislative Council contains representatives elected by all the towns and districts in that Presidency and a number of eminent Brahmins are members of it. And if there is any body which may be said truly to represent the public opinion of Madras, it is the Madras Legislative Council. This Council not only unanimously supports the Bill but goes beyond it.

Over and above all this, the proceedings of the Age of Consent Committee furnish the most complete and convincing evidence that the entire country wants this Bill to be passed at once. Day after day, witness after witness, appears before the Committee and demands that the first thing to do is to fix the marriageable age of girls at 14 or 16. No better index of public opinion in the matter could possibly be found than that furnished by the evidence tendered before the Age of Consent Committee in every part of this country. That evidence almost unanimously demands this Bill to be passed. Several women witnesses have appeared before this Committee and every one of them asks that the Bill be passed.

Sir, with your permission, I will give you two samples of opinions of the opponents of the Bill to show to what straits they were reduced to find arguments to oppose the Bill. One is that of an Indian, the other that of an Englishman. The Indian is Mr. Deoskar, whose logical mind may be gauged by his statement.

"The average longevity in India is much below that in European countries, and therefore the age for marriages and other important events in life should also be similarly lower, for there would otherwise be the calamity of children being born late in life and parents dying with very young children behind them".

The dicta of the European opponent, who is Mr. Ferrers, Sessions Judge, Dharwar, are interesting reading. Giving his opinion on the Protection of Children Bill, he says:

"I am wholly opposed to all legislation of this type. Every Hindu family is a little independent commonwealth. Self-government is its birthright. This birthright is now being stolen by external invaders. The intention of such an usurper may be in the highest degree benevolent. But there is no usurpation so dangerous as that which is undertaken with a benevolent intention."

I wonder, if Mr. Ferrers was conscious of the significance and the full implications of the dicta he was laying down.

As regards the marriageable age of girls, Sir, I would, with your permission and with all respect to my orthodox friends, say a word with regard to a *alaka* which is always cited in Upper India as an authority

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for child marriage. It is from a book called *Sheeghra Bodh* which may be roughly translated as "Royal Road to Knowledge" and which is not more than two centuries old. The *sloka* runs as follows:

*Ashta varsha bhavet gauri,
nava varsha cha rohini,
dasam varsha bhavet kanya, etc., etc.,*

It means that a girl is a *Gauri* at eight, a *Rohini* at nine, and becomes a *Kanya* at ten. and then menstruation ensues. If after that, she is not married, her father and mother go to hell. Now, Sir, no *Śruti*, *Smṛiti* or law books of the Hindus, none of the *Darsanas*, nor the recognised *Sastras* classify or describe girls as *Gauri*, *Rohini*, etc., according to their ages. It is only the *Vam Marag*, a sect of the Hindus which worships girls, that has in its ritual called *Tantra*, given separate names to girls of one, two, three, and so on, up to 16 years old respectively. The *Rudra Yamal Tantra* and the *Vishvasar Tantra*, which I hold in my hands do so. The *Rudra Yamal Tantra* says:

*"Eka varsha bhavet sandhya
Dvi varsha cha saraswati
Tri varsha cha tridha murti
chatur varsha kalika."*

The *Vishvasar* says:

*"Ashta varshatusa kanya bhavet gauri varanane
Nava varsha rohini sa dash varsha to kanyaka."*

But even this *Vishvasar Tantra* demands and enjoins on its votaries that girls should be kept virgins up to 16 and that every possible precaution should be taken that girls remain virgins till they attain the age of sixteen. It says:

*"Tasman shodasha paryantam
Yuvateeti prachakshate
Rakshitavya prayatnena
Pakshatastah."*

Now, these *Tantras* are not accepted Hindu *Sastras*, but even the *Vishvasar Tantra*, as I have said, wants that the girls should not be married before they attain the age of sixteen.

As for the parents who marry their girls after ten being sent to the place where the hero of Milton's great epic reigns, let me quote the opinion of Mrs. Bhagirathi Ammal of Madras, who says:

"While the hell to which the parents go is an imaginary one, what about the *karma* or the sending of their girls now to a living hell by selling them to old widowers who cannot get women of their own age because of this pernicious custom of child marriage".

Sir, the women of India do not talk of *Sastras*; they do not bother themselves about the effect of marriage on their prospects in the next world. They are practical and think of this world, and they want that their sufferings in this world should come to an end.

But the futility of it all in practice is clear from the one potent fact which could not be denied or ignored. The opponents of the Bill say that no legislation is necessary as the marriage age is rising under pressure of public opinion, and that in a few years, there will be no marriage of girls below 14. What becomes, then, of the supposed *Sastric* injunction

not to keep girls unmarried after ten? It is a well-known fact that among the Rajas, Thakurs and Rajputs generally, girls are married after they are 16 years old. These very pandits and purohits who cite the *sloka*, "*Ashta varsha bhavet gauri*", fall upon one another to go and conduct those marriages among the Rajputs. Do these priestly gentlemen go and conduct ceremonies to assist in sending the parents of the girls to where Satan reigns? And where were the supporters of child marriages when the Maharajas of Kashmir, Bharatpur, Alwar, Baroda, Rajkot, Mandi, and others prohibited by law child marriages in their territories.

What I wish, however, to submit to this august Assembly is that this Bill is not merely a measure of social reform. With great deference to those who differ from me, I say that I regard child marriage as a crime, a crime against helpless boys and girls. And it does not cease to be a crime because it is done in the name of religion, or because the doers of it are not ill disposed towards the victims. Recently a father and a son murdered a barber boy, as a religious act to propitiate a goddess, in the Madras Presidency. The act was done in the name of religion and the perpetrators bore no personal enmity to the victim. All the same, it was a crime and the Government and the public took it as a crime and a prosecution was launched. Now child marriage is a grave crime, for while it leads to child widowhood, it sometimes leads to the death of girl victims at the first child birth. It sends many to slow lingering deaths, and as a rule, it ruins the young girl mothers physically for life. Speaking of the effect of child marriage on girls, Dr. Campbell, Lady Principal of the Lady Hardinge College, Delhi, giving evidence before the Age of Consent Committee on the 10th October, 1928, described how girls were condemned to slow deaths by becoming mothers when quite immature. She said that:

"she had attended more than one thousand Hindu girls for child births at the ages of from 12 to 16 years. And the evil effects seen in them and in others under observation or treatment as a result of early child bearing could be hardly exaggerated. Tuberculosis was very often developed during pregnancy or lactation as the resistance of the tissues was lowered by the strain, unnatural at so early an age. This is the reason why tuberculosis was much more common in girls than in boys. About 40 per cent. of the children of girl mothers died in the first year and those who survived were weaklings."

Is child marriage then not a crime? Questioned by Mr. Kanhyalal, Dr. Campbell said there was no other way to check early consummation but by fixing the marriageable age of girls at 16. The object of this Bill, Sir, is to put a stop to this crime and to that other fearful crime, viz., that of making virgin child widows, who, according to the customs of the country, cannot re-marry and are condemned to a life of suffering and misery.

Let us look a little more closely into the demand that if a man considers it his religious obligation to do a thing, no State has the right to interfere with him in his performance of it. Now, this proposition cannot be accepted or allowed to pass unchallenged. We cannot admit that a man has a right to do a thing because he regards it his religious duty to do it. If a man does a thing in the name of religion and if no one else is, in the slightest degree, adversely affected by that act, he may have some semblance of a claim to do it, though even then, sometimes he cannot be granted the liberty to do it. If a man offers himself as a sacrifice to some deity as an act of religious obligation, will the Government concede to him the liberty

[Rai Sahib Harbilas Sarda.]

to commit suicide and not make that act penal? Much more so, when he claims non-interference in doing an act in the name of religion which inflicts suffering upon others. What enlightened State in the world in the 20th century will concede to any one the right to do a thing in the name of religion when the doing of that thing injures another human being or inflicts suffering on him or her? If a man regards it his religious obligation to sacrifice his child to a deity to attain salvation, will any one in his senses concede to that man the right to perpetrate that act? Will any man in the same way, be given the right, in order to save himself from going to hell, or the fancied fear of going to hell, the right, the liberty, to condemn any other human being to a life of suffering or, as Mrs. Bhagirathi Ammal puts it, to a living hell here in this world? Sir, readers of history know well what oppression, what tyranny has been practised in the name of liberty, and readers of history also know what inhuman crimes have been committed in the name of religion. It is time we gave up invoking religion to cover the heinousness of some of our acts. Sir, if some of the Honourable Members who, when unable to defend acts on their merits, take shelter behind religion, were to read some of the heart-rendering letters, exposing the lacerated hearts of the writers, which I have received from unknown young women from different places in India, they would not be so ready to demand the perpetuation of this inhuman custom, and would not consent to be parties to ruining so many innocent lives. They would not support the continuance of this evil practice, the sin of which more than anything else has, according to my conviction, led this sacred country of ours to a depth of degradation and a state of slavery from which we find it so difficult to extricate her. I humbly submit to Honourable Members, for Heaven's sake, do not degrade our sacred religion—the noblest heritage of our race—by making it responsible for the great evils that exist in our society. A grave responsibility rests on this House in the matter. People in England and America are watching how we deal with this Bill. Writers like Miss Mayo, and politicians like Mr. Winston Churchill have declared that India cannot be granted self-government so long as she tolerates and commits acts of oppression against girls of tender age. Thoughtful people in England and America want to know if, after 170 years of English rule, that Government will still tolerate and, by its attitude, encourage the crime of compelling helpless girls of 11 and 12 to submit to the tortures of motherhood, which makes most of them wrecks for life and sends many to an early grave. Does any one doubt for a moment that if there were women members in this House this Bill would not have taken three days to pass into law instead of three years. I hold in my hand a letter received from Mrs. Anusuvaben Kale, a lady Member of the Central Provinces Legislative Council. She says that she moved yesterday in the Central Provinces Legislative Council the following Resolution which was unanimously passed:

"This Council recommends to the Government to convey to the Government of India its considered opinion that the legal age of marriage for girls should be raised to 14 (fourteen) and for boys to 18 (eighteen) and as a step towards this end it supports Rai Sahib Harbilas Sarda's Child Marriage Bill as amended by the Select Committee of the Legislative Assembly."

Both the Legislative Councils of Madras and the Central Provinces, where they have women members, have passed Resolutions demanding the passing of this Bill, even going beyond it.

The world is watching if the Members of this House possess the necessary self-restraint, the capacity and the liberal-mindedness to appreciate the rights of those who are at their mercy, who have been suffering oppression for a long time, whose true welfare is being trampled under foot in order to enable men to pander to their self-conceit and maintain their false notions of social decorum and fancied religious obligations. My earnest request is that we must no longer refuse to remedy the wrong inflicted on the helpless, hapless, powerless women of India. If you refuse to remedy the wrong inflicted on them, people might well ask, what right have you to demand that justice should be done to you by a foreign power ruling over the country.

Leaving aside for the moment the graver aspect of this question, and taking into consideration its character as a piece of social legislation, we know that progress is unity. No nation can live politically in the 20th century and socially in the 10th or 11th. Independent Asiatic nations like Turkey, in order to strengthen and stabilize their position in the hierarchy of nations, in order to keep pace with the advanced peoples and in order to be able to hold their own and not go down in the vast and world-wide struggle for existence, are taking all possible means to reform society to suit modern conditions, uproot old evil customs, cast off all outworn, anti-diluvian notions, and to come abreast of the modern nations of Europe and America. We cannot keep the women of India ignorant and helpless and slaves and yet ourselves become free. The greatest of the Americans, Abraham Lincoln, gave utterance to an eternal truth when he said "A nation cannot be half free and half slave". Let us, therefore, no longer tolerate this crime of infant and child marriage, no longer compel girls who have not yet entered their teens to become mothers and thus become wrecks for life.

In all humility, and with all the earnestness I can command, and with due respect to the susceptibilities of the Honourable Members of this House, I appeal to them—to those whom God has granted the privilege of sitting on the Treasury Benches of this great and ancient country as well as those who sit on the Opposition or neutral Benches, and have come here to serve their country,—not to forget the sublime teaching contained in those lines of matchless perfection of the English Poet, who says:

"Hear Ye Senates, hear this truth sublime,

He who allows oppression shares the crime."

Mr. M. S. Sesha Ayyangar: Sir, I rise to a point of order. My reason is this. The original Bill which was introduced has undergone so much of vital change both in form and substance, that the Parliamentary practice is to withdraw the present Bill and to reintroduce a new Bill. I rely on May's Parliamentary Practice, pages 388 and 412, latest Edition. On four essential points at least, the Select Committee has made amendments in the first report. The original Bill was to apply to Hindus, Jains, Sikhs, Brahmos, and Arya Samajists. Now it is made to apply to all communities and classes in British India. Secondly there was a conscience clause, clause 6, of the original Bill which has been completely eliminated. Thirdly, it was the intention then to declare all objectionable marriages of boys or girls below a certain age to be invalid; but now a provision has been introduced to make it penal. Fourthly, the Select Committee has

[Mr. M. S. Sesha Ayyangar.]

not only altered the substance of the Bill, but they have thought it even necessary to alter the very title and preamble, and in their first report, in the penultimate paragraph, they say:

"The Bill has been so materially altered by us that in our opinion it requires republication".

Then they go on to say:

"We propose that no further step should be taken to pass the Bill in the present session of the Legislative Assembly, and that between now and the next session the Bill should be published as widely as possible in English and in all the important vernaculars. We desire to emphasize strongly this need for deliberation and wide publication."

Mr. President: Which paragraph is that?

Mr. M. S. Sesha Ayyangar: It is in the first report of the Select Committee.

Mr. President: The Bill was recommitted to Select Committee afterwards.

Mr. M. S. Sesha Ayyangar: But we are now taking the two things together for the first time.

Mr. President: Are we going back to the first report?

Mr. M. S. Sesha Ayyangar: So far as this question is concerned, we have to go back necessarily.

Mr. President: Why? The first report of the Select Committee was before this House.

Mr. M. S. Sesha Ayyangar: It was sent back to the Select Committee for further consideration.

Mr. President: That was the time when the Honourable Member should have raised this point.

Mr. M. S. Sesha Ayyangar: Rule 15 of the Legislative Rules says:

"Any member may at any time submit a point of order."

I also rely on a passage in May's "Parliamentary Practice", page 412, Thirteenth edition, where it is stated that a point of order can be raised at this stage. It is perfectly certain that the Select Committee were conscious that they were substituting a new Bill altogether. They say:

"Nevertheless, we do recognise that the substitution in Select Committee of what is formally a new Bill is an unusual step, and we desire that further stages in the Bill should be undertaken deliberately and only after public opinion has been fully elicited on its details."

Where this is established, the practice is, the original Bill is withdrawn and a new Bill is introduced. It must be made impossible for a Member to introduce a Bill, get the leave of the House and then make drastic changes therein and put a new form to the Bill. His duty is to seek permission for the Bill to be withdrawn.

Rai Sahib Harbilas Sarda: May I say that this very objection was brought in the Simla session when I made a further motion about this Bill, and it was my friend Mr. Acharya who raised the point and said that the Bill was completely changed and could not be proceeded with in this Assembly. The Chair overruled this objection.

Mr. President: Is that so, Mr. Sesha Ayyangar?

Mr. M. S. Sesha Ayyangar: I don't know.

Rai Sahib Harbilas Sarda: You will find in the proceedings of the Legislative Assembly that this point was raised when Mr. Acharya made his speech. Moreover, the principle of this Bill has not been changed. The Government has said that the principle is that there should be legislation in regard to child marriage.

Mr. M. S. Sesha Ayyangar: With your permission, Sir, I wish to rise to another point of order.

Mr. President: Let one point of order be disposed of first.

Mr. M. K. Acharya (South Arcot cum Chingleput: Non-Muhammadan Rural): I don't remember raising any point of order, but probably in the course of my speech I said that it was a new Bill. I don't think any point of order was raised and submitted to the ruling of the Chair.

Mr. President: The report of the Select Committee, which is under consideration, says in para. 5:

"We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended."

That is the recommendation of the Select Committee consisting of leading Members of this Assembly, and I am in agreement with that recommendation and therefore rule that there is no substance in the point of order raised.

Mr. M. S. Sesha Ayyangar: Another point of order, Sir. I refer 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:

(b) the religions or religious rites and usages of any class of British subjects in India."

Under section 67 the permission of the Governor General is to be obtained. Permission was obtained for the original Bill which applied to Hindus, Brahmans, etc., but after the Select Committee reported, no fresh sanction has been obtained though the present Bill is to apply to all classes and communities, and I think that under section 67 it would be necessary to obtain sanction again from the Governor General.

Mr. E. K. Shanmukham Chetty (Salem and Coimbatore cum North Arcot: Non-Muhammadan Rural): With reference to the point of order just raised, I would refer you to section 67 of the Government of India Act, sub-clause (2) (b), 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:

(b) the religions or religious rites and usages of any class of British subjects in India."

[Mr. R. K. Shanmukham Chetty.]

The provisions of section 67 (2) (b) will apply at a stage when a Bill is sought to be introduced in the Indian Legislature.

Mr. President: If a Bill is introduced without sanction, is not any Member entitled to raise objection at any subsequent stage?

Mr. R. K. Shanmukham Chetty: No. The Bill cannot be introduced without sanction.

Mr. President: But if it is so introduced by mistake, can not objection be raised at a subsequent stage?

Mr. R. K. Shanmukham Chetty: The section refers to a Bill which obviously affects the religion of any class, for which sanction is to be given by the Governor General. If alterations have been made by the Select Committee, those alterations cannot be brought under the provision of section 67 (2) (b). The section refers to the introduction, not to the subsequent changes that may be made in this House. If the point of order raised is valid, the logical conclusion would be that any amendment made by this House may be brought within the mischief of the section.

Mr. M. S. Aney (Berar Representative): I am afraid that the narrow interpretation that Mr. Chetty has sought to put upon section 67 will not be borne out. We bear in mind that the changes which are now introduced affect more religions than those which the original Bill was intended to affect. The Governor General had the opportunity of looking at the question from the point of view of those sects only. From that point of view the Governor General might have been justified in giving his sanction to the introduction of this Bill. But now when a new religion has been introduced into the Bill and when alterations have been made with a view to widen its scope, it is necessary that the Governor General should have an opportunity of judging the Bill from the consideration affecting that religion particularly. If that is not done, the objection raised by my Honourable friend Mr. Sessa Ayyangar must hold good. The interpretation put by my Honourable friend Mr. Shanmukham Chetty upon the section cannot be accepted as in fact the very object of the section which requires a Bill affecting any religion or usage to be submitted before introduction, for the previous sanction of the Governor General, would thereby be entirely defeated.

Rai Sahib Harbilas Sarda: May I submit, Sir, that Muhammadans have been included, but marriage is not a matter of religion with them; but it is merely a social contract so far as they are concerned. Therefore this Bill does not offend the susceptibilities of the Mussalmans.

Mr. M. S. Aney: It is for the Mussalmans to say so.

Rai Sahib Harbilas Sarda: They say so.

Mr. K. Ahmed: Does my Honourable friend speak for the Mussalmans also and take shelter?

The Honourable Mr. J. Ozerar (Home Member): I would submit, Mr. President, that the original Bill which was introduced by Rai Sahib Harbilas Sarda had received the sanction of the Governor General. The

House interpreted the general intention of that Bill to be to regulate child marriage and it was I think with that intention that the Bill was submitted for the sanction of the Governor General. I infer—and I think I may reasonably do so—that it is with that intention that the Governor General granted sanction. My own view, therefore, would be that no further sanction is necessary and that the point of order regarding the absence of sanction of the Governor General is not at this stage tenable.

Mr. President: The Honourable the Leader of the House has interpreted the intention of the Governor General in according his sanction to Rai Sahib Harbilas Sarda's Bill as originally introduced. According to him the intention of the Governor General in according that sanction was to allow Mr. Harbilas Sarda to introduce a Bill regulating child marriages (*An Honourable Member:* "On whom?"),—Order, order,—and the Chair is inclined to agree with that view and is not justified in going behind the intention so interpreted by one who represents the Government in this House. I therefore rule that no further sanction is necessary.

The question is:—

"That the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be taken into consideration".

Mr. M. K. Acharya: Sir, I have got an amendment in my name.

Mr. President: The Honourable Member should have risen earlier.

Mr. M. K. Acharya: I am sorry, I did not catch the eye of the Chair earlier. There is an amendment tabled in my name which I rise to move. The amendment is:

"That the consideration of the Bill be postponed till the report of the Age of Consent Committee becomes available to the Members of the House."

Sir, I do not propose, and I do not think it is necessary for me at this stage to enter at any length into controverting the many heated and enthusiastic statements made by my Honourable friend Mr. Harbilas Sarda. He has reason to congratulate himself on the abundance of his enthusiasm and his valour, though perhaps not on the tact which he has employed in handling his motion. However it is unnecessary, I believe at this stage, though probably it may become necessary later on, to endeavour, at any length, to controvert any of the arguments used by him. But one remark I do wish to make, because he attached so much importance to it, and because I was myself surprised how it came about that the Madras Legislative Council, as it appears on paper, was supposed to have passed a Resolution recommending unanimously, without any dissentient voice as it were, that marriage legislation should be undertaken and all that . . .

Mr. K. Ahmed: Many were absent from the meeting.

Mr. M. K. Acharya: Well, I met some very responsible Members of the Madras Legislature; I asked the Honourable Mr. Moir and I also asked one of the Ministers, and they said that when a number of them were away from their seats in the Council, busy with something else, without adequate notice to anybody, the Resolution was declared to have been

[Mr. M. K. Acharya.]

passed by the Council. It was all over in a few minutes. Technically, therefore, as far as the Madras Legislative Council is concerned, my Honourable friend Mr. Harbilas Sarda is perfectly right in drawing his conclusion that the Madras Legislative Council, in spite of the representatives of orthodoxy and so on and so forth, passed a Resolution, unanimously, *nem con.*, recommending something which is very much in his favour. Well, Sir, that is one of the anomalies of modern life. The actual truth is far different from what is put on record. The actual things are quite different. Well, I suppose, this is partly at least one of the many myths of modern civilisation. The Resolution referred to was not really passed as unanimously as would just appear on paper. However I admit that it was the duty of those who were really opposed to it, to have been present and to have raised the question and pressed it to a division. But I am not concerned with those details at present. Only when my Honourable friend was saying what he did say, I could not help smiling and thinking! "Here is a Resolution which was not discussed even for ten minutes in the Council and yet it is given out that, after full discussion, that Resolution was passed unanimously! If hereafter, such important Resolutions are going to be passed *nem con* within less than ten minutes, I fear the prospects of sane Government through Councils in this country are not very bright." However this also is another matter. These reflections are all irrelevant to my present amendment. The point that I am raising in my amendment is much simpler, it is very much straighter. I am constrained to raise it because I consider it is a matter affecting the prestige of this House, because this House has agreed to the Government appointing a committee to make an enquiry into matters of marriage and consummation and so on. I believe that this House, after the appointment of the committee by the Government, added in fact some Members of this House to that committee.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): The House did not agree.

Mr. M. K. Acharya: To what?

Mr. C. S. Ranga Iyer: To the appointment of a committee.

Mr. M. K. Acharya: I think the House agreed finally to the appointment of the committee. Not only that, each section of the House was eager and anxious to put one of its own favourite Members on the committee. I interpret from that desire that the House did agree to the appointment of the committee in question. Now that committee is carrying on its work—whether good, bad or indifferent, it is not for me to say at this stage. It is enough that, there is a committee which is carrying on its work. I know it is a committee not of enquiry but of propaganda as the *Madras Mail* well put it. Yet whatever might be the real work that that committee has been doing, it is supposed to be a committee of enquiry. Perhaps the committee was asked to enquire only about the age of consent, but we all know that the committee has been carrying on its work, rightly or wrongly, on much wider lines; that it has not been confining its attention to the amendment of the Indian Penal Code with regard to the age of consent section. It has been practically enquiring into the whole field of marriage, puberty, consummation and so on. In fact in its questionnaire there are one or

two questions which bear out what I am saying; and the evidence tendered before that committee might be of much use in deciding the measure before the House at present. One of the questions is:

"Do you consider that penal legislation fixing a higher age of consent for marital cases is likely to be more effective than legislation fixing the minimum age of marriage?"

In fact my own experience as a witness before that committee has shown me one thing, that is that the committee has been taking much more evidence on the marriageable age for girls than upon the age of consummation. I was examined at great length for over two hours. The questions put to me were more about the marriageable age of girls than about the age of consummation. Now, the question in the questionnaire continues:

"Which of the two alternatives would be in consonance with public opinion in your part of the country?"

The next question in the questionnaire is:

"Would you prefer to rely on the strengthening of the penal law to secure the object in view or on the progress of social reform by means of education and social propaganda?"

Therefore, there is ample evidence before us to show that the enquiry by this Committee is going to bring together evidence of various kinds. As I have said, I myself am not going to attach very great importance to the report of the Committee; but whatever the value of that report is going to be in the eyes of individual Members, the fact is there that an enquiry is going on and there is going to be a report; and in that report we shall have the benefit of various kinds of evidence taken by the Committee, whatever their conclusions may be. Now I say, we having been a party to such an enquiry being carried on to pass this legislation without having all the materials before us will not be proper procedure. There will be enough time for us—certainly the Heavens are not going to fall within the next few weeks, although my Honourable friend was furiously saying: "Beware, America is watching, Europe is watching"

Mr. President: Order, order. This is a motion merely for the postponement of the consideration of the Bill till the report of a certain Committee is available. Therefore the Honourable Members are not justified in making long speeches on it.

Mr. M. K. Acharya: I have no desire to do so, Sir. Indeed, I offer my apology. The undue warmth of the Mover of the original motion rather infected me. That however is over. I hope I shall have another opportunity, at some other stage, to expose his arguments. What I now want to press is really a matter of procedure. While the Committee is still going on with its enquiry and before all the evidence is before us, to go into any final legislation on a matter which is very controversial and which has aroused public feeling on all sides in the country, will, I submit, be very improper. I therefore appeal to the Members that we should take this Bill into consideration only after we get into our hands the report of the Age of Consent Committee. I hope we can go into the merits of the case at that later stage. It is a formal motion that I make now, and I submit finally that if we take this Bill into consideration now, it will be rather casting a reflection that the report of the Age of Consent Committee is not really worth having.

Mr. President: The question is:

"That the consideration of the Bill be postponed till the Report of the Age of Consent Committee becomes available to the Members of the House".

The Assembly divided:

AYES—53.

Abdul Aziz, Khan Bahadur Mian.
Abdul Matin Chaudhury, Maulvi.
Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Allison, Mr. F. W.
Aney, Mr. M. S.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bower, Mr. E. H. M.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Mr. W. M. P. Ghulam Kadir
Khan.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Graham, Mr. L.
Gulab Singh, Sardar.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Hyder, Dr. L. K.
Ismail Khan, Mr.
Jowahir Singh, Sardar Bahadur
Sardar.

Keane, Mr. M.
Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Misra, Mr. Dwarka Prasad.
Mitra, The Honourable Sir Bhupendra
Nath.
Mohammad Ismail Khan, Haji
Chaudhury.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rafique, Mr. Muhammad.
Rainsy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rao, Mr. V. Panduranga.
Row, Mr. K. Sanjiva.
Roy, Mr. K. O.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Siddiqi, Mr. Abdul Qadir.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Young, Mr. G. M.

NOES—34.

Alexander, Mr. William.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Ghazanfar Ali Khan, Raja.
Hans Raj, Lala.
Iswar Saran, Munshi.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kidwai, Mr. Rafi Ahmad.
Kunru, Pandit Hirday Nath.
Lalchand Navalrai, Mr.
Moonje, Dr. B. S.
Moore, Mr. Arthur.
Mukhtar Singh, Mr.

Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Pandya, Mr. Vidya Sagar.
Purshotamdas Thakurdas, Sir.
Ranga Iyer, Mr. C. S.
Rao, Mr. G. Sarvotham.
Roy, Mr. B. O.
Sarda, Rai Sahib Harbilas.
Shervani, Mr. T. A. K.
Simpson, Sir James.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar.
Tirloki Nath, Lala.

The motion was adopted.

THE INDIAN LAW REPORTS BILL.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I beg to move that the Bill to regulate and improve the Law Reports be referred to a Select Committee consisting of the Honourable the Home Member, Mr. J. A. Shillidy, Mr. L. Graham, Mr. M. A. Jinnah, Mr. Muhammad Ismail Khan, Munshi Iswar Saran, Pandit Thakur Das Bhargava, Mr. Gaya Prasad Singh, Mian Mohammad Shah Nawaz, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

Sir, when I moved this Bill for circulation for eliciting public opinion, some opposition was made by Honourable Members of the House who did not see really what the aims and the objects of the Bill were; but now that public opinion has been obtained, Honourable Members will see that there is a large section of lawyers in the country who are fully in accord with the principles of the Bill and even those members of public bodies who have opposed the Bill, have expressed their sympathy with the objects of the Bill. Now, Sir, at the present moment when I ask the House to allow the Bill to be referred to Select Committee, I do not want the House to approve of the provisions of my Bill *in toto* as they are now. All I want the House to do is to accept the principle underlying the Bill, and if there are certain provisions of the Bill which are not acceptable to the House, or which are in need of improvement, they can be improved upon in Select Committee. We know, Sir, that the Child Marriage Bill, which was introduced by Mr. Harbilas Sarda, was a totally different Bill to that which has emerged from Select Committee. That Bill has been altogether changed and a quite different Bill has come out of the Select Committee. In the same way, if some Honourable Members consider that the provisions of my Bill require improvement, well, I say and I repeat it again that a different Bill may come out of the Select Committee. On the other hand, if this Bill is not allowed to go to Select Committee, I think a very laudable object of very great importance will be lost and it will take a very long time before a non-official measure of this character can come to the stage of being referred to Select Committee.

The opinions which have been elicited in favour of the Bill are very important and very clear ones. Certain objections which were raised against the provisions of the Bill have been admirably met by prominent gentlemen who have expressed their views in favour of the Bill. Now, for instance in Paper 1, on page 1 of the Opinions, Mr. J. N. Johnstone, I.C.S., C.I.E., Officiating Chief Commissioner of Delhi, says:

"In my opinion, however, something of the kind proposed in this Bill is desirable in order that these Law Reports may be regulated. The chief objection seems to be that the Bill would give Government a monopoly which would be detrimental to private enterprise and would also result in the Reports being received late by the public. But presumably this objection rests on a misunderstanding of section 2 of the Bill, which section apparently allows such Law Reports to be published by private individuals or firms provided they are also authorised by Government. Presumably Government would not withhold this permission in suitable cases. All that the Bill aims at is that irresponsible persons should be prevented from doing this particular type of work and the achievement of that end ought to prove to the advantage both of the courts and of the legal profession."

[Maulvi Muhammad Yakub.]

Again in a copy of letter No. 149, dated 3rd April, 1928, from the Honorary Secretary, Bar Association, Delhi, to the District Judge of Delhi, they speak of "the ever-increasing multiplicity of case law becoming unwieldy and sometimes embarrassing to the Bench and the Bar alike", and although they do not support the Bill in its entirety they support the principles underlying the Bill. Mr. Yorke, I.C.S., Secretary to the Government of the United Provinces, says:

"Opinions in favour of the Bill have been expressed by the Allahabad Bar Library, by Raza J. and the Government Advocate for Oudh only."

A prominent bar association like the Allahabad Bar Library has expressed its opinion in favour of the principle of the Bill. Then Mr. Justice Lindsay of the Allahabad High Court says:

"I should be glad to see some check put upon the multiplication of law reports of which there are far too many."

Then Mr. Justice Boyes of the same High Court says:

"I am of opinion that practically all of the mischiefs now charged against the present system of law reporting do exist. I am of opinion that many of the defects in the present authorised reports do exist. I am of opinion that none of the defects that at present can fairly be attributed to the authorised reports are inherent in any system permitting only one series of authorised reports for each court. I think that if there was only one series of authorised reports for each court permitted, there is no reason whatever why such a series should not be completely satisfactory. I would be prepared to discuss each and every one of the points that have been made on either side against the authorised reports and against the unauthorised reports and shall give my reasons in full for holding that it is undesirable to permit unauthorised reports and that there is no reason whatever why a single series of authorised reports should not give complete satisfaction. But there is in my view the one insuperable difficulty that large vested interests have been allowed to grow up in numerous series of unauthorised reports and I am unable to see any just procedure by which these unauthorised reports could now be abolished."

So he has admitted.

Mr. L. Graham (Secretary, Legislative Department): Will the Honourable Member kindly read the last paragraph of the opinion?

Maulvi Muhammad Yakub: I leave that for you to read. I do not want to waste the time of the House by reading undesirable passages: I shall only read the selected and mature opinions. Now, Sir, there is another copy of a letter, No. 115, from the Government Advocate, Chief Court, Oudh, Lucknow. He says:

"I am in favour of the Bill, introduced by Maulvi Muhammad Yakub, into the Legislative Assembly to regulate and improve the Law Reports. It will have a salutary effect in checking the indiscriminate publication of cases of all degrees of authority or want of authority and will diminish the expense of the Law Reports and will improve their quality. A good many bad reports are published and the result, in my opinion, is increase of litigation and misleading of courts, particularly lower courts."

These, Sir, are very valuable opinions which must not be lost sight of. He goes on to say:

"The Bill proposes to improve the existing Act by defining the word "authorized report" in clause 2 and amending section 3 of the old Act (XVIII of 1875). I have read with interest the opinion of some great lawyers who are opposed to the Bill but to my mind this Bill does not attempt at monopoly of Government publication. The

definition of "authorized reports" is wide enough to empower the Court and the Bar Council to allow publication of reports other than the Government publications. If the number of unauthorized reports is diminished, there is a possibility of the increase of subscribers of the authorised reports and in that case the cost of their publication is likely to go down and therefore there will be a reduction in the subscription which will come as a great relief to the beginners in the legal profession."

This, Sir, was the only objection that was raised against my Bill. As I said, even those who are not in favour of the Bill accept the principles underlying the Bill. Rao Bahadur B. R. Angal, Public Prosecutor, East Berar Division, says:

"It is not denied that the ever-increasing number of unauthorised reports of the judgments of the various High Courts in India adds immensely to the work of the Bar and the Bench as well."

Mr. M. S. Aney (Berar Representative): Is he in favour of the Bill?

Maulvi Muhammad Yakub: No, Sir; but as I said, even those who are not in favour of the Bill are in favour of the principles of the Bill and agree that a measure of this sort is necessary.

Mr. J. L. D'Sylva, Advocate, Bangalore, says:

"It cannot be denied that non-official reports have been greatly in the increase during the last quarter of a century and that among them there has been a scramble to report every possible case whether it be good, bad or indifferent, with the object of getting as large sale as possible for their publication. They are competing with each other in reporting the largest number of cases at a minimum cost. Therefore it is obvious that this indiscriminate reporting should be restricted, by laying down rules regulating the classes of cases which may be reported."

Then again we find the following passage in the letter from the Judicial Commissioner, North-West Frontier Province, to the Secretary to the Chief Commissioner:

"I have the honour to state that the Bill to regulate and improve the Law Reports has met with a mixed reception in this Province and that the majority of officials and non-officials are against it. In countries outside India where Judge-made law plays such an important part in the administration of justice, Law Reporting is supervised and controlled by responsible bodies and is conducted by eminent lawyers who select their cases with the utmost care and attention. In India on the contrary of late it has become a business and is carried on in a most unsatisfactory manner."

Further on he says:

"It is in the hands of persons who are not subject to the supervision of any controlling authority, and the result is that volumes of unofficial reports have increased and are every day increasing to an alarming extent and they teem with cases which should not have found their places in any legal publication. Such cases serve no useful purpose; rather they cause much confusion and waste of time and often lead to miscarriage of justice."

Can there be anything stronger than this? He goes on to say:

"The real object of law reporting is to publish cases which explain important principles of general publications or matters of first impressions, as also those which reconcile conflicting views, or in the case of irreconcilable conflict, lay down a particular rule to be followed in a particular province and these are the cases which serve as guides for the future. Unfortunately on account of rivalry and competition in trade, these principles are very often departed from in India, and all sorts of cases, good, bad and indifferent, are published simply to increase the volumes. The tendency of indiscriminate reporting in India was much deplored and severely criticised by such an eminent authority as Sir Frederick Pollock in his first Edition of the Indian Contract Act and the defects pointed out by him then have become almost a set feature of the present day law reporting and the evil has become so serious that some such measures as is embodied in this Bill is in my opinion urgently required."

[Maulvi Muhammad Yakub.]

Then, Sir, the District Judge of Peshawar says:

"It is true that a great deal of trouble is caused to lower courts by the citing of unauthorised reports of cases which might conveniently be forgotten and by the distraction of attention from the enacted law itself."

Then there is the opinion of R. S. Jhinda Ram, Advocate, Dera Ismail Khan. In his opinion he says:

"There is no doubt that a large number of publications has arisen containing reports, good, bad and indifferent."

Then the Secretary, Bar Association, Peshawar, says:

"The complaint that contradictory judgments are sometimes published in these reports is true to a certain extent, but that cannot be avoided."

Then this is what Rai Bahadur Diwan Chand Obrai, Vakil, Peshawar, says:

"I fully recognise the evil of indiscriminate law reporting, and agree, generally speaking, with the basic proposition stated in the Objects and Reasons of the Bill that this evil requires a check and control."

Then comes a very important opinion from K. S. Kazi Mir Ahmed Khan, Vakil, Peshawar. This is what he says:

"In reply, I beg to submit that my experience shows that commercialisation of legal reports is gradually tending to make the position of the lawyer and the Judge extremely difficult. In England law reporting is done by expert law reporters who can discriminate between a case which can see the light of the day and a case which should remain in the archives of the Court itself. The attempt elsewhere is to report only those cases in which a principle has been discussed and finally adjudicated upon. From experience I can say that there are many cases the decision of which turns more or less on facts which are on the record, but which in fact do not fully go into the judgment. Invariably the Judge does not wish that such a judgment should be reported and although apparently he invokes the legal principle to decide it, the facts of the case which turn the scale are at the back of his mind."

The commercialisation has resulted in all sorts of judgments being published whether correct or otherwise, and whether the judges wish them to be restricted to the facts of that case or to serve as precedent. The consequence of such system is that the lawyer has to put in almost stupendous work, has to go through the indexes and digest almost to the break-down point, and yet when he goes to the court he is not sure that his adversary would not quote a ruling of eight lines having a head-note of twenty lines against him. The Judge, unless he is extremely clever, compares the various rulings and has the experience of testing the value of the reported cases, is invariably misled by such trash merely because it has taken the form of print.

So the result of the present method is to ruin the health of the Bar, throwing the courts into an utter confusion, waste the court's time over cases which should never have been touched, and sometimes to cause injustice being done on account of a badly reported slipshod judgment having been published. No doubt the means of income of briefless barristers and pleaders who take to law reporting would stop, but at the same time we shall have correctly reported, definite leading cases, few but well discussed and the courts will be rid of this confusion worse confounded. I, therefore, strongly recommend the passing of the Law Reports Bill."

Then, Sir, this is what Mr. Anantha Krishna Iyer, Advocate General, Madras, says:

"That a real mischief exists should, I think, be admitted. That effective steps would have to be taken sooner or later to remove the evil, should also, I think, be admitted."

Again, this is what we find from a letter from the Government Pleader, Madras, dated the 10th May, 1928. This is what he says:

"There is no doubt that 'the ever-increasing number of law reports in India stand in need of proper check and regulation', that the way in which reporting is carried on is not satisfactory and authority can be found for every position and the result is that to a certain extent litigation is fostered."

The only question is how best to effect the reform. It cannot be denied that the system and practice of official reporting now obtaining are not all that can be desired. The reports are not upto date and sometimes many important decisions both of the Privy Council and the High Court remain unpublished. It must be said that unless the present system is thoroughly remodelled and reports of important decisions are made available within the shortest possible time and at a moderate cost any legislation of the kind now sought to be introduced is undesirable from every point of view."

The following is the opinion of Messrs. Leach and Clark, Advocates, Bangalore. Their opinion is very well reasoned and very elaborate and is entirely in favour of the Bill. This is what they say:

"We are of the opinion that there is a great need for legislation to regulate and improve the system of reporting cases in British India. We have perused the extract of the debate on the Bill in the Legislative Assembly. In that debate the various Honourable Members who objected to the Bill seem to have done so on the ground that it would be undesirable to give the State a monopoly of publishing cases. We are inclined to some extent to agree with this objection, but we do not construe the Bill as having that effect. By the definition of "Authorized Reports" in section 2 of the Bill the reports citation of which is to be permitted are those 'published by, or under the authority of, the Government of India, or any Provincial Government, or the Court deciding the cases reported or a Bar Council'."

The words "or the Court deciding the cases reported or a Bar Council" have been inserted by the authors of the letter, and I think they can be added to the Bill when it goes to the Select Committee. Further on, they say:

"We are satisfied that any fear of law reporting becoming a State monopoly is nullified by the presence . . ."

Mr. President: Has the Honourable Member many more extracts to read?

Maulvi Muhammad Yakub: Not many more, Sir, but only two or three more.

Mr. President: The Honourable Member should not read so many opinions *in extenso* and at such length.

Maulvi Muhammad Yakub: I have not read those opinions *in extenso*, Sir, but I have so far read only important passages. I will not take a long time now. Of course, no arguments of mine can be stronger than those which have been advanced in favour of the Bill by the various eminent lawyers. Therefore, Sir, I shall read only very few passages now. Further, they say:

"We are satisfied . . ."

Mr. President: The House stands adjourned till a Quarter to Three.

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.

Maulvi Muhammad Yakub: Sir, when the Assembly adjourned for Lunch I was quoting the very important opinion of Messrs. Leach and Clark, Advocates, Rangoon. They say:

"We are satisfied that any fear of law reporting becoming a State monopoly is nullified by the presence in the section of the words which we have underlined."

There are many publications of Law Reports in British India other than the various series of the Indian Law Reports which in our opinion are of considerable value and we have no doubt that such reports will become 'Authorised reports' by receiving the approval of the various High Courts in India or the associations of the members of the Bar practising in the various provinces.

In the course of the debate we note that it was urged by those objecting to the Bill that even if certain reports are made unauthorised the cases reported therein could properly be quoted to the courts by the production of a certified copy of the judgment relied on. This is no doubt true, but we venture to think that such certified copies of the judgment would be produced only in the provinces where they had been passed where they would receive proper appreciation and consideration. It seems to us unlikely that copies of such judgments would be used at all in the High Courts of other provinces and more unlikely that they would be quoted in the courts subordinate to the High Courts of other provinces.

We might add that from our experience the need for regularising of Law Reporting does not arise so much in the High Courts as in the subordinate courts. With all due respect to the members of the subordinate judiciary we think it must be admitted that it is extremely confusing to them to be confronted with reports of cases the only criterion of the soundness of which is the fact that they are printed by some firm of law publishers of repute or otherwise. If certain reports are declared 'Authorised reports' in the manner proposed by the Bill there will be less danger of the subordinate judiciary being misled by the quotation of cases which contain bad law.

For the reasons which we have stated briefly above we are of opinion that it will be to the benefit of the public in general and of the legal profession in particular that Maulvi Muhammad Yakub's Indian Law Reports Bill should become law."

There are other very important opinions, but I will not go into all of them. I will only cite one or two of the most important opinions. Sir Shadi Lal, Chief Justice of the Punjab High Court, says:

"I endorse the principle of the Bill. The number of unauthorised reports is increasing and the judgments reported therein cause a great deal of confusion and embarrassment to the subordinate Courts."

Mr. Justice Agha Haider, a Judge of the same High Court, says:

"I agree with the principle of the Bill which is to be introduced in the Legislative Assembly with a view to regulate and improve the Law Reports."

The private reports of judicial decisions, with very few exceptions, have, owing to their numbers, their inanity and their dimensions, entered upon a phase which can only be described as a nuisance. They are conducted on the principles of low commercialism and personal advertisement and are employed for the purposes of propaganda by individual lawyers or syndicates of lawyers who own them or conduct them. This applies to unauthorised Reports of cases decided by a particular Court.

Private reports, which publish cases from all the High Courts in India, have their special reporters in the various Courts. These reporters try to contribute the largest number of cases to the series of reports to which they are attached in order to earn better remuneration. Of course, they report almost every one of their own cases and of their friends', irrespective of their importance from a legal point of view. Besides, some enterprising lawyers, who want to attract public and professional attention by every conceivable means, supply these reporters indiscriminately with certified

copies of the judgments of cases in which they have themselves appeared as counsel and very often obtain the same at the expense of the poor unsuspecting client. The result is that a mass of case-law is published which has not the remotest semblance of judicial precedents as the term is understood in England. Suits involving large sums of money and valuable property are sometimes launched merely on the strength of some stray remarks occurring in the body of a reported case which should never have been published and which the Judge, who gave the decision, never meant to be a legal pronouncement of general application. When the cases are argued either in the District Courts or in the High Court the so-called authorities from these private reports are promiscuously quoted and arguments are inordinately and unnecessarily prolonged.

All these reports proceed on the principles of publishing the largest number of judicial decisions and importance is attached to the number of cases reported rather than to their quality from the point of view of lawyers. The result is that, given a certain amount of industry, a lawyer can always find some sort of authority for almost every proposition, legal or illegal. Now a judge does not lay down legal principles in every judgment which he delivers. Most of the High Courts in India are at this moment suffering from a plethora of arrears and their chief aim naturally is to clear off as many arrears as possible within a short time. The Judges seldom find time to lay down general propositions of law for the guidance of the subordinate Courts or the legal profession. It is not often that they consider it necessary to deliver a judgment dealing with the principles of law which are intended to be of general importance. This being so, the cases which contain authoritative pronouncements on legal questions are few and far between.

As to the argument that in no part of the civilized world does the State enjoy the monopoly of publishing its own law reports, all that I need say is that the moral tone and the standard of professional etiquette in England at any rate is immeasurably superior to that of the reporting agencies in this country. One has only to turn to the first page of any series of reports published in England, say, under the supervision of the Incorporated Council of Law Reporting and he would be struck with the list of the names of great lawyers and eminent Judges who are responsible for the reports published in the particular series of reports. This class of gentlemen with their high ideals of professional honour and their almost ingrained respect for judicial and forensic traditions would be difficult to find in this country in any appreciable numbers.

Having regard to what I have stated above, I am definitely of opinion that private series of law reports, whether owned and published by individuals or by syndicates should be suppressed. They should not be cited by counsel at the time of the arguments or referred to by the Courts in their judgments."

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): Is the Honourable Member justified in reading matter which is already in possession of the House? What is the object of publishing these opinions and sending them round to the Members?

Maulvi Muhammad Yakub: My object in quoting this passage is to show the importance of the principles underlying my Bill. Of course these opinions are published and sent round to the Members, but I do not think that Honourable Members take the trouble to read them. That is why I am reading the important passages contained therein. (An Honourable Member: "Can you make them listen?") There are some so unwilling that they do not even want to take the trouble to listen, and it is for the benefit of those unwilling Members that I want to read these passages. I have now done with them. I would only refer you to the opinions of the Legal Remembrancer of the Punjab and the Assistant Legal Remembrancer who have supported the Bill and given arguments. Now, after the citation of the opinions of these important lawyers, I think there cannot be two opinions that the system of law reporting in India is badly in need of some improvement and the principle underlying my Bill is perfectly sound and legitimate. I am aware, Sir, of the power of propaganda work in this country, and I know that several agents of law

[Maulvi Muhammad Yakub.]

reporting agencies have been trying to poison the minds of Honourable Members of this House against my Bill, but I am sure that the House will unanimously support my Bill which is distinctly in favour of the Honourable Members of the legal profession and the litigant public in this country. Before I conclude, I would again lay stress on the point that if Honourable Members do not agree with the provisions of the Bill *in toto*, they can agree to the principle. The Bill can be improved when it goes to the Select Committee. I think I have made out a very strong case in support of the motion I have made before the House.

Mr. L. Graham: I would ask Honourable Members to throw their minds back to the 9th February, 1928. They will then recall what happened when my Honourable friend made his motion asking that this Bill should be sent for circulation. If they read the proceedings of that day, they would find that my Honourable friend obtained in this House no support whatever. On the contrary he was very violently attacked by Sir Hari Singh Gour, Mr. Kelkar and Mr. Jayakar. I do not think that even in his most enthusiastic moments he could have thought that he was getting any support from what I myself said on that occasion. What I did say was that I thought that it was not proper, in spite of the very strong arguments which had been adduced against the Bill, that the Bill should be killed at that stage. I thought that the Bar and the different High Courts in India should be given an opportunity of saying their say. I was also touched by a rather pathetic remark of the Honourable Member in his opening speech on that day. He then said "What I want is that it (referring to his Bill) may be circulated for opinions of the bodies and individuals concerned. After the opinions are collected and if it is found that the majority of public opinion is against the Bill it may be rejected". Sir, I maintain that the majority of the opinions which have been obtained in connection with this Bill is overwhelmingly against the Bill. I should have liked to see the Honourable Member sticking to his original offer. In fact I was surprised that he should have proceeded with this motion at all having regard to the mass of opinion against him, not only in quantity but in quality. The High Courts are practically unanimously against him. I will except the Punjab. I would say that the Punjab is divided.

Maulvi Muhammad Yakub: What about Allahabad?

Mr. L. Graham: I do not think the Honourable Member gets much support from Allahabad. He read a portion of one opinion. He omitted the last sentence which was dead against him. However, the High Courts, we may say, with the exception of the Punjab, are against this Bill. The Punjab are just about equally divided, and with due respect I must say that I have been very much impressed by the opinions of those members of the Punjab High Court who are against the Bill. The opinion recorded at length is the opinion of Mr. Justice Dalip Singh and I would commend that to the Honourable Member.

I do not propose to follow the example of the Honourable the Mover of the motion and to recite these opinions. I expect that Members who are interested in the Bill have already read them.

The Honourable Member then said that he thought that everything would be put right in Select Committee. I have often heard that argument advanced, but never with less ground than on this occasion. The Bill is a small one; it has only one principle and that principle is entirely unsound. It is quite impossible for the Select Committee, without over-throwing the principle of this Bill, to produce a Bill which would be worth this House's while to look at. Really the principle of the Bill is that you are going to gag or put a restriction on the Courts. This is contained in clause 3 of the Bill:

"No Court shall allow to be cited, or itself refer to, the report of any case decided after the coming into force of this Act other than a report published in the authorised reports."

That, Sir, really embodies the principle of the Bill, and it differs from the Act which it repeals in this way, that whereas this Bill will stop the Courts from looking at these reports, the existing Act gives the Courts discretion in the following terms: "No Court shall be bound to hear cited, or shall receive or treat as an authority binding on it, the report of any case decided by any of the said High Courts on or after the said day, other than a report published under the authority of the Governor General in Council." There you have two principles. One is the principle of the Bill, and one is the principle of the Act. The Bill proposes to repeal the Act, and if you are going to introduce into this Bill the principle of the Act which you are repealing, then the Select Committee will be going beyond its functions. What is required—if anything is required—would be to amend the old Act.

Mr. Jayakar, in the debate to which I have referred, dealt with the case on its merits. He did it so thoroughly that I really don't think it necessary for this House to go into those points again. I notice that my Honourable friend has only one reply to Mr. Jayakar's speech, and that is propaganda on the part of the unauthorised reporters. I did receive a very interesting statement from that source, though I was not approached personally by any of these dangerous propagandists. But anybody reading Mr. Jayakar's speech can see that that speech questions directly the merits of the case. As I said, the Honourable Member has made no attempt to answer the arguments advanced by Mr. Jayakar or those of Sir Hari Singh Gour, or the more humorous arguments of my friend, Mr. Kelkar.

The question really is whether any remedy is required. I think the House must be satisfied that the remedy proposed by my Honourable friend is wrong. It is unsound. The principle which we must accept in these matters is that every Court must have access to every possible source of authority, and that it cannot be shut off in the way in which the Mover of the Bill proposes. It is quite impossible for any single set of reports to be exhaustive. Cases sometimes very easily and naturally escape the attention of the official reporter, and one way and another you may have to search your reports and cannot understand why there was no report in the authorised reports. Time after time you do find important cases not reported in the authorised reports. It is not necessary to blame the editor, because it is an extraordinarily difficult task for an editor to decide what really requires to be reported. The danger in these unauthorised reports consists not in their being cited in the High

[Mr. L. Graham.]

Courts. The Judges of the High Courts know perfectly well how to deal with them. There are certain cases in which Assistant Judges, Magistrates, etc., have not been told what powers they have got under the existing Act of 1875, and the remedy in that respect is perfectly simple. It is the issue of a circular to all subordinate Courts, explaining to them that they are not obliged to listen to unauthorised reports. In my personal experience, when anyone cited an unauthorised report, I asked whether there was anything on these lines in the authorised reports. Sometimes the answer was "This is a very recent case from Calcutta, and it is not yet in the Calcutta Reports." Sometimes they would say: "It is a peculiar case and no case like it is to be found in the authorised reports."

I would like to point out, with reference to the powers which the Courts have got, that they have not utilised them properly. In this connection I should like to draw the attention of Members to a passage in one of the opinions from Bombay. I am not setting up Bombay as being better than the other provinces, though I confess that the Legal Remembrancer of Bombay, whose opinion I cite, was rather tempted to do so. What he said was:

"It is true that the present day unauthorized reports have done considerable harm; but the mischief is due to the laxity of censorship by the High Courts, other than that of Bombay, and not to the existence of a large number of reports. In Bombay we have only one unauthorized law report, the Bombay Law Reporter, and it occupies a deservedly high position among the law journals in this country because of the care exercised both by the High Court and by the publisher in selections of the judgments to be printed. The result is that, so far as the rulings of our High Court are concerned, the evil complained of by Maulvi Muhammad Yakub does not exist."

And there is no need for it to exist. The existing law provides sufficient powers in the Courts, and the attempt of my Honourable friend, the Mover, to fetter them in this manner would only have the result of shutting them off from unauthorised reports, and for this reason it is perfectly hopeless to try to do anything with this Bill in Select Committee. I must therefore sorrowfully say to my Honourable friend that I am bound to oppose his motion.

Mr. V. V. Jogiah (Ganjam *cum* Vizagapatam: Non-Muhammadian Rural): Sir, in spite of the array of opinions which were read to this House, I regret I am not convinced as to the utility of this Bill. In my opinion there is no harm done by any amount of publication of these reports. The only reason, that is the chief reason that is alleged, for excluding these publications is that it would confuse the Judges and would throw a large amount of work on the lawyers. My own opinion is that if a Judge is confused by merely putting before him an unauthorized law report, he is not fit to be a Judge, and as for the lawyers, a lawyer is not fit to hold his position as such, if he does not take the trouble of reading all the reports that he can get at and using what is necessary before a Judge. As a matter of fact we find that in many of the authorised reports, important cases are omitted, though not for ever, at least for a long time. The publication of these innumerable reports is a sort of incentive for the publishers of the authorised reports to be more alert and to publish important cases in time. I find that there is no parallel to this Bill either in England or

[Mr. V. V. Jogiah.]

America where there are innumerable law courts which deserve imitation in a country like India: so that I submit that there is no justification for this Bill. With these words, I oppose the reference of this Bill to a Select Committee.

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): Sir, I oppose this Bill very strongly and I do so on two grounds. One, my own experience, and the other, on the ground that it is of a reactionary character. So far as my own experience is concerned, I have been at the Bar for the last 36 years, doing both criminal and civil work and I can assure my Honourable friend with confidence that I have always found these private publications to be of very great use. Often-times the Courts and the pleaders have been under great difficulty to arrive at a just conclusion on account of the absence of decisions in authorised reports, and it is these private publications that have helped the Courts to mete out justice on right and proper lines.

The second point that has come to my notice in my experience is that official reports are issued very late and it is these private publications that reach us earlier and thus enable the lawyers to cite the authorities before the Courts and get justice. So far as I am concerned, I can assure my Honourable friend, the Deputy President of this House, that it is not any propaganda that has emboldened me or which has induced me to stand here to oppose this Bill, but it is my own experience. I am not poisoned by any propaganda. (Hear, hear.) Then I call this Bill a reactionary measure. It puts a ban on the freedom of the use of legal decisions of authorised Courts. We want liberty and freedom all round and the result of this measure will be a retrograde provision of law to suppress all decisions other than those that are published in official reports. I submit there is absolutely no reason for doing so. After all, all the decisions of the High Courts are authorities and there is no reason why some only should be made available for the use and not others. It is a well known presumption of law that everybody is supposed to know the law and if all the interpretations of law are not made available to the public, then this fundamental principle of law should vanish.

The most important point against this Bill being referred to a Select Committee is that my learned friend stands committed to the particular course of action which he wanted to take, and that was when the Honourable Member asked for the circulation of this Bill. He then said that he wanted to feel the opinion of the public and the bodies concerned, and the Bill may be rejected if the public opinion was against him. He has no doubt tried to-day to read many extracts from the opinions, and some of them, of course, he read by halves, as was pointed out by the Honourable Mr. Graham. I think I can assure my Honourable friend that I have read these opinions and reports and I fully and entirely agree with the Honourable Mr. Graham that the majority of these opinions is against the Bill. I would only refer to what the Bombay High Court said:

"In continuation of the High Court letter No. 1939, dated the 22nd March, 1928 on the subject of Indian Law Reports Bill, I am directed by the Honourable the Chief Justice and the Judges to say that Their Lordships are opposed to the Bill. Clause 3 of the Bill goes too far and is probably *ultra vires* of the Indian Legislature since it would preclude the citation of any English case or even any reference to it by Courts."

[Mr. Lalchand Navalrai.]

I submit that is my opinion too. It will be beyond the jurisdiction of the province of this House to legislate and to put a ban on decisions of England and other places.

I will not quote much, but I will content myself with one quotation more from the Judicial Commissioner's Court of my own province. I find that Mr. De Souza, who is a Bar-at-Law and who is a Member of the Indian Civil Service, and an Additional Judicial Commissioner, is of this opinion:

"I am not in favour of the Bill. The authorised reports are incomplete and never up-to-date."

He is a very experienced Judge and that is his opinion. He goes on:

"I have found that very important decisions both of the Privy Council and of the High Courts are sometimes not reported at all in the authorised reports."

I fully agree with this view. He adds:

"To prevent indiscriminate reporting, I would advocate the procedure recently adopted by the Madras High Court of obtaining the sanction of the Judges concerned before the cases are reported."

Now, Sir, the Honourable the Mover of this Bill seems to be labouring under the misapprehension that the Judges and the Magistrates would be rather deceived in giving their decisions based on incorrect reports. In the first place, I submit that private publications are made not on any decisions of their own, but upon decisions given by the various High Courts, and I cannot understand why some of the decisions of the High Court should be available for the public and not others. We know that there are so many indices to the law reports and we can find out easily those cases which are over-ruled or dissented from. In all my practice I have never found any Judge having been misled or deceived by any decisions quoted from private publications. Therefore that point goes off. Without elaborating the discussion any further, I may submit that there is no reason why such a reactionary Bill as the present one should be passed. It would be left to every pleader or member of the Bar or even to the Judge to make use of any particular decision or not. If he finds that it is not suitable to him, he would never quote it. With these words, I oppose the Bill.

Mr. M. S. Aney: I only want to put in one objection in addition to those which have already been advanced against the Bill. It has been stated that these unauthorised publications very often publish judgments which are good, bad and indifferent. It has to be borne in mind by the Honourable Members of this House that these authorised publications contain judgments only of the Judges of the High Courts and Judicial Commissioners' Courts which are of the same status as the High Courts in some provinces. If these judgments are good, bad and indifferent, then that amounts to casting a reflection upon the Judge of those Courts. I do not share in that view at all, but supposing that is the case, what is the remedy? One can think of two possible remedies one is a better way of recruitment to the judiciary and to the High Courts and the other, and the most important step that we can take as a safe guard against judgment good, bad and indifferent, is to give the widest

possible publicity to these judgments. The fact that their judgments are going to be published in the Press and would be made available to the whole public and used as precedents by every Judge, every pleader and advocate, would, in my opinion, by itself, act as a salutary restraint upon the Judges in deciding cases and in writing out their judgments. My Honourable friend the Deputy President has not been able to appreciate the exact effects of that. For that reason I would insist that efforts should be made to give publicity to every judgment delivered by the High Courts. Nor is the story of Judges being misled one which could be seriously considered. My friend Mr. Jogiah has already said that a Judge is not worthy of being a Judge if he can be easily misled by judgments which are half quoted or wrongly quoted. So these dangers are more imaginary than real. My friend is fighting—like the famous Knight in Cervantes' novel tilting against the wind-mill—an imaginary evil; and I believe we at least here should be very cautious in giving our judgment on this Bill and should avoid giving bad or indifferent judgments. I believe the House will come to a right conclusion by rejecting the Bill. I therefore oppose the motion now before the House.

Maulvi Muhammad Yakub: Sir, it seems to me that Honourable Members are under the apprehension—or misapprehension—that my Bill aims at shutting out private reporting. I did not go into these arguments when making my first speech because the quotations from different legal authorities, which I made, contained full answers to such objections. Now, Sir, my Bill does not shut out all private publication. All that this Bill aims at is to put a check on the power of reporting. I do not say that only the reports which are published by the Government, or only the cases which are published in the Indian Law Reports should be cited. My Bill gives perfect freedom to all the present agencies reporting law cases in journals. What all I aim at is that there must be some check or supervision over those agencies.

Now, Sir, it has been admitted, even by those who have opposed my Bill, that the present law publishing agencies require some sort of check. Even the Honourable Mr. Graham had to admit that sometimes in mufassil Courts difficulties arise due to the citing of unauthorised reports. The aim of my Bill is not to check private publication: I only want that there should be a supervision over the power of reporting. The extract from the opinion of the Honourable the High Court of Bombay, which my friend Mr. Lalchand Navalrai has read in this House, will show that that High Court itself is of opinion that there should be a check over the publication of these reports, and that at any rate, before a case is published in any law journal, the Judge who delivers the judgment should be consulted. Now, Sir, I do not mean, I never meant, any disrespect to any Judge of the High Court; nor did I say that they were not capable. I only say that there are certain cases in which no principle of law is involved, that there are certain cases which are decided upon the merit of such cases only, and the facts of those cases cannot apply to other cases. When these judgments are however published, the subordinate Courts sometimes consider that they are bound by these judgments and confusion arises. The judgments of the High Courts have got a status by law, and therefore we must be very cautious and careful in seeing that only such judgments as contain some sound principle of law are published and that others are not published. One Honourable gentleman here has said that all the judgments, whether

[Maulvi Muhammad Yakub.]

they contain any principle of law or not, should be published and that the members of the Bar should go through them. I am sorry I cannot agree with him. It is not really necessary that every member of the Bench or the Bar should go through the rubbish or should always be reading cases which have no legal point in them or in which no principle of law is discussed or decided.

I admit, Sir, that at present certain very important cases are found in the reports which are called unauthorised reports, which are not published in the Indian Law Reports; but of course, as I said, there must come a time when there will be some kind of check over these private publications. Instead of killing such publications, I only want to improve their status and popularity by bringing them under the control of some authorised tribunals such as the Bar Councils, which are now formed nearly in all the High Courts of India. I consider that these private publications will improve in status, and my Bill instead of killing them altogether, will prove a source of strength and power to them.

Well, Sir, some defects in the present system of law reporting by the Government have been referred to by some Honourable Members of this House. I quite agree with them in saying that the present Indian Law Reports are not satisfactory and that they are also in need of improvement. That does not however mean that if the Indian Law Reports are imperfect, another system of reporting which is equally bad, if not worse than the present system, should be maintained, and no efforts should be made to improve the present system. Because there are many unauthorised reports and publications, very few members of the Bar purchase the Indian Law Reports, and for that reason also, no improvement is made in the publication of these Reports. If however a proper agency is formed in every High Court to exercise supervision over law reporting, I believe that the Indian Law Reports will also improve. I do not therefore think that the Bill which I have presented to the House is in any way reactionary; on the other hand, it is a step forward, it is an advance upon the existing conditions in the country. The opinions I have already cited show that in England and other countries, there is some supervision over the power of reporting; in the same way my Bill seeks to introduce some sort of check over the reporting of law cases.

Now, Sir, the Act of 1875 is a very old and antiquated one, and it is high time that, considering that there has been an addition to the number of High Courts in this country and that the number of cases also is increasing every year, this Act was amended and improved upon. Taking all these things into consideration, I have brought this Bill before the House, and I am sure that Honourable Members will reconsider the position and will not pass their judgment under misapprehensions which are not based on any facts.

One point more, Sir. Mr. Graham said that at the time of the first reading of this Bill I stated that I would be bound by the majority of opinions. That is perfectly true, but in the matter of opinion quality did count and not quantity. And the quality of the opinions which I have noted, such as the opinions of the Punjab High Court Judges and other lawyers, in my favour, was certainly superior to the quantity of opinion against my Bill.

When therefore I say that I press my Bill, I do not go against what I said in my first speech.

Mr. President: The question is:

"That the Bill to regulate and improve the Law Reports be referred to a Select Committee consisting of the Honourable the Home Member, Mr. J. A. Shillidy, Mr. L. Graham, Mr. M. A. Jinnah, Mr. Muhammad Ismail Khan, Munshi Iswar Saran, Pandit Thakur Das Bhargava, Mr. Gaya Prasad Singh, Mian Mohammad Shah Nawaz, 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 negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 30th January, 1929.

LEGISLATIVE ASSEMBLY.

Wednesday, 30th January, 1929.

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

QUESTIONS AND ANSWERS.

PROFITS MADE BY CERTAIN RAILWAYS FROM THE EXPORT OF WHEAT TO PORTS IN INDIA.

216. *Mr. Mukhtar Singh: Will Government be pleased to state the profits made on (a) the North Western Railway, (b) the East Indian Railway and the Great Indian Peninsula Railway by the export of wheat to the different ports during the years 1925-26, 1926-27 and 1927-28?

Mr. A. A. L. Parsons: I regret that the information desired by the Honourable Member cannot be derived from the statistics maintained by the Railways.

TIME TAKEN FOR DELIVERY OF GOODS BY RAILWAYS.

217. *Mr. Mukhtar Singh: (a) Do the State Railways prescribe a time limit by which a goods wagon must pass a certain station, just as they have the time prescribed for each passenger train?

(b) Do the State Railways prescribe a maximum number of days within which goods booked from a certain station to another station will reach their destination, or does it wholly depend upon chance that a certain wagon reaches its destination early while another wagon destined to the same station, containing similar articles, may take double the amount of days that it took in the previous case?

(c) Do the State Railways give a guarantee for delivering goods within a certain period by extra payment to the railway authorities or are the merchants left to their own resources to arrange with the railway employees in the matter?

(d) Will Government be pleased to state their objections to fixing special rates for the delivery of goods within a certain period from one place to another?

(e) Have Government ever considered the difficulties with which the merchants are daily confronted on account of uncertainty of time during which goods will reach their destination? If the answer be in the affirmative, will Government be pleased to enumerate the steps so far taken to obviate this difficulty?

Mr. A. A. L. Parsons: (a) I presume the Honourable Member refers to goods trains running as do passenger trains on a scheduled timing. The reply is that generally goods trains do so run between engine changing stations; but goods trains, unlike passenger trains, need frequent

remarshalling, and delays also occur owing to attaching and detaching wagons *en route*.

(b) and (c). Railways publicly notify that they do not guarantee the delivery of goods within any specified time, but every endeavour is made to deliver as soon as possible.

(d) Consignments which require specially rapid transit are ordinarily booked at the parcels rate and are carried by passenger or parcel express trains. Some railways also have special fast trains conveying goods for long distances, but special rates are not charged for the conveyance of goods by these trains.

Owing to delays to which goods trains are necessarily subjected, it is not possible to guarantee the delivery of goods within a certain period or to introduce a system of special rates applicable to such delivery.

(e) The matter of delay to goods in transit has been engaging the special attention of the Railway Board and of railway administrations during the last few years.

Heavy expenditure has been incurred in the provision of more locomotives and goods wagons, in doubling certain sections of the line, and in providing more facilities in station and marshalling yards with a view to the quicker movement of goods stock; and I can assure the Honourable Member that the Railway Board and railway administrations are most anxious to achieve an increase in the speed with which goods consigned by the railways are carried to their destinations.

DELAY IN PROVIDING TELEPHONIC COMMUNICATION TO AN APPLICANT FOR THE SAME.

218. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state the maximum amount of time it takes to provide telephonic connections to applicants for the same?

(b) Is it a fact that a firm, Messrs. Madhusudan Dayal Rajendra Kripal of Hapur, District Meerut, applied in the month of September, 1928, for telephonic connection to be given from the month of November, 1928, and that the amount of demand was accepted from them on 1st October, 1928, but that no connection has yet been given, though the term for which they required the connection is expiring?

(c) Will Government be pleased to state the causes of this exceptional delay?

(d) Is it an ordinary or an extraordinary case in the Department?

Mr. H. A. Sams: (a) It is not possible to say what time it takes to provide a telephone connection. It depends upon the extent of construction work involved and whether funds are available to meet the cost.

(b) Yes. Connexion has been given from the 23rd January, 1929.

(c) and (d). The cause of delay in giving the connection required by Messrs. Madhusudan Dayal Rajendra Kripal of Hapur, District Meerut, is being investigated and the result of the enquiry will be communicated to the Honourable Member.

REPORT OF THE COMMITTEE APPOINTED TO INQUIRE INTO THE SUGAR INDUSTRY.

219. ***Mr. Mukhtar Singh:** What action have the Government of India taken on the proposals of the Sugar Committee's Report after the Report of the Royal Agricultural Commission has been received? Have the proposals been finally abandoned, or do Government propose to take any steps on the recommendations of the Sugar Committee's Report?

Mr. G. S. Bajpai: With your permission, Sir, I shall answer questions Nos. 219 and 220 together.

Except in a few comparatively minor respects, the Royal Commission on Agriculture made no specific recommendations regarding the sugar industry. The Government of India propose to commend the problems of this industry to the earnest consideration of the Council of Agricultural Research which it is hoped shortly to establish and trust that that body will take early steps to constitute a strong sub-committee to deal with these problems.

Mr. B. Das: Is it not a fact that the Government are taking no action on the Sugar Committee's Report?

Mr. G. S. Bajpai: That is not a fact, Sir.

Mr. B. Das: Did Government issue any communiqué or statement of any action taken by them to give effect to the recommendations of the Sugar Committee?

Mr. G. S. Bajpai: Seeing, Sir, that the Report of the Sugar Committee covers no less than 380 recommendations and that under the existing constitutional position it is more for the Local Governments to carry them out rather than for the Government of India, the Government of India could not issue a comprehensive communiqué on the subject. But if my Honourable friend is interested in the subject and will look up the debate of the 20th March, 1928, he will get an idea of what the Government of India have done.

Mr. B. Das: Is it not the general practice of the Government merely to shelve the reports of important committees without taking any action on them whatever?

Mr. G. S. Bajpai: I did not quite follow my friend's question: but I think that if his suggestion is that the Government of India merely took note of the recommendations made in the Sugar Committee's Report but took no action on them, I would refer him to the answer I gave him earlier, namely, that that does not state the position correctly.

Mr. B. Das: That is my view, Sir.

IMPROVEMENT OF THE CONDITION OF THE SUGAR INDUSTRY.

220. ***Mr. Mukhtar Singh:** Will Government be pleased to state the steps taken by the Government of India to improve the condition of the sugar industry?

† For answer to this question, see answer to question No. 219.

DISEASES IN SUGARCANE.

221. *Mr. Mukhtar Singh: Are the Government of India aware that the new varieties of canes are showing signs of new diseases from which the Indian canes are immune? If the answer be in the affirmative, will Government be pleased to state the steps taken to avoid any serious epidemic in the cane crop in future?

Mr. G. S. Bajpai: Government are not aware that the new varieties of cane are showing signs of any disease from which Indian canes are immune. If the Honourable Member has special information on the subject in his possession, Government will be glad to look into it with a view to determining what action, if any, is necessary.

REPRESENTATION OF INDIA ON THE EMPIRE MARKETING BOARD.

222. *Mr. Mukhtar Singh: (a) Will the Government of India be pleased to state since when the Empire Marketing Board has been in existence in England?

(b) Have the Government of India any voice in the proceedings of this Board?

(c) Is there any delegation from the Government of India on this Board?

The Honourable Sir George Rainy: (a) The Empire Marketing Board was constituted in May 1926.

(b) and (c). India is represented on the Board by Mr. H. A. F. Lindsay, Indian Trade Commissioner in London.

AGENTS IN GREAT BRITAIN OF PORT TRUSTS IN INDIA.

223. *Mr. Ghanshyam Das Birla: (a) Will Government be pleased to state the names of the Agents in Great Britain for the Port Trusts of Bombay, Calcutta, Madras, Karachi and Rangoon?

(b) Will Government be pleased to state the remuneration fixed, or percentage allowed, to these Agents, respectively, giving also the total amounts by way of remuneration drawn by each of these Agents during the last five years?

(c) Will Government be pleased to state whether the Office of the High Commissioner for India in London cannot undertake the work for the Port Trusts now entrusted to the Agents?

(d) If the answer to (c) is in the affirmative, will Government be pleased to state why the work is not so entrusted, and if the answer is in the negative, will Government be pleased to state the cost of organising a department in the High Commissioner's Office with a view to cope with such work?

The Honourable Sir George Rainy: (a) and (b). The information is being collected and will be supplied to the Honourable Member as soon as possible.

(c) and (d). The duties which the High Commissioner would assume in acting as Agent in the United Kingdom for a Port Trust would not be within the duties assigned to him by His Majesty's Order in Council dated the 13th August, 1920. But should the Port Trusts referred to by

the Honourable Member desire that the High Commissioner should act as their Agent in the United Kingdom, the Government of India would be prepared to consider whether it would be possible for the High Commissioner to undertake agency duties for the Port Trusts as a matter extraneous to his duties as High Commissioner.

AGREEMENT BETWEEN MARCONI'S COMPANY AND THE INDIAN BROADCAST COMPANY.

224. *Rai Bahadur Tarit Bhusan Roy: Will Government be pleased to state whether it is true that an agreement has been arrived at between the Marconi Company and the Indian Broadcast Company?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative.

QUALIFICATIONS OF THE CONTROLLER OF PRINTING, STATIONERY AND STAMPS

225. *Rai Bahadur Tarit Bhusan Roy: Will Government be pleased to state:

(a) On what qualifications, the Controller of Indian Printing, Stationery and Stamps is appointed?

(b) Has the transfer of the headquarters of this Department from Calcutta to Delhi caused any increase of cost? And if so, to what extent?

(c) How appointments are made in this Department?

The Honourable Sir Bhupendra Nath Mitra: (a) The Controller is required to possess a practical knowledge of printing work and to be acquainted with the manufacture, quality and prices of paper and other stationery and printing stores. In addition, he is required to possess administrative experience in a large printing establishment.

(b) As there are so many factors which have to be taken into account it is not possible to say now what extra expenditure, if any, was involved in the transfer of the headquarters of the Controller from Calcutta to Delhi, which took place in 1924.

(c) It is not clear to which appointments in the Stationery and Printing Department the Honourable Member refers. If he will kindly indicate the appointments, or class of appointments, I shall be glad to furnish him with the required information.

QUALIFICATIONS OF SUPERINTENDENTS OF CIRCLES IN THE ARCHÆOLOGICAL DEPARTMENT.

226. *Rai Bahadur Tarit Bhusan Roy: Will Government be pleased to state:

(a) What new works have been undertaken by the Archæological Department during the last year?

(b) On what qualifications Superintendents of Circles are appointed?

(c) How many Superintendents are there at present and what are their qualifications?

Mr. G. S. Bajpai: The information asked for is being collected and will be supplied to the Honourable Member in due course.

STATISTICS PUBLISHED IN THE INDIAN AND PROVINCIAL GAZETTES.

227. *Rai Bahadur Tarit Bhusan Roy: How are the figures of statistics published in the Gazette of India and other provincial gazettes collected? How far are they accurate? Do Government propose to adopt more scientific measures for the purpose?

The Honourable Sir George Rainy: The statistics published in the Gazette of India and the provincial gazettes are extremely various in character and are compiled by many different authorities. I am afraid it is impossible to answer the Honourable Member's question unless he indicates more precisely the statistics to which he refers.

CREW SYSTEM OF CHECKING TICKETS ON THE EAST INDIAN RAILWAY.

228. *Rai Bahadur Tarit Bhusan Roy: Will Government be pleased to state:

- whether the introduction of the "Crew System" of checking tickets on the East Indian Railway has been more efficient and less costly than the old one?
- what are the qualifications of the experts who have been drawn into the service?
- are promotions made on the principle of seniority?

Mr. A. A. L. Parsons: (a) Under the Crew System of checking tickets on the East Indian Railway the work has been done more efficiently, but the system is more costly than the old one.

(b) As the system is a new one, men on first being posted to this work cannot properly be termed experts. The qualifications of the men employed on this service may be summarized under the head of reliability, energy, and activity.

(c) Seniority is considered, but so is merit.

RECOMMENDATIONS OF THE LEE COMMISSION ON THE INDIANISATION OF THE SERVICES.

229. *Rai Bahadur Tarit Bhusan Roy: Will Government be pleased to state how far the recommendations of the Lee Commission regarding Indianisation of the Services have been given effect to?

The Honourable Mr. J. Orerar: I would refer the Honourable Member to the annual statements of Indianisation which are regularly placed in the Library of the House.

"INVASION" OF INDIA BY AMERICAN FILM COMPANIES.

230. *Rai Bahadur Tarit Bhusan Roy: Will Government be pleased to state whether it is true that the American Film Companies are contemplating an invasion of India?

The Honourable Sir Bhupendra Nath Mitra: Government have no precise information.

INDUSTRIAL STRIKES IN INDIA.

231. *Rai Bahadur Tarit Bhusan Roy: Will Government be pleased to state how many industrial strikes took place during this current year, and what are the main causes of such outbreaks?

The Honourable Sir Bhupendra Nath Mitra: Statistics have so far been compiled only for the first three quarters of the year 1928, and a copy will be found in the Members' Library. These statistics give the number of disputes and the nature of the demands put forward by the men.

CARRIAGE OF PILGRIMS IN WAGONS AND TRUCKS.

232. *Rai Bahadur Tarit Bhusan Roy: Will Government be pleased to state whether it is a fact that in November, 1928, on the occasion of the last Rashjatra festival, wagons and trucks were used for carrying pilgrims—men, women and children—to and from Navadwip in Bengal, and what steps do Government propose to take to put a stop to such methods in future?

Mr. A. A. L. Parsons: I regret to say that in November, 1928, a few goods wagons were used for the carriage of festival pilgrims to and from Navadwip on the Krishnagar Light Railway, which is a narrow gauge line, 17½ miles in length, part of the Eastern Bengal Railway system. On a short narrow gauge line of this nature it is not always easy to provide sufficient spare coaching stock to meet unexpectedly large increases of passenger traffic, as stock from other portions of the system cannot be run on this branch. The Agent of the Eastern Bengal Railway has been advised that it is the earnest desire of Government to avoid the carriage of passengers in goods wagons and, in connection with the Krishnagar Light Railway, the matter will be further enquired into.

LACK OF INTERMEDIATE CLASS CARRIAGES ON THE BOMBAY, BARODA AND CENTRAL INDIA AND GREAT INDIAN PENINSULA RAILWAYS.

233. *Rai Bahadur Tarit Bhusan Roy: Will Government be pleased to state whether they are aware that respectable middle class passengers invariably travel in intermediate class in all parts of India, and if so, why no arrangements have yet been made by the Bombay, Baroda and Central India and Great Indian Peninsula Railways to run intermediate class compartments in every train meant for passengers?

Mr. A. A. L. Parsons: I would invite the Honourable Member's attention to the reply which I gave to Pandit Thakur Das Bhargava's question No. 47 on the 6th February, 1928. Government are not prepared to press the Bombay, Baroda and Central India and Great Indian Peninsula Railway Administrations to put on intermediate class accommodation where they do not think traffic justifies it.

PROVISION OF ADDITIONAL INTERMEDIATE CLASS ACCOMMODATION FOR LADIES IN THE CHITTAGONG EXPRESS.

234. *Rai Bahadur Tarit Bhusan Roy: Has the attention of Government been drawn to the fact that the intermediate class compartments for ladies in the Chittagong Express of the Eastern Bengal Railway are

generally congested, as the accommodation is inadequate? Do Government propose to arrange for providing larger accommodation for ladies?

Mr. A. A. L. Parsons: The Honourable Member's question is the first intimation which Government have received that the intermediate class seats for ladies provided on this train are ordinarily insufficient to accommodate the lady passengers wishing to travel by it in that class. They will bring the Honourable Member's complaint to the notice of the Agent of the Eastern Bengal Railway.

EXTENSION OF THE LIFE OF THE INDIAN LEGISLATIVE ASSEMBLY.

235. ***Mr. O. S. Ranga Iyer:** Will Government be pleased to state:

- (a) if the life of the Indian Legislative Assembly is going to be extended?
- (b) if so, on what grounds and for how long?
- (c) if not, why not?

Mr. L. Graham: The power to extend the life of the Legislative Assembly, if in special circumstances he so thinks fit, is vested in the Governor General. Government are not in a position to make any statement.

APPOINTMENT OF AN INDIAN AS A MEMBER OF THE RAILWAY BOARD.

236. ***Mr. O. S. Ranga Iyer:** Will Government be pleased to state:

- (a) if it is a fact that Mr. P. Sheridan, Member of the Railway Board, is retiring in April, 1929?
- (b) if the answer to (a) is in the negative, when does the term of the said Mr. Sheridan expire?
- (c) if Government contemplate filling the next vacancy in the Membership of the Railway Board with an Indian drawn from among the Non-Official Members of the Indian Legislative Assembly?
- (d) if Government are aware that the late Lala Lajpat Rai made an observation in the Assembly to the effect that an Indian from the public of the country should be appointed as a Member of the Railway Board?
- (e) if the answer to (c) is in the negative, whether the Government propose to appoint any Indian at all, statutory or otherwise, for the said vacancy? If not, why not?

The Honourable Sir George Rainy: (a) Yes.

(b) Does not arise.

(c), (d) and (e). The post which Mr. Sheridan fills in the Railway Board is one which can be filled only by a Railway officer of great traffic experience. Whenever a vacancy occurs in the Railway Board the claims of all Indian officers possessing the necessary qualifications and experience are invariably considered, and the same course will be followed on this occasion. Mr. Sheridan's successor has not yet been selected.

Mr. B. Das: May I remind the Honourable Member of the promise given by Sir Basil Blackett on the floor of this House that steps would be taken to appoint an Indian as a Railway Commissioner?

The Honourable Sir George Rainy: I was answering a question about the vacancy created by Mr. Sheridan's retirement. The promise given by Sir Basil Blackett, I think, referred to the post of Financial Commissioner.

Mr. B. Das: Does it not apply here equally, Sir?

INTERNMENT OF DETENUS AT KODAIKANAL.

237. ***Mr. O. S. Ranga Iyer:** Will Government be pleased to state:

- (a) if it is a fact that Kodaikanal has been used by Government for the internment of detenus under Bengal Regulation III of 1818, or any other enactment?
- (b) how many detenus have been confined in Kodaikanal from 1888 to 1929 and under what law?
- (c) how many detenus are still interned in Kodaikanal, who they are, for how long they have been detained, under what law and on what grounds?
- (d) whether the Government propose to release the internees in Kodaikanal?
- (e) whether one of the internees there detained under Regulation III of 1818 has been suffering from continuous ill-health?
- (f) whether it is a fact that the Kodaikanal hills do not suit the internee referred to in (e)?
- (g) whether they would consider the advisability of giving passports to the said internee under Regulation III, to proceed to England or to some health resorts in France or Switzerland to recoup his health? If not, why not?
- (h) whether they would consider the advisability of his transfer to Mussoorie or Almora sanitarium or to Ootacamund? If not, why not? If yes, when?

Sir Denys Bray: (a) Yes, Sir.

(b) Six; all under Regulation III of 1818.

(c) The *ex-Maharaja* of Nabha only, with regard to whose internment under Regulation III of 1818 I would refer the Honourable Member to the communiqué of the 19th February, 1928.

(d), (e) and (f). No, Sir.

(g) and (h). Not at present. But the question of a change would of course be considered, should the state of his health call for it. The last report of it, I am glad to say, was excellent.

Mr. Vidya Sagar Pandya: May I inquire why Kodaikanal of all hill stations was selected as the most anti-seditious place in India for the internment of these detenus?

Mr. O. S. Ranga Iyer: Is the Honourable Member aware—~~as he has~~ referred to a communiqué issued on the subject—that the detenu in Kodaikanal under Regulation III has repudiated the charge of disloyalty about him and that he has also stated that he is loyal to the Throne?

Sir Denys Bray: I have now heard that statement: I had not heard it before.

Mr. C. S. Ranga Iyer: In view of this fact, will Government be pleased to consider the case of the detenu's release? Also in view of the fact that he has been under internment for over eleven months—on 19th February, he would have been under internment for a whole year—will they consider the question of his release?

Sir Denys Bray: The question of release or further detention of every detenu comes periodically under review.

RELEASE OF A DETENU INTERNED AT KODAIKANAL.

238. ***Mr. C. S. Ranga Iyer:** (a) Has the attention of the Government been drawn to a resolution passed by the Indian National Congress in December, 1928, at its Calcutta session regarding a detenu in Kodaikanal under Bengal Regulation III of 1818?

(b) Are Government aware that the said resolution was passed unanimously in the open session of the Congress?

(c) Will Government be pleased to state if they propose to consider the advisability of unconditional release of the said internee? If not, why not? If yes, when?

Sir Denys Bray: (a) and (b). Yes.

(c) No, Sir. I would refer the Honourable Member to the communiqué of the 19th February, 1928.

ENFORCEMENT OF PROVISIONS OF THE WASHINGTON HOURS CONVENTION AND GENEVA WEEKLY REST CONVENTION.

239. ***Mr. Varahagiri Venkata Jogiah:** Will Government be pleased to state the date from which they incurred the obligation of enforcing the provisions of the Washington Hours Convention and Geneva Weekly Rest Convention, by ratifying them?

The Honourable Sir Bhupendra Nath Mitra: 14th July, 1921, in the case of the Washington Hours of Work Convention, and 19th June, 1928 in the case of the Weekly Rest Day Convention.

CONSULTATION OF RAILWAY WORKS RE THE WASHINGTON HOURS CONVENTION AND THE GENEVA WEEKLY REST CONVENTION.

240. ***Mr. Varahagiri Venkata Jogiah:** Will Government be pleased to state whether any consultation was made with the organisations of the railway workers before issuing any regulations excepting any railway staff from the benefit of the provisions of either the Washington Hours Convention or the Geneva Weekly Rest Convention, and are Government aware that such consultation is invariably prescribed in the said Conventions?

The Honourable Sir George Rainy: The provisions of the Washington Convention limiting the hours of work, and the Geneva Convention governing a weekly rest day, apply in British India only to such branches of railway work as may be specified for this purpose by the competent authority; and since no branches of railway work have so far been specified by com-

petent authority, no question has so far arisen of issuing any regulations making exceptions under the terms of the Conventions from the branches so specified. The Conventions do not prescribe consultation with organisations of employers and workers concerned as to the branches of railway work to be specified for the purpose of the Conventions by the competent authority, but only that these organisations should be consulted if, after branches of railway work have been specified, it is proposed to make permanent or temporary exceptions from them.

This is the position under the Conventions. Actually, as will be seen from my reply to Mr. Joshi's question No. 150 on the 23rd August, 1927, the Government of India have, by executive order to railway administrations, specified certain branches of railway work as those to which the limitation of hours of work to 60 per week should be applied; but the specification can only actually fulfil the terms of the Conventions when it is made by the competent authority, and, as was explained in the reply to Mr. Joshi's question, the Government of India are examining the question how a competent authority can be set up.

EXCLUSION OF CERTAIN CLASSES OF WORKERS FROM THE BENEFIT OF A 60 HOURS' WEEK.

241. ***Mr. Varahagiri Venkata Jogiah:** Are Government aware that, by the modification of the order of 3rd September, 1921, by a later decision of 21st January, 1922, resulting in the exclusion of certain classes of Railway workers from the benefit of the 60 hours' week, without consulting the existing organisation of the workers, the provisions of the Washington and Geneva Conventions are violated?

The Honourable Sir George Rainy: No. Since, as I have explained, no branches of railway work have so far been specified by the competent authority for the purpose of the Washington and Geneva Conventions, the obligation to consult organisations of employers and workers with regard to the permanent or temporary exceptions that may be allowed in certain circumstances from the branches so specified has not so far arisen. I should add that the order of the 23rd January, 1922, to which I understand the Honourable Member refers, was cancelled on the 13th September, 1922.

WEEKLY REST FOR RAILWAY SERVANTS.

242. ***Mr. Varahagiri Venkata Jogiah:** Will Government be pleased to state what steps they have taken so far to regulate the weekly rest of railway servants, even after the observation made by the Committee of Experts appointed to examine the annual reports under Article No. 408 of the Versailles Peace Treaty?

The Honourable Sir George Rainy: The Honourable Member is presumably referring to the observations of the Committee of Experts on the report for the year 1926. The branches of railway work to which the Weekly Rest Day Convention will apply have not as yet been specified in the manner contemplated in the Convention. The weekly rest day is, however, observed by railway administrations for practically all classes of employes except train staff, certain station staff, those engaged on light intermittent duties, and men employed on maintenance of way and bridges; but in all these cases periods of rest are arranged which go far to carry out the principle underlying the Convention.

REGULATIONS MADE UNDER THE WASHINGTON HOURS CONVENTION.

243. ***Mr. Varahagiri Venkata Jogiah:** Will Government be pleased to lay on the table a statement regarding the railway staff who have been exempted from the benefit of Article No. 10 of the Hours Convention and a statement containing full information concerning regulations made under Article No. 6 of the Washington Hours Convention and their application?

The Honourable Sir George Rainy: No branches of railway work have so far been specified by the competent authority, and consequently no exceptions have been made. No regulations have so far been made under Article No. 6 of the Washington Convention.

WEEKLY REST FOR RAILWAY SERVANTS.

244. ***Mr. Varahagiri Venkata Jogiah:** (a) Will Government be pleased to state the reason why the Resolution passed by the Indian Railway Conference in October, 1927, has not yet been given effect to, so as to regulate the weekly rest of railway servants and their working hours?

(b) Will Government be pleased to state when they propose to give effect to the Resolution mentioned above?

The Honourable Sir George Rainy: Railways are proceeding to give effect to the Resolution passed by the Indian Railway Conference Association in October, 1927, but its enforcement will take time, as it requires in many cases the construction of additional quarters, the training of additional staff, and so on; in some cases also the re-arrangement of working hours has met with opposition from the staff concerned.

RETRENCHMENT OF WORKSHOPS ON CERTAIN RAILWAYS.

245. ***Mr. Varahagiri Venkata Jogiah:** Will Government be pleased to lay on the table a copy of the report of the Rogers and Jerrad Enquiry Committee on the Bengal Nagpur Railway Workshops Retrenchment, and a copy of the report of the Rogers and Tomilson Enquiry Committee regarding the South Indian Railway and East Indian Railway Workshops Retrenchment?

Mr. A. A. L. Parsons: Copies of the reports have been placed in the Library.

CLASSIFICATION OF LABOUR ON THE DIFFERENT STATE RAILWAYS.

246. ***Mr. Varahagiri Venkata Jogiah:** Has the attention of Government been drawn to paragraph 161 in the report of the State Railway Workshops Committee regarding the difficulties experienced in the want of uniformity in the classification of labour, in the nomenclature of trades, unskilled, semi-skilled, skilled, etc., and will the Government be pleased to state what steps they have taken and propose to take to bring about standardization and uniformity in the classification of labour on the different railway systems owned by the State, with a view to remove the difficulties complained of and enable proper comparison to be made?

Mr. A. A. L. Parsons: The matter is now being considered by the Railway Board.

MINIMUM RATES OF PAY FOR SKILLED, SEMI-SKILLED AND UNSKILLED LABOUR IN RAILWAY WORKSHOPS.

247. ***Mr. Varahagiri Venkata Jogiah:** Will Government be pleased to state the existing minimum rates of pay for skilled, semi-skilled, and unskilled labour in each of the State-owned railway workshops?

Mr. A. A. L. Parsons: The information is being collected for the Honourable Member.

CARD PASSES ISSUED DURING THE YEAR 1928 ON STATE RAILWAYS.

248. ***Mr. Varahagiri Venkata Jogiah:** Will Government be pleased to state the number of card passes issued during the year 1928, on each of the State-owned railways, excluding those issued to railway servants or employees working under contractors, carrying out railway work or those connected with railway labour associations?

Mr. A. A. L. Parsons: Government regret that they are not prepared to put railway administrations to the trouble of collecting this information.

RELATIONS BETWEEN COMPANY ADMINISTRATIONS OF STATE-OWNED RAILWAYS AND GOVERNMENT IN RESPECT OF PROVIDENT FUND RULES, ETC.

249. ***Mr. Varahagiri Venkata Jogiah:** Will Government be pleased to state what are the exact relations between the company administrations of the State-owned railways and the Government in respect of the observance of State railway gratuity and provident fund rules, leave rules and other service regulations?

Mr. A. A. L. Parsons: Each company administration has its own set of rules framed by its Board of Directors with the approval of Government and any substantial alterations require the approval of the latter.

APPOINTMENT OF PERSONNEL OFFICERS ON STATE RAILWAYS.

250. ***Mr. Varahagiri Venkata Jogiah:** Will Government be pleased to state on which State-owned railways, Personnel Officers are appointed, and the amount of expenditure annually incurred in this behalf?

Mr. A. A. L. Parsons: There are Personnel Officers on the North Western Railway, and officers called Staff Officers, who do the same work, on the East Indian Railway. The average annual cost of these posts is approximately Rs. 2,00,000. In addition, officers have been appointed on the North Western, East Indian and Great Indian Peninsula Railways specially for workshop labour, at an average annual cost of approximately Rs. 42,000.

PREFERENTIAL TREATMENT OF ANGLO-INDIANS ON THE EASTERN BENGAL RAILWAY.

251. ***Mr. Varahagiri Venkata Jogiah:** Has the attention of Government been drawn to the resolution passed at the recent Annual Convention of the All-India Railwaymen's Federation regarding the circular letter issued by the Agent of the Eastern Bengal Railway suggesting the appointment of Anglo-Indians on better scales of pay, in spite of inferior

desired I regret I am not in a position to enlighten the Honourable Member. Generally speaking, it is however a fact that the rates of annual increment of pay of different classes of Government employees are different, while piece-workers are not allowed any regular rate of annual increment apart from what they can secure by improving their output. The reason for this arrangement is so obvious as hardly to require further elucidation.

RATES OF PAY OF COMPOSITORS IN THE EAST INDIAN RAILWAY PRESS AND OTHER PRESSES.

†257. *Mr. Satyendra Chandra Mitra: Will the Government be pleased to lay on the table a comparative statement of the class rates of the compositors in the Government of India Presses, Bengal Government Press, and the East Indian Railway Press?

COMPARATIVE STATEMENT OF THE INCOMES OF CERTAIN EMPLOYEES OF GOVERNMENT PRESSES.

†258. *Mr. Satyendra Chandra Mitra: Will the Government be pleased to lay on the table a statement showing, side by side, the income of overseers, head computers, any three computers, foreman, head clerk and any three clerks on the one hand and any five compositors, any five distributors and any five binders on the other, noting the name of each, in 1906 and 1927?

PROMOTIONS IN THE EAST INDIAN RAILWAY PRESS.

†259. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that in the East Indian Railway Press it is not infrequent that a raw junior with a few months' service to his credit is promoted over the heads of seniors who have grown grey in their service of the Government?

(b) Is it a fact that in the said Press it is always the few who regularly get promoted while others are left to vegetate for years in the same place?

(c) Will Government be pleased to lay on the table a statement showing the number of compositors in the East Indian Railway Presses at Calcutta and Howrah with:

(i) Names,

(ii) Dates of appointment, and

(iii) Dates of promotions?

(d) If the replies to (a) and (b) are in the affirmative, will Government be pleased to state what action Government intend taking in the matter?

LOSSES ON LINOTYPE AND MONOTYPE MACHINES PURCHASED FOR THE EAST INDIAN RAILWAY PRESS.

†260. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that three lino and two mono machines have been purchased in the East Indian Railway Press immediately after the East Indian Railway became a State Railway?

(b) Is it a fact that the mono machines cause to the Government a loss of 40 per cent. and the lino machines cause only 20 per cent. loss to the Government?

† For answer to this question, see answer to question No. 253.

(c) Is it a fact that matters composed in mono or lino machines have to be melted away after printing, and that such melting can go on for five times only?

(d) Is it a fact that hand-composed matter last 90 lakhs of impressions?

(e) Is it a fact that hand-compositors are entitled to remuneration after the first reading, second reading, third reading, revised corrections and rule dress-up are finished?

(f) Will Government be pleased to lay on the table a comparative statement showing the cost of composing by hand 44 × 72 Em non-pareil type 15 column statement, and that of having it in a mono-machine, noting specifically the charge of:

(1) Operator,

(2) Caster,

(3) Arranging,

(4) First reading corrections,

(5) Second reading corrections,

(6) Third reading corrections,

(7) Revise corrections,

(8) Rule Dress-up,

(9) Gas,

(10) Electricity,

(11) Water, and

(12) Metal?

(g) If the reply to (a) and (b) is in the affirmative, will Government be pleased to state why Government are replacing hand-composition by line and mono machines?

PAYMENT OF "CALCUTTA ALLOWANCE" TO COMPOSITORS IN THE EAST INDIAN RAILWAY PRESS.

†261. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that in May, 1920, the Agent, East Indian Railway, passed orders to the effect that the compositors would be placed on a par with the clerks?

(b) Is it a fact that they have been enjoying this privilege from that time up to 1926?

(c) If the reply to (a) and (b) is in the affirmative, will Government be pleased to explain the reasons thereof?

PAYMENT OF A FULL DAY'S PAY ON HALF-HOLIDAYS TO EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS.

†262. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that in 1920 the Agent passed orders that the press people (compositors, distributors, pressmen, binders, etc.), would be allowed a full day's pay on half-holidays in general?

(b) Is it a fact that they have been enjoying this privilege from after that time up to 1926?

† For answer to this question, see answer to question No. 252.

(c) Is it a fact that it has been stopped since the railway came under Government control?

(d) If the replies to (a), (b) and (c) are in the affirmative, will Government be pleased to state the reasons thereof?

GRANT OF CONCESSION RATES TO EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS ON ALL RAILWAYS.

†263. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the Press employees are not allowed concession rates on railways other than the East Indian Railway, when even the day-labourers in the Lillooah workshop enjoy this privilege?

(b) Is it a fact that the Agent's Circular is to the effect that every employee of the East Indian Railway is entitled to these "concessions"?

(c) If the replies to (a) and (b) are in the affirmative, will Government kindly inform the House why such discrimination is observed in the case of the Press employees?

RULES FOR RAILWAY PASSES FOR EMPLOYEES IN THE EAST INDIAN RAILWAY PRESS.

†264. *Mr. Satyendra Chandra Mitra: (a) Will Government be pleased to state the rules applicable to the press employees and clerical staff in the East Indian Railway Press with regard to passes and the class of train in which they are entitled to travel?

(b) Is it a fact that since 1920, compositors drawing below Rs. 75 p. m. are not allowed intermediate class passes, and that this rule is not applicable to the clerks?

(c) Will Government kindly state why these discriminations, if any, are observed between the press employees and the clerical hands?

REVERSION TO A TEMPORARY BASIS IN THE EAST INDIAN RAILWAY PRESS OF PERMANENT COMPOSITORS TRANSFERRED FROM THE OUDH AND ROHILKHAND RAILWAY.

†265. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that permanent hands cannot be reverted to temporary hands?

(b) Is there any rule to that effect?

(c) If so, will Government be pleased to state that rule?

(d) Is it a fact that permanent compositors of the Oudh and Rohilkhand Railway Press on transfer from Lucknow to the East Indian Railway Press, Calcutta, have been made temporary?

(e) If the replies to (a) and (d) are in the affirmative, will Government be pleased to state the reasons thereof?

GRANT OF "CALCUTTA ALLOWANCE" TO PRESS EMPLOYEES OF THE OUDH AND ROHILKHAND RAILWAY TRANSFERRED TO CALCUTTA.

†266. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the press employees of the Oudh and Rohilkhand Railway Press, Lucknow, when transferred to Calcutta, were promised Rs. 5 as Calcutta allowance?

† For answer to this question, see answer to question No. 252.

(b) Is it a fact that this promise has not been acted upon?

(c) If the replies to (a) and (b) are in the affirmative, will Government be pleased to state the reasons thereof?

PETITION TO THE SECRETARY, RAILWAY BOARD, OF COMPOSITORS TRANSFERRED FROM THE OUDH AND ROHILKHAND RAILWAY PRESS.

267. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the compositors of the East Indian Railway Press transferred from the Oudh and Rohilkhand Railway Press, Lucknow, to Calcutta, sent a petition to the Secretary, Railway Board, Delhi, through the proper channels on the 25th February, 1928?

(b) Will Government be pleased to lay on the table a copy of the said petition?

(c) Will Government be pleased to state whether any action was taken on the petition and, if so, what action?

(d) If the answer to the question be in the negative, will Government state the reason why no action was taken, and whether any action is going to be taken?

Mr. A. A. I. Parsons: (a) No such petition has come to the Railway Board.

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

NUMBER OF DEPUTY SUPERINTENDENTS, OVERSEERS, ETC., EMPLOYED IN THE EAST INDIAN RAILWAY PRESS.

†268. *Mr. Satyendra Chandra Mitra: Will Government be pleased to lay on the table a statement showing therein the number of:—

- (1) Deputy Superintendents;
- (2) Overseers;
- (3) Computers;
- (4) Checkers;
- (5) Clerks;
- (6) Compositors;
- (7) Distributors;
- (8) Pressmen;
- (9) Inkmen;
- (10) Machinememen; and
- (11) Binders;

employed in the East Indian Railway Presses, Howrah and Calcutta, from 1920 to 1927, year by year?

PROVISION OF A PROVIDENT FUND FOR EMPLOYEES OF GOVERNMENT OF INDIA PRESSES.

269. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the Resolution No. A-31 of the Government of India, dated the 15th July, 1920, provides that the employees in the Government of India Press should have a provident fund similar to that in the State Railways?

† For answer to this question, see answer to question No. 252.

(b) Is it a fact that nothing has yet been done to carry out that provision?

(c) If the replies to (a) and (b) are in the affirmative, will Government be pleased to state:

- (i) the causes of this delay of Government in executing their own orders,
- (ii) when they intend taking action on the matter?
- (iii) what they intend to do with regard to the men who have retired since the order was made in 1920, and for the families of those who have died since then either in service or after retirement?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes for all regular employees of the Government of India Presses recruited on and after the 15th July, 1920.

(b) and (c) (i) and (ii). The question of a provident fund for the press employees is part of the larger and complicated question of a State-aided provident fund for Government employees holding non-pensionable appointments generally, which is still under consideration.

(c) (iii). So far there has been no necessity to consider this point, as no such case has been submitted for the orders of Government. Enquiries will, however, be made from the Controller as to whether any such cases have arisen.

**MEMORIAL TO THE CONTROLLER OF PRINTING, STATIONERY AND STAMPS
BY THE READERS OF THE GOVERNMENT OF INDIA PRESS AT CALCUTTA.**

270. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the readers of the Government of India Press, Calcutta, sent a memorial to the Controller, Printing, Stationery and Stamps on the 5th May, 1928?

(b) Will the Honourable Member be pleased to lay on the table a copy of the said memorial?

(c) Will the Honourable Member be pleased to state if Government contemplate taking any action on the said memorial, and if so, when and how?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) and (c). The memorial was addressed to the Controller and has not, therefore, come before Government.

POSTS OF READERS IN THE GOVERNMENT OF INDIA PRESS.

271. ***Mr. Satyendra Chandra Mitra:** Is it a fact that in the Government of India orders dated the 21st June with regard to the Government of India Press, Calcutta, only nine posts of readers have been sanctioned in the higher grade?

The Honourable Sir Bhupendra Nath Mitra: In the orders referred to by the Honourable Member no additional post of reader was sanctioned, but nine posts out of 19 permanent in the lowest grade were converted into posts carrying higher rates of pay.

PAY OF READERS IN THE GOVERNMENT OF INDIA PRESS.

272. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that in the Bengal Government Press the pay of a reader is fixed at Rs. 110—8—150—10—250 whereas in the Government of India Press, Calcutta, it is fixed at Rs. 60—4—100?

(b) Will the Honourable Member be pleased to state the reasons for this differential treatment when both the presses are situated in Calcutta, where the cost of living affects them equally?

The Honourable Sir Bhupendra Nath Mitra: (a) The pay of readers in the Bengal Government Press is Rs. 110—8—150—10—250 (with efficiency bars at Rs. 150 and 200) while the rates of pay of readers in the Government of India Press, Calcutta, are:

- (1) Rs. 60—4—100.
- (2) Rs. 110—8—150.
- (3) Rs. 160—10—200.
- (4) Rs. 200—10—250.

(b) The main difference is that in the Government of India Press, Calcutta, there is an additional grade on Rs. 60—4—100. The Government of India are satisfied that the pay of the various grades of readers in their Press at Calcutta is adequate.

TIME-SCALE OF PAY FOR READERS IN THE GOVERNMENT OF INDIA PRESS.

273. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the time-scale of pay does not obtain in the Government of India Press, Calcutta, so far as the readers are concerned?

(b) If so, will the Honourable Member be pleased to state the reasons thereof?

The Honourable Sir Bhupendra Nath Mitra: (a) It will be seen from my answer to the previous question that there are several time-scale rates of pay.

(b) Does not arise.

PAY OF READERS AND REVISERS IN THE BENGAL GOVERNMENT PRESS.

274. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the work of a reader entails a greater responsibility than that of a reviser?

(b) Is it a fact that in the Bengal Government Press the pay of the readers is higher than that of the revisers?

(c) If the reply to (a) and (b) is in the affirmative, will the Honourable Member be pleased to state the reasons thereof?

The Honourable Sir Bhupendra Nath Mitra: (a) The responsibilities of a reader vary according to the grade in which he is employed. Generally speaking the duties of a reader are more responsible than those of a reviser.

(b) Yes.

(c) The rates of pay of readers and revisers in the Government of India Press, Calcutta, have been fixed with reference to their duties and responsibilities.

PAY OF READERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

275. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that in the Resolution No. 81 of the Government of India, dated the 15th July, 1920, the pay of the readers is fixed as follows?—

	Calcutta and Delhi Scale.	Simla Scale.
	Rs.	Rs.
Readers	200—10—250	—
	160—10—200	180—10—220
	110—8—150	125—8—165

(b) Is it a fact that, in spite of the above scales fixed by the Government of India in its orders dated the 15th July, 1920, a new scale of Rs. 60—4—100 was introduced by the management?

(c) If the answer to (b) is in the affirmative, will the Honourable Member in charge state under what rules did the management vary the definite orders of the Government of India, and what remedies do the Government of India propose to those who have been deprived of the benefits of the orders of the Government?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, but there were other grades on lower rates of pay sanctioned in the Resolution of the 15th July, 1920?

(b) No.

(c) Does not arise.

PAY OF REVISERS IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

276. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that in Resolution No. A-31 of the Government of India, dated the 15th July, 1920, the pay of the revisers was fixed at Rs. 60—4—110?

(b) Is it a fact that, in spite of the said Resolution, they were getting Rs. 45—3—75?

(c) Is it a fact that, in the recent orders of the Government of India, dated the 21st June, 1928, their pay has been increased and fixed at Rs. 60—4—100?

(d) Will the Honourable Member be pleased to state the reasons why the orders fixing the scale at Rs. 60—4—100 were less liberal than the previous order contained in Resolution No. A-31 of the 15th July, 1920, which fixed the scale at Rs. 60—4—110, and of which the benefit was not given to those for whom it was intended?

(e) Will the Honourable Member be pleased to state if Government intend giving the men the benefit of the latter order retrospectively from the 15th July, 1920?

The Honourable Sir Bhupendra Nath Mitra: (a) The scale sanctioned was Rs. 60—4—100, but owing to a clerical error it was shown as Rs. 60—4—110. The latter scale was not brought into force.

(b) A special scale of Rs. 45—3—75 was sanctioned by Government for revisers after the issue of the Resolution of 1920.

(c) Yes.

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

PAY OF CLERKS AND COPYHOLDERS IN THE GOVERNMENT OF INDIA PRESS.

277. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that, previous to 15th July, 1920, the pay of the ordinary clerks and the copyholders began from Rs. 15?

(b) Is it a fact that they all had to work for six hours daily?

(c) Is it a fact that the copyholders now work for eight hours a day and their pay has been fixed at Rs. 40—2—60, whereas the said clerks still work for six hours per day and their pay has been fixed at Rs. 40—5—140?

(d) Will the Honourable Member be pleased to lay on the table a comparative statement of the earnings of the copyholders as well as of the ordinary clerks before the 15th July, 1920, with overtime allowances and war allowances?

(e) Will the Honourable Member be pleased to state the reasons for this discrimination?

(f) Is it a fact that permanent copyholders are made temporary before being promoted to the post of a reader?

The Honourable Sir Bhupendra Nath Mitra: (a) No, the minimum pay of the ordinary clerks was Rs. 20 and that of copyholders Rs. 15 p. m.

(b) The working hours for both the clerical and industrial hands were nominally fixed at 36 weekly. But the copyholders who are industrial hands did extensive overtime work and the average hours for them were sometimes in excess of 60 per week.

(c) The pay of copyholders has now been fixed at Rs. 40—40—45—3—60 on the basis of 8 hours work per day. If they work in excess of the normal working hours they get overtime allowance.

The normal working hours for clerks are six per day and the pay of lower grade clerks has been fixed at Rs. 40—40—45—5/2—70—5/2—100. If they work beyond the normal working hours they receive no extra remuneration.

(d) Government do not propose to collect the information desired by the Honourable Member, as it would entail an amount of time and trouble disproportionate to the result.

(e) The duties of the two classes of employees mentioned by the Honourable Member are of an entirely different character and their conditions of service differ materially.

(f) No.

PROMOTION OF READERS IN THE GOVERNMENT OF INDIA PRESSES.

278. *Mr. Satyendra Chandra Mitra: Is it a fact that, in promoting a reader to the next higher grade, no notice is taken of the incumbent's regularity of attendance and other qualifications, and that the decision is based simply on the remarks of the Accounts Branch?

The Honourable Sir Bhupendra Nath Mitra: Government understand that in making promotions all relevant facts are taken into consideration by the Manager.

BUDGET GRANT FOR CERTAIN SALARIED INDUSTRIAL EMPLOYEES.

279. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the Budget of 1928-29 sanctioned Rs. 10,100 on account of salaried industrial employees?

(b) Is it a fact that the benefit of the same has been given to those for whom it was intended from the last week of June, 1928?

(c) Is it a fact that it should have been given from the 1st week of April, 1928?

(d) If the replies to (a), (b) and (c) are in the affirmative, will the Honourable Member be pleased to state the reasons thereof?

The Honourable Sir Bhupendra Nath Mitra: (a) to (d). The provision of Rs. 10,100 was made in the budget estimates of the Government of India Press, Calcutta, to meet the additional expenditure on the revision of the pay of the salaried industrial employees of that Press. Orders sanctioning the revision could not however be issued before the 21st June 1928, as it was considered desirable that all orders in connection with the memorials of both the salaried employees and piece-workers of the Calcutta Press should be issued simultaneously. Effect to the revised rates was accordingly given from the 1st July 1928.

HOURS OF WORK OF SECTION HOLDERS IN THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA AND DELHI.

280. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the Section-holders in the Government of India Presses, Calcutta and Delhi, are not allowed payment for the interval for tiffin?

(b) Is it a fact that, according to Resolution No. A-81 of the Government of India, dated 15th July, 1920, their hours of work have been fixed at 10 hours per day?

(c) Is it a fact that, in practice they have to remain in office for 11 hours per day while they are paid for only 10 hours per day?

(d) Will the Honourable Member be pleased to state the reasons thereof?

The Honourable Sir Bhupendra Nath Mitra: (a) Section-holders being salaried hands, the question of payment for the meal interval does not arise in their case.

(b) Yes.

(c) and (d). The scales of pay for the section-holders were fixed on a 10 hour basis. They are entitled to special overtime allowance after 10 hours work on any day.

INCREMENTS OF PAY OF SECTION HOLDERS AND READERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

281. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the section-holders, whose pay ranges from Rs. 125 to 175, get a yearly increment of Rs. 5 only, while the readers, whose pay ranges from Rs. 110 to 150, get a yearly increment of Rs. 8 and the readers, whose pay ranges from Rs. 160 to Rs. 200, get an increment of Rs. 10 per year?

(b) Is it a fact that the section-holders have to work for 10 hours per day, whereas the readers work for only eight hours daily?

(c) If the replies to (a) and (b) are in the affirmative, will the Honourable Member be pleased to explain the reasons thereof?

(d) Is it a fact that the section-holders sent a memorial to the Government in August last with reference to this matter?

(e) Will the Honourable Member kindly lay on the table a copy of the said memorial?

(f) Will the Honourable Member be pleased to state if the Government contemplate taking any action on the said memorial, and if so, when and what?

The Honourable Sir Bhupendra Nath Mitra: On the assumption that the Honourable Member desires information in respect of the Government of India Press, Calcutta, the replies are:

(a) Yes.

(b) Yes, except that the hours work of the head reader and some of the senior readers are the same as those of section-holders.

(c) The pay and increments of section-holders and readers have been fixed with reference to their duties and responsibilities.

(d) The memorial has been withheld by the Controller under the rules regarding the submission of petitions to the Government of India.

(e) and (f). No.

LAND ATTACHED TO THE OLD KACHERI MUSJID AT PESHAWAR.

282. *Haji Chaudhury Mohammad Ismail Khan: (a) Are Government aware that a mali's hut was allowed to be constructed by the Cantonment Authority at Peshawar in the mosque known as old Kacheri Musjid, and that a part of the same was used for collecting manure?

(b) Is it a fact that after the matter was brought to the notice of the Government, a sub-committee was appointed by the Cantonment Board for inquiry, and that as a result of this inquiry, the mosque land was leased to Muslims in perpetuity without rent for religious purposes?

(c) Is it a fact that subsequently the District Headquarters took possession of this land by force and included it in the garden attached to its office?

(d) Is it a fact that the Government of India, Army Department, on the representation of the "Awqaf Committee" of Peshawar asked the General Officer Commanding-in-Chief, Northern Command, after consulting with local civil authority, to report whether the land should be made over to the said Committee?

(e) Will the Government be pleased to lay on the table a copy of this report?

(f) If that is not possible, will the Government be pleased to state whether there is any objection to the land being leased to the Committee; if so, what?

Mr. G. M. Young: (a) and (b). The Honourable Member is referred to the answer given on the 28rd March 1927 to Raja Ghazanfar Ali Khan's starred question No. 1182.

(c) The land in question adjoins the Musjid, but has always been Government land. Steps have been taken to clear the site and to regularise its tenure in accordance with the wishes of the Muslim community. It is not the case that the Military authorities have taken possession of the Musjid.

(d) and (e). Government do not propose to lay on the table a copy of the official correspondence about this site.

(f) The objection to leasing the land to a committee is merely that there is no one committee in Peshawar which represents the wishes and views of the Muslim community as a whole, and would be acceptable to the whole community as the tenant of the site.

HANDING OVER TO THE AWQAF COMMITTEE, PESHAWAR, OF THE GRAVE YARD AREA OUTSIDE THE DABGARI GATE, PESHAWAR CANTONMENT.

283. ***Haji Ochaudhury Mohammad Ismail Khan:** (a) Will the Government be pleased to place on the table the correspondence which has taken place between the local civil authority and the General Officer Commanding-in-Chief, Northern Command, at the instance of the Government of India, Army Department on the subject of handing over the grave-yard area outside Dabgari gate, Peshawar Cantonment, to the Awqaf Committee, Peshawar?

(b) Are Government aware that an Awqaf Committee of Peshawar holds charge of several 'waqfs' properties attached to various mosques under the authority of law courts?

(c) Are Government prepared to consider the advisability of handing over this grave-yard to the said Committee?

Mr. G. M. Young: (a) The answer is in the negative.

(b) Government are not aware of the facts stated.

(c) I would refer the Honourable Member to the reply I have just given to part (f) of his question No. 282.

HEARING OF CASES BY THE REVENUE AND JUDICIAL COMMISSIONERS OF THE NORTH-WEST FRONTIER PROVINCE AT NATHIAGALI.

284. ***Haji Ochaudhury Mohammad Ismail Khan:** (a) Is it a fact that in former years the Revenue and Judicial Commissioners of the North-West Frontier Province were in the habit of holding their Courts at Nathiagali, the Summer Headquarters of the Local Government?

(b) Is it also a fact that in recent years the Government of India ordered the Courts to be held at Abbottabad in the Summer to obviate the unnecessary trouble caused to appellants in attending the Courts at Nathiagali, where there was no arrangement for the public to secure conveyance, accommodation, etc.?

(c) If the answers to (a) and (b) be in the affirmative, will the Government be pleased to place on the table a list of cases which the present Revenue Commissioner had fixed for hearing at Nathiagali in the last Summer, giving reasons for deviating from the Government orders and involving great inconvenience to appellants?

Sir Denys Bray: Enquiry is being made from the local administration and a reply will be sent to the Honourable Member in due course.

SALE OF ADULTERATED GHEE IN THE NORTH-WEST FRONTIER PROVINCE.

285. ***Haji Ochaudhury Mohammad Ismail Khan:** (a) Will the Government be pleased to state whether there have been numerous cases about the sale of adulterated ghee and other foodstuffs in the five districts of the North-West Frontier Province recently?

(b) Do Government propose to consider the advisability of dealing strictly with such offences?

Mr. G. S. Bajpai: Enquiries are being made and a reply will be sent to the Honourable Member later.

NUMBER OF PUNJABI AND NORTH-WEST FRONTIER PROVINCE MUSLIMS EMPLOYED IN THE OFFICE OF THE DEPUTY CONSERVATOR OF FORESTS IN HAZARA.

286. ***Haji Ochaudhury Mohammad Ismail Khan:** Will Government please place on the table a statement showing:

(a) the number of Punjabi Muslims and Non-Muslims, and

(b) North-West Frontier Province Muslims and Non-Muslims,

serving in the clerical and executive establishments in the five Divisions of the Forest Sub Circle, and in the Office of the Deputy Conservator of Forests in Hazara, in the North-West Frontier Province?

Mr. G. S. Bajpai: The information asked for by the Honourable Member is being collected and will be supplied to him in due course.

NUMBERS OF MINORITY COMMUNITIES IN THE NORTH-WEST FRONTIER PROVINCE RECRUITED TO THE FOREST DEPARTMENT.

287. ***Haji Ochaudhury Mohammad Ismail Khan:** (a) Will Government please state whether the policy of the Government of India, adopted

generally in almost all Departments for redressing communal inequalities is in force in the Forest Department also?

(b) If the answer to (a) is in the affirmative, will Government please state the numbers of members of minority communities belonging to the North-West Frontier Province, recruited in the establishment during the past two years?

Mr. G. S. Bajpai: (a) As regards the Indian Forest Service for which the Government of India make recruitment, the answer is in the affirmative.

(b) It is not clear whether the Honourable Member is referring to recruitment for the forest establishment in the North-West Frontier Province or to recruitment for the Indian Forest Service. If the latter, attention is invited to the answer given by me to his question No. 291. If the former, as appears likely from the following question to be asked by him, I shall have to ask for information from the local administrations.

DISREGARD OF THE CLAIMS OF MUSLIMS OF THE NORTH-WEST FRONTIER PROVINCE TO EMPLOYMENT IN THE FOREST DEPARTMENT.

288. *Haji Chaudhury Mohammad Ismail Khan: (a) Is it a fact that notice of temporary vacancies is not advertised by the Deputy Conservator of Forests in Hazara in any of the leading Muslim, English or Urdu newspapers, nor is the assistance of the Associations availed of, as is being done by the Military Accounts and other Departments, and that only the applications received at random by that Officer for employment are considered in filling up vacancies?

(b) If the answer to part (a) is in the affirmative, do Government propose to have the system already adopted rectified?

Mr. G. S. Bajpai: The information asked for by the Honourable Member is being obtained and will be supplied to him in due course.

EMPLOYMENT OF MUSLIMS IN MILITARY GRASS AND DAIRY FARMS IN INDIA.

289. *Haji Chaudhury Mohammad Ismail Khan: (1) Will Government please place on the table a statement showing the total strength of:

- (a) Ministerial establishments,
- (b) Assistant Supervisors, and Supervisors, and
- (c) Overseers,

serving in the Military Grass and Dairy Farms in India at present, and the number of Muslims among (a), (b) and (c)?

(2) Will Government please state what steps, if any, have so far been taken by the Department to prevent (a) the preponderance of one community, and (b) how many members of the Muslim community have been recruited in each branch of the above mentioned services for redressing the communal inequalities since the receipt of Army Department Circular Memorandum No. 88346/1 (A. D.), dated the 19th November, 1926, from the Establishment Officer to all Heads of Military Departments in India?

Mr. G. M. Young: (1) and (2). I lay on the table a statement giving the information asked for by the Honourable Member.

(1).	Total number of Indians.	Number of Muslims.
(a)	207	41
(b)	62	4
(c)	100	41

(2). (a) Orders have recently been issued by the Director of Farms, to regulate future recruitment in the department in such a way as to arrive at the desired proportion between Muslims and Non-Muslims as soon as possible.

(b) No Muslims have been recruited in Dairy Farms since the issue of the Army Department letter, but one Muslim in the ministerial establishment and six as Overseers have been recruited in Grass Farms.

EMPLOYMENT OF MUSLIMS IN THE CLERICAL ESTABLISHMENTS OF CERTAIN OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.

290. *Haji Chaudhury Mohammad Ismail Khan: (1) Will Government please place on the table a statement showing the present clerical establishments in the following Offices in the North-West Frontier Province, and the number of Muslims among them:

- (a) General Officers Commanding the Districts, including Subordinate Offices,
- (b) Military Engineering Service,
- (c) Executive Officers, and
- (d) Royal Air Force Units?

(2) Will Government please state what action, if any, has been taken by the District Headquarters of Peshawar on the demi-official note dated the 2nd March, 1925, from Field Marshal Sir Claud William Jacob, then General Officer Commanding-in-Chief, Northern Command, on the subject of non-Muslim cliques capturing clerical appointments in military offices, allowing no footing to Muslims of the North-West Frontier Province?

(3) Will Government please state the number of members of the Muslim community recruited in the offices mentioned above for redressing communal inequalities since the receipt of Government of India, Army Department, letter No. 88346/1 (A. D.), dated the 19th November, 1926, addressed to all Heads of Military Departments in India?

Mr. G. M. Young: (1) and (3). The information will be collected and supplied to the Honourable Member in due course.

(2) As a result of Sir Claud Jacob's letter the Government of India examined the whole question of communal representation in command and district headquarter offices of the Army and orders were issued in January 1928, to the effect that the claims of the minority communities should be borne in mind when appointments are made in the clerical establishments of Commands, Districts and Brigades and in other offices the cost of which is met from the Army Estimates.

INCREASE IN THE NUMBER OF MUSLIMS EMPLOYED IN THE FOREST DEPARTMENT OF THE PUNJAB AND NORTH-WEST FRONTIER PROVINCE.

291. *Haji Chaudhury Mohammad Ismail Khan: With reference to the statement showing the Muslim Imperial Forest Service Officers serving in various Provinces in the Forest Department in India, furnished by Government in reply to starred question No. 450 (volume 8, Number 6, page 537) asked by Khan Bahadur Makhdum Syed Rajan Bakhsh Shah on the 11th September, 1928, do Government propose to give effect to the general policy in connection with redressing communal inequalities, and take steps to bring about a due proportion of increase in the number of Muslim Officers in the Forest Department in the Punjab, which includes the North-West Frontier Province?

Mr. G. S. Bajpai: In recruiting for the Indian Forest Service, Government already resort to nomination, when necessary, in order to redress communal inequalities. A member of the Muslim community was nominated last year as an Indian Forest Service probationer and has recently been posted to the Punjab on completion of his training at Dehra Dun. The principle of redressing communal inequalities is, however, applied to an all-India Service as a whole, and not to individual provinces.

CASE OF MR. MUNIRUDDIN, A SUB-ENGINEER ON THE NORTH-WESTERN RAILWAY.

292. *Maulvi Abdul Matin Chaudhury: (a) Is it a fact that Mr. Muniruddin, Sub-Engineer, Construction Branch, North-Western Railway, was appointed as Inspector of Works and posted to Delhi Division on the 18th February, 1928, subject to his passing the usual Health Examination in Class B?

(b) Is it a fact that on April 30th, 1928, without assigning any reason, the Agent, North-Western Railway, informed Mr. Muniruddin that they were not prepared to employ him on the open line as Inspector of Works?

(c) Will the Government be pleased to state why after sending the appointment letter to Mr. Muniruddin, the Agent, North-Western Railway, refused to employ him?

Mr. A. A. L. Parsons: I am addressing the Agent and will communicate his reply to the Honourable Member on its receipt.

SUBSTITUTION OF CHARCOAL FOR FIREWOOD SUPPLIED TO PILGRIMS IN SHIPS.

293. *Haji Abdoola Haroon: (a) Will Government be pleased to state the reasons for not substituting charcoal for firewood supplied to the pilgrims in ships?

(b) Are Government aware that in the past there have been many complaints from pilgrims regarding wood supplied to them?

Mr. G. S. Bajpai: (a) Government have not considered this question before, but will do so.

(b) Government have received no complaints on the subject.

CONCESSION FARES FOR PILGRIMS.

294. *Haji Abdoola Haroon: (a) Will Government be pleased to state whether the Indian Merchant Shipping Act allows two persons of the age of one year or upwards and under the age of twelve years to be reckoned as one passenger?

(b) If the answer is in the affirmative, do Government propose to allow the concession referred to above in the case of pilgrims?

(c) If the Government are prepared to allow the concession, do they propose to issue a notification in the Gazette of India directing that the above concession be allowed to pilgrims during the ensuing Haj Season?

(d) Will Government be pleased to state whether any of the shipping companies have approached Government in the past to allow the above concession to pilgrims? If so, what was the Government's reply?

Mr. G. S. Bajpai: (a) Yes, for certain purposes.

(b) and (c). No; because the change will be opposed to the provisions of the International Sanitary Convention.

(d) One shipping company approached the Government of India in the matter in 1916; but for the reason given in answering parts (b) and (c) of the present question, the suggestion of the shipping company was not accepted.

ARTICLE IN THE MUSLIM OUTLOOK REGARDING THE GRIEVANCES OF HAJIS.

295. *Haji Abdoola Haroon: (a) Will Government be pleased to state whether their attention has been drawn to an article under the caption of "Haji's grievances" published in the *Muslim Outlook* of Lahore, dated 18th December, 1928, as well as the *Inkilab* of Lahore, dated 16th November, 1928?

(b) If so, what steps have Government taken in that direction?

Mr. G. S. Bajpai: (a) Yes.

(b) Government hope that the Committee to enquire into pilgrims' grievances, which they have decided to appoint, will be able to assess the truth and the extent of the hardships complained of and will suggest remedies.

CASES OF RIOTS IN THE PESHAWAR DISTRICT JAIL.

296. *Haji Chaudhury Mohammad Ismail Khan: Will Government be pleased to state how many cases of riots have occurred in the Peshawar District Jail during the past five years, in which razors and poisons have been used by convicts, and on whom does the responsibility lie in these cases, and what action, if any, have Government taken against the officers and staff of the Jail?

The Honourable Mr. J. Orerar: The information has been called for from the Chief Commissioner, North-West Frontier Province and will be supplied to the Honourable Member on receipt.

DACOITIES AND HIGHWAY ROBBERIES IN THE DISTRICT OF PESHAWAR.

297. *Mr. A. H. Ghusnavi: (1) With reference to the reply given by Government to parts (a) to (d) of Question No. 510, asked by me on the 12th September, 1928 (page 616, Volume III, No. 7), will the Government be pleased to state whether the dacoities and highway robberies in the District of Peshawar have been committed during recent years generally by:

- (a) persons living in the Tribal Territories administered by the Chief Commissioner, or
- (b) people living in British Territory who have no ostensible means of livelihood?

(2) In the former case will the Government be pleased to state whether it is not possible for the Political Officers in charge of Tribal Areas on the border of Peshawar District to bring pressure to bear on the tribes in receipt of subsidies from Government to prevent their members from committing offences in British Territory?

(3) In the latter case, will the Government be pleased to state whether there is any reason why proceedings under section 110 of the Criminal Procedure Code should not be enforced in the District, as had been done by the Commissioner of Peshawar Division in 1925-26?

(4) Is it a fact that recently three Magistrates of Mardan sub-District were stripped of their clothes on the road a few miles away from Mardan by badmashes? If so, is the road situated in Tribal or British Territory?

Sir Denys Bray: (1) Very few of the dacoities and highway robberies of recent years have been committed by persons living in Tribal Territories. Most of them have been traced to local bad characters, sometimes acting in conjunction with friends who are temporarily residing in Tribal Territory as outlaws. A number of such offences are also committed by cold weather immigrants from without India.

(2) Pressure is brought to bear in every case where an offence can be traced to a tribe under political control and in receipt of allowances.

(3) Section 110, Criminal Procedure Code, is used, wherever possible, but evidence is difficult to secure owing to fear of reprisals.

(4) It is true that three Magistrates were robbed by a gang on a road situated in British territory.

COMPETITIVE EXAMINATIONS FOR RECRUITMENT OF SERVICES UNDER THE IMPERIAL AND PROVINCIAL GOVERNMENTS.

298. *Dr. B. S. Moonje: (a) Will the Government be pleased to state if it is a fact that ordinary and honours graduates of Indian universities are placed on the same footing with Senior Cambridge diplomates in competitive examinations for recruitment to services in both Provincial and Imperial Governments?

(b) If so, will the Government be pleased to state the reasons for the same?

(c) Are Government aware of the fact that the time and expense involved in undergoing a degree examination in any Indian university and the number of subjects studied therefor are far greater than those for a Senior Cambridge Examination?

The Honourable Mr. J. Crerar: (a) This is so in the case of certain services, if by being placed on the same footing the Honourable Member refers to the fact that there are often alternative minimum qualifications for admission to examinations.

(b) The provision about the Senior Cambridge examination has been introduced in order that candidates who take a different course of studies not leading up to the degree of an Indian university may not be entirely debarred from competing.

(c) The facts are probably as stated by the Honourable Member, save in respect of the number of subjects studied.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that graduates of the Roorkee college are not allowed to compete for the Indian Civil Service; in other words, they are placed in a different category from the graduates of other Indian Universities?

The Honourable Mr. J. Crerar: I would point out to the Honourable Member that the same remarks apply to persons holding the Senior Cambridge Certificate. That is not a qualification for entry to the competitive examination for the Indian Civil Service.

Dr. B. S. Moonje: Is it a fact that the examination is open to those who have passed at least B. A. or B. Sc. of an Indian University and that the Senior Cambridge Certificate is considered adequate for Europeans and Anglo-Indians to compete for the Indian Civil Service?

The Honourable Mr. J. Crerar: As the Honourable Member suggests, candidates holding the school certificate are largely domiciled Europeans and Anglo-Indians.

Dr. B. S. Moonje: My point is whether graduates are equal to the Senior Cambridge men or other equivalent examination? Are they treated as equal to the Senior Cambridge men in point of education?

The Honourable Mr. J. Crerar: I should like to point out to the Honourable Member that so far as the competitive examination is concerned, there is no discrimination in favour of any class of persons who are admitted to it. They compete on equal terms; the ages prescribed are the same, and if graduates have, as might reasonably be suggested that they have, superior qualifications to those holding School Certificates, those advantages will naturally assist them in the competition.

Dr. B. S. Moonje: That is not my point, Sir. My point is this. Why should the qualifications be fixed so high for Indians and why should they be so low for Anglo-Indians and Europeans?

The Honourable Mr. J. Crerar: I have endeavoured to answer that in my reply to the Honourable Member, when I pointed out that the provision about the Senior Cambridge Examination has been introduced in order that candidates who take a different course of study not leading up to a degree may not be entirely debarred from competing.

STATUS OF SENIOR CAMBRIDGE STUDENTS AND OF MATRICULATES AND FIRST ART BOYS OF INDIAN UNIVERSITIES.

299. *Dr. B. S. Moonje: Will the Government be pleased to state if it is a fact that a Senior Cambridge Diplomate has to undergo a four years

college course if he chooses to go up for the Degree examination and if so, will the Government be pleased to state the reasons why such Diplomates are given higher status than that of the Matriculates or the First Art boys of the Indian Universities for purposes of recruitment to the Services?

The Honourable Mr. J. Orerar: The answer to the first part of the question is in the affirmative. With regard to the second part I have explained the position in my answer to the last question.

ALLEGED PREFERENTIAL TREATMENT OF ANGLO-INDIANS IN EXAMINATIONS FOR RECRUITMENT TO SUBORDINATE RAILWAY SERVICES.

300. ***Dr. B. S. Moonje:** Will the Government be pleased to state if it is a fact that, in the matter of subordinate railway examinations for recruitment to subordinate railway services, graduates alone in the case of Indian boys are admitted for the examinations; but these are freely open to Senior Cambridge Diplomates if they be Anglo-Indians and not Indians?

Mr. A. A. L. Parsons: With your permission, Sir, I propose to reply to questions Nos. 300 and 301 together. I have found some difficulty in dealing with the Honourable Member's questions from my ignorance of the exact examinations to which he refers, and my inability to find in any rules, which I have examined, any such differentiation between different communities. If the Honourable Member will give me particulars of the examinations to which he refers, I will have the matter taken up. Government see no reason why there should be any such differentiation.

ALLEGED PREFERENTIAL TREATMENT OF ANGLO-INDIAN STUDENTS,

†301. ***Dr. B. S. Moonje:** Will the Government be pleased to state the reasons why an Indian Senior Cambridge diplomate is not regarded as equal in educational qualifications to an Anglo-Indian Senior Cambridge diplomate for the purposes of recruitment to the Services?

GRANT OF LICENCES TO NON-MILITARY ASSOCIATIONS FOR TARGET PRACTICE.

302. ***Dr. B. S. Moonje:** Will the Government be pleased to state if there are any bye-laws regulating the granting of licences to non-military associations for target practice, and if so, will the Government be pleased to lay a copy of these bye-laws on the table?

The Honourable Mr. J. Orerar: The conditions on which the licences are issued are printed on the form of licence, form XV of Schedule VII to the Indian Arms Rules. The Government of India have issued no further instructions.

COMPETITIVE EXAMINATIONS OF THE INDIAN AUDIT AND ACCOUNTS AND THE MILITARY ACCOUNTS DEPARTMENTS.

303. ***Dr. B. S. Moonje:** (a) Will the Government be pleased to state if they are aware of the hardships caused to the graduates of the B. Commerce Examinations of the Indian universities who chose to appear for the competitive examinations of the Indian Audit and Accounts and the

† For answer to this question, see answer to question No. 300.

Military Accounts Department and of the Imperial Secretariat, in that the curricula of the B. Commerce Examinations do not tally with the syllabus of the Examinations of the Indian Audit and Accounts and the Military Accounts Department, and of the Imperial Secretariat?

(b) Has the attention of the Government been drawn to the Article "Embargo on Commercial Education" published in the *Hindustan Times* of 12th June, 1928, and if so, will the Government be pleased to state what action they propose to take in the matter?

The Honourable Sir George Schuster: (a) and (b). The attention of the Government was drawn to the article referred to, but it appeared after the Indian Audit and Accounts Service Examination syllabus for 1928 had been published. The syllabus comes under consideration every year and the representations made in the article will be considered in connection with the revision of the syllabus for 1929.

ESTABLISHMENT OF URBAN UNITS OF THE INDIAN TERRITORIAL FORCE.

304. ***Dr. B. S. Moonje:** Will the Government be pleased to supply information on the following points:

- (a) Names of places where urban units of the Territorial Forces have been established with the dates on which they were established?
- (b) Their present strength?
- (c) If they have reached the limits of their capacity for expansion?
- (d) If the Calcutta Corporation had passed a Resolution desiring the establishment of an urban corps for Calcutta, and if so, what action has been taken in the matter?
- (e) Will the Government be pleased to state if they propose to establish urban units in Nagpur, Jubbalpore and Amraoti and if so, when?

Mr. G. M. Young: (a) Two units have been established at Bombay, one at Madras and one at Allahabad and Lucknow.

(b) Enrolment is now proceeding. I do not know how many applications have been received so far.

(c) No.

(d) Yes. The Government of India are in correspondence with the Secretary of State on the subject.

(e) Not at present, Sir.

PROCESSION OF EX-SEPOYS TO GOVERNMENT HOUSE, LAHORE.

305. ***Mr. C. S. Ranga Iyer:** (a) Has the attention of the Government been drawn to the reports which appeared in the Press regarding the ex-sepoy's procession to the Government House, Lahore?

(b) Is it a fact that the ex-sepoys camped on the road-side without food and spent the whole night in the winter-cold of Lahore in the open?

(c) Is this matter receiving the attention of the Government of India and the Indian Soldiers' Board?

(d) What steps are being taken to ameliorate the condition of the ex-sepoys?

Mr. G. M. Young: (a) Yes.

(b) They certainly remained on the roadside.

(c) and (d). The Local Government and the Provincial and District Soldiers Boards are primarily concerned, and the Government of India are informed that these authorities are taking all possible steps to deal with any genuine grievances of the ex-soldiers. The Indian Soldiers Board, at the headquarters of the Government of India, is concerned only with individual cases of distress reported to it through the provincial and district Boards. The Honourable Member has probably seen the communiqué issued by the Punjab Government, setting forth at length the various measures taken by the Government of India and the Local Government for the benefit of ex-service men, including rewards in land and cash, post war relief, facilities for civil employment and educational assistance for their children.

**DEATH, WHILE ATTENDING TO HIS DUTIES, OF ABDUL MANNAN MULLA,
SUB-POSTMASTER, GOALUNDO GHAT.**

306. ***Maulvi Abdul Matin Ochaudhury:** (a) Is it a fact that Abdul Mannan Mulla, Sub-Post Master, Goalundo Ghat, District Faridpur, Bengal, died while attending to his duties at the post office on July 21st, 1928?

(b) Is it a fact that in early July he had applied for leave and immediate relief?

(c) Is it a fact that on July 18th, he sent a telegram to the Superintendent of Post Offices, Faridpur Division, requesting immediate relief?

(d) Is it a fact that on July 20th, the day previous to his death, he sent another telegram "please relieve me, my life in danger" and yet was not relieved?

(e) Is it a fact that there is a standing order of the Director General, Posts and Telegraphs that in all cases of officials reporting sick, immediate relief is to be sent, and in the event of no relief being available, a telegram to be sent to the Head of the Circle to send a relief?

(f) Was the instruction of the Director General followed in this particular case? If not, why not?

(g) Do the Government intend to make any special provision for the family of the deceased, who displayed such a conspicuous example of devotion to public duties?

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

(b) No.

(c) Yes.

(d) Not on 20th, but on the 21st July.

(e) Yes.

(f) A telegram ordering the immediate relief of Mr. Abdul Manna Mulla was approved by the Superintendent of Post Offices, Faridpur Division, for issue, but was not issued owing to the carelessness of the Superintendent's head clerk. The head clerk has been reduced to the time-seal and the Director-General is investigating the share of the Superintendent in the case.

(g) The matter is under consideration.

URGENT NEED FOR STOPPING THE SIND MAIL AT DOKRI STATION.

307. ***Haji Abdoola Haroon:** (a) Will the Government be pleased to state whether their attention has been drawn to a letter published in the *Alwahid* of Karachi in its issue of 11th January, 1929, drawing the attention of the Railway Board to the urgent need of stopping the Express Train, i.e., the Sind Mail, at Dokri Station, which is a crossing Station?

(b) If the answer to part (a) is in the affirmative, what steps do the Government propose to take in the matter?

Mr. A. A. L. Parsons: (a) No.

(b) I will send a copy of the Honourable Member's question to the Agent of the North Western Railway in order that he may consider the matter; Government cannot themselves take any part in the arrangement of the time-tables. I should also point out to the Honourable Member that if express trains were halted at all crossing stations they would very quickly cease to be express.

**GRANT OF EXTRA WAGES OR CREDIT LEAVE TO THE COMPOSITORS OF THE
EASTERN BENGAL RAILWAY PRESS WHEN EMPLOYED ON HOLIDAYS.**

308. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the employees of the Government of India Press, Bengal Government Press, Bihar and Orissa Government Press and other provincial Government Presses get extra wages or credit leave when they work during a holiday?

(b) Is it a fact that the compositors of the Eastern Bengal Railway Press get no extra wages or credit leave when they work during the holidays?

(c) Is it a fact that the clerks of the Eastern Bengal Railway Office and the Eastern Bengal Railway Press get travelling allowance when they are employed in work during the holidays?

(d) If the reply to (a), (b) and (c) be in the affirmative, will the Honourable Member be pleased to state the reasons therefor?

Mr. A. A. L. Parsons: I propose, with your permission, Sir, to reply to questions Nos. 308 to 314 together. I am seeing if I can obtain from the Honourable Member the information for which he has asked in questions Nos. 308, 309, 310, 311 and 312 except in regard to those presses which are under the control of Provincial Governments. Government regret that they are not prepared to make the enquiries suggested in question No. 311, or to institute the laborious investigation which should be necessary in order to answer questions Nos. 313 and 314.

WAGES OF THE EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

†309. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the employees of the Government of India Press and of other State Railway Presses get extra wages if they work after 2 P.M. on half-holidays when the offices close?

(b) Is it a fact that the compositors of the Eastern Bengal Railway Press get no extra wages for their work from 2 P.M. to 5 P.M. on Saturdays, when their office closes at 2 P.M., and their extra wages are allowed for their work after 5 P. M.?

(c) If the reply to (a) and (b) be in the affirmative, will the Honourable Member be pleased to state the reasons thereof and does he propose to take proper steps for the payment of extra wages to the compositors for their work immediately after office hours?

(d) Is it a fact that the clerks of the Eastern Bengal Railway Office get increments in their salary every year according to a graded scale?

(e) Is it a fact that the Press employees of the Eastern Bengal Railway Press get no yearly increment and have no graded scale of pay?

(f) Is it a fact that the Press employees of the East Indian Railway Press get yearly increments and have also a graded scale of pay?

(g) If the reply to (d), (e) and (f) be in the affirmative, will the Honourable Member be pleased to state the reasons therefor?

WAGES OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

†310. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the Press employees of the East Indian Railway Press get their salary and their overtime wages at the same time?

(b) Is it a fact that the Press employees of the Government of India Press and other provincial Government Presses get their salary and other overtime wages at the same time?

(c) Is it a fact that the Press employees of the Eastern Bengal Railway Press do not get their salary with their overtime wages at the same time?

(d) If the reply to (a), (b) and (c) be in the affirmative, will the Honourable Member in charge be pleased to state the reasons therefor?

QUALIFICATIONS OF THE SUPERINTENDENT AND OVERSEER OF THE EASTERN BENGAL RAILWAY PRESS.

†311. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that the Superintendent and the Deputy Superintendent in all the Government and State Railway Presses are recruited from home and they are all expert printers having passed the necessary examination?

(b) Is it a fact that the present Superintendent in the Eastern Bengal Railway Press does not possess the same qualifications as are possessed by the Superintendents in the Government and State Railway Presses, and that he was a clerk in a mercantile office?

† For answer to this question, see answer to question No. 308.

(c) Will the Honourable Member in charge be pleased to enlighten the House as to the following matters:

(i) Where the present Overseer and Superintendent in the Eastern Bengal Railway Press worked before they were appointed in their present posts?

(ii) What was the amount of salary in their former posts?

(iii) What are their qualifications?

(iv) How were they selected for their present appointments?

(v) What were their initial salaries and what are their salaries at present?

(d) If the reply to (a) and (b) be in the affirmative, will the Honourable Member be pleased to state the reasons therefor?

PROVISION OF A TIFFIN ROOM FOR THE EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

†312. *Mr. Satyendra Chandra Mitra: (a) Is it a fact that there is no tiffin room, and there is no arrangement for the supply of even drinking water, for the employees of the Eastern Bengal Railway Press, while there is such arrangement for such employees in the Government Presses and for the clerks of the Eastern Bengal Railway Presses?

(b) If the reply to (a) be in the affirmative, will the Honourable Member be pleased to state the reasons therefor?

EXPENDITURE IN THE EASTERN BENGAL RAILWAY PRESS.

†313. *Mr. Satyendra Chandra Mitra: Will the Honourable Member in charge be pleased to enlighten the House as regards the following matters:

(i) What amount of money was spent over the salary and overtime wages for the workmen in the Eastern Bengal Railway Press during the last ten years, year by year and what was the number of workers under each department, viz., compositors, machine, press, linemen and binders for the corresponding period year by year?

(ii) What amount of money was spent over the salary and overtime wages for the clerks, supervising staff and auxiliaries in the Eastern Bengal Railway Press during the last ten years, year by year, and the numerical strength of the clerical, supervising and auxiliary staff of the corresponding period, to be shown year by year?

(iii) What amount of money was spent for the purchase of printing machinery, metal, shooting, brush, type, coal, molasses, hammer, chase, printing ink, paper in the Eastern Bengal Railway Press during the last ten years?

(iv) What amount was allowed as discount after purchasing the afore-said articles for the Eastern Bengal Railway Press during the last ten years?

(v) What amount of money was realised by selling old machinery, printing press, type, etc., of the Eastern Bengal Railway Press during the last ten years?

† For answer to this question, see answer to question No. 308.

**AMOUNT OF MONEY REALISED FOR SALE OF WASTE PAPER IN THE
EASTERN BENGAL RAILWAY PRESS.**

†314. ***Mr. Satyendra Chandra Mitra:** Will the Honourable Member in charge be pleased to enlighten the House as to the following matters:

- (a) What amount of money was realised by selling waste paper in the Eastern Bengal Railway Press during the last ten years?
- (b) Was any tender invited for the sale of such waste papers?
- (c) How many persons applied for the tender and what were their names?
- (d) If the reply to (c) be in the negative, will the Honourable Member be pleased to state the reasons therefor?

**EMPLOYMENT OF INDIANS IN THE SECRETARIAT OF THE LEAGUE OF
NATIONS AT GENEVA.**

315. ***Pandit Hirday Nath Kunzru** (on behalf of Munshi Iswar Saran):
(a) Will Government state what contribution India will be required to pay towards the expenses of the League of Nations during the next financial year?

(b) Will Government state the number of Indians employed in the Secretariat of the League?

(c) Are Government prepared to issue definite instructions to the next Indian delegation to the League to impress on the authorities the justice of increasing the representation of Indians in the Secretariat?

(d) Are Government aware that there is a strong feeling in the country that Indian delegations to the League of Nations, Imperial Conferences and similar other bodies should always have Indians at the head?

(e) Are Government prepared to act in accordance with this feeling? If not, why not?

Mr. L. Graham: (a) The net contribution of India for 1929 is approximately Rs. 7,62,000.

(b) Two posts in the League Secretariat and three posts in the International Labour Office. In this connection I would refer the Honourable Member to paragraph 4 of the Interim Report of the 1928 Delegation, from which it appears that a new post is being created for an Indian in the Information Section of the League Secretariat.

(c) The Government of India cannot at this stage determine precisely what instructions will be given to the delegates, but I would remind the Honourable Member that our delegates in the past have persistently raised this question.

(d) and (e). Government are aware of this feeling. The attention of the Honourable Member is invited to the speech of the late Law Member in the Council of State on the 9th March, 1927, following up the announcement made by him in that Chamber on the 24th August, 1926, and to the Honourable Mr. Haig's speech in the Council of State on the 13th March, 1928. Government have nothing to add to those pronouncements.

† For answer to this question, see answer to question No. 308.

**RUMOURD FORMATION OF A NEWSPAPER SYNDICATE IN INDIA UNDER
HIGH OFFICIAL PATRONAGE.**

316. ***Pandit Hirday Nath Kunzru** (on behalf of Munshi Iswar Saran): Will Government state if there is any truth in the rumour that, at the instance or suggestion of Lord Burnham, a Member of the Statutory Commission, a newspaper syndicate under high official patronage is proposed to be formed in India?

The Honourable Mr. J. Crerar: Government have no information of the proposed formation of any such newspaper syndicate.

**GRANT BY THE GOVERNMENT OF INDIA TO THE AERO CLUB IN INDIA AND
EMPLOYMENT OF INDIANS THEREIN.**

317. ***Pandit Hirday Nath Kunzru** (on behalf of Munshi Iswar Saran):
(a) Will Government state what amount is being paid, or is proposed to be paid, to the Aero Club in India?

(b) How many Indians are employed in this Club? What positions are they occupying? What are their salaries?

The Honourable Sir Bhupendra Nath Mitra: (a) A sum of Rs. 30,000 has been paid to the Aero Club of India and Burma as a grant-in-aid during the current financial year. It is proposed to contribute a similar amount in 1929-30.

(b) No Indians are employed in the Aero Club as officers or clerks.

REDUCTION OF ARMY EXPENDITURE IN INDIA.

318. ***Pandit Hirday Nath Kunzru** (on behalf of Munshi Iswar Saran): Will Government state when it is proposed to reduce the army expenditure in India to rupees fifty crores as recommended by the Incheape Committee?

The Honourable Sir George Schuster: This is a matter on which a formal statement has been made by Government on more than one occasion, the most recent being Sir Basil Blackett's speech in the Legislative Assembly on the 4th March, 1927, and His Excellency the Commander-in-Chief's speech in the Assembly on the 8th March, 1928. For any further statement in regard to military expenditure, I must ask my Honourable friend to wait until the Budget for 1929-30 is presented.

TRAINING OF INDIANS FOR THE ROYAL AIR FORCE.

319. ***Pandit Hirday Nath Kunzru** (on behalf of Munshi Iswar Saran): Will Government state what steps are being taken to train Indians for the Royal Air Force?

Mr. G. M. Young: The Honourable Member is no doubt aware of the decision to form gradually an Indian air squadron, and to train Indian Officers at Cranwell. Steps have been taken in accordance with that decision. Six vacancies at Cranwell have been offered for competition to Indians this year. As soon as successful candidates begin going to Cranwell, the rank and file of a flight will be recruited and trained.

PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

320. ***Rai Sahib Harbilas Sarda:** With reference to the Honourable Sir Denys Bray's reply to my supplementary question No. 383, asking for notice (*vide* Legislative Assembly Debates, Volume III, No. 6, page 493), will Government please state why and when these sub-assistant surgeons of Rajputana were employed on the understanding that their pay would be regulated by the United Provinces scale, and has their initial pay been fixed after taking into consideration their past permanent services, as has been done in the United Provinces? Are Government prepared to reconsider the matter?

Sir Denys Bray: When the sub-assistant surgeons entered service in Rajputana, the understanding was that their pay would be regulated according to the United Provinces scale, since the Medical Department of Rajputana originally formed part of that of the United Provinces. The United Provinces scale of pay was therefore generally applied to the sub-assistant surgeons in Rajputana. In 1925 the Government of India sanctioned with retrospective effect the adoption in the case of these sub-assistant surgeons of the revised time-scale introduced by the Government of the United Provinces. For the reasons given in my reply of August 1926 the initial pay on the new scale has been regulated in accordance with the rule in Fundamental Rules 22 and 23 and not with reference to past permanent service. As stated in my reply of September, 1928, Government are prepared to consider any proposals which the Local Administration may make in respect of individual officers with good records in whose cases the application of Fundamental Rules 22 and 23 has in its opinion resulted in undue hardship.

REPRESENTATION OF INDIANS ON MUNICIPALITIES IN KENYA.

321. ***Pandit Hirday Nath Kunzru:** (a) Has the attention of Government been drawn to the manifesto issued by the Kenya Central Indian Association in November last and published in the *Kenya Daily Mail* on the 7th December, 1928?

(b) Is it a fact that, owing to the strong opposition of the Indian community to the recommendations of the Feetham Commission, a round table conference was convened by the Governor of Kenya to settle the question of the representation of the various communities on municipalities? If so, what are the recommendations of the conference?

(c) Were these recommendations published for public information? Is it a fact, as stated in the manifesto referred to above that the Governor gave an undertaking that no action would be taken of the recommendations before the parties concerned were given an opportunity of considering them?

Mr. G. S. Bajpai: With your permission, Sir, I shall deal with questions Nos. 321 and 322 together. I regret that I am not in a position to day to answer these questions, as some of the information required for answering them is not yet available. I would therefore request the Honourable Member to ask these questions on another date which, subject to your approval Sir, can be arranged to suit our mutual convenience.

REPRESENTATION OF INDIANS ON MUNICIPALITIES IN KENYA.

†322. ***Pandit Hirday Nath Kunzru:** (a) Did the legislation introduced into the Kenya Legislative Council with regard to the municipal question follow the recommendations of the round table conference? If not, in what respect did it depart from them?

(b) Is it a fact that, contrary to the expressed wishes of the Indian community, provision was made for Indian representation by means of nomination?

(c) Are Government aware that, as a protest against the action of the Kenya Government, the Indian community have withdrawn their members from the interim committees formed under the Municipal Ordinance of November, 1928, in Nairobi and Mombassa to make arrangements for bringing the municipal councils into existence?

(d) What steps have the Government of India taken to represent the Indian case to the authorities concerned?

PAYMENT BY INDIANS OF AN EDUCATION TAX IN KENYA.

323. ***Pandit Hirday Nath Kunzru:** (a) Are Indians required to pay an education tax in Kenya?

(b) Is it a fact, as stated in the manifesto of the Kenya Central Indian Association, that only a portion of the income from this tax is devoted to education, the rest of the proceeds being diverted to other purposes? If so, what action have Government taken in the matter?

Mr. G. S. Bajpai: (a) Yes.

(b) Government have made enquiries.

PROTECTION OF THE INTERESTS OF INDIANS IN RHODESIA.

324. ***Pandit Hirday Nath Kunzru:** (a) Are Government aware that the Indians in Rhodesia are desirous that the Agent of the Government of India in South Africa should look after their interests also; and assist them in removing the disabilities they suffer from?

(b) Do Government propose to give effect to this suggestion? If not, what steps do they propose to take to protect the interests of Indians in Rhodesia?

Mr. G. S. Bajpai: (a) Government understand that such a desire has been expressed.

(b) The Indian community in Rhodesia have not approached the Government of India direct on the subject so far. If they do, their views will certainly be considered.

† For answer to this question, see answer to question No. 321.

STATUS OF THE AGENT FOR INDIA IN SOUTH AFRICA.

325. *Pandit Hirday Nath Kunru: (a) Has the attention of Government been drawn to the following remarks of the *Cape Times* regarding the status of the Indian Agent in South Africa:

"Mr. Sastri has been so much bigger than his post that few have noticed how small in itself the post is. The Government of India will probably find it desirable on general grounds to enlarge the post and to match it somewhat more equally with the man."

(b) Will Government consider the desirability of suitably raising the status of the post?

Mr. G. S. Bajpai: (a) Yes.

(b) Government propose to defer consideration of this suggestion until they have acquired more experience of the post, which was created only in June 1927.

GRIEVANCES OF POST OFFICE SORTERS STATIONED IN THE MOFUSSIL IN BURMA.

326. *Mr. Anwar-ul-Azim: (a) Will the Government be pleased to lay on the table the result of the memorial submitted by the sorters stationed beyond Rangoon regarding their grievances caused by (1) the introduction of two scales of pay and thereby blocking the transfer of sorters from the mofussil to Rangoon?

(b) If the reply given to the memorialists is in the negative, will the Government be pleased to state whether it is not the fact that service in the mofussil is most difficult and the sanitary conditions are worse and living dearer?

(c) Did the memorialists furnish any agreement before or after entering the Department that they will throughout service serve in the mofussil and not in Rangoon? If not, under what circumstances were they deprived of the advantage enjoyed so long?

(d) Do the Government propose to amalgamate both the scales into one under the above circumstances?

The Honourable Sir Bhupendra Nath Mitra: (a) The memorials were rejected by the Government of India in August last.

(b) The facts are not as stated by the Honourable Member.

(c) No. With the introduction from the 1st March, 1927, of two scales of pay for the Railway Mail Service sorters, one for Rangoon and another for the mofussil, transfers between the two cadres are not permissible except under special circumstances. This cannot be considered a grievance by the mofussil sorters as the difference in the two scales of pay represents chiefly the difference between the two localities in the cost of living.

(d) Government are not prepared to re-open the question.

HELP RENDERED BY GOVERNMENT TO POST OFFICE SORTERS INJURED IN A RAILWAY ACCIDENT IN BURMA.

327. *Mr. Anwar-ul-Azim: (a) Are Government aware of the fact that there was a collision of 1 Up Express with 345 Up Goods Train at Thawatti Railway Station in Burma, in which R. 9 In Sec. was working on the 22nd May, 1928? If so, will the Government be pleased to lay on the table the total number of sorters who sustained injuries and the help rendered to them?

(b) Are any of the injured sorters still on leave? If so, what kind of leave have they been granted and what other help has been rendered to them by the Department?

(c) Is it a fact that the injured sorters are unfit for night duty, and do the Government propose to allow them light and day duty? If not, why?

Mr. H. A. Sams: (a) Yes: two sorters were injured and were granted hospital leave on average pay for 3 and 4 months respectively. A third sustained shock.

(b) Both the injured sorters are on regular leave on medical certificate in extension of the hospital leave. No other help has been rendered to them by the Department.

(c) Until the sorters return to duty, it is impossible to say whether they will be unfit for any particular class of duty.

RESPONSIBILITIES OF THE POST MASTER, SILCHAR.

328. *Mr. Anwar-ul-Azim: With reference to the Government reply to question No. 70, in last Simla Session, regarding responsibilities of the Post Master, Silchar, Telegraph Master, Silchar and Head Record Clerk, Silchar, do the Government still, after compiling the statistics, consider that the responsibilities of the Post Master, Silchar, are not greater? If so, how? If not, why the pay of the Post Master, Silchar, is less than that of the Telegraph Master and Head Record Clerk, Silchar?

Mr. H. A. Sams: Government are still of opinion that the responsibilities of the Postmaster, Silchar, are not greater than those of either the Telegraph Master or the Head Record Clerk at that place. Apart from monetary and administrative responsibilities the pay of the Telegraph Masters is fixed in regard to special technical qualifications which are not possessed by the Postmasters, while the Head Record Clerk controls a larger staff than does the Postmaster.

The concluding part of the question does not arise.

RAISING OF THE PAY OF THE POST MASTER, SILCHAR.

329. *Mr. Anwar-ul-Azim: Is it a fact that the Post Master, Silchar, is in the grade in which the Deputy Post Master, Silchar, who is subordinate to the former, is? If so, do the Government propose to raise the

grade of the Post Master, Silchar, and such other officers to Rs. 250 to 350? If not, why?

The Honourable Sir Bhupendra Nath Mitra: Yes. But the pay of the Postmaster is higher than that of the Deputy Postmaster, a junior in the same scale.

Government do not propose to raise the grade of the Postmaster, Silchar, and other Postmasters to the grade of Rs. 250—350 simply on the ground that the Deputy Postmasters also are in the same grade of Rs. 160—250 with the Postmasters. The higher selection grade pay of Rs. 250—350 applies to those Postmasterships whose duties and responsibilities justify this rate of pay.

EMPLOYMENT OF MUSSALMANS IN THE POSTAL AND TELEGRAPH DEPARTMENTS.

330. ***Mr. Anwar-ul-Azim:** With reference to Government reply to questions Nos. 72, 73, 75, 78 and 201, during the last Simla session, will the Government be pleased to state the steps to be taken to give the Mussalmans their legitimate share in all services in the Posts and Telegraphs Department?

The Honourable Sir Bhupendra Nath Mitra: Government consider that the rights of minority communities, including Mussalmans, to a legitimate share in all services in the Posts and Telegraphs Department are already sufficiently protected by the orders of Government, to the effect that, in making appointments to these services every third vacancy shall be utilized for the adjustment of communal inequalities, and they do not therefore intend to take any further steps in the matter.

FREE CONCESSION OF LUGGAGE FOR THIRD CLASS PASSENGERS.

331. ***Haji Abdoola Haroon:** (a) Will Government be pleased to state whether their attention has been drawn to a letter from a correspondent of the *Daily Gazette*, Karachi, published in its issue dated 11th January, 1929, regarding a free concession of luggage from 15 seers to 25 seers in the case of third class passengers?

(b) If the answer to part (a) is in the affirmative, what step do the Government wish to take in the matter?

Mr. A. A. L. Parsons: (a) Yes.

(b) It is proposed to discuss the question with the Central Advisory Council for Railways at an early meeting.

IDENTITY OF COLONEL LAWRENCE OF ARABIA.

332. ***Mr. Abdul Hays:** (a) Are Government aware of the identity of Colonel Lawrence of Arabia, about whom there have been so many references in the Press recently?

(b) Was that gallant Colonel ever in the service or pay of the Government of India?

(c) After the conclusion of the Great War, did Colonel Lawrence ever come to India? If so, did he come in an official or in his private capacity?

(d) Was he ever employed in the Royal Air Force? Is it a fact that, for some time, he performed the duties of an ordinary clerk at Miranshah?

(e) Are Government aware of the present whereabouts of Colonel Lawrence?

(f) Is it true that Colonel Lawrence took service in the Royal Air Force under the false and assumed name of Aircraftsman Shaw?

(g) If so, will the Government please state the date on which he came to India and took service under the Government, and whether the Government at the time of employing him were aware of his identity?

(h) To what post or posts was he appointed since then and what salaries were paid to him and at what different places did he serve?

(i) Were his emoluments paid by the Political Department or any other department of the Government of India?

(j) Why was he permitted to conceal his identity in India?

Mr. G. M. Young: (a) Yes.

(b) Yes, while serving as an aircraftsman with the Royal Air Force in India.

(c) and (d). Some time after the war, Colonel Lawrence enlisted in the Royal Air Force as an aircraftsman. He served in England for several years, and, in the beginning of 1927, was drafted in the ordinary course to the establishment of the Royal Air Force in India. So far as the Government of India are aware, he had not previously been in India.

(e) Yes. He is now in the United Kingdom.

(f) He was, and is still, serving in the Royal Air Force under the name of Shaw. The Government of India are not aware whether he assumed the name formally or informally; but so far as they know there was no falsity or attempt at concealment in the proceeding. It has been a matter of common knowledge for some years that he is serving in the Royal Air Force as an aircraftsman under the name of Shaw.

(g) He arrived in a Royal Air Force draft at Karachi on January 7th, 1927. The Government of India did not know of this fact until it was shortly afterwards disclosed in the Press.

(h) He was employed and paid as an airman on the ordinary establishment, at the rate of Rs. 2-11-0 a day. While in India, he served successively at Karachi, Peshawar and Miranshah.

(i) While serving in India he was paid from Indian military estimates.

(j) As I have indicated, the identity of Colonel Lawrence with aircraftsman Shaw was already a matter of common knowledge before he came to India.

RESOLUTION RE RECOMMENDATIONS OF THE INDIAN CINEMATOGRAPII COMMITTEE.

Kumar Rananjaya Singh (Fyzabad Division: Non-Muhammadian Rural): Sir, I beg to move:

"This Assembly recommends to the Governor General in Council that, with a view to fostering the growth of the Indian film industry and the protection of the Indian cinema trade from exploitation by non-Indians, immediate effect be given to the recommendations of the Indian Cinematograph Committee by the imposition of the 'quota system' and the introduction of legislative measures requiring compulsory registration of persons and companies engaged in producing, exhibiting, distributing and importing films, or owning or controlling cinema houses, the predominance of Indian element being assured in all such concerns."

Sir, I have tried to lay before the House the following three points in my Resolution:

- (1) That the Government of India should take proper and immediate steps to encourage the Indian film industry.
- (2) That in order to procure a market for Indian produced films, the quota system, as recommended by the Indian Cinematograph Committee, should be imposed upon exhibitors in India.
- (3) That necessary legislation be introduced to control the producing and exhibiting concerns in such a way that Indian capital, labour, art and culture should have a predominant position in them.

I consider, Sir, that in the presence of this enlightened House it is not necessary to go into details of the effects that are being produced by cinematograph exhibitions. Every country in the world has realised the real value of these exhibitions. Cinemas, no doubt, are primarily opened for recreation purposes, but no recreation can remain without producing its effects upon the minds of spectators. As games, along with the development of the body, develop also the mind of the player, similarly recreations, while providing pleasure for the time being, produce vast effects upon the morals and habits of the people. Cinema films, on account of their vast circulation, have proportionately greater effects. It has, therefore, become necessary to check the production of undesirable films by controlling their exhibition. This is done by Boards of Censors.

Boards of Censors are working in nearly all the countries of the world. In India, also, several Boards of Censors have been constituted under the Indian Cinematograph Act, 1918. But I submit, Sir, that the peculiar conditions of India require something more than these Boards. Boards of Censors can only check the showing of exceptionally bad films. Moreover, these Boards have to fix their standard of goodness or badness from the films that are submitted to them for passing. If in a year no good film is coming forth, they have no choice but to lower their standard of passing. Hence the necessity of some measure to foster the production of good films, not only from the moral and educational point of view, but also from the artistical and cultural points of view.

This question of developing and controlling the cinema industry assumes an immensely greater importance when its effects are considered upon Indian culture. I do not mean to say that there is nothing in Western

civilisation and culture which the Indians should not see, judge and adopt, but I do mean to point out to the House that there is a good deal in Indian civilisation and culture that the Indians must not lose.

Over and above all this, the denationalisation that is being brought about by the exhibition of foreign films has to be put a stop to. Cinemas are proving very powerful mediums in other countries for spreading national ideas among the people. It is the duty of the Government at once to take steps to encourage the production of Indian films in Indian sceneries, produced by Indian actors, conducive to the growth of Indian national ideas and preserving the good things of Indian civilisation and culture.

The Indian Cinematograph Committee has suggested three main methods to help this industry in India; financial aid to the producers, building of more cinema houses, and a compulsory quota for Indian films. I do not intend to go into the details of these recommendations and thus take unnecessary time of the House. A clear and powerful case for these recommendations has been made out by the Committee itself.

I would like to submit, Sir, a few words as regards the assurance of the predominance of the Indian element in the production and exhibition of films in India. It is no doubt a financial question, and I, being an Indian, cannot tolerate the exploitation of the wealth and resources of India by foreigners. The case of the film 'Shiraz,' cited by the Cinematograph Committee, can well explain the importance of this part of my Resolution. I expect at least all Indian Members of this House to support my Resolution.

With these words, I move my Resolution.

Colonel J. D. Crawford (Bengal: European): I rise to move the following amendment:

"That for the original Resolution the following be substituted:

"This Assembly recommends to the Governor General in Council that with a view to fostering the growth of the Indian film industry steps be taken immediately to give effect to those recommendations upon which the Committee were unanimous."

It is difficult, in the short time at the disposal of a Member speaking on a Resolution, to cover the vast ground which the Committee covered in the course of its examination of the conditions of the film industry in India, and if I for once exceed the time limit, I trust, Sir, you will extend to me some measures of indulgence, as I am the only member of the Committee in the House to-day who will be able to take part in this discussion. There is a general idea that the cinema is not a subject of any very great importance. During our tour, we found that there was only one province which showed any imagination at all on the subject of the cinema, whereas if you have imagination you will realise that the cinema is one of the most effective mediums of mass education, and that it has a tremendous influence over the life of every nation. The Committee early found that the cinema in India is to-day having a very considerable influence on the people of India. I was one of those who joined the committee under the impression that the Western films displayed in India were generally bad and I looked forward to a method of censorship in order to remove from the pictures shown in

[Colonel J. D. Crawford.]

India those items which I believed were detrimental, as showing an incorrect picture of Western civilisation. But during my work on the Committee, I very rapidly found out that my misgivings on this subject were entirely unjustified. Far from the fact that Western films were giving to Indians a wrong idea of Western civilisation, we found that their influence was generally beneficial. The faults which we had in mind were faults which had existed previous to the introduction of a *pucca* system of censorship in this country. We were thinking of ten years ago and not of the films which are shown to-day. Generally we found the system of censorship to be sound, the canons of censorship laid down by the Boards to be entirely satisfactory, with one or two minor alterations. We had only one real difficulty on the question of censorship. We did not believe it to be the duty of the police to be in charge of censorship of films. We admitted that the police should co-operate in such censorship, but it should certainly not be the chief task of the police to control the censorship. I will not go any further at this stage into the details of censorship. My object to-day in moving my amendment is to place a more reasonable Resolution before the Government than the original Resolution. The difference between my Resolution and that of the original Mover is that I have suggested that Government should take steps to put into effect those recommendations of the Committee upon which the Committee were unanimous, whereas the Mover of the original Resolution has indicated certain directions in which he believes that Government should take action, namely, by the imposition of the quota system and the introduction of legislative measures requiring compulsory registration of persons and companies engaged in producing, exhibiting, distributing and importing films, or owning or controlling cinema houses, the predominance of Indian element being assured in all such concerns. The whole Committee, including the European members, were unanimous in thinking that the Indian film industry should be preserved for Indians. That is agreed but we were not unanimous that the quota system was the best method of doing it. The quota system deals with a different aspect of the problem, the question rather of markets than protection of the film industry. In this matter I think the Mover of the Resolution is under some misapprehension. We found that the film industry in India, although in the hands of small men, is on its present basis a profitable business. If you turn to the figures in our minority report, you will find a statement which we took from the tax returns of three leading cinemas in Bombay showing Indian films, and three showing Western films (page 162). We arrived at our figures by examining the entertainment tax returns, though these only referred to the higher class seats. The return in the case of cinemas showing Indian films was Rs. 2,83,581 and the return in the case of the cinemas showing Western films was only Rs. 2,42,061. That excluded all seats under four annas, which are not taxable, and from which a large proportion of the profit comes, as the four-anna seats in cinemas showing Western films are seldom full and in Indian cinemas always full. It is perfectly clear, therefore, that it is a paying proposition to show Indian films. On that point I think the whole Committee were thoroughly convinced. We found there is a great opportunity for Indian films. We further found that the existing producers cannot to-day supply the demand for Indian films—I mean the Indian demand. Now the quota introduced in England was for the

purpose of providing a market for British films. To-day in India we have a market for Indian films and a market which the producer cannot yet supply. Now one of the difficulties arising from that position has been that the producer is reducing the quality of his film in order to meet this demand. If you increase that demand by means of this quota system, you will only encourage him further to reduce the quality of his films. Now, one of the difficulties with which the Indian film producer is faced is the fact that his public are already becoming dissatisfied with the quality of his films, with the technique of his pictures, and if you do not check that deterioration, the result may be that the Indian public will get a growing distaste for the Indian film and be more and more inclined to go to the European film. I can give one little example of that. Up in Assam one of the tea planters, who is a labour member there, has introduced film exhibitions for the entertainment of his coolies. For a long time he gave them nothing but pictures of the life of the coolies, his weddings and his *melas* and that type of thing, till at last the coolies came to him and said "Sahib, we have had enough of these Indian pictures; we want to see some European pictures". That is one of the difficulties hampering the development of the film industry to-day. They lack technique and the technical experience which will enable them to provide their Indian public with what the Indian public is every day more and more demanding—a better class of picture and a better film. It is on those grounds that the minority and the three European members felt that it would be disadvantageous at present to the industry itself, if not an actual danger, to introduce the quota system. There are of course other difficulties and complexities in the introduction of any quota system and we were not enamoured of the scheme drawn up by our Indian Colleagues. For instance, we discovered that a film in India has a provincial limitation. That is a film made in Bombay, where the characters are dressed in Bombay dress, was not popular in Bengal and also not popular in Madras. We found that Muhammadans wanted to see a Muhammadan story. They were not willing or anxious to go and see a Hindu story. Similarly, you have your European audiences who are accustomed to the high technique of European or American films; who would not see a film produced by Indian producers. If, therefore, you were to force the quota system on any of these theatres who serve different types of audiences, you would be doing very serious harm to a large portion of the cinema industry, namely, the exhibiting portion. We were not, as you will see in the last paragraph of the minute of dissent, in opposition to the imposition of the quota on principle. We say there:

"If any unforeseen development occurs, or if our anticipations are belied, we shall have no objection to the Bureau investigating further the possibilities of a quota scheme, or any other scheme for the benefit of the industry. In fact we shall welcome such an investigation."

Now I trust that the House will remove from its mind any suspicion in regard to our attitude towards the quota system. We say there is no necessity for the quota system, since the demand exceeds the supply. Our difficulty is that harm would be done to a large portion of the industry, namely, the exhibiting portion. This should be taken up at a later date, if necessary, by a central body, which we proposed should be brought into existence.

[Colonel J. D. Crawford.]

I would like to say a word here on that question of a central body. We found that Indian producers were more or less limited to a cost for the production of a film somewhere round about twenty thousand rupees. Were they to exceed that sum on production of a film, it was difficult for them to get a profitable return. That is due to the fact that you have only some 350 cinemas at present in India, and you cannot show your film in everyone of those cinemas, because many are located in the same town. You can only show it in two or three cinemas in the same town, and there was not as yet a requisite market to enable them to spend very large sums on production. Unless they could spend far more than twenty thousand rupees on a picture, they were not in a position to employ the advisers or experts that are undoubtedly required to improve the technique of their pictures. It was on this ground that we suggested that here Government might come in and give very valuable assistance to the cinema industry by instituting a central bureau which would employ such experts who would be in a position to advise the Indian producer, who would be in a position to train the necessary Indian staff that would assist the producers themselves. We also contemplated that it might take an active interest in the very important subject of production of Government films for propaganda work in the nation-building department. That was an aspect of the matter that struck us very forcibly. The cinema habit is growing in India, and were Government to use this means of propaganda in regard to agriculture, sanitation and health throughout the country, they would undoubtedly be assisting the growth of the cinema sense and the desire for cinemas, which would enable producers to find an ever increasing field for entertainment.

I cannot emphasize too strongly our feeling that the cinema as a means of mass education is of the utmost value, and I will give you one instance of it. Last Christmas, when I was out at a shooting camp, I happened to see the Deputy Commissioner or rather one of his Agricultural assistants, lecturing to his villagers, on the question of ploughs. He was supplied with a magic lantern which threw a very small picture. I found difficulty in making out what the picture was, and I was quite certain that the villagers had not the slightest idea as to what the picture meant. But if he had been able to impart motion to the picture, it would have been brought within the mental sphere of everyone. I believe the cinema is going to prove of very great assistance to us in all matters of national development throughout India. The only province which appears to have taken the matter up seriously—and I am told with tremendous success—is the Punjab, who are getting crowds of people to attend their instructional cinema performances.

I trust Government will note that in both the Resolution and in my amendment we press for immediate effect to be given to these recommendations. I can quite understand that, in a matter of this nature, where the subject is largely a provincial transferred subject, Government must consult the provinces. In fact our scheme would not be workable unless the whole-hearted co-operation of the provinces is obtained. But the point is that to-day in India the very report which we have written has shown that the Indian Cinema Industry is a profitable industry, and it has drawn the attention of all those who are concerned throughout the

world. We have not yet got any vested interests in this country of any appreciable importance but if you are dilatory in handling this matter, you will find that vested interests have grown up, and that you will be dealing with a problem which will thereby be made more complex and more difficult. That is why I urge that Government should deal with this matter with the least possible delay. If the Honourable Member in charge will give me that assurance that he will speed up the whole of his enquiry with a view to taking action, I myself should be satisfied, and I daresay the original Mover of the Resolution will also be satisfied.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): But your amendment is beyond the scope of the Resolution, it seems?

Colonel J. D. Crawford: My amendment is beyond the scope of the Resolution? I cannot quite follow your point.

There is one other question which I think is of importance, namely, the question of our agreeing to enter into an Imperial arrangement with the Dominions for the exchange of films. I am frankly in favour of Imperial Preference, but in this case, had we thought of entering into any agreement on that subject and imposing a quota for Imperial films, naturally the whole of that quota in India would be taken up by Indian films. We found that British films had to-day a very big footing in the Indian market and needed no assistance whatsoever, and further, I think all of us felt that if necessary, it would be our duty to state plainly that a proposal of that kind might help the industry. We did not consider it necessary, and in any case we realised that the matter was one that must be left under present circumstances for the Assembly to deal with.

Some of our Indian members were very dubious as to whether Indian films would ever have the opportunity of finding a footing in the international market. In fact their mental attitude was one of entire suspicion. They said: 'Oh, everybody dislikes the Indian, therefore nobody will go and see the Indian films'. We, Britishers on the Committee had far greater faith than they. To the Indian members, we said that we believed that there was scope in the international field for Indian films and great rewards awaited them in that field. The funds which would thus be available in the international field would enable them to employ their technical experts. We are all aware of the film 'Light of Asia' and that it did not have any great success in the international market and has not yet had any success in the international market. But the result of our enquiries led us to believe that the difficulty with regard to that film was not the public distaste to it in so much as the producers did not know how to approach the international market in the correct manner. We saw an Indian film by name 'Sacrifice' and it struck us as a film of exceptional quality. The European members said: 'Here is an Indian film that may be suitable for the international market'. That film was shown in Bombay. I do not think I am giving away any secret when I say that its production cost about Rs. 50,000, and in the few weeks that it was shown in Bombay in second run theatres, not in first run theatres, it earned about Rs. 13,000 to the producer; not a bad return. We were so much impressed with the quality of the film that we suggested to the gentlemen who produced it that they should take it Home and put it on the international market. We, the European members in the Committee, did what we could to assist them to get into touch with people of influence in Europe who could help them in making the film a success.

Mr. K. Ahmed: Why did the European members act in contravention of the terms of reference to the Committee?

Colonel J. D. Crawford: The result was that they managed to get that film placed in the international market and it received a very considerable amount of praise at the trade display. I am convinced that you can, therefore, make films of international value in India and there is no reason why that wider market should not be exploited by the Indian film producer. If they can send their films abroad to the many thousands of cinemas in the world, they can earn the profits necessary for the employment of better staff and the improvement of the technique of their films. I suggest to the House that, in accepting my amendment, they are giving a wider field to the Government than by limiting Government action to the two directions mentioned in the original Resolution. I am definitely against the introduction at present and under existing conditions, of the "quota system", on the ground that it is a danger to the Indian industry and not immediately necessary. I am entirely in favour of such action as may be necessary to ensure India's right to the first place in the Indian film industry. I am equally at one with the Honourable the Mover of the Resolution that steps to this end should be taken with the smallest possible delay. On these grounds, I ask the Assembly to support my amendment.

Maulvi Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I rise to support the Resolution of my Honourable friend Kumar Rananjaya Singh. In supporting this Resolution, I do not think I need emphasise at any great length, the necessity for protection to the Indian cinema industry. That the industry is in an infant stage of development is admitted on all hands. The very fact that out of five million feet of film examined by the Board of Censors during 1927-28, barely eight lakhs were of Indian origin, shows that there is a great field for the expansion of cinema business in India. But quite apart from this economic consideration, there is another reason and a very weighty reason why it is of national importance that this indigenous film industry should be encouraged. As Colonel Crawford has pointed out in the beginning of his speech, and as the Cinema Committee also has pointed out in their Report, the cinema is not merely an instrument of recreation, it is a very powerful medium through which national ideas can be spread and it is on this ground, Sir, that the Indian members of the Committee very strongly recommended that steps should be taken to remove from the screen what they described as the "foreign grip", and to create a "national atmosphere". While talking of national atmosphere, it may not be quite inappropriate for me to quote a remark of Lord Peel, made in the House of Lords, on the influence of American films on English life. This is what Lord Peel says:

"We have our own typical civilisation and have our own standards and it surely is unfortunate that this vast range of influence should shower on our people through foreign rather than through domestic sources."

Now, Sir, if Lord Peel could complain of the 'shower of American influence', we can complain with still greater force and with greater propriety, of the infliction of American civilisation and standards on our people, whose civilisation is essentially different from that of America. The need for this protection to the industry is felt not only by the Indians, but, I am glad to notice that the Government as well share the same feeling. While moving

the Resolution on the appointment of the Indian Cinema Committee, the Honourable the Home Member made certain observations which I am sure will find ready support in this House. This is what the Honourable Mr. Crerar said:

"I think the question of the Indian film industry is one which ought to engage the sympathy of this House and is a matter which ought to be enquired into. At the present moment the manufacture of films in India has hardly got beyond the initial stage. There is no reason why it should not become a large and a thriving indigenous industry. Personally, I should welcome a large extension of the manufacture of films in India because I consider that Indian films, if properly contrived and properly treated, would in many respects be more attractive to the average Indian audience than foreign films, the attractions of which often are of a very doubtful character. I think that films of that character, if we could get them, would not only be more instructive and more interesting to the Indian public, but would do a great deal to squeeze out from the market those films which we all unitedly condemn. I think therefore that if a committee of enquiry could devise means by which this nascent Indian industry could be encouraged and put upon a sound footing, it would have rendered a very great service not only from an industrial point of view but from the point of view of instruction and healthy amusement."

This is a sentiment with which I am sure the House is in entire agreement.

Now, Sir, there is complete agreement between this side of the House and that as regards the necessity of protection to the industry. The question now arises, as to what is the best method of doing it. The majority members of the Committee, consisting of the President, Sir Haroon Jaffar and Mr. Neogy recommended the "quota system" as the best method of encouraging the Indian industry. By this "quota system" is meant that an obligation is to be put upon the exhibitors to show a certain percentage of Indian films in their weekly programme. This quota system, Sir, has been found in every country to be the best means of combating

12 Nov. foreign domination of the cinema trade and encouraging the indigenous industry. We find from the Report that Germany has adopted this system, Austria has adopted it, Hungary has adopted it, Czechoslovakia has adopted it, Portugal, Spain, France and Great Britain have all introduced this system; and the majority of the members of the Committee, therefore, recommend the adoption of this quota system in India also, in the best interests of the cinema trade in this country.

Now, Sir, as against the opinion of the Indian members of the Committee, the minority members of the Committee consisting of Mr. Green, Mr. Coatsman and Colonel Crawford, object to the introduction of this quota system. They raised some objections, and I think it is necessary to consider them here, one by one. The first objection that they raise is that the quota system is unnecessary. They say that in spite of the trade depression, there has been a rapid growth of the Indian cinema industry and that there is no need for the introduction of the quota system. As regards the rapid growth, Sir, I think it may be sufficient to point out that in the year 1925-26, the Board of Censors examined 110 Indian feature films, the next year they examined 106 and in the year 1927-28, they examined only 81. As a matter of fact, instead of a rapid growth, there has been a rapid decline, and the Committee, therefore, very rightly remark that in Bombay and in Burma the "industry shows some signs of life", while in Madras and Bengal, it is languishing and in other provinces it is practically non-existent.

Another objection which they raise, to which Colonel Crawford has referred in his speech, is this: They say, that the demand for the Indian film is far in excess of the supply, and if we increase the demand by means

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of legislation, it will result in the production of inferior films. This objection, Sir, has been very effectively answered by the majority members of the Committee. I should like to read out to you their reply. They say:

"The fear expressed by the minority that it will lead to the growth of mushroom concerns and the production of inferior films is not a serious one. The same fear has been invariably mentioned whenever the quota system has been proposed in any country, and yet the quota system has survived and found acceptance, even in Great Britain, and is spreading. Far from having that effect which the minority apprehend, it will act as an incentive to every producer to improve his quality, so as, with the aid of the quota, to suit better tastes and audiences. On the whole, the majority are satisfied that it is the only sound basis on which we can develop the growth of the Indian film industry in this country. There will be a larger number of exhibitors ordering good films and competition will be kept up on account of the higher prices they will offer for better films."

Now, Sir, proceeding on this erroneous assumption that the introduction of the quota system will lead to the production of inferior films, the minority members argue that these films will alienate the Indian audience and that the exhibitors will lose money and there will also be a restricted market for the Indian film. The extract, I have just quoted from the Report of the majority members shows how in the experience of other countries, this fear about the production of inferior films is groundless. Even admitting for the sake of argument, that, just to begin with, the Indian films may not rival in "technique"—on which Colonel Crawford put great emphasis—and artistry, the best productions of America, this is no reason why the Indian theatres should not show a certain percentage of Indian films in preference to showing completely foreign ones.

Colonel J. D. Crawford: The cinemas showing Indian films show nothing else.

Maulvi Abdul Matin Chaudhury: The objection seems to be, Sir, that the Western cinemas, if they show Indian films, will lose their audience.

Colonel J. D. Crawford: I said existing Indian films.

Maulvi Abdul Matin Chaudhury: We know, Sir, that the Indian films of the existing quality are very popular with Indian audiences. We know that they attract greater audiences than the Western films do. That being the case, need we put very great emphasis on the opinion of that section of the audience—I shall call it a snobbish section—to whom an Indian film is hateful? We are not here to pander to their taste.

Colonel J. D. Crawford: I did not say the Indian films should not be shown. I said some of the Indian theatres showed Western pictures while some others did not.

Maulvi Abdul Matin Chaudhury: As the Committee has very rightly pointed out, this kind of audience has to be cured out of that prejudice against Indian films. Colonel Crawford has pointed out in his speech that the exhibitors would suffer if the quota system was introduced. Messrs. J. F. Madan and Company are one of the biggest exhibitors in India. In a recent interview given to the Press, Mr. Jehangir Madan, the Managing Director, has said:

"The Cinematograph Committee have recommended what they call a modified quota system. While, as would become clear from our evidence before the Committee, we were against a pure and simple quota system, we have no hesitation in

accorded our fullest support to the modified quota system as propounded by the majority members. In regard to the adoption of the quota, our difficulty was that in those theatres which are patronised predominantly by the European and Anglo-Indian public, it would be inadvisable to insist that Indian pictures of a certain length should be shown. By the arrangement for a transferable quota, the difficulty of compelling all cinemas to exhibit a quota of Indian films has been solved, but even should a full and complete quota system be inaugurated, it should prove an effective palliative in view of the present menace offered by several American film producing companies opening out in India."

Now, Sir, the biggest exhibitor in India accepts this quota system. The final argument which the minority members raise against the quota system is this: They say that if America retaliated by withdrawing from the Indian market, the Indian cinema trade would cease to exist. I confess, Sir, we are not very much terrified at this prospect. We would welcome it as a blessing rather than as a disaster, and I would reply to the minority members in the words of the late Lala Lajpat Rai at the time when the motion for the appointment of this Committee was made. He said: "I would rather urge that no films except those produced in India should be exhibited in India at all".

So much, Sir, as to the objections raised against the quota system. The minority members not only raise those objections, but they have also got a constructive proposal of theirs to make. Their solution is: "Co-ordination of efforts and co-operation between the East and the West". It sounds very nice, Sir, but is of little practical value. This co-operation between the East and the West is an admirable thing, but the co-operation is of many different varieties. The co-operation which the minority members think of, is the kind of co-operation that was exemplified in the production of the film "Shiraz". There, the actors were Indian, the scenes were Indian, the scenario-writer was Indian, the film was shot in India, but the profit of the business, the fat dividend, went to the European Capitalists.

Colonel J. D. Crawford: Why?

Maulvi Abdul Matin Chaudhury: That was because of the co-operation between East and West!

Colonel J. D. Crawford: Because Indian capital was not forthcoming.

Maulvi Abdul Matin Chaudhury: If it were, that would not be a case of co-operation between East and West; it would be purely Indian.

Now, Sir, it is not only necessary to encourage the Indian cinema industry by means of this quota system but it is also necessary to prevent foreign domination in the two other branches of the industry, the exhibition and the distribution side. Honourable Members are probably aware that very recently two very powerful companies, the Metro-Goldwyn Mayer Film Corporation, and the Paramount Famous Players' Lasky Corporation, have opened head offices at Bombay and they are going to open branches in other towns. There are already, Sir, two other American Companies in the field, the Universal Pictures Corporation and the First National Pictures Corporation. Now, the representative of this Metro-Goldwyn Corporation has been pleased to announce in the Press that they will confine their activities only to the distribution of film, and will not compete with the Indian producing industry. We are very grateful, Sir, for this assurance, but is there anything to prevent this company or any other company acquiring theatres in India and competing with the indigenous firms? As you know,

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Sir, already this Universal Pictures Corporation has acquired a picture theatre in Bombay and they are contemplating taking the lease of another theatre. Another Corporation is also trying to purchase land in Calcutta and open theatres there. This danger, Sir, of foreign invasion of the Indian cinema industry was anticipated by the Cinematograph Committee and they made this recommendation:

"When non-Indians threaten to acquire interests in any branch of this industry or trade to any large extent, otherwise than under the conditions and terms which are laid down for the purpose of sharing in the quota system and for getting the benefits of concessions from Government and other public bodies, the Government should arm themselves with legislative powers to exclude such concerns from operating in this country."

I notice with pleasure, Sir, that to this recommendation the minority also agreed and they said:

"We desire as strongly as our colleagues that there should be no foreign domination and that truly Indian companies should control the Indian industry. Consequently we agree that Government should arm themselves with legislative powers if and when foreign domination becomes imminent or probable."

Now, Sir, as I have said, this foreign domination which is apprehended is not merely imminent, it is already in the field and it is, therefore, necessary for the Government to take steps for the protection of the Indian industry. Now, Sir, if we accept Colonel Crawford's amendment, in place of the original Resolution, we ignore the most important recommendation made in the Majority Report, that is the quota system. The quota system, as I have already said, is the one and only method for the encouragement of the Indian film industry.

Colonel J. D. Crawford: I disagree.

Maulvi Abdul Matin Chaudhury: The other recommendation made by the Minority Committee may be very useful for the distribution, and exhibition side of the industry, but no definite suggestion has been made by the Minority Committee to take the place of the quota system for the development of the production side. Under these circumstances, Sir, I would urge the House to accept the original Resolution and not Colonel Crawford's amendment.

Mr. W. S. Lamb (Burma: European): Sir, I rise to support my Honourable friend Colonel Crawford. It is thirty years since I first saw the bioscope, and since then I have always taken pleasure and interest in the film. Now I am entirely with previous speakers about the value of the cinema. A recent writer about the future of the film said that in the history of Hell, when it comes to be written, a good many pages would have to be devoted to certain American producers and I am quite in agreement with that. Further, the same gentleman says that the power of the film for good or for evil is equal and opposite. Formerly, Sir, it was said, "Let me write the songs of a nation". Now it is: "Give me the control of the movies, and if I have that I can make your people mawkish, invertebrate or criminal, or, on the other hand, good, patriotic, clean-living citizens". Therefore, I am entirely with the desire of Indians to see the spirit of India kept in their films; but it is at the present moment, in my opinion, a much too ambitious desire. It can be said now that English producers, with all their technique and experience,

have not yet produced, they are not now producing, films that can be called truly English or British. There is an alien influence, and, in order to get something really national into their films, they have to uncreate. In India, fortunately, they have not to do that, but there are vast areas and many millions of population entirely ignorant and untouched by the film. It is agreed that it can be made an influence, and I suggest to the Mover of the Resolution and to others who are interested that, in approaching their task—it is not an easy one, although easier than the task before the people at Home—they cannot do without the Western technique and even possibly, the gold of the West. As Colonel Crawford pointed out to the previous speaker, one of the real reasons why the dividends went West was that Indian capital was not available. We read in the evidence of Mr. Rai, who was responsible for "The Light of Asia", that he could not find money in India. Whether, with the quota system, it would be possible to raise that money I do not know. Personally I think it is not possible. I would like to ask the previous speaker if India is so ready to put money into the film business, why is it that in those vast areas in many towns and villages, it is impossible to find cinemas? They cannot afford to have them. Twenty years ago, when I went Home from India, for my first leave, in the town where my people were—one of 10,000 inhabitants—even 20 years ago there were three cinemas running profitably. And the reason for that is this, that they had means of providing cheap entertainment in the shape of films from 1,000 feet upwards. The trouble in my opinion with the Indian film industry to-day—and I want to come down to some practical points—is the inordinate length of the films. Our friend the previous speaker fell upon Colonel Crawford for suggesting that the Western houses would not like Indian films, and he said they must be made to like them. In 1921, according to the figures given in the Report, the average length of the Indian feature films was just over 5,000 feet; that is, it took on the average one and a quarter hours to exhibit. The average film in 1927 had increased to 9,000 feet; and 9,000 feet in India takes exactly one hour more, or two and a quarter hours to exhibit. The consequence is that, if you force these Indian films upon the exhibitors in Western houses, the Indian film is the main film of the evening and the result is that Western movie fans, looking at the programme, seeing an Indian film say "nothing doing" and stay away and consequently, for the whole of that performance, the exhibitor has an absolutely empty house. It is all very well for Messrs. Madan, with their many halls, to say that they welcome this quota; but there are others also, and there is not the slightest doubt that they would suffer very much indeed if they were compelled to take Indian films. With regard to the remarks made by the previous speaker, I should like to quote a little from a speech made by Sir Oswald Stoll, who controls theatres, music halls and cinemas, and who has been connected with the latter for many years. He is also a producer of films, and he says, speaking at a general meeting of the Stoll Picture Theatre Company:

"Much money has been invested in the making of British films, under the encouragement of the Films Act. These pictures in the main have not sold well to the exhibitors because more have been made than the exhibitors wanted and more than the exhibitors, under the powers of the Films Act, are forced to take. Those that have been taken, British exhibitors claim, with exceptions, are injuring their business. All experience is against force as a remedy, and the forcing of unwanted pictures on to exhibitors is no solution of picture difficulties."

[Mr. W. S. Lamb.]

Now, Sir, in talking about the quota the previous speaker began by pointing out that, instead of the film industry progressing, it had actually retrograded, and he gave certain figures. I think he actually gave the numbers of films. But I would point out to him and to the House that, whereas in 1921-22 the footage of Indian feature films passed by the censor was 332,000 feet, in 1927-28 it was 726,441 feet, something like an increase of about 150 per cent. As I said before, in my opinion the trouble with the Indian film to-day is its inordinate length. I shall first of all make a comparison. Whereas the length of the average Indian film is 9,000 feet, the average length of foreign feature films is 6,750 feet; that is to say, the Indian films are 33 per cent. longer than the other. In the West, in America and the United Kingdom and on the Continent, as one could see from the Committee's Report, you have hundreds and thousands of cinemas, and there are many in very small towns and villages; and in these small towns, perhaps once a year they see a film of 9,000 feet, which is the average length of the Indian film; not much oftener than that, because it is more or less a super film and they cannot afford to pay for it. Even to-day you can find films of Charlie Chaplin and Harold Lloyd of a thousand feet and upwards. In the early days I remember going to cinemas to see Bunnie in about thousand feet. It kept you amused for about fifteen minutes, and you were not sated, and looked forward eagerly to the next occasion. Another point is this, that if you had a short thousand feet, or two thousand feet in the programme, perhaps for a fourth of the evening; you were quite ready to put up with very ordinary, and indeed bad films for the rest of the time, provided this was a good one; and by means of these short films these small cinemas were enabled to open and keep going and still are open and keeping going. Now, Sir, if the Indian producers had the slightest knack for the business, they would have drawn from the experience of America. America could not possibly make these long super films unless they also produced, at the same time, these short films of one, two, three or four thousand feet. It is not the case that if you have made fifty thousand feet of film, say five films of ten thousand feet each, you make the same footage only of small films of varying footage. The law of increasing footage would operate. If the Indian producers undertook to introduce these up and down country, there is no question whatever that they would have an outlet for them without any question of a quota whatever. That is my main point.

Now, Sir, with regard to possible action by Government, it is said in the Report from the Director of the Canadian Government Motion Picture Bureau:

"We also take advantage of the new developments in the industry—the narrow-gauge films, 9 mm., 16 mm., and 28 mm., designed for personal use—which have been showing a most amazing expansion in the past year. It is expected that, in the near future, due to the exceptional growth of this field, to enter into the active production of at least one type of these types of films on our own."

Now, Sir, my wife and I have produced something like the equivalent of about 25,000 feet standard film of these smaller 16 mm. films and therefore I can speak with a certain amount of authority. In my opinion these small films offer a most excellent opportunity of propaganda, economically.

These films are by no means toys; they can be shown actually with a inexpensive projector, and the outfit does not cost very much. They can be exhibited on a screen as large as the ordinary bioscope, that is, at a distance of, from fourteen feet up to a long distance. These films, as I have said, with a not very expensive outfit, can be attached to travelling cinemas, could be taken down to schools, and could be exhibited in the open or anywhere with very little expense. The great value of these small films, however, in my opinion lies in the possibility of getting Indian films introduced in the West. In attempting to get a connection with the West, it is impossible to think in terms of films like *Shiraz* and *Sacrifice*. The spearhead of American and other films in India consisted of films of a thousand feet or so; and it seems to me that in those small films there is a most excellent opportunity for India to get the spirit of India into the very homes of people in America and the United Kingdom. Many thousands of visitors come to India every year; and, at least with the Americans, every second or third person has a cinema camera and in nearly all cases that means also a projector. So that if enterprising Indian producers can make small films, of any number of subjects—I took a film the other day which I called "a Morning in Chandni Chowk", and I am sure it will give pleasure to my friends—they could make positively hundreds and thousands of these films, and I have not the slightest doubt they could arrange with the Kodaks or other people to make a business of it. I can quite easily imagine with what pleasure and delight visitors coming to India would fall upon these and buy them and take them home to England and America or wherever their homes are. There will be no difficulty. Of course, there is no question of getting into circuits or cinema houses. These films go into the very homes of the people. In my opinion, it would form one of the best firms of broad-casting, much better than the wireless or anything else. Sir, I support the amendment.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I was one of those doubting Thomases who questioned the Government when the Honourable the Home Member brought a Resolution on the cinema film industry before this House in September, 1927. At the time various questions were being discussed in the Indian Press about the cinema industry, and the underlying policy of it was Imperial Preference. On the 7th of September, 1927, the *Leader* of Allahabad gave out the whole truth. There was a gentleman, a Captain Malins, who was touring at the time in India and writing various things against American films, and carrying on a vigorous propaganda against the Americans. So the *Leader* wrote thus:

"A Government official wrote to Captain Malins, that 'the classes of films which are being allowed to circulate in the cinemas of India are most damaging to English prestige'."

—that was the question—

"and that if the cinemas were in the hands of anti-British people they could not do much more harm to the Empire by propaganda films than by continuing to use the existing series of films. Captain Malins writes that the Director of Public Information, Government of India,"

—I am sorry Mr. Coatman is not here to contradict it if that is not true,—

"sent a letter to certain local authorities where his lecture was to be delivered urging that it was very desirable that he should have 'as good an audience as possible; it is good propaganda for us'."

[Mr. B. Das.]

—I think, he meant, it was good propaganda for the Government of India—
“and, therefore, to be encouraged”.

Well, Sir, this Captain Malins, at the time wrote in the *Cinema* of August 11 against these American films. I am sorry my Honourable friend Sir Denys Bray is not present, because he is very anxious that good relations should be maintained with foreign Governments, and I do not know if the Foreign Secretary approves of such propaganda against the American State, with which India wants to maintain good relations. Captain Malins wrote thus:

“I have visited cinemas of all types, from the cheapest native shack to the most modern theatre. By means of interpreters I have discussed the question of American films with natives of the jungle villages, with coolies, and with Indians of every class and religion—Hindus, Muhammadans, Parsis, Buddhists; with Indian Members of the Legislative Assembly, with principals and professors of universities and heads of masters of schools and colleges; industrial magnates, editors and journalists; men of science and men of the Church—from the educated scholar down to the lowest Babu. I have talked over the problem with the highest British authorities in the Government of India, with European businessmen, with Army chiefs and men in the ranks, and the feelings of utter disgust and resentment, the wholesale denunciation of the average American film and its evil effect on the prestige of the European in India were so overwhelming that I should not be surprised if they took matters into their own hands”

The underlying reference everywhere is to *British prestige*. Then further on he says:

“White women in drunken brawls, tearing their gorgeous dresses to shreds while white men look on and applaud; these are a mere suggestion of some of the things which I have seen on the screens of India, the things which must be swept away before it is too late. American influence is permeating many spheres of Indian life”

—I wish it had, because then India would attain her liberty soon—

“and being backed up by the Americanisation of the cinemas, these ‘world-builders and psychology quacks find the reaping comparatively easy’.”

Let us hope in spite of such vituperations, it will still maintain good relations between India and America.

Then, Sir, I looked at this “unwanted child” of the Government of India, I mean the Indian Cinematograph Committee. This child probably came into existence by a command from that grand Moghul who sits in the India House in a dark room, the Secretary of State, and issues commands to his harem here, the Government of India. The child came into existence through a Resolution of the Home Secretary. When this Cinema Committee came to report, it recommended that the film industry would have to be supported by the Commerce Department. I find that no representative of the Commerce Department is present on the Government Benches, and I am inclined to think that this Report will probably be thrown on the shoulders of the Industries Department to consider it for a while and then give it a decent burial in the archives of the Government of India, where so many things which make recommendations for the betterment of the people of India are pigeonholed. It seems, the Report is an “unwanted child”.

Sir, I looked for the genesis of the cinema inquiry, and I find on page 116 of the Cinema Committee's Report that:

“early in 1926 the Federation of British Industries urged that American films are detrimental to *British prestige* and prejudicial to the interests of the Empire, especially in the Dominions which contain large coloured populations.”

I want the Indian section of the House to note the words “coloured populations”! But I am glad the *Times of India* condemned this at the time. The *Times of India's* comment on this was:

“American films should certainly be fought by business competition, but to try to suppress them by a hypocritical plea for Imperial welfare is ridiculous.”

At the same time, while the Federation of British Industries was trying to urge this, another associate body from England was also visiting India. It was the British Social Hygiene Council, Incorporated. Whether it came to India to look into the hygienic conditions of the people of India or the Britishers that live here, I do not know. But one of the members of that Committee, Mrs. C. Neville Rolfe, went out of her way and remarked about the Indian people and the cinema shows *deprecatingly*. The most striking pronouncement of the Delegation's memorandum is its opening paragraph which runs as follows:—

“In every province and State visited by the Delegation the evil influence of the cinema was cited by educationists and the representative citizens as one of the major factors in lowering the *standard of sex conduct* and thereby tending to increase the dissemination of disease.”

I should think Mrs. C. Neville Rolfe might have been a sister of Miss Katherine Mayo. So when we compare statistics and the dates as well as the origin of propaganda by the Federation of British Industries in 1926, by an associated sister Committee, the British Social Hygiene Council, as also the visit of Captain Malins, we can find where the shoe pinches, and we also know what was the Government's intention. We further know from this Committee's Report that there was a meeting of the Imperial Conference where it was decided that British films should have preference in the Dominions and India. Well, Sir, we have had instances on the floor of this House of Imperial Preference, of British Preference. Although we condemned British Preference, they have got British Preference in the steel industry and in certain other things. So, the Imperial Committee wanted also preferential treatment in the film industry. Probably that was the underlying motive why Government wanted this thing to be discussed. But they found that things had gone wrong. Instead of giving preference to British film industry, the Cinema Committee has reported that the Indian film industry should be protected by certain methods which I entirely approve, and I wholeheartedly support the Resolution moved by my Honourable friend, Kumar Rananjaya Singh in his maiden speech to-day. I do not at all support the amendment moved by my gallant friend, Colonel Crawford and supported by my Honourable friend, Mr. Lamb. My Honourable friend, Mr. Abdul Matin Chaudhury, has ably replied to the remarks of Colonel Crawford, and I will only refer to one or two incidental points in the course of my speech. My gallant friend, Colonel Crawford, spoke so much against the quota system. I would only call the attention of this House to one part of the Chairman's note on the minute of dissent, which is added to this Report. At page 177, paragraph 5, it says:

“As regards paragraph 2, the facts are stated already. At the time the decisions were taken it was a majority decision. The fact that Colonel Crawford later on agrees with the two dissentients does not alter the fact, it is a majority decision—though it is a factor to be taken into account in weighing the value to be attached to the opinions. The Chairman is unable to understand or follow the complaint in paragraph 2 herein. Even in a body equally divided a majority decision is reached by the Chairman's casting vote and that occasion did not arise in this case.”

[Mr. B. Das.]

Unfortunately, for us, we who wish to see India developed on national lines, there is here a clear racial cleavage between the Indian and the European elements of the Committee. That is a most unfortunate thing.

I will only draw the attention of my gallant friend, Colonel Crawford, to just a line of his speech which he delivered on the 14th September, 1927, in this House while he was speaking on the censorship of cinema films. He said:

"In our historic life, there are romantic and historical incidents which would make very admirable picture if the industry is controlled and guided on right lines, and altogether we have a great opportunity in India of producing films which will show to the other parts of the world what India really is, and that, to my mind, Sir, is a matter of very great importance."

I am sure in 1927 Colonel Crawford had the idea of developing the Indian film industry; and this morning the burden of his whole speech was to patronise the exhibiting part of the industry. That is no industry; that is a show. Exhibition is nowhere an industry.

Colonel J. D. Crawford: My point was that the quota system would, in my opinion, lead to certain definite disadvantages to the development of the film industry in India. It is on no other ground. I am quite willing to examine it at a later date.

Mr. B. Das: I am glad to hear that. Of course, my friend is entitled to have his own views and we are entitled to have our views. But I cannot understand why he should like to reserve his opinion for a future date. In my gallant friend's own country, in England the British Government have adopted the quota system. Even Germany has adopted it, and Japan also, which came later in the development of her film industry. I have just looked into the Japanese Year Book, 1929, and I find that Japan has completely overcome the foreign competition that she had before. I will just read a few lines on the development of the Japanese film industry:

"Though handicapped by imperfect equipment these studios are producing picture plays almost as good as in other countries, only they have not attained the exportable stage, chiefly because films of Japan produced abroad, despite their absurd representation of Japanese manner and custom, are acceptable to ignorant spectators."

What I wanted to show was that Japan was meeting her own requirements in film production.

Colonel J. D. Crawford: My point is that you do not necessarily give the same medicine to people suffering from different diseases. That is the point.

Mr. B. Das: It depends upon the doctor's diagnosis of the disease. We are the doctors and we diagnose. Our case is that it is in this way that the Indian film industry must be protected and the recommendations of the majority of this Committee we approve.

My Honourable friend, Mr. Abdul Matin Chaudhury, has quoted Mr. Madan's view, and I know also that the various Indian Merchants' Chambers have approved of the quota system. They did not think of it before, but when they looked into the development of the industry they thought that that was the only way in which the industry could be developed.

I will again touch on the controversial topic of Imperial Preference in the light of the recommendations of the Report of the Imperial Committee. This is what the Cinema Committee observes in its Summary of Conclusions:

"The question of Imperial Preference is in fact bound up with issues political, racial, economic and otherwise."

I do not think that India at present can be any party to those Imperial Conferences where we have no status. When I have equal status, when I am an equal partner in the Empire, I am ready to discuss these questions—whether I give preference to South Africa, or England, or Canada. At present I am treated as an inferior and I am not going to consider whether I will take part in any of the economic discussions when I have no right to discuss political issues and have my own say.

As regards the recommendations which will help the development of the industry, I will say this. I am glad that my Honourable friend the Commerce Member is here. Whenever any recommendation is made to raise the customs tariff, he is always glad because that brings in extra revenue to his colleague the Finance Member. I will be glad if the duty on imported films is increased much more than it is at present. I also wholeheartedly approve of the recommendation that the duty on raw films should be abolished, and it happens to be a very small loss to Government. As regards the recommendation about educational films which the Cinema Committee has made, if it is proved that certain imported films come especially for the benefit of the educational institutions, the recommendations of this Committee should be adopted and they should be brought in without any duty. I would refer to one important aspect of the recommendations, not as regards the development of the film industry but as regards the sensitiveness of the Indian mind over the misrepresentation of the Indians in films produced abroad about Indian character and Indian honour. I think America was recently guilty in this matter. Last session I asked a question whether a certain misrepresentation of the character of Indian social life was staged on the American stage and whether the Government of India, through the British representative in America, represented that such unwarranted representation should not be tolerated. My Honourable friend Sir Denys Bray at the time assured me that the British Legation in America had been written to. One of the recommendations of the Cinema Committee is that when any other nation misrepresents Indian social life and Indian honour, the Indian Government should make representations through the British representatives in those countries where Indians are represented as crooks, villains and men of low character. I hope the Honourable the Home Member and the Political Secretary will look into that aspect of the thing. When I gave evidence before the Cinema Committee, I told them (I do not think my Honourable friend Colonel Crawford was there) that a poor country like India is being exploited by the exhibition of foreign films. India is already backward in every direction of national development owing to the present system of Government. I am not anxious that we should rapidly advance in the matter of the cinema industry and multiplication of cinema shows because that incites people to do violent acts and commit violent crimes. Although the Cinema Committee Report says that crime has not been encouraged in India, I think that the burglaries that took place when the Great Indian Peninsula Railway chest containing money was burgled from running trains

[Mr. B. Das.]

must have been the work of those who got that idea from the cinema. It was done by guards, railway and other employees who must have got the idea from the cinema films. I am not anxious that Indians should learn such methods of crime. The national income of the Indian *per capita* is not more than Rs. 30. I am subject to correction if the *per capita* income has gone up—and he cannot afford to spend this money on amusements. If a national government in India comes at any time and I participate in that government, I will see that heavy taxation is put on all films that are imported into India and all sorts of amusements. But that day is far off. I do not like that my money should go to foreign countries. So far as I am concerned, I do not get even sufficient time to go to these cinemas and theatres. Our objective should be to develop the national resources. My Honourable friend Mr. Lamb referred to the wireless, the radio and things of that kind for human amusement. I know my Honourable friend Mr. Lamb takes keen interest in private cinemas. If the Europeans are anxious in India to have their own films, let them start private shows on a co-operative basis. Do not try to bring expensive methods of luxury among our people by which most of our money goes. It depletes the national wealth.

Mr. W. S. Lamb: I said these were for export.

Mr. B. Das: That is my view. I do hope that when the Honourable Member on behalf of Government replies he will accept the majority recommendations fully and accept the Resolution which my friend Kumar Rananjaya Singh has so ably moved.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Sonthal Parganas : Non-Muhammadan): Sir, I rise to support the Resolution that has been moved by my Honourable friend Kumar Rananjaya Singh. The Resolution, as the House will see, consists of three parts. In the first part, the Resolution recommends to the Governor General in Council to give effect generally to the Report of the Cinema Committee. The second part lays special emphasis on the recommendation of the majority of the Committee with regard to the quota system. In the third part, it recommends that effect be given to the unanimous recommendation about compulsory registration of persons and companies engaged in the cinema industry.

The House will remember that when the matter first came before it, in the shape of a Resolution, which was the genesis of the appointment of this Committee, doubts were expressed on this side of the House with regard to the intentions of the Government, and it was thought that that was an attempt to introduce British Preference or Imperial Preference in the matter of the cinema industry; but now when we have got the Report in our hands we find that the members of the Committee have disposed of that question and they do not think there is any reason for either British Preference or Imperial Preference.

If the members of this House will turn to page 99 of the Report, para. 210, they will see that the members of the Cinema Committee have said:

"We have carefully considered the Resolution passed at the Imperial Conference of 1926 together with the connected papers. We have read the proceedings of that Conference as also the recommendations of the General Economic Sub-Committee on

which the said Resolution was based. We may say at once that we are unanimously of the opinion that no recommendations in the directions indicated at the Conference are necessary."

Then a pointed reference is made with regard to British films in para. 217 of the Report, page 101:—

"Considering the questions on its economic merits also we are satisfied that there is no necessity for any preferential treatment for the admission of British films in this country."

I hope, Sir, that these important recommendations, on matters with regard to which doubts were expressed in this section of the House from the very beginning, will be accepted by the Government.

Now, Sir, when I speak about the Majority and Minority Reports, I think, the words require some explanation. Indeed what is termed the Majority Report is the Indian Report, because in the Majority Report we find that we have got the Indian Chairman of the Committee, Diwan Bahadur T. Rangachariar, but for whom I do not think the Majority Report would have been the Majority Report. We have Mr. K. C. Neogy, a distinguished Member of this House, and another distinguished Indian Member of the Committee, the Honourable Khan Bahadur Sir Ebrahim Haroon Jaffar. The Minority Report consists of all the non-Indian Members of the Committee, consisting of two officials and one non-official, a Colonel of the British Army, who is also a distinguished Member of this House, who are ranged on the other side. The majority has been made by the casting vote of the Indian Chairman. So, I would rather term the Majority Report the Indian Report, and the Minority Report the non-Indian Report.

With these remarks, Sir, I think the House owes it to the Members of the Committee to congratulate them on the mass of valuable information they have collected and the first attempt they have made in putting the facts about the cinema industry in this Report. I think the House will not disregard that attempt which they have made. The recommendations are too many to be dealt with in detail within the time at our disposal. I would, therefore, only refer to one or two main points in the Report. The bone of contention really is with regard to the quota system. I think that the case for the quota system detailed in para. 91 of the Report has been very emphatically put by the Indian Members of the Committee in para. 146. I need not detain the House by going through those paragraphs, but I must draw their attention to the fact that the objections that the minority or non-Indian section of the Committee have been very effectively answered by the Indian section of the Committee. If the House will turn to para. 149, page 72, they will see that:

"The fear expressed by the minority that it will lead to the growth of mushroom concerns and the production of inferior films is not a serious one. The same fear has been invariably mentioned whenever the quota system has been proposed in any country, and yet the quota system has survived and found acceptance, even in Great Britain, and is spreading. Far from having that effect which the minority apprehend, it will act as an incentive to every producer to improve his quality so as, with the aid of the quota, to suit better tastes and audiences. On the whole, the majority are satisfied that it is the only sound basis on which we can develop the growth of the Indian film industry in this country. There will be a larger number of exhibitors ordering good films and competition will be kept up on account of the higher prices they will offer for better films."

Now, Sir, I think the Indian section of the Committee have got the Indian interests at heart much more than the non-Indian section. I do

[Kumar Ganganand Sinha.]

not mean any disrespect to the signatories of the Minority Report, nor have I doubted their good intentions, but I claim that the views of the Indian Members, especially the Chairman, who was referred to so highly by the Honourable the Home Member when the question of appointing a committee was taken into consideration, should have the greater weight. If the Government do not do that, its *bond fides* will be doubted.

We have got an extract from the speech of Sir P. Cunliffe Lister in the House of Commons on the 12th June, 1928, in the Supply Committee, which is very significant in view of the fact that it shows how in Great Britain the quota system has enabled the film industry to progress.

He says:

"I want to add one word about one other Act designed to assist British production and British trade, namely, the Films Act. That Act is undoubtedly already showing itself to be a signal success. Of 932 films registered up to date, 104 are British. Of the total length registered, over 12 per cent. is British. Take long films alone which are most important; over 13½ per cent. of the films registered are British, and that means that we have more than doubled the number already required or the quota in the first year. There are more than 20 British makers, studios are being built and enlarged, and American distributors are buying for distribution here. But what is most important and what is the real test is not how far we are carrying the distribution of British films in this country where we are far exceeding the quota, but how far we are carrying the distribution of British films and where they are only going to take them on their merits. I venture to say that I am sure it is the only way of getting quality and of spreading British films outside. Distributing agencies have been started for distributing British films in Australia and New Zealand. A block of British pictures has been sold to one of the largest American distributing houses for distribution in America. Arrangements have been made between British and German distributing companies for mutual distribution and the distribution of British films in Germany. Arrangements have been made for distribution in France, other European countries, Asia Minor and South America. There is no quota in those countries and British films are making their way into those countries, and are being distributed on their merits, because this House was wise enough to see that they had merits."

The advantages which accrued to the British films in Great Britain in spite of the "quota system", which the signatories to the Minority Report dislike, would, I think, accrue to India if the quota system is adopted in India and encouragement is given to the film industry. These extracts show that the quota system has helped in improving the quality of the films and I do not think there is any substance in the apprehension that the quality of the film will suffer by this system.

With regard to compulsory registration, I see there is no divergence of opinion and I hope the House will have no objection to agreeing to that part of the recommendation.

Before I sit down, I would refer emphatically to one of the recommendations of the Committee, namely, the recommendation with regard to the grant of scholarships to Indian students who go abroad to qualify themselves in the technique of the industry. The Honourable Mr. Lamb has just referred to two facts which are, according to him, responsible for the inferiority of the Indian films. He thinks that even in India we require Western technique and capital from the West. In these respects, he thinks that we have now to depend on the West. In this respect, I think, he is right; but what is the remedy? How long will this dependence continue? It should be our earnest desire to be able to stand on our own legs as soon as possible, and for this we ask the Government to come to our

help. The first thing that the Government can do is to grant scholarships to Indians going abroad; the second thing that the Government can do is to grant us capital and thus finance the industry. With regard to financial difficulties the Committee say on page 36:

"The real difficulty is that in India there is no regular system for financing the producer. This is largely due to the absence of an organised distribution system. The producer cannot get advances from Banks, because he has not sufficient security to offer. Similarly he cannot get loans from Government under the Industrial Loans Act, in those provinces in which such an Act exists, for the same reason. These Industrial Loans Act are useless to the producer, because their requirements in regard to security are very drastic; and if he possessed such security as is demanded by these Acts he would have no difficulty in obtaining advances from Banks. Again capitalists are very shy of investing their money in this industry. It is at first sight, difficult to understand why capitalists should be reluctant to invest in an industry which is distinctly profitable. The reason generally given to us is that there is a certain stigma attached to film production owing to the necessity for the employment of women of the "dancing girl" class. We are inclined to think however that the explanation, apart from the general apathy in this country towards industrial enterprises and the general ignorance regarding the trade, is rather that the status and business methods of the present producers do not command confidence. We are not suggesting any aspersion on the character of the producers; our suggestion is that they are untrained in business methods."

I, therefore, think that the Government can profitably come to our aid and the dependence on Western capital should be obviated as soon as possible with that expedient. When we have got our capital, and our young men, who have got technical knowledge from the Western countries, we shall have laid a sure foundation for the stability of the industry in India and for giving an impetus to the development of the trade. Our young men who will specialise in the trade, with the capital for their use, will be helpful in improving the quality of the film for which we are all anxious.

I trust that the Indian Assembly will support the Indian Report of the Committee.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I must congratulate my Honourable friend Kumar Rananjaya Singh on his maiden speech in this House and I am obliged to him for having, by starting this discussion, given me an opportunity of listening to some very interesting speeches, including the one delivered by my Honourable friend Mr. B. Das, who was perhaps dreaming that he was addressing his electorate for a future election. Sir, I shall not take any great portion of the time of the House on the present occasion. The position of the Government of India in this matter is very simple. The pivot on which the recommendations of the Indian Cinema Committee, whether unanimous or subject to a difference of opinion among the members, turn is the creation of a cinema department under the Central Government. In paragraph 282 of their Report the Committee admit that "this will no doubt involve some radical changes requiring re-arrangement of provincial and central subjects, amendment of the Devolution Rules, etc., etc." They recognise that the development of industries is now a provincial transferred subject, and that if their main recommendation to which I have referred is to be accepted, the principle underlying item 20 of Part I of Schedule I of the Devolution Rules will have to be invoked. When I turn to that particular rule, I find that the development of industries may be made a central subject in cases where such development by central authority is declared by order of the Governor General in Council, made after consultation with the Local Governments concerned, expedient in the public interest. Therefore, Sir, it is not possible for the Government of India to take

[The Honourable Sir Bhupendra Nath Mitra.]

any action in the matter until they have consulted the various Local Governments and obtained their views on the subject. That consultation is in progress, and until it has been completed, it is not possible for me, on behalf of the Government of India, to commit them in any way on the particular questions brought forward in the Resolution or in the amendment of Colonel Crawford. I can, at the same time, assure the House that the various views—and some of them are undoubtedly conflicting—which have been expressed by Members in connection with this debate, will receive the fullest consideration from the Government of India when they are in a position to go into the merits of these recommendations. I can also assure Colonel Crawford that the Government of India will do their best to expedite matters, and we hope that, before this House meets again in Simla, we shall arrive at some settlement with the Provincial Governments concerned and shall be in a position to take action in regard to the various recommendations. With this assurance, I hope that both the amendment and the Resolution will be withdrawn. But if they are pressed to a division, the only attitude which the Government of India can take in regard to them will be one of opposition, as they cannot obviously, by supporting either the Resolution or the amendment, commit themselves at this stage to any particular course of action.

Kumar Rananjaya Singh: Sir, I am not in a position to accept the amendment of my Honourable friend Colonel Crawford as it is against the very interests of the Indian film industry. The Indian film industry needs some sort of encouragement at this stage for its proper development. I am surprised the Honourable Member for Industries brought in the implications of Devolution Rule 20. I cannot understand why the Committee was appointed at all. I find my Honourable friend Mr. B. Das is entirely right in his criticism of the Cinema Committee. I am glad to find that on this side of the House, we are all of one mind, and every speaker has supported me. I regret I cannot accept the suggestion of the Honourable Member for Industries, and I therefore commend my Resolution to the Members of the House.

Mr. President: The original Resolution was:

"This Assembly recommends to the Governor General in Council that, with a view to fostering the growth of the Indian film industry and the protection of the Indian cinema trade from exploitation by non-Indians, immediate effect be given to the recommendations of the Indian Cinematograph Committee by the imposition of the 'quota system' and the introduction of legislative measures requiring compulsory registration of persons and companies engaged in producing, exhibiting, distributing and importing films, or owning or controlling cinema houses, the predominance of Indian element being assured in all such concerns."

Since which the following amendment has been moved:

"That for the original Resolution the following be substituted:

"This Assembly recommends to the Governor General in Council that, with a view to fostering the growth of the Indian film industry, steps be taken immediately to give effect to those recommendations upon which the Committee were unanimous."

Colonel J. D. Crawford: In view of what the Honourable Member for Industries and Labour has said, I shall, with your permission and with the permission of the House, withdraw my amendment.

Mr. President: The question is that Colonel Crawford be given leave to withdraw his amendment.

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

Mr. President: The question is that the original Resolution be adopted.

The House divided:

AYES—39.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sessa.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Gulab Singh, Sardar.
Haji, Mr. S. N.
Hans Raj, Lala.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lalchand Navalrai, Mr.
Misra, Mr. Dwarka Prasad.
Mohammad Ismail Khan, Haji
Chaudhury.

Moonje, Dr. B. S.
Muhammad Nawaz Khan, Sardar.
Murtuza, Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Pandya, Mr. Vidya Sagar.
Rafique, Mr. Muhammad.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rang Behari Lal, Lala.
Rao, Mr. G. Sarvotham.
Roy, Mr. B. C.
Sarda, Rai Sahib Harbilas.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Gangnanand.
Tirloki Nath, Lala.

NOES—39.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Coatman, Mr. J. H. V.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Graham, Mr. L.
Hira Singh, Brar, Sardar Bahadur.
Honorary Captain.
Jowahir Singh, Sardar Bahadur
Sardar.
Keane, Mr. M.

Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra
Nath.
Moore, Mr. Arthur.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rao, Mr. V. Panduranga.
Row, Mr. K. Sanjiva.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Schuster, The Honourable Sir George.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Webb, Mr. M.
Young, Mr. G. M.

Mr. President: Ayes 39; Noes 39. It is obvious I must vote against the Resolution, therefore the "Noes" have it.

The motion was negatived.

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.

RESOLUTION RE COMPULSORY PHYSICAL TRAINING, ETC., FOR INDIAN BOYS.

Dr. B. S. Moonje (Nagpur Division: Non-Muhammadian): **Honourable Sir**, I rise to move my Resolution which runs thus:

"This Assembly recommends to the Governor General in Council that steps should be taken as early as possible to provide for compulsory physical training, military drill and rifle practice for Indian boys attending schools and colleges between the ages of 16 and 20 years."

I should like to explain why I have brought forward this Resolution before this Assembly. Members of this House will remember the most admirable analysis of the character of Indian boys given by the Skeen Committee from the military point of view. The Skeen Committee say in effect that Indian boys have been examined from the military point of view and there have been several defects found in their character. These defects are want of "general aptitude for dealing with and controlling men," a lack of "the power of leadership," of "the spirit of initiative," sportsmanlike character, love of discipline, and over and above all, lack of "a strong and genuine military spirit such as is essential to training and command of troops."

Such are the defects that have been noted by the Skeen Committee. From the people's point of view, I think, India cannot be too grateful to that Committee; they have so effectively focussed public attention on the defects of our boys. That these defects exist in our boys no one can deny to-day, in spite of the fact, the historical fact, that in this House there are representatives of several castes and communities who hardly a 100 or 125 years ago had waged wars, fought battles, established empires and run empires. People cannot forget the fact that, even now, the name of Hari Singh Nalwa in that country of ferocious Pathans is remembered with fear; people cannot forget that there are representatives in this House of a caste which produced two soldiers, Rana Pratap who was a constant thorn in the side of the powerful Moghul, Emperor Akbar the Great, and the noble Shivaji of the Maratha race. Here I find sitting before me my friend, Mr. Jayakar, who comes of a caste of which it is known that they have wielded both the pen and the sword with equal facility. The rice-eating Brahmins, the Peshwas, in those days when there were no railways, no telegraphs, no motors, no aeroplanes, marched all the way from Poona to Panipat to give battle to that intrepid Pathan soldier, Ahmad Shah Abdali. In spite of these historical facts, the fact is equally true that to-day the Indian boy's character is really deficient in the way in which it has been noted by the Skeen Committee. It must however, be remembered that the Skeen Committee has not stopped here after merely mentioning the fact. No, they have analysed the point further. What does the Skeen Committee say in respect of the origin of these deficiencies in the Indian boy's character? They say that during the 150 years of British rule, opportunities have not been given to the Indian boy to take part in the defence of their country. The capacity for fighting

for the defence of India, inherited from their grand-fathers, is latent amongst our boys, their grandsons, but opportunities have not been given. Perhaps they think that these qualities may have practically died out by now merely from non-use. They say while analysing still further:

"In England the educational system has been definitely adapted, in part at any rate, to the production of efficient leaders of men."

While in India, as Lord Macaulay has somewhere said, the educational policy has been to train up a class of men, to serve as a recruiting field for the supply of meek and docile and obedient subordinates to the haughty and arrogant British administrators of India. If the policies of educating youths in India and in England has been different, the results also in the evolution of character of the British and the Indian youths must be different. It is from this point of view that I have felt the need of moving this Resolution, and I hope that if these people on the opposite side really sympathise, with the object of bringing up the youth of India to take their due share in the defence of the country and of the Empire in which we live, there will be no difficulty in accepting the simple Resolution I have brought forward. My Resolution says that the curriculum of education for our boys must contain physical training, military drill and rifle practice. I go further and say that these must be made compulsory. About physical training I do not think there will be any difficulty in accepting my point, because it is an axiomatic proposition which does not require any demonstration, that unless a man has a strong and healthy body, however intelligent that man may be, however enthusiastic he may be, that body will not be able to carry out the behests of his mind and his intellect; and therefore, I do not think there will be anybody here who would go against that part of my Resolution. Now, the next point is military drill; and why do I want to include military drill in the curriculum of the education of our boys? Captain B. H. Laddell Hart, Military Critic of the *Daily Telegraph* had written a very nice book called the *Remaking of Modern Army*. Therein he brings forth the effects of military drill on the character of boys. "Military drill in particular," he says, "has a dual object: first, to instil obedience, self-control, cohesion, quickness and alertness, all of which qualities may be summed up in the phrase, 'the disciplined activity of the individual.' Second, to develop the mobility and flexibility of the units or battle." This means in other words, that if we introduce military drill in the curriculum of education of our boys, we shall go a great way in removing the defects referred to in the Skeen Committee's Report, namely, a want of "general aptitude for dealing with and controlling men" and a lack of "power of leadership." Therefore, if the Government are really sincere and sympathetic, I do not think there can be any difficulty from this point of view in accepting also this part of my Resolution.

Now, Sir, with regard to rifle practice, perhaps the question may not seem on the face of it as simple as I regard it to be. I am one of those who have been enthusiastically supporting Pandit Motilal Nehru's constitution. For the first time in the history of India, the people of India have accepted the King of England as the Emperor of India by their own consent, and therefore they say and the All-Parties Convention have accepted the point, that they want Dominion Status under the British Empire. So from our point of view we have given as complete an evidence of our goodwill as it is possible for any man to do. Therefore,

[Dr. B. S. Moonje.]

I say, if this evidence is accepted as convincing, then the introduction of rifle practice as a part of the education of our boys must be really as simple as it appears to me. If Dominion Status is to be granted, who is then going to protect that Dominion Status in the hour of an emergency of foreign invasion? If the Empire again comes into difficulty, as it had come during the last world war, the English people must note the fact that never again a time will come when one of our Viceroy's would be in a position to say that 10,000 soldiers in India were quite enough to defend India from all foreign aggression. That time is gone for ever; it is not going to come again. Let British people note the fact that they alone can not now defend India, unaided by us. It will be too late then, if time is not taken by the forelock, and if preparations are not made now, to meet an emergency, should it arise. It is from this point of view, and also as one interested in securing and maintaining Dominion Status, and as one who knows that no one else will be able to protect that Dominion Status except those people of India who fought for it and secured it, it is from ingrained conviction of these facts that I am putting forward this proposition as a preliminary step for the training of Indian youths for the defence of India.

Now, Sir, having said this much in support of the Resolution, I might anticipate the possible objections on the other side. The objections which are likely to be raised by the other side will be on the score of compulsion. The British people might say that they are inherently against compulsion, that they have got an inherent repulsion to compulsion. Is it really a fact? I have got proof here which shows that no less a personality than Lord Roberts thought it to be his duty in his last days to impress upon his people the fact—he thought that his last days could not be better spent than by bringing this fact to the notice of his people in England—that England will not be safe until all the boys are made to go through a system of military training. If that is so, if a personality of the status and position of Lord Roberts of Kandahar thinks that way, I think we, situated as we are in a country like India, must divest ourselves of our prejudices if I may say so, of our predilections if I may say so, and look at the fact from a purely scientific point of view, from a purely dispassionate point of view, and see whether a country whose military traditions have been broken during the last 150 years could be really made without full previous

3 P.M. preparation, to take its share and its responsibility in an emergency which, who knows, might come five years hence or ten years hence or 25 years hence; but the world situation is such that everybody who wants to be on his guard must be prepared to meet any emergency at any moment. But, Sir, is it really a fact, I again ask, that the British people do really hate compulsion? They may not be wanting compulsion for their boys in their own Home in England, but these very people do want compulsion for their boys when they go to the Colonies. In British Guiana every British subject is made liable for service by Law. In British Honduras every British subject is made liable for service; the same is the case in Kenya, Fiji, in Gilbert and Ellis Islands. In Canada the Provincial Governments of Nova Scotia, New Brunswick and Ontario avail themselves of the power vested in them to enforce compulsory military training for their boys, and their curriculum includes compulsory drill and rifle shooting in the curricula of all the schools and colleges under their control. The same is the case in New Zealand. There boys between

the ages of 14 and 18 are liable to be trained as senior cadets; between the ages of 18 and 19, they all pass into the general training section. In South Africa boys between the ages of 13 and 17 in all parts of the Union where facilities for training exist or can be arranged, are required to be Cadets, unless their parents or guardians object. All arms and equipment for the training of cadets are issued, and the cost of training is provided at public expense. If that is so, I do not think it can be contended that the Britishers do really hate compulsion, and therefore it goes against their grain.

Now, looking at the question from a financial point of view, I do not think I can argue better than how an English administrator, I mean His Excellency Sir Malcolm Hailey, has done. This is what he says:

"We spend large sums on our professional and educational colleges, and since we have definitely decided that the military career must be open to Indians, it is clearly a justifiable expense to secure the best men possible. Within reason, I do not think we should allow finance to stand in our way in this respect."

I do not think, Sir, much need be said about the difficulties of finance. But is there really any difficulty about finance, I should like to know. I don't think so. But I shall suggest a compromise to get over the difficulty if it be a real one. Let the Government accept the principle of compulsion; let the Government accept the principle of introducing physical training, military drill and rifle practice in the curriculum for our boys, and then I would say that should, for want of previous experience, we find it difficult to get over the financial difficulty, you might choose a province like mine, a province of meek and docile people, a province which is not likely to give you any trouble, a small province

Nawab Sir Sahibzada Abdul Qayyum (North-West Frontier Province: Nominated Non-Official): What about Nagpur?

Dr. B. S. Moonje: I might ask the Government to make an experiment from the financial point of view in that province, so that the Government also might get some experience, and I am hopeful their experiment of two or three years will be so encouraging that they themselves will be inclined to expand that experiment and try it in other provinces. I am sure the Government, from its own interest, will not oppose this Resolution of mine. I am also sure that other friends of mine,—here I am appealing particularly to my European friends,—will support my proposition, because they should understand that they are living in a country like India, where they are a mere drop in the ocean and if their interests, particularly their commercial interests, are to be guarded, who is going to guard them in India? It is not the British Government, because it will be impossible for the British Government to defend India single-handed without the willing and trained co-operation of the youths of India. Therefore, even purely from the point of view of self-interest, I think the Europeans in India should support my simple proposition. As regards my other friends, I need not say much because I know that they see fully eye to eye with me. With these words I place my Resolution before you for your acceptance, reserving to myself the right of replying to any objections that might be raised in the debate.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, the learned and gallant Doctor has a reputation not only inside this House but outside the House, in fact, throughout

[Mr. G. S. Bajpai:]

India, for the deep and profound interest which he takes in re-kindling in the hearts of the youth of India the military spirit. He has, I have no doubt, made a very careful and painstaking study of the literature on the subject, and I believe that he is wondering in his own mind as to why I, whose interests are in education, should presume to tackle him, not on his native heath, but what might metaphorically be described as his military heath. Well, Sir, I have no martial ambitions at all. By birth I am a man of *ahimsa*. I have nothing whatever to do with slaying or preparation for slaying. Further, by training I am used to the *métier* of the pen, not to the *métier* of the sword or that other weapon of modern warfare—for after all, Dr. Moonje is not merely a modernist but a modern realist in the sense of Nietzsche—that other weapon of modern warfare, the firearm. My excuse at this stage for interfering or intervening in the debate is that the gallant Doctor is thinking not merely of training the people of this country to take their share in the defence of this country, but he has singled out a section of the population of this country, namely, the section which attends schools and colleges, for this particular form of training, and because he bases his proposal on this, that the Government of India must direct the Local Governments, and all those who are responsible for educational administration in the provinces—to make military education a feature of the curricula of schools and colleges.

Now, Sir, from the purely military stand-point, whether the principle of compulsory military training for boys in schools and boys in colleges between the ages of 16 and 20 is desirable or not desirable, whether it is a practical or an impractical proposition, whether the finances of the Army or the finances of the country as a whole will bear or will not bear the burden of this particular experiment—those are questions which I think the heavy artillery of my Honourable friend, Mr. Mackworth Young, will be able to cope with more adequately than I can. In other words, the purely military defences and weapons of offence of my Honourable friend opposite will have to be dealt with by the military spokesman in this House, the Army Secretary. Mine is a much more modest but perhaps an important task of developing an attack, shall we say, along the educational flank of the arguments employed by Dr. Moonje. And I put forward my objections from the purely educational standpoint under three groups.

The first is the constitutional objection. Dr. Moonje wants, as I have already stated, that compulsory physical training, compulsory rifle practice, compulsory drill, should be features of the curricula of schools and colleges throughout India. I may, by way of parenthesis, explain that compulsory physical training is a feature of the educational curricula in schools in most provinces and in colleges in some provinces. But the main point which I wish to make is that, as the Honourable Member is aware, education is not now the concern of the Governor General in Council. Education, under the Government of India Act and the Devolution Rules thereunder, is the exclusive responsibility of Provincial Governors, their Ministers and the Provincial Legislative Councils. It would, in view of the constitutional position, therefore be *ultra vires* of the Government of India to arrogate to themselves the role of dictator or guide to Local Governments as to what should constitute the essential features of their educational curricula whether in colleges or schools.

The second point to which I should like to pass on now is the stand-point of the educationist pure and simple towards this proposition, the

proposition of making military drill and rifle practice compulsory in schools and colleges. I do not presume or pretend to be an educationist myself, but we have some expert advisers who are educationists and their opinion is that from the point of view of building up the physique of your young men, compulsory military drill and compulsory rifle practice are not so important or so satisfactory as other forms of scientific drill which specially subserve that object, as for example, Swedish drill and forms of exercise which, whether comprehended under the system of Müller or other similar system, are becoming more and more popular. Further, their feeling is that this poise, shall we say, of agility and activity between mind and limb, the complete flexibility and strength of the muscular system as it were, can be developed not merely by resort to a system of military drill, but by those scientific forms of exercise which I have mentioned. I took note, as the gallant Doctor was speaking, of the fact that some authority, whose name I could not catch, had something to say on the influence of military drill in training character. I must not therefore be understood as contending that military drill has no utility or that it serves no useful purpose. I am merely trying to explain that from the purely educational standpoint, or rather from the standpoint of developing the physique of the young men of this country, there are other forms of physical training which perhaps are preferable to military drill. Then, Sir

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadian Rural): Are these other forms now employed in colleges?

Mr. G. S. Bajpai: In certain schools and colleges, certainly. Then we come to the other objection which our educationists put forward and that is an objection of principle. It is this, that in a country like India, or a country of the size of India, where you have not adopted or introduced the principle of compulsion for education itself, you cannot proceed to make military training obligatory. If you had built up a system of general military conscription, that would be another matter. Every section of the population would then be liable to military training. Your students as a section of the community, or the general body of the population, would be equally liable for military training. But what you would be doing by adopting this particular expedient of confining compulsory military training and military drill to students would be to affect your educational expansion, because the population of the country as a whole is not imbued with the same intense enthusiasm for military training or military practice as my friend Dr. Moonje; and the parents of the students perhaps are not imbued universally with the same spirit. Unless and until you have kindled in the country as a whole this enthusiasm for military training, there is the danger that, instead of helping forward the educationist with his policy of attracting more and more students to schools and colleges, you would be hindering him. The third objection which I have to urge is this. It is an objection based on such literature as I have been able to study on this subject in so far as it has been discussed by educational bodies and committees. Those who have given thought to this subject seriously have not come to the conclusion that the principle of compulsion for purposes of military training is at this stage either desirable or necessary. I shall first of all quote from the Report of what is popularly known as the Shea Committee; the Report, to be quite accurate, of the Auxiliary and Territorial Forces Committee. In paragraph 8 of their Report they say, referring to the University Training Corps:

"No form of State compulsion should be adopted in order to secure the enlistment of the students in the University Training Corps."

[Mr. G. S. Bajpai.]

That was their recommendation, made in 1925. Since then, Sir, a number of universities have considered the question. A question was asked in February 1928 in the Legislative Assembly as to which universities in India had pronounced in favour of compulsory military training and which university, if any, had adopted the method of compulsory military training. We then made inquiries from different Local Governments and shall state briefly the purport of the replies which we received. The Government of Bengal wrote to say that the University of Calcutta first pronounced in favour of compulsory military training for student attending colleges. On reflection, however, they came to the conclusion that this was not an altogether practicable proposition and they resile from their original recommendation and said that they would be quit satisfied with the extension of the University Training Corps on a voluntary basis. The University of Bombay had considered a Resolution in favour of making military training compulsory. That Resolution was moved in the Senate of the University of Bombay by Dr. Paranjpye. My information, derived from the Government of Bombay, is that the Senate of the University of Bombay did not adopt the Resolution of Dr. Paranjpye but was satisfied with developing the University Training Corps on a voluntary basis. In the case of the University of Patna, the original Resolution was in favour of compulsory military training. On reflection that view was revised. The conclusion of the University of the Punjab was not in favour of compulsory military training but against it. The University of Delhi decided likewise. The University of Nagpur, I believe, has not considered this question at all. The University of Rangoon has postponed consideration of the question. Probably it will be taken up some time in the course of the present year. I think, Sir, this bears out the inference I have drawn, namely, that the body of educational opinion in this country, in so far as it is represented by universities, which, in view of the powers that they enjoy, would have the most to do with giving effect to any recommendation of this character is not in favour of compulsion.

Mr. B. Das (Orissa Division: Non-Muhammadan): What is their objection? It may be due to lack of finance?

Mr. G. S. Bajpai: Lack of finance was one of the reasons urged, but as far as I know, other reasons prevailed with them, such as the resultant effect on the enrolment in colleges and schools and the possible, ever probable, unpopularity of educational courses if military training was made compulsory. I was saying, Sir, that the body of educational opinion has, at any rate so far, not expressed itself in favour of compulsion. The position is this. Your educationist does not regard this proposal with satisfaction, because he feels that instead of helping forward the cause of disseminating education, you will be hindering it. Your universities are not in favour of it because they think that, at any rate for the present and for some time to come, there is scope for doing all that is necessary with the University Training Corps as the nucleus. The last question, which again I have to deal with from the purely educational standpoint, is the question of expenditure. I just tried to have a rough calculation made of the number of boys affected by my Honourable friend's proposal. The number of boys attending schools and colleges between the ages of 16 and 20, who will be affected by this proposal, is in the neighbourhood of 380,000. I think I am correct in stating that this figure is somewhat in

excess of the total strength of the Army in India. Now the cost of preparing this large body for compulsory military training would indeed be large. Somebody was saying that a rifle costs Rs. 200. So then the cost of rifles alone will come to eight crores approximately. Then there is the question of the equipment, and so on. I do not wish to develop this point at too great length. I merely wish to say this. Are we quite sure that, education being as I have said a provincial transferred subject, Local Governments, who have considered this question and pronounced against it on the whole, would be prepared, even if we were to put it to them from here, to say "Very well, we shall try this".

My own impression is that, with the numerous calls which now exist upon the limited resources of Local Governments, it is hardly likely they would be prepared to embark upon so expensive an experiment.

To sum up then, Sir, my objections to the Resolution, which I would again make clear, are objections put forward on educational grounds pure and simple, are as follows: First that constitutionally it is *ultra vires* of the Government of India to issue any instructions to Local Governments for introducing innovations into their educational curriculum. My second objection is that educationists do not regard either compulsory drill or compulsory military training as necessary by themselves and as the best methods for developing the physique of their students. Thirdly, that they regard the introduction of compulsion for purposes of military training and drill as likely to affect the popularity of their educational institutions. And my last objection is that, in view of the numerous calls in the sphere of education itself, such as the expansion of primary education, collegiate education, etc., which are not being completely met by Local Governments, not being within their financial resources, it is not likely that Local Governments would be prepared to accept a recommendation of so expensive a character.

For these reasons I regret, Sir, that it is not possible for me to support this Resolution.

Mr. M. S. Aney (Berar Representative): Sir, we have listened to a very disappointing speech from our friend, Mr. Bajpai. Situated as he is, probably he could not make a speech of any other kind, and I really sympathise with him in that. He tried to make a point that this Resolution was *ultra vires*. If he had carefully studied the Resolution and read the language therein, he would have found that this Resolution does not commit the Government of India to take the education of the boys in the provinces in their hands, but that it only wishes the Government of India to take certain steps so that the education of the boys on lines indicated here in the Resolution may be taken up by the provinces. He has also forgotten that the Government of India have educational institutions under their own direct control. And, my friend Mr. Bajpai has ignored that aspect of the question altogether. Is the Government of India prepared to accept this Resolution so far as the education of boys which is under their direct control is concerned?

Mr. G. S. Bajpai: I merely interrupt the Honourable Member on a point of fact. It may interest him to know that the Chief Commissioner of the North-West Frontier Province, which is one of the directly administered areas, is opposed to the introduction of compulsory military training in his province, and the University of Delhi has also pronounced against compulsory military education.

Mr. M. S. Aney: In spite of what the Administration of the North-West Frontier Province has said, it would not be *ultra vires* of the Government of India to accept this Resolution if they think it proper to do so. I am answering only the constitutional objection which my Honourable friend has raised. There is definite responsibility on the Government of India to train these boys. It is obviously not *ultra vires* of this House to make any such suggestion. Secondly, we are asking the Government of India not to take the education of the boys into their own hands, but they can indicate the direction and only give instructions to the Provincial Governments on that point. In this connection I will bring to the notice of the Honourable Member certain important passages in the Sandhurst Committee's Report. In their recommendations at page 54, sub-clause (6), they have distinctly stated that:

"The Government of India should impress upon educational authorities the paramount national importance of reforming the system of education in India with a view to developing in the pupils of the ordinary schools and colleges those characteristics so essential in an Army officer, to which little or no attention is at present paid by them, and should appeal to them to reorganise the institutions under their control to this end."

By means of this Resolution my friend Dr. Moonje has been asking the Government of India what steps they have taken to carry out this important recommendation of the Sandhurst Committee. We know how they have dealt with other recommendations of this Report and how they have succeeded in turning down some of the most important recommendations therein. But this is a recommendation which the Committee has made, and so far as the reply of my Honourable friend is concerned, I do not find anything in it to show that they have taken any steps to impress the importance of this kind of education upon the provincial authorities who are in charge of schools, or done anything to further the objects which the framers of that Report had in view. Inasmuch as nothing has hitherto been done, it means that these important recommendations of a nation's building character are being consistently ignored by the Government of India. And yet the Government of India, I am sure, will come forward and say, "as long as the country is not ready for its own defence for constitutional advance and further progress in responsibility we cannot do anything." We are treated to this sort of absurd argument and Government fails to see the incongruity of its own statements which are being thrust upon us every day. My learned friend's second argument was that various universities had expressed themselves against compulsory military training. He fails to see that his Resolution is not for compulsory military training, but for compulsory physical training, military drill and rifle practice. Military drill and rifle practice do not cover the whole field of military training. When the Military Secretary speaks, I am sure that he will be telling the House that military training means much more than this. If we had insisted upon military training in its entirety being immediately and compulsorily introduced, there would possibly be some force in the arguments, but my friend has confounded the idea of compulsory military training and compulsory training in military drill and rifle practice and has regarded these two things as entirely one and the same. He should have distinguished and discriminated between these two things. We are only asking that military drill and rifle practice should be part of the compulsory training to be given to the boys in the colleges and schools of India.

If that is borne in mind, the boggy of financial difficulties which is being raised up before us will vanish completely. Military training may require considerable equipment, the cost of which the Government of India may or may not find it easy to provide. It will largely depend upon whether it has the will to do so, or it has not the will to do so. If the attention of the Government of India is fixed upon these two points which are singled out for compulsory training in this Resolution, then I do not think the cost will be so enormous as to be beyond the means of the Government of India and of the Provincial Governments to meet. Besides that there was a further generous proposal made by my Honourable friend Dr. Moonje in his speech of which my Honourable friend did not take any notice. The simple question is whether the Government of India accept the principle. If they accept the principle in the first place, the question of financial difficulties could be considered later on. But when there is objection to the principle itself, it is not much use raising the boggy of financial difficulties which is simply intended to scare away the members and mislead the people, if I may be permitted to say so.

Secondly, as regards the universities which have expressed themselves adversely, I do not think the question was put to them in the specific form in which it is now raised in this House. If it be put in this particular form, I am sure the universities, constituted as they are at present, though not strictly democratic as we desire them to be, would still contain a preponderating majority of non-official element which will readily go in for a step of the kind recommended in this Resolution. My Honourable friend should have at least given us the promise that he would try this experiment in various forms and in the various universities. If he had at least given us that promise, he would have shown some willingness on his part to accept the Resolution. But he does not want to give any such promise, in fact he does not want the Resolution at all. He would point his finger to certain circumstances which have no analogy at all to or bearing on the present Resolution, and on the strength of that he would say that, the circumstances being adverse, nothing could be done. The Government of India have taken absolutely no step whatever to impress me or any Member on this part of the House as to their genuine sincerity in their attempts to develop in the boys the kind of military spirit the Skeon Committee recommended, and they also do not want to move any further. That is the meaning of the reply which I have heard from my Honourable friend. That is the reason why it came to me as a most disappointing reply, coming as it did from that part of the Treasury Benches which is occupied by my Honourable friend Mr. Bajpai. I could have understood that reply if it had come from the other half of the Treasury Benches. But constituted as they are at present, we do not expect anything better than that. We have to take things as they are. I, however, implore the Government to prove their bona fides and sincerities in the professions which they make that they are making honest efforts to train this nation for taking its appropriate place and attaining its legitimate position in the ranks of the civilised nations in the world. If they want to justify the professions which they make times out of number—and they are never tired of making them—then they must express their readiness to accept the principle of the Resolution which in my opinion, embodies a very modest demand that could be made on behalf of the youths of this country who are undoubtedly awakened and anxious to take their appropriate part in the defence of

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their motherland. With these remarks, I believe I have practically disposed of the very insuperable objections, as my learned friend has thought, he has raised and there is nothing so far as his objections are concerned that remains to be answered.

There is one point to which I deem it my duty to refer in conclusion before commending this Resolution to the acceptance of the House. That point is this. The youths of this country are anxious to have some outlet for them in military careers. There is the youth movement spreading all over the country, and it is for the Government to see that they have the prudence, the necessary foresight and statesmanship to provide a legitimate outlet for that sort of ambition. The youths are determined to have this sort of education; they are determined to have those qualities which develop a martial spirit in them, and if you make provision for a proper and legitimate outlet for them to develop these qualities in the schools and colleges which are controlled by you and which are aided and supervised by you, so much the better. Otherwise things are likely to go from bad to worse and the consequences thereof you will have to reap, when probably it would be too late for you even to retrace your steps. With these words, I strongly support the Resolution moved by my Honourable friend Dr. Moonje.

The Revd. J. C. Chatterjee (Nominated: Indian Christians): Sir, I entirely support my Honourable friend, Dr. Moonje (Hear, hear.) in so far as the first part of his Resolution is concerned in which he asks for compulsory physical training for all boys in our schools and colleges between the ages specified in his Resolution. I do wish he had stressed that point even more than he has stressed the second part of his Resolution. It is well known that, as things stand at present, physical education is said to be compulsory in our schools, but I am sure that my Honourable friend, Dr. Moonje, knows that in a great many of these schools, I should say that in a vast majority of these schools, physical education as it is given now is to a great extent valueless and in some cases it is little more than a farce. I wish therefore that, as a result of this Resolution, the attention of the country and of the Government would be diverted to this question of physical training in schools. I remember in my own evidence before the Fresh Committee I laid very great stress on that matter and said:

"If you are going to have physical education in schools, let us for Heaven's sake have something that is worth while in training these boys and in making them physically fit and also fit to defend themselves afterwards."

I am sure Dr. Moonje also knows that, so far as the colleges are concerned, in a vast majority of them there is no physical training given. Physical training for boys stops very often when they leave schools and is not continued in the colleges. There again it is extremely necessary that Government should take some steps to ensure that the physical training begun in schools does continue, if possible, in a more efficient manner when the scholars go to colleges.

As far as second part of the Resolution is concerned, if the object underlying the Resolution is that the young students of our colleges, who are the growing citizens of our nation, should be so trained that they may be able to defend themselves and defend their hearths and homes when the need arises. If that be the principle underlying the Resolution, I am entirely in agreement with the Honourable Mover. I must confess that as the Resolution now stands, and as it is worded it is rather unhappy

because it is easily vulnerable. If Dr. Moonje had asked in his Resolution—for he as well as any one else who takes an interest in the subject has a perfect right to ask—if he had asked in his Resolution that adequate facilities should be provided for military training and for rifle practice to any student who either by himself or through his guardian desires it, then there can be very little objection to it. What one desires to ask for and press for, so far as I am concerned, is that such adequate facilities should be provided and that no student should be refused a chance of making himself fit to defend his country and his home. It is extremely difficult at the present moment, speaking from an educational point of view, to see how this Resolution, as it stands now, could be given practical effect to. I do not want to enter into the financial or military aspect of it, but I look upon it in this way. I look round Delhi and I see that if this Resolution were accepted and given effect to, we would have to train, at a modest estimate, between 3,000 and 4,000 boys of the ages mentioned in the Resolution. I fail to see how it would be possible to provide any real military training for them. Give physical training by all means and military training for as many as are physically fit and desire to get it. But to compel the whole lot of 3,000 or 4,000 of these young students between the ages of 16 and 20 to undergo physical training is not practicable. I fail to see how we would be able to provide physical training, or the training ground or equipment for such a large number of boys. I only speak as one engaged in education. I do not know the military aspect of it at all and I do not mean to say anything about that side of the subject.

Then there is another point. It is that I am opposed to conscription in the case of students. We have already so much compulsion that is imposed on students to do one thing or another. They have to learn a multitude of subjects. As it is they do not know how to divide their time to the best advantage because so many things are made compulsory for young boys. If this military training also is to be made compulsory and if it is going to be something in addition to what physical training now is, I am sorry to say that it cannot, in the majority of cases, be made at all effective. If my Honourable friend, Dr. Moonje really means that effective training is to be given, and if we are going to compel every one of our students to undergo this training, I fail to see how they would be able to attend to their intellectual development, get through their examinations, or apply themselves to their main object, namely, the pursuit of knowledge. I do not quite see how these are going to be affected by making it compulsory for the boys to undergo military training. I must say I feel grave doubts on that subject. The Honourable the Education Secretary has referred to certain reasons why the Universities turned down the proposal. I may also add that one of the important reasons was that they felt that if we made every student undergo military training at all effectively, it would come to this, that their attention would be diverted, and the main purpose of their student days would to some extent be forgotten.

There is another point, Sir. As an educationist I believe that what is worth doing is worth doing well, and if we are going to train 4,000 boys in Delhi, how can that be done well? From what Mr. Aney has said, it seems to me that what he wants is a kind of preliminary military training, something very simple. I want to ask him, is it the idea that our students should get something which is colourless, something which is not at all thorough, in other words ineffective?

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): Is the Honourable Member opposing or supporting the Resolution?

The Revd. J. C. Chatterjee: What I say, Sir, is that it will not be possible to take in such large numbers as are implied in this Resolution, if compulsion is to be applied. If a thing is worth doing, it is worth doing well, and therefore the proposal contained in this Resolution should be such as can be properly dealt with.

There is yet another point, Sir, and it is this. There are a certain number of boys who have got a natural aptitude for this kind of training. We must bring them together and make them really efficient soldiers, to be really useful when the time comes. But if we have a whole lot of boys who have to be given this training under compulsion, then the really bright fellow, the really apt soldier, if I may use that expression—and we who have something to do with teaching know how the weak and inefficient boys keep the bright boys back in the class—is likely to be kept back and handicapped. If we are going to train 4,000 boys in one place and compel them to take that training, the result will be that 200 at least who will make very efficient and trained soldiers and who will be able to defend themselves will be distinctly kept back. These are the reasons, Sir, why I feel that it would not be right to introduce compulsion. But I am entirely with the Mover of the Resolution if he means that adequate training should be given, and that facilities should be offered, to every student who himself or through his guardian, desires to receive such training, and that nobody should be turned away if he wishes to receive such training.

Mr. M. R. Jayakar: Sir, it is very unfortunate that this Resolution comes at a time when the non-official benches are very thin and also the official front bench is unoccupied except for one Member. I wish, Sir, I could convey to the opposite benches the strength of feeling which this Resolution provokes on the non-official side. If I may say so, Sir, it is the one vital Resolution of this session on which we feel very keenly, not excluding questions like the Simon Commission. And the reason is that it relates to a matter connected with the youth of the country. Sir, from that point of view, it was to me a painful surprise that the Education Secretary, of all officials on the opposite side, should have been made the spokesman of Government. I could have quite understood Mr. Macworth Young replying on a question of this character, because the attitude of the Government on the military side we are all quite habituated to by this time. It is the plain attitude of a man who does not want anybody else to come into his close preserve. But when the Education Secretary gets up as an educationist—and we must not forget that he was speaking from the point of view of the educationist and not that of a technical military adviser of the Government of India—there comes a painful surprise, due also to the plausible character of his speech. This Resolution Sir, as I said, is a very vital one, and Dr. Moonje is to be congratulated on the fact that he moved it in terms of great self-restraint. What is his plea, Sir? It is very brief and simple. He says, to the Government that by your emasculating system of education in this country, you have deprived the youth of the spirit and mettle which are their due, the spirit which the Sken Committee regard as the most essential quality of the youth of a country which seeks to be free. At page 54 of their Report, the Sken Committee mention: "Those characteristics so essential in an

army officer"—that is, those characteristics which, in their own country, the Englishmen opposite me find it absolutely necessary to preserve, develop and regulate in their youth, from the very cradle, and through the nursery and public school up to the time they get into public life. Ours is the ambition that, as in their country, so also in ours, children should be surrounded by an environment which produces those qualities so that when India is free, she may not be regarded as unfit to defend herself. There is no question of immediate complete military training in this Resolution. Why then draw a red herring across our path? It is plain that the present Resolution is not intended to turn out military officers by the dozen and score or to interfere with the power and patronage of Government in military matters, which are so often unworthily bestowed, as we Indians know. If Government do not wish to accept the Resolution, let them say so; but let this not be done on the wrong ground. The simple plea is that we want to create in our schools and colleges an environment which will produce those characteristics which are necessary in the future army officer. Is there anything extravagant in this? I do not want this Resolution to be thrown out, as it is sure to be, judging by the strength on either side, on wrong grounds. I know the fate of this Resolution long before we come to a division; but let that result be come to on the right ground. The plea is very simple, and that is that we want the Government to atone for the past defects of their system of education in this country. The charge is this; I want the Government of India to meet it face to face: that the system of education which the Government introduced in this country has deprived the young students in India of all those qualities of courage, of resource and of initiative which are necessary to be implanted in our youth. For the view that the educational system which is after all only a part of the system of Government in this country, was intended for the purpose of creating a meek and contented mediocrity of ill trained men I have the authority of a member of the Civil Service. I am quoting from a report of a Select Committee of the East India Company made in the year 1812, i.e., few years before Lord Macaulay's Minute on which the system of education in India has been fashioned. I am quoting only one or two passages because to quote more would be tiresome—the official, a certain Mr. Thackeray, a Madras Civilian referring to the English people, their public life and the qualities generated in their youth, says:

"The leisure, independence and high ideas which the enjoyment of wealth affords has enabled the English people to raise Britain to the pinnacle of glory. Long may they enjoy it. But in India that haughty spirit of independence and deep thought which the possession of great wealth sometimes gives ought to be suppressed. They are directly adverse to our power and interest. The nature of things, the past experience of all Governments renders it unnecessary to enlarge on this subject. We do not want in this country Generals, statesmen or legislators. We want industrious husbandmen."

Then he goes on to state the deadly truth towards the end:

"Our first object is to govern India and then to govern it well."

I have quoted from an official document. I do not have the temerity of calling myself an educationist, as so many previous speakers have done. I am only an humble dilettante in the fields of education: but I can tell the Government of India that these ideals still covertly govern the policy of the British people even in respect of education in this country. Now there is an awakening, and we Indians feel that the evil defects of this system,

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which has continued for 150 years, ought to be remedied and remedied very fast. This Resolution is a modest step in the right direction, a very simple and unextravagant experiment that Dr. Moonje wishes the Government to take up.

And what was the Honourable the Education Secretary's reply to that? He says first of all the Government of India would be guilty of *ultra vires* if they were to issue instructions to the Provincial Governments laying down certain broad principles and policies. A most extraordinary claim has here been made on behalf of the Provincial Governments, for which I am sure the Government of my Province will feel very grateful to the Honourable Member. But what are we asking? We are only asking that the Government of India, the central authority—I will leave out the question which my Honourable friend Mr. Aney raised, with regard to the areas which are administered by the Government of India directly—should issue a statement of a general policy and principle to be pursued by the Provincial Governments. Surely the Government of India have not yet deprived themselves of their important function, namely, to enunciate and prescribe broad principles on questions, to quote the words of the Sken Committee, of paramount national importance. I submit, Sir, that the Government of India do retain in their hands the power and the privilege of circularising Provincial Governments on questions of great national importance concerning the general welfare of the Indian people. May I ask my Honourable friend the Education Secretary what would, for instance, be the attitude of the Government of India in case the Provincial Governments began openly to use seditious text books in their universities? Let us take this as a hypothetical case. Supposing the Bombay Government began deliberately to adopt text books and other means calculated to promote seditious thoughts in the youth, would the Government of India remain quiet and say "No, it is a transferred subject; we won't interfere". Although a large question of national policy is involved in this question, will the Government of India say "No, it will be *ultra vires* to interfere with the Provincial Government in this matter? The matter is entirely one of internal regulation and economy." May I ask my Honourable friend opposite, will that be the attitude of the Government of India if such a case arises? Have they not in the past sent out circulars dealing with questions of large national policy? Can we not remember instances when circular after circular has gone out stating broad principles of an All-India character in educational matters? What is the good then of drawing this red herring across our path? The real issue is this, Do the Government of India to-day regard this question as a matter of vital national importance? That is the crux of the question. If they did regard it so, as some of us on this side of the House do, the answer given by Mr. Bajpai would be very different. He would then say "Yes, we see that the delay of every additional day matters in this important question and we will be prompt in laying down the proper policy in this behalf."

His next argument was "Oh, compulsory military education or military training" is impossible on such a large scale. He forgot for the moment that the Resolution uses the words "military drill" and not "military training", the words are "compulsory physical training and military drill", I am sure my Honourable friend opposite, the Army Secretary, knows exactly how military drill is only a small part of military training, although Mr. Bajpai, not being a military man but a man of

Ahimsa, as he chose to call himself, is ignorant of such matters. Everything has to be forgiven to a man of *Ahimsa* when he is treading on paths of military training. He relied on another ground for opposing the Resolution. He said the Bombay University threw out such a Resolution a few years ago, but he never mentioned by what majority. Possibly he is ignorant of the full facts. I will tell him. It was not thrown out by such a large majority as to indicate a clear trend of public opinion. However, what is the Bombay University, may I ask him? Does it adequately represent non-official opinion on this subject as this side does in this House? May I tell him that the Bombay University senate up to recently had about 80 per cent. Fellows nominated by the Government? Is he aware of that? And if the facts are as I have stated, can he say that the Bombay University represents non-official opinion on this question? What is the good of quoting as conclusive the opinions of such bodies? I am sure the same is true about the Patna and other Universities. Then he quoted the authority of the Great Moghul of the North-West Frontier Province. Good gracious! He might as well have quoted the authority of the alligator to find out whether fish should be given liberty to grow! It is no use resorting to such arguments. Let us judge of the merits of this question on the main principle, and that is this, that we want the Government of India first to recognise the national importance of this question and then to take adequate steps on the right lines. We feel, Sir, very keenly about this matter. My Honourable friend Mr. Aney referred to the youth movement. Well, I do not know whether the Government of India are aware that this movement to-day counts 60,000 youths, not a small body, 60,000 youths whose ambitions have been awakened and who want free scope for their energy and vigour. Their ambitions, their generosity, their self-sacrifice are being quickened. Do the Government of India desire to employ all this talent and energy towards national purposes, which involve intrepidity, enterprise, self-sacrifice and valour, or will they lie by and see with contentment, that all this precious material in the country out of which a vast storehouse of military potentialities can be created, runs to waste or is diverted into futile and seditious channels. The broad question, Sir, is whether the Government of India are prepared to harness all this intelligence, valour and self-sacrifice lying so far dormant but now awakened in the youth of the country. The choice lies with the Government of India. A few of us are humbly struggling that all this energy may be diverted into proper channels of public utility and work. If the Government of India help us to do that, it will be fortunate for them. If however they do not wish to do so, then all I can say is that they must not complain later if all this youthful energy is diverted into channels for controlling which the Indian Penal Code may not prove sufficient. There is the choice to make. Humble men like me can only make suggestions. Dr. Moonje's Resolution embodies one such sensible and sane suggestion. May I further warn the opposite benches? Let them not regard it as purely a controversial matter. It is a question in which the Government of India is as much interested—perhaps more interested than the non-official benches,—because to govern the country well is their responsibility. If the Government will not listen to our warning, they must be prepared to devise new forms and new methods of controlling and curbing this youthful vigour. Possibly their solution lies in the direction of revising the Penal Code so as to bring it up to date. That would be most unwise. A wiser course will be to provide, before it is too late, adequate opportunities for the youth of this country as indicated in this Resolution, whereby the sacrifice, enterprise, intrepidity, and valour of the youth of India

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will be turned to good account. The youth movement in India has come to stay. The only question is whether the Government have the wisdom to put themselves at its helm.

Mr. G. M. Young (Army Secretary): Sir, my Honourable friend, the Education Secretary, has dealt with the constitutional aspect of this question, and the educational aspect, completely; and I have nothing to add to what he has said in those respects. It is left for me to deal with it from the point of view of the Army Department. My Honourable friend, Mr. Jayakar, suggested just now that an attitude of uncompromising hostility to the Resolution was what he expected from the Army Department; and he was rather disappointed that Mr. Bajpai should have shown that attitude himself. Well, Sir, the attitude of neither of us is one of uncompromising hostility. The attitude of the Government of India on the military side may be illustrated by quoting the recommendation on this subject of the Shea Committee, which the Government of India accepted. I read the passage in this House two years ago, and, with your permission, Sir, will read it again:

"The University Training Corps and the Indian Territorial Force should be regarded as existing primarily for the purpose of spreading military training and the inspiration of military service among the manhood of India, in order to lay the foundations upon which a national army can be built up. Such a national army could only be created by gradual stages, and by a steady process of education extending over many years. This education should commence wherever possible in schools; it should be continued in the universities and colleges by means of the University Training Corps, and should be concluded in the units of the Indian Territorial Force. The growth of a national military spirit should not be forced by the application of any measure of compulsion."

That, Sir, is the attitude of the Government of India on this subject. With the aims and objects underlying this Resolution we are entirely in accord. Where we differ is as regards the practicability of what is being proposed, and its utility as compared with the measures which are now in force.

As regards physical training, there is nothing to be said from the point of view of the Army Department. Then we come to military training. I must confess that I understood this Resolution to refer to military training; and when I heard my Honourable friend, Dr. Moonje, talk of high ideals of self-sacrifice, courage, discipline and so forth, and my Honourable friend, Mr. Jayakar, repeating the same words, I naturally supposed that they meant the virtues which can be fostered by military training. It came as a shock and a surprise to me to hear my Honourable friend, Mr. Aney say, "No; we do not mean anything like that; all we mean is military drill"—that is to say, apparently, performing the evolutions of small bodies of troops upon a parade ground. Is that all that this Resolution means? Because, if so, I may say it is a most unexpectedly innocuous Resolution (*Honourable Members*: "Well then, accept it") as far as that part is concerned. (Laughter.) I think my Honourable friend, Mr. Bajpai, mentioned the fact that educational authorities consider certain other kinds of drill more valuable in the building up of character and physique than the mere performance of military evolutions on a flat space of ground. It seems to me utterly inconsistent with what Honourable Members have said about these virtues, and how national characteristics should be built up, to say that all that this Resolution means, as regards military training, is

forming fours on a square. Nor is this the view that was taken by those who supported similar resolutions in Provincial Councils. They made no mistake about it. What they wanted was military training—compulsory military training. In three Provincial Councils, Resolutions were carried advocating compulsory military training—in the United Provinces, Bombay and Assam. And, as I say, there was no mistake about it. What was meant was, practically, conscription for a certain class at a certain age—university and school students between the ages of 16 and 20 as in this Resolution. (There were other age limits, I think, in some of the Resolutions moved in the Provincial Councils.) That, Sir, is a policy which Government must of course oppose. It is a policy which, so far as I know, is not carried out by any other nation in the world,—to select as the sphere in which you apply military compulsion your educated upper and middle classes, and to conscript them for the time that they are at school and college. University students are generally admitted to be the most independent class in the world, and the most intolerant of anything that savours of oppression. This is precisely the class to which conscription would be applied by my Honourable friends. I myself was once a university student in Germany, a country where universal military service existed. The system there was that while the normal term of service in the Army was two years, the educated classes, the university students, served only for one year, and had certain privileges. Their service in certain respects was made lighter. My Honourable friends opposite would apparently take this class and make them the only conscripts in the country. It is possible that if a measure of this kind were introduced there might be a wave of enthusiasm at the start which would carry a certain way. But sooner or later I think you would find a spirit of grave discontent fostered among students; and the measure of compulsion would either gradually peter out, or else it would culminate in something in the form of a strike—a strike, I may note, of students armed with rifles, bayonets and ammunition. My Honourable friend, Mr. Aney, wanted to limit the experiment, when he found that the Government of India were not constitutionally capable of enforcing this measure in the provinces. He said "Let them start in their own territories". Well, Sir, if we carried out that plan and introduced compulsion in the University of Delhi, the only result would be that we would deplete that university, and neighbouring universities would profit by the measure.

Mr. M. S. Aney: Why speculate?

Mr. G. M. Young: And that would be an even more invidious form of conscription than what is recommended by the majority of Honourable Members opposite.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore cum North Arcot: Non-Muhammadan Rural): Is this the Honourable Member's idea of conscription?

Mr. G. M. Young: Any compulsory military training is a form of conscription, certainly.

Then, Sir, I come to the question of expense. That is an important consideration. Who is going to provide the money? It is a question of supplying rifles in enormous numbers, uniforms presumably, and all the equipment of camps. This expenditure, which the Army cannot possibly afford, could be spent far more usefully on what we regard as essentially the

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main purposes of defence. We could certainly not afford these amounts on what Honourable Members opposite themselves admit to be merely an experiment.

There is also the question of custody, on which the Shea Committee laid great stress. If we were to have rifles disseminated in anything like the quantities postulated by this Resolution, we should have to spend almost twice as much again as the value of the rifles in guarding them.

Sir, as I said before, we are entirely in sympathy with the objects underlying this Resolution. I do not think Honourable Members fully realise what has actually been done by the Government of India, both before and after the recommendations of the Shea Committee. The Shea Committee recommended that there should be no arbitrary limit fixed for the University Training Corps. "Subject only", they said, "to financial considerations, they should be allowed to expand up to their natural limits". In other words this means that we should provide facilities for any students who wish to undertake military training: not merely military drill, but military training. We have recently, as a result of the recommendations of the Shea Committee, started University Training Corps in three places where they did not exist before. We have expanded one company in one university, and we are engaged in expanding a company in another. We have added a new section, a Sapper and Miner Section, to the University of Rangoon. Wherever there is a demand for the expansion of the University Training Corps, wherever we can see any signs of enthusiasm and desire to make use of these corps, we are prepared to consider favourably the provision of further facilities subject only to financial considerations. Our object is gradually to build up an enthusiasm for national military service. The success of the movement varies in different universities. I should like to quote to the House an extract from a speech by Sir Geoffrey deMontmorency, when he was speaking as Finance Member in the Punjab Legislative Council last year. He said:

"The sanctioned strength of our Punjab University Training Corps unit is 637. I have gone into its present condition with the officer commanding the corps. Enrolments at the beginning of the season are usually very satisfactory; but there is a tendency as the training season goes on for the numbers to dwindle down by about 400 more or less. For example, at the beginning of the present training year which has just passed, the officer commanding informs me that he recruited 280 men. These were sufficient to fill all the existing vacancies, but by March he had been obliged to strike off 60 students from the rolls owing to their not attending the parades and drills. More had to be dropped out later. The results therefore fall somewhat short of what we desire. At this present moment although ten colleges, that is eight colleges of Lahore and two colleges in the mufasil, contribute numbers to the unit, the actual numbers of the unit are 469 as against the sanctioned strength of 637."

I submit, Sir, that the object of this movement would be altogether defeated by the introduction of the element of compulsion. The spirit is there, but it is not at present strong. It is weak. We are trying to foster it; we are trying to coax it; we are trying to persuade students to undertake these national duties. If we were to apply now the element of compulsion, I believe the thing would be ruined.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 31st January, 1929.

LEGISLATIVE ASSEMBLY.

Thursday, 31st January, 1929.

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

QUESTIONS AND ANSWERS.

POLITICAL AND MILITARY SITUATION ON THE NORTH-WEST FRONTIER.

383. *Mr. Gaya Prasad Singh: Will Government be pleased to make a statement on the political and military situation on the North-West Frontier of India with special reference to the recent upheaval across the frontier and its possible repercussions on our border?

Sir Denys Bray: I am grateful to the Honourable Member for giving me this opportunity of making a statement on the position on the North-West Frontier with special reference to the upheaval in Afghanistan.

The military situation has been normal throughout. Not a soldier or a gun has been moved to the frontier: the daily life of the frontier garrisons has remained undisturbed. The only interruption of military routine has been the diversion of Royal Air Force machines from their ordinary duties to the humane task of bringing women and children in safety from Kabul. (Applause.)

Hitherto the political situation within our borders has been remarkably quiet. As the frontier tracts and districts are at all times sensitive to events in Afghanistan, this, I think, is a notable demonstration of the soundness of our frontier policy and its skilful execution by the frontier administrations. (Applause.) Every one of our tribes has so far remained steady, though individual tribesmen have been unable to resist the strong natural impulse to enter the turmoil on this side or that. But the interest of the tribesmen in the civil war is intense and their support is being canvassed by adherents of the three Governments at Kandahar, Kabul and Jalalabad; and the energies of our frontier officers are being taxed to keep the tribes from headstrong action and to hold them to observance of that policy of scrupulous non-interference in Afghanistan which Government have set before themselves from the outset. Government are confident that, in pursuing this policy unswervingly, they will have the support and assistance of India at large.

The Press and public will, I am sure, realise the duty which is upon us all of observing sobriety in speech and writing at this critical time. Until authority is re-established and peace is restored in Afghanistan, the political situation on our frontier will of necessity continue to cause anxiety and

call for vigilance. It is the earnest hope of Government that this consummation will not be long delayed, and that India will soon have once more for its neighbour, on the North-West Frontier, an Afghanistan peaceful and progressive, friendly, united, independent and strong.

ESCAPE OF SIRDAR MOHAMMED OMAR KHAN FROM ALLAHABAD.

334. *Mr. C. S. Ranga Iyer: Will Government be pleased to state:

- whether it is a fact that Sirdar Mohammed Omar Khan escaped from his internment at Allahabad?
- who and what is this Sirdar?
- why was he detained in Allahabad?
- whether his brothers also are detained there and if so, why?
- under what law are they detained?

Sir Denys Bray: (a) Yes, Sir.

- An Afghan refugee and a son of the late Ayub Khan.
- For reasons of State.
- Yes, till their recent removal to Burma. For reasons of State.
- Under Regulation III of 1818.

MAINTENANCE BY THE BRITISH GOVERNMENT OF SIRDAR AYUB KHAN AND HIS DEPENDANTS.

335. *Mr. C. S. Ranga Iyer: (a) Has the attention of Government been drawn to a statement in the *Civil and Military Gazette* of the 5th January, 1929, that Sirdar Ayub Khan, father of Sirdar Mohammed Omar Khan, came in 1898 to India with 3,000 relatives and partisans?

(b) Is it a fact that the retinue was supported by the British Government while a Political Agent supervised the Sirdar's affairs?

Sir Denys Bray: (a) and (b). Yes, Sir.

COST OF MAINTENANCE OF THE FAMILY OF SIRDAR AYUB KHAN IN INDIA.

336. *Mr. C. S. Ranga Iyer: Will Government be pleased to state:

- whether it is a fact that after the said Sirdar Ayub Khan's death, his children continued to be supported by the Government?
- how many members of his family are in India under the financial support of the Government?
- under what conditions are the said detenus living?
- what amount of money has hitherto been spent on the said detenus from 1888?
- what is the annual recurring expenditure now?
- how long do they propose to maintain them?
- why have they been maintained by the Government?

Sir Denys Bray: (a) Yes.

- 19, dependants and adherents not included.
- Normally on parole under quiet surveillance.
- The compilation of the figures would I fear involve a disproportionate amount of labour.
- A little over half a lakh.
- Until their repatriation can be fixed up with the Afghan Government. Meanwhile the allowances are reduced progressively at each death.
- Ayub Khan's removal to India was effected in the interests of the peace of a United Afghanistan at a time when Government stood in relations of special responsibility towards Afghanistan and her neighbours. His removal would naturally have been impossible without a guarantee of suitable maintenance for himself and his family.

PROSECUTION OF NEWSPAPERS FOR PUBLISHING FALSE REPORTS ABOUT AFGHANISTAN.

337. *Mr. C. S. Ranga Iyer: Will Government be pleased to state:

- if it is a fact that they have instructed the Local Governments to consider forthwith the prosecutions of newspapers which had published articles to the effect that support or encouragement was being given by the British Government or the Government of India to the Afghan rebels against the Government of His Majesty King Amanullah?
- if the answer is in the affirmative, under what law are the alleged offenders to be proceeded against?

Sir Denys Bray: With your permission, Sir, I shall answer this and the next two questions together.

I would refer the Honourable Member to the communiqué of 5th January. The attention of Government had been drawn to articles endangering peaceful relations between India and Afghanistan, partly by reproductions in the Afghan Press, partly by His Majesty's Minister, and partly by Local Governments; while others drew attention upon themselves directly. The Honourable Member will, I am sure, appreciate my reluctance to lay any papers on the table, or to say anything further in this regard, lest I should in any way prejudice the fair trial of such newspapers as the Local Governments may see fit to prosecute. I am advised that prosecutions will be under section 124(c) of the Indian Penal Code.

CORRESPONDENCE WITH LOCAL GOVERNMENTS REGARDING PUBLICATION OF FALSE REPORTS ABOUT AFGHANISTAN.

338. *Mr. C. S. Ranga Iyer: Will Government be pleased to state:

- if it is a fact that their attention has for some time been drawn to the publication of the articles referred to in my preceding question by any Local Government or Governments?
- if so, by what Local Government or Governments?

† For answer to this question, see answer to question No. 337.

(c) if any correspondence on the subject has passed between the Government of India and the Local Governments?

(d) if the answer to (c) is in the affirmative, do Government propose to lay the correspondence on the table? If not, why not?

ACTION AGAINST NEWSPAPERS FOR PUBLISHING FALSE REPORTS
ABOUT AFGHANISTAN.

†339. *Mr. C. S. Ranga Iyer: Will Government be pleased to state against what journals or newspapers they have instructed the Local Government or Governments to take action in connexion with the publication of articles propagating the story that encouragement is being given by the British Government or the Government of India to the Afghan rebels?

DISAPPEARANCE OF SIRDAR MOHAMMED UMAR KHAN FROM ALLAHABAD.

340. *Mr. Abdul Haya: (a) In what manner and to what extent were the movements of Sirdar Mohammed Umar Khan, son of Sirdar Mohammed Ayub Khan and his family restricted when they were permitted to reside at Allahabad by the Government of India?

(b) What officer or officers were responsible to enforce the conditions imposed upon the freedom of the said family?

(c) Is it a fact that in December last Sirdar Mohammed Umar Khan disappeared from Allahabad and for full ten days the Government were not aware of his disappearance?

(d) Whom do Government hold responsible for the disappearance of Sirdar Mohammed Umar Khan and what action have Government taken in this matter?

(e) Are Government now in a position to state whether Sirdar Mohammed Umar Khan is still in British India or has crossed the border?

Sir Denys Bray: (a) He was detained under Regulation III of 1818, but was not under confinement. In normal times he was merely on parole not to quit Allahabad without permission. In view of the Afghan situation, all Local Governments in charge of Afghan refugees were asked in September to exercise special vigilance over them, and were warned in December that the strictest possible watch should be kept.

(b) The District Magistrate.

(c) Umar Khan escaped in December but the exact date has not yet been established.

(d) The report of the Local Government has only just been received and is still under examination.

(e) He is believed to be across the border.

† For answer to this question, see answer to question No. 337.

DISCIPLINARY ENQUIRIES ON INDIAN RAILWAYS.

341. *Mr. T. Prakasam: (a) Has the attention of the Government been drawn to the procedure observed on English railways in cases of disciplinary enquiries, set forth at page 163, column 2 of the *Indian Railway Magazine* in its issue for July, 1928, and to the procedure observed for similar enquiries on South African railways set out at page 282 of the *Indian Railway Magazine* under the heading 'a just procedure'?

(b) Are the Government aware of the fact that the Madras and Southern Mahratta Railway Administration compels all its employees to sign a service agreement containing a covenant that the employee can be dismissed without assigning any reason, at the will of the Administration, and that the employees have got to sign it to get the job?

(c) Are Government prepared to adopt the procedure of the English, and South African railways in cases of disciplinary enquiries on Indian railways as well?

Mr. President: Mr. Prakasam. (Question No. 341.)

Mr. V. V. Jogiah: Will you permit me to put the questions for Mr. Prakasam?

Mr. President: Why should I?

Mr. V. V. Jogiah: He has written to me, Sir.

Mr. President: He has not written to me.

Mr. A. A. L. Parsons: (a) Government have seen the articles mentioned.

(b) Government are not aware of the exact terms of the service agreements in force on the Madras and Southern Mahratta Railway, but they probably include, as do those on other railways, provision for discharge, not dismissal, on one month's notice, or on receipt of one month's pay in lieu of notice.

(c) Government understand from the Agent that on the Madras and Southern Mahratta Railway no employee is punished by discharge or dismissal before he has had an opportunity of offering an explanation or appearing before an enquiry committee, and that all employees have the right to appeal to their immediate superior officers, and, through them, to the head of a department. Appeals to the Agent go through both these channels, and details of the case are furnished for the Agent's final decision. In the majority of cases the decision bears the Agent's signature. Government consider that this procedure secures that an employee gets a full hearing.

PROVISION OF FACILITIES FOR INDIAN WORKMEN CLAIMING COMPENSATION
FOR ACCIDENTS.

342. *Mr. T. Prakasam: (a) Has the attention of the Government been drawn to the judgment of the Commissioner for workmen's compensation of Bombay in *Durbaldas versus Great Indian Peninsula Railway*, in application No. 271 B 26 of 1928, wherein the Commissioner remarks

that, following the English practice of requiring notice of accidents, without also providing facilities to give notice by maintaining a book wherein to enter all accidents, as has to be done in every factory under English law, is causing great hardship to illiterate Indian workmen?

(b) Do Government propose to consider the question of amending the Act so as to require the factories to publish, in the vernacular of the division, the formalities to be observed and the period of limitation for claiming compensation, and to maintain a register, an entry in which will constitute sufficient notice?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The matter will receive consideration in connection with the question of the further amendment of the Indian Workmen's Compensation Act.

OVERWORK OF FITTERS AT GUNTAKAL ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

343. *Mr. T. Prakasam: (a) Will the Government be pleased to state if it is a fact that the fitters of the engine shed at Guntakal on the Madras and Southern Mahratta Railway are allotted more work than could be done in eight hours, and are fined for failure to complete the work, and fined also for inefficient work if they complete it somehow by rushing through the work?

(b) Is it a fact that circular No. 58 of the D. L. R., consequent on the Geneva Convention has ordered only eight hours' work to be given and overtime not exceeding two hours a day in exceptional cases?

(c) Is it a fact that the normal overtime paid to each man, before the Madras and Southern Mahratta Railway accepted the Geneva Convention, was a consolidated allowance of 25 per cent. of his salary, thus representing nearly three hours' overtime for each man every day?

(d) Is it a fact that there is a shortage of engines and pressure of traffic on the Madras and Southern Mahratta Railway, necessitating more work to be turned out, whereas there has not been a single extra hand provided?

(e) Is it a fact that, while the same quantity of work, if not more, is being turned out by the men, the consolidated allowance of 25 per cent. of salary has been abolished and they are paid only as for one or two hours' overtime as per the Geneva Convention?

(f) Is it a fact that no register is kept, as per clause 5 of Circular 58, wherein each man could record, in his own handwriting, the hour when he leaves his work, and that the only register kept is the one by the foreman wherein he enters something *ex parte*?

(g) Is it a fact that the men are compelled to work overtime whether they like to or not, and that they have recently passed resolutions at their meeting that they would refuse to do any overtime work unless their proper wages were paid?

(h) Will the Government be pleased to state if the Geneva Convention laid down the limit of payment to workers or the hours of work?

Mr. A. A. L. Parsons: (a) to (g). Government have no information, but are making enquiries.

(h) No. The 'Geneva Convention' allows a weekly rest day to such staff on railways as may be specified for this purpose by competent authority.

MEMORIAL OF THE FITTERS IN THE ENGINE SHED AT GUNTAKAL.

344. *Mr. T. Prakasam: (a) Will the Government be pleased to state if it is a fact that fitters in the engine shed at Guntakal have been fined four to ten days' pay every month during the last three or four months, although they are all men who have put in 10 to 20 years of service without paying any fines?

(b) Is it a fact that the complaint against them is that the repairs done by them are again booked for within a few days?

(c) Is it a fact that the men have sent a memorial saying that the fault is not on their part, and that, owing to pressure of traffic, they were instructed by their chargeman not to go deep into repairs but to tighten up or do something just for the emergency, whereas the chargeman would record in his register that the repair had been done?

(d) Is it a fact that no extra staff of fitters has been provided for the Guntakal shed, while circular No. 58, of the D. L. R., has ordered eight hours' work a day and limitation of overtime work?

(e) Is it a fact that the foreman asked for ten extra fitters but the same have not yet been sanctioned by the Administration?

(f) Do Government propose to enquire into these matters?

Mr. A. A. L. Parsons: The information has been called for, and will be supplied to the Honourable Member on receipt.

EMPLOYMENT ON MENIAL WORK OF THE APPRENTICES IN THE ENGINE SHED AT GUNTAKAL.

345. *Mr. T. Prakasam: (a) Will the Government be pleased to state if it is a fact that the chargeman of the engine shed at Guntakal compels the apprentices to carry a 250 lbs. engine 'jack' by the overbridge to the outer cabin and that one apprentice even resigned, being unable to put up with the insults and hardships of the chargeman?

(b) Do Government propose to direct that apprentices should not be utilised for doing menial work?

Mr. A. A. L. Parsons: Government have no information and regret that they are not prepared to make enquiries with regard to the individual servants of the Company mentioned by the Honourable Member. They will, however, send a copy of his question to the Agent of the Madras and Southern Mahratta Railway for his information.

ASSAULT OF INDIANS BY CERTAIN EUROPEAN EMPLOYEES OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY AT JOLARPET.

346. ***Mr. T. Prakasam:** (a) Will the Government be pleased to state if it is a fact that one Mr. Ellis, an ex-military man who was directly recruited as a guard on the Madras and Southern Mahratta Railway and who was acting as Assistant Station Master at Jolarpet, assaulted one Mr. Rajaveloo, a Relieving Assistant Station Master at the same station, and if so, how the matter has been dealt with?

(b) Is it a fact that Mr. Rajaveloo has cited a number of eye witnesses, and has also produced a medical certificate as to injuries, but no enquiry has been held, and the permission asked for by Rajaveloo to take civil and criminal action against the man has not been given?

(c) Is it a fact that on 6th October, 1928, one Mr. C. A. Cook, an acting Station Master at Jolarpet, assaulted a pointsman, and that no action has been taken against Mr. Cook?

(d) Is it a fact that Mr. Cook was also an ex-military man directly recruited as guard and promoted as Station Master?

(e) Is it a fact that one Mr. Cook, a European Driver, assaulted Raghunathan, Manager of the Refreshment Room and no departmental notice was taken of his actions and even the permission asked for to prosecute him was refused?

(f) Is it a fact that one Lakshmaiya, a ticket collector at Jolarpet, was dismissed for talking impertinently to the Assistant Station Master?

(g) Is it a fact that Devanesan, a number-taker at Raichur, was dismissed for assaulting another number-taker?

(h) Do Government propose to direct the Madras and Southern Mahratta Railway to award the same degree of punishment to Europeans who assault Indians as to Indians who commit a similar offence?

Mr. A. A. L. Parsons: I propose to answer questions Nos. 346 and 347 together. Government have called for the Agent's remarks, and I will communicate with the Honourable Member on their receipt.

RECRUITMENT OF EX-MILITARY MEN AS GUARDS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

347. ***Mr. T. Prakasam:** (a) Will the Government be pleased to state if complaints have been received against the recent recruitment of ex-military men on high salaries by the Madras and Southern Mahratta Railway as ticket collectors, on the ground that they unnecessarily harass innocent and illiterate third class passengers and are very rude in their behaviour?

(b) Is not such recruitment adverse to the interests of the Indian employees, whose seniority in service is overlooked? Do Government propose to consider the question of stopping this system of recruitment?

† For answer to this question, see answer to question No. 346.

EXPENSE INCURRED FOR TRAVELLING AND HALTING ALLOWANCES OF MEMBERS OF THE CENTRAL LEGISLATURE.

348. ***Mr. C. S. Ranga Iyer:** Will the Government be pleased to state how much money has been spent on the travelling and halting allowances of the members of the Central Legislature since the inauguration of the new reformed Legislature in 1921?

Mr. L. Graham: The total amount spent up to 31st March, 1928, is Rs. 38,52,240.

LONDON-KARACHI AIR SERVICE.

349. ***Mr. C. S. Ranga Iyer:** Will the Government be pleased to state:

(a) if it is a fact that the London-Karachi air service will open at an early date, and if so, has the exact date been fixed?

(b) the full particulars regarding the opening of the Imperial Airway service to enable those who wish to take advantage of it, to make their arrangements?

(c) if it is a fact that the said service is to be a weekly one?

(d) how many passengers will the air service be able to take each time?

(e) what will be the cost of the service per passenger?

(f) whether the expense of the service will be borne on the Indian or, British Exchequer, or on both, and if so, in what proportions?

The Honourable Sir Bhupendra Nath Mitra: (a) The Government of India have no precise information, but they understand that the London-Karachi air service will commence on or about the 1st April, 1929.

(b), (d) and (e). Government have no information.

(c) Yes.

(f) Beyond providing certain facilities for Imperial Airways Limited at Karachi, no expenditure connected with the Air Service referred to will be charged to the Indian Exchequer. It is understood that the Company will be subsidised by the British Government.

STATEMENT LAID ON THE TABLE.

PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): 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 30th June, 1928.

HIGH COMMISSION

INDIA STORE

ABSTRACT OF CASES in which tenders for Stores demanded by the Central of the goods demanded, were accepted on the grounds greater facility of inspection,

HALF-YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders for ten

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Glazed board	G.3648/5929/10-1-28	Butterfield & Renton	52 0 0 (British).
Bridgework	G.3949/8.3080/1-2-28	Tees Side Bridge & Engineering Wks., Ltd.	11,110 0 0 (British).
Laminated Springs	G.4026/7152/7-2-28	Steel Peech & Tozer, Ltd.	9,467 10 0 (British) delivery 2-14 weeks.
Lead, chemical	G.4190/6795/16-2-28	Walkers, Parker & Co., Ltd.	114 7 6 (British).
Wheels and axles	G.4302/5979/23-2-28	R. Y. Pickering & Co., Ltd.	1,475 0 0 (British).
Locomotive boilers, cylinders, etc.	G.4459/2299/7-3-28	Kon. Ung. Staatliche Eisen, Stahl- und Maschinenfabriken.	33,475 0 0 (Hungarian).
	G.4460/2299/7-3-28	North British Locomotive Co., Ltd.	190,406 0 0 (British).
		Total	223,881 0 0

FOR INDIA.

DEPARTMENT.

Government, other than the lowest complying with the technical description of superior quality, superior trustworthiness of the firm tendering, quicker delivery, etc.

30th JUNE, 1928.

foreign made goods, have been set aside wholly or partially in favour of British ders.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 48 2 3 (German).	The accepted tender was the best offer received having regard to the cost of inspection.
Including duty : 10,875 0 0 (French).	The accepted tender was the most advantageous taking into account the extra cost of inspection that would have been incurred if the order had been placed with the lowest tenderer.
9,397 10 0 (German) about 7 to 22 weeks.	The springs were indented for by telegram and delivery was required in India by 31st March, 1928. The lowest tenderer had proved unreliable in the matter of delivery on previous contracts and acceptance of his tender would have entailed higher cost of inspection. The order was consequently placed with the next lowest tenderer.
109 17 9 (German).	The accepted tender was the more advantageous having regard to the cost of inspection.
1,417 10 0 (German).	The accepted tender was considered to be the more advantageous taking into account the extra cost of inspection that would have been entailed if the order had been placed with the lowest tenderer, and the superior reliability of the firm with whom the order was placed.
	The lowest tender was from the Royal Hungarian State Works. This firm was not known to the Consulting Engineers as locomotive builders, and therefore any contract placed with them would necessarily be a trial order.
210,825 0 0 (Hungarian).	The delivery offered by the next lowest tenderer was so long that the contract would have taken over 2 years to complete. The third tender was from the North British Locomotive Company, who are experienced in this class of work and could be relied upon to execute the contract satisfactorily.
	The full quantity of boilers and cylinders would have formed too large and complicated a contract to be entrusted to an untried firm as a trial order, and it was therefore decided to divide the contract as shown. The Department will thus be enabled to form an opinion of the capabilities of the Royal Hungarian State Works with regard to future requirements.

PART A.—

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.*
			£ s. d.
Locomotive engines and tenders.	G.4474/2303/8-3-28	Beyer, Peacock & Co., Ltd.	72,747 0 0 (British).
Fishplates .	H.20/S.6570/3-4-28	Bolckow Vaughan & Co., Ltd.	409 12 6 (British).
Zinc sheet .	H.401/8638/1-5-28	London Zinc Mills	21 0 6 (British).
Butter paper	H.466/7830/5-5-28	Rappings, Ltd.	579 5 5 (British).
13 Locomotive engines and tenders Y. B. type.	H.764/7148/1-6-28	Nasmyth Wilson & Co., Ltd.	65,845 0 0 (British).
18 Locomotive engines and tenders Y. D. type.	H.804/7149/1-6-28	Swiss Locomotive & Machine Works.	87,840 0 0 (Swiss).
12 Locomotive engines and tenders X. B. type.	H.765/7149/1-6-28	Vulcan Foundry, Ltd.	85,388 0 0 (British).
		Total . . .	173,228 0 0
104 sets of Locomotive boilers, cylinders, etc.	H.766/6932/1-6-28	Royal Hungarian State Iron, Steel & Machine Works. (87 sets.)	182,357 4 0 (Hungarian).
	H.767/6932/1-6-28	Saechsische Maschinenfabrik A. G. (17 sets.)	37,392 9 0 (German).
		Total . . .	219,749 13 0
Steel boiler tubes	H.1175/1740/30-6-28	Tubes, Ltd.	420 15 0 (British).

contd.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 64,145 0 0 (German).	The lowest suitable tender was from a Continental firm, but the Consulting Engineers recommended that in view of the fact that these engines were of new types it was necessary that they should be designed and built under their close and constant supervision. The case was submitted to the Government of India, who issued instructions that the lowest British tender should be accepted.
392 2 6 (Belgian).	If the lower tender had been accepted the cost of inspection would have exceeded the difference in price between the two quotations.
18 17 1 (Belgian).	The accepted tender was the most advantageous taking into account the extra cost of inspection that would have been entailed if the order had been placed with the lowest tenderer.
566 8 3 (German).	Ditto.
57,200 0 0 (Czechoslovak).	
165,120 0 0 (Swiss).	The tenders for these locomotives and for the spare boilers, etc., were invited in conjunction with those for 40 locomotives for Companies Lines.
218,032 8 0 (Hungarian).	Contracts were placed in each case with the lowest tenderer known to be capable of executing the work up to the standard required. Firms who had not previously carried out work of this character for Indian railways received trial orders of adequate value. Orders having thus been allocated to the lowest tenderers up to the limit of safety, the remainder of the work was placed with the next lowest suitable tenderers.
378 2 6 (German).	The indent indicated special urgency and stated that the first instalment was required to reach India by 1st September, 1928. The delivery offered by the two lowest tenderers was not early enough to ensure this, and, moreover, delay in shipment was to be expected by reason of a dock strike at Antwerp and probable subsequent congestion at that port.
390 12 6 (Belgian).	

PART B.—Cases in which the discrimina-

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Colours, regimental.	G.3901/4793/30-1-28 .	Hobson & Sons (London), Ltd.	135 0 0 (British).
Cable, electric D. 2	G.4218/6621/17-2-28 .	British Insulated Cables, Ltd.	1,287 10 0 (for 250 miles) (British).
Bridge erecting crane.	G.4413/6131/3-3-28	Jos. Booth & Bros., Ltd.	3,250 0 0 (British).
Brussels carpet .	H.11/7720/2-4-28	Carpet Manufacturing Co.	40 0 0 (British).
Wheels and axles.	H.293/8586/23-4-28 .	Kitson & Co., Ltd.	233 15 0 (British).
Duck, cotton .	H.339/8066/26-4-28 .	Sir Elkanah Armitage & Sons, Ltd.	3,364 13 9
	H.340/8066/26-4-28 .	M. C. Thomson & Co., Ltd.	3,375 0 0
		Total	6,739 13 9 (British).

tion is between British firms only.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 123 15 0 128 0 0 (British).	The colours were required to reach India by the end of March, 1928. The lowest tenderer offered delivery in this country by 29th March, 1928, but in view of the difficulty which the firm was experiencing in making deliveries under a current contract it was considered very improbable that the promised delivery would be kept. The time quoted for delivery by the second lowest tenderer was long and moreover the firm had not previously executed a contract for this Department for colours. The order was accordingly placed with the third lowest tenderer for delivery in four weeks on the grounds of superior reliability and quicker delivery.
1,250 0 0 (for 250 miles) (British).	In view of the difficulty experienced by a British Government Department in obtaining satisfactory supplies of D class cable from the firm which on this occasion submitted the lowest tender, it was not considered advisable to entrust this firm with the whole order in view of the probability of delay, and possibility of failure to supply the proper material. An order for 110 miles only was therefore placed with them, the remaining 250 miles being given to the next lowest tenderer whose supplies were known to be satisfactory.
2,995 0 0 (British).	The lowest tenderer could not deliver in under 9 months. As the crane was urgently required in India for bridge erecting the order was placed with the next lowest tenderer who offered delivery in 20 weeks.
38 0 6 (British).	Accepted on the grounds of the superior quality of the goods offered, which represented more than the small difference in cost.
225 5 0 (British).	Accepted on the ground of quicker delivery asked for by the indentor.
6,729 7 6 (British).	The cotton duck was required in India between 1st April, 1928, and 31st October, 1928. At the rate of delivery offered by the lowest tenderer over 12 months would have been required to complete the order. The contract was therefore divided between the two lowest tenderers.

PART B:—

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Wheels and axles.	H.552/325/12-5-28	Taylor Bros. & Co., Ltd.	527 10 0 (British).
Stoneware bases and plates.	H.587/112/16-5-28	Doulton & Co.	48 13 8 (British).
Coupling rods	H.630/704/21-5-28	Kitson & Co., Ltd.	94 15 0 (British).
Propellers	H.873/651/8-6-28	Bow, McLachlan & Co., Ltd.	95 0 0 (British).
Flannel, silver grey—			
50,000 yds.	H.1008/1164/19-6-28	T. & C. Littlewood & Co., Ltd.	4,922 18 4
120,000 „	H.942/1164/14-6-28	J. Bradbury & Co., Ltd.	13,625 0 0
100,000 „	H.941/1164/14-6-28	Kelsall & Kemp, Ltd.	10,312 10 0
270,000 „ Total.		Total	28,860 8 4 (British).
Steel wire	H.1136/1448/28-6-28	Richard Johnson & Nephew, Ltd.	135 12 0 (British).

contd.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d. 515 0 0 (British).	Accepted on the ground of quicker delivery asked for by indenter.
42 3 2 (British).	As supply by Messrs. Doulton was specially asked for by the indenter, in view of his previous experience, that firm's tender was accepted, but the lower quotation was brought to the notice of the indenting authority in India for future guidance.
88 0 0 (British).	Accepted on the ground of earlier delivery as immediate supply was required by indenter.
90 0 0 (British).	Accepted on the ground of earlier delivery as immediate supply was asked for by indenter.
	The lowest tenderer had not previously executed any contracts for the Department. In view of the importance and urgency of the demand it was considered advisable to place only a small trial order with them and to order the balance from the next lowest tenderers.
28,531 5 0 (British).	
131 16 8 (British).	Accepted on the grounds of superior quality of the wire offered, which represented more than the difference in price between the two quotations.

PART C.—Cases in which the discrimina-

Stores ordered.	Contract Number.	Name of Contractor	Amount of Contract.
			£ s. d.
Insulators, porcelain.	H.377/8504/28-4-28	W. F. Dennis & Co.	1,800 0 0 (German).
	H.379/8504/28-4-28	Equipment and Engineering Co.	1,950 0 0 (German).
	H.378/8504/28-4-28	Porzellan-Industrie A. G.	1,975 0 0 (German).
		Total . . .	5,725 0 0
Wheels and axles.	H.939/917/14-6-28	Carters (Merchants), Ltd. Delivery—12/14 weeks (approx.).	3,000 0 0 (Czecho-Slovakian).
	H.940/917/14-6-28	Vereinigte Stahlwerke A. G. Bochumer Verein. Delivery—7/8 weeks.	1,519 0 0 (German).
		Total . . .	4,519 0 0

tion is between Foreign firms only.

Lowest Tender not accepted.	Reason for acceptance.
£ s. d.	
	The insulators were demanded by telegram and were stated to be required early this year. The lowest tenderer could not undertake to complete delivery before the end of September. In view of the urgency of the demand the order was divided equally between the three lowest tenderers.
5,400 0 0 (German).	
	The indentor cabled for supply to commence to arrive in India in September, 1928. As the delivery offered by the lowest tenderer would not meet this requirement, a portion of the order was given to the second lowest tenderer.
4,470 0 0 (Czecho-Slovakian).	

ELECTION OF THE PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President: I have to inform the Assembly that the number of candidates nominated for election to the panel for the Standing Committee to advise on subjects in the Department of Industries and Labour is equal to the number required, and therefore I announce that the following members are declared to be duly elected:

Mr. Muhammad Rafique.
Maulvi Abdul Matin Chaudhury.
Sir Darcy Lindsay.
Mr. Mukhtar Singh.
Mr. N. M. Joshi.
Rai Sahib Harbilas Sarda.
Dr. B. S. Moonje.
Mr. Abdul Qadir Siddiqi.
Raja Ghazanfar Ali Khan.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 205 AND 540A.)

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of sections 205 and 540A). I have given the reasons in the Statement of Objects and Reasons why I move for an amendment of the law.

At present, under the provisions of section 205, it is only in cases in which summonses are issued in the first instance that exemptions from presence can be granted. According to the provisions of section 204, summons can be issued in cases in which, according to the fourth column of the 2nd Schedule of the Criminal Procedure Code, warrants should be issued in the first instance, and similarly, under section 90 of the Code, warrants can be issued in cases in which, according to the fourth column of the 2nd Schedule of the Code, summons ought to issue in the first instance. According to the provisions of section 91, if the accused is present in court, even in cases in which summons ought to issue in the first instance, the court is not bound to issue any summons but may take a bond from the accused, so that it is not necessary, even in summons cases, for the Court to issue a summons in the first instance. And the scope of discretion for the ordinary Courts is very limited in the matter of exemptions from presence.

The law relating to the exemption from presence of accused persons is not founded on the original sin of a summons or warrant having been issued in the first instance; it is founded on the compelling nature of the circumstances which necessitate such absence. I therefore think that this principle of exemption should be applicable to a greater number of cases and there is no reason why this arbitrary distinction should be made between cases in which summonses are issued in the first instance as against those in which warrants or notices are issued in the first instance. This one ground alone, I submit, should be regarded as enough for a change in the law.

As regards the other change, that is, change in section 540A, the present section makes it discretionary on Courts to dispense with the presence of accused only in one case. That is, when the accused is before the Court and becomes incapable of remaining before Court. That means that, even if the accused is suffering from a fatal disease he must be brought into Court and the Court must find that he is incapable of remaining before the Court. In that case alone and in no other case can the Court dispense with the personal attendance of the accused. Every criminal practitioner knows how this provision causes hardship to the accused himself and his co-accused, and I cannot understand why, when this provision, namely 540A, was enacted, this aspect of the case was not considered and, instead of providing for a state of things in which presence of the accused was physically impossible, only the contingency of an accused person being present in Court and then becoming incapable of remaining before the Court was provided against. There are one or two other changes of a minor character also which I shall not dwell upon on this occasion. This is all I have to submit at this stage.

Mr. President: The question is:

"That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of sections 205 and 540 A)."

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 552.)

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Section 552). In the Statement of Objects and Reasons I have briefly submitted the reasons for an amendment of the law on this point. The main reason, I would submit at this stage, is that the case of orphans is not provided for, and it happens in practice that, when an orphan is brought before the court, in virtue of the exercise of the power given under section 552, the court is quite helpless, and on account of the absence of any provision in the Criminal Procedure Code, the court cannot make any proper order for the safe custody of the orphans. Moreover, in a number of cases, it is very difficult to prove the unlawful purpose which is provided under section 552. As a matter of fact the very words 'unlawful detention' connote a state of things in which a person ought to be set at liberty, and the further restriction that there should be an unlawful purpose, generally gives rise to communal conflicts and religious animosities and I have proposed that these words "for an unlawful purpose" may be omitted. This is all I have to say at this stage.

Mr. President: The question is:

"That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 552)."

The motion was adopted.

Pandit Thakur Das Bhargava: I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Monday, the 4th February, 1929.

LEGISLATIVE ASSEMBLY.

Monday, 4th February, 1929.

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

QUESTIONS AND ANSWERS.

NON-MILITARY RIFLE SHOOTING CLUBS IN INDIA.

350. *Dr. B. S. Moonje: Will Government be pleased to supply information on the following points:

- (a) How many non-military rifle shooting clubs or associations for target practice on miniature and other ranges are there in India?
- (b) How many on miniature ranges and how many on other ranges?
- (c) How many of them are Government or Government-aided clubs?
- (d) If there be Government clubs for non-military purposes, for whom are they meant and what amount of money is spent yearly on each club?
- (e) If there be Government-aided clubs, what financial aid do Government give to each club yearly?
- (f) Are any of these clubs or associations registered, and if so, how many?
- (g) On what conditions, if any, and on what form is the licence given under the Indian Arms Act to these clubs?
- (h) Names of the clubs or associations and their addresses?

The Honourable Mr. J. Crerar: The Government of India are not primarily concerned with the grant of licences to shooting clubs which, under rule 32 of the Indian Arms Rules, is in the hands of the local authorities acting under the orders of the Local Governments. Details of licences granted under this rule are not furnished to the Government of India.

Dr. B. S. Moonje: Are there any specific conditions, subject to which licences are given?

The Honourable Mr. J. Crerar: The conditions under which licences are granted are within the discretion of the Local Governments concerned.

Mr. Jamnadas M. Mehta: Do they delegate this discretion to the Police Commissioner only.

The Honourable Mr. J. Crerar: As to specific delegations, I must ask for notice of that question.

Dr. B. S. Moonje: Is there any specific rule, subject to which such licences are given? Supposing a club is formed, is there any specific condition under which a licence is issued to that club?

The Honourable Mr. J. Crerar: I cannot, on the spur of the moment, inform the Honourable Member as to all the conditions which have been laid down by particular Local Governments under which licences are granted.

Dr. B. S. Moonje: But I have already given notice of this question.

The Honourable Mr. J. Crerar: I shall be glad to make enquiries and communicate the result to the Honourable Member.

EXTENSION OF THE DINDIGUL-POLLACHI RAILWAY LINE.

351. ***Mr. O. S. Ranga Iyer:** Will Government be pleased to state:

- (a) if it is contemplated to extend the Dindigul-Pollachi line to Trichur?
- (b) if the present metre-gauge line between Ernakulam and Shoranur is to be converted into broad-gauge?
- (c) if the answer to (b) above be in the affirmative, is a separate metre-gauge line to be constructed connecting Ernakulam with the Trichur-Dindigul line?
- (d) if negotiations have been going on between the Cochin State and Railway Board in regard to railway development and if so with what result?
- (e) what are the extensions proposed in Cochin and its neighbourhood?
- (f) what will be the cost of the said extension?
- (g) if the Cochin Darbar will bear part of the cost and if so, how much?

Mr. A. A. L. Parsons: (a) No.

(b) Yes.

(c) No.

(d) The only negotiations have been in regard to the conversion of the Shoranur-Ernakulam line to broad-gauge.

(e) Proposals are under consideration by the Travancore Darbar for railway from Cochin to Quilon, and another running eastward to the foot hills.

(f) and (g). Government have no information.

RAILWAY PROJECTS IN COCHIN STATE.

352. ***Mr. O. S. Ranga Iyer:** Will Government be pleased to consider the advisability of expediting the railway projects in Cochin State in view of the development of the Cochin harbour?

Mr. A. A. L. Parsons: The Government of India have no reason to believe that the Cochin Darbar are not cognisant of the various matters which will arise for their consideration owing to the development of the Cochin Harbour.

AMENDMENT OF SECTION 61 OF THE INDIAN INCOME-TAX ACT, 1922.

353. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if it has come to their notice that any person authorized by an assessee could represent him before any income-tax authority under section 61 of the Indian Income-tax Act, 1922, XI of 1922?

(b) Are Government aware that by the undefined meaning of the words "any person" the representation is in practice often unlicensed, faulty and objectionable?

(c) Is it a fact that complaints to that effect have been made to and enquiries are being made by the Central Board of Revenue?

(d) Do Government propose to move for the amendment of the section at an early date?

The Honourable Sir George Schuster: (a) Yes.

(b) and (c). Representations to this effect have been made and the Central Board of Revenue has made enquiries on the subject.

(d) The Government have not yet considered the matter, but will do so on receiving the Board's recommendations.

ISSUE OF NOTICES BY INCOME-TAX OFFICERS IN SIND REQUIRING ATTENDANCE OF ASSESSEES.

354. ***Mr. Lalchand Navalrai:** (a) Are Government aware that the income-tax officers have a discretion under clause 2 of section 23 of the Income-tax Act to call upon assessee to attend in person or produce evidence in support of their returns only when they believe the returns to be incorrect or incomplete?

(b) Is it a fact that the Income-tax officers, especially in Sind Districts, issue notices under section 23, clause 2, invariably in all cases where the assessee submit their returns?

(c) Is it a fact that the Income-tax officers in Sind also add a direction in the notices under section 23, clause 2, requiring production of the accounts and documents?

(d) If the answer to parts (b) and (c) be in the affirmative, do Government propose to issue orders that notices under section 23, clause 2, be issued only in such cases where there are really grounds for believing the returns to be incomplete or incorrect?

(e) If the answers be in the negative, will Government be pleased to state how many returns were submitted to the Income-tax officers in Sind in each charge of an Income-tax Officer in the year 1927-28 and in how many cases were notices issued under section 23, clause 2?

The Honourable Sir George Schuster: (a) The Income-tax Act confers no discretion in the matter on an Income-tax officer. If he is satisfied that a return is correct and complete, section 23 (1) directs that he shall assess the total income of the assessee and shall determine the sum payable by him on the basis of the return. But if he has reason to believe that a return is incorrect or incomplete, he is required, by the terms of

section 23 (2), to call on the assessee to furnish the evidence on which he relies in support of his return.

(b) The answer to the question as stated by the Honourable Member is in the negative. There are classes of cases, for instance those of salaried employees or persons following certain professions, in which returns of income are frequently accepted, but in most cases where the profits and gains of businesses are under assessment, a matter usually of some difficulty, proof of the return filed by the assessee is required.

(c) Income-tax officers are empowered by section 22 (4) of the Income-tax Act to call for such accounts or documents as they may require, and, as a matter of convenience to all concerned, such notices are usually combined with notices under section 23 (2).

(d) The Government is not in the possession of any information to show that Income-tax officers are not exercising the powers conferred on them by law with discretion and does not propose to issue any instructions in the matter.

(e) The information asked for by the Honourable Member is not available in the precise form stated by him, and the Government does not consider that, if it were obtained, the result would be commensurate with the labour involved. A statement, however, is laid on the table, relating to the year 1927-28, which may be of use to him.

Statement showing the total number of returns of income filed by assesses in Sind during 1927-28.

Districts.	No. of returns of income filed by persons with income from salary only.	No. of returns of income filed by persons not liable to tax.	No. of returns of income filed by persons other than those shown in columns 2 and 3.	Total No. of returns filed.	No. of returns in column 4 accepted as correct.
1	2	3	4	5	6
Karachi City	1,014	1,655	1,214	3,883	279
Karachi District	13	84	391	488	39
Hyderabad	225	622	709	1,556	92
Sukkur	209	399	250	858	44
Nawabshah	83	233	273	589	36
Shikarpur and N. S. F. ..	52	493	679	1,224	165
Larkhanna	71	743	374	1,188	88
Thar and Parkar	56	168	306	530	47

DEMANDS BY THE INCOME-TAX OFFICERS IN SIND OF ACCOUNTS OF PURCHASES AND SALES.

355. ***Mr. Lalchand Navalrai:** (a) Are Government aware that section 22, clause 4, of the Income-tax Act only allows the Income-tax officers to require production of accounts and documents but not to direct that certain accounts be then prepared and produced?

(b) Is it a fact that the income-tax officers in Sind direct, under section 22, clause 4, firms who are liable to pay income-tax to prepare and produce an account of purchases and sales when the mercantile system of such firms is to maintain no such separate accounts?

(c) Is it also a fact that income-tax officers in Sind, under section 22, clause 4, require firms liable to pay income-tax to prepare and produce a profit and loss account which they do not ordinarily possess?

(d) If the answers to parts (b) and (c) be in the affirmative, do Government propose to stop such a practice?

The Honourable Sir George Schuster: (a) Yes.

(b) and (c). The Government have no information, but enquiries are being made.

(d) Does not arise.

EXEMPTION OF INCOME-TAX OFFICERS IN SIND FROM PASSING THE DEPARTMENTAL EXAMINATION.

356. ***Mr. Lalchand Navalrai:** (a) Is it the policy of the Government of India to make direct recruitment of persons to income-tax officers' posts, and to retain them in service, even though they fail to pass the departmental examination within the five years' period, by simply exempting them from passing the examination?

(b) If not, are they aware that there have been such instances in Sind, and will they enquire from the Income-tax Commissioner and state the facts, together with the reasons for such action?

The Honourable Sir George Schuster: (a) It is not the general policy of the Government to follow the practice described, though in exceptional cases a departure from the general policy may be made.

(b) One single instance has occurred of the exemption of a Muhammadan officer in Sind of nearly five years' service. As the Income-tax Department was in an early stage of its existence and fully qualified officers were not available in sufficient numbers, this officer was posted to an independent charge at the end of a year's service and had, therefore, only a limited amount of leisure in which to study for his examination. He failed to pass it, but as his work was otherwise satisfactory, the Central Board of Revenue sanctioned a proposal to exempt him. I may state, for the Honourable Member's information, that exemptions from passing the departmental examination are only sanctioned by the Central Board of Revenue after a careful consideration of the facts of each particular case.

RECONSTITUTION ON A MORE CONVENIENT BASIS OF THE POSTAL DIVISIONS IN SIND.

357. ***Mr. Lalchand Navalrai**: Will Government be pleased to state:

- (a) When were the two postal divisions of Sind formed for the last time?
- (b) Have any representations been made raising objections against such divisions?
- (c) Do Government propose to reconstitute the postal divisions in Sind on a more suitable and convenient basis?

Mr. H. A. Sams: (a) First October, 1925.

(b) Yes.

(c) Government do not consider it necessary to disturb the present arrangement.

CORRESPONDENCE WITH THE GOVERNMENT OF BIHAR AND ORISSA RE GRANT OF LEAVE TO H. E. SIR HUGH STEPHENSON, AND RESIGNATION OF THE MAHARAJA OF DUMRAON.

358. ***Mr. Gaya Prasad Singh**: Will Government kindly state if there has been any correspondence with the Bihar and Orissa Government regarding the grant of leave to His Excellency Sir Hugh Stephenson and his temporary successor, and the resignation of the Maharaja of Dumraon, then Senior Member of the Executive Council of the Bihar and Orissa Government?

The Honourable Mr. J. Orerar: The answer is in the negative, save that the grant of leave to His Excellency Sir Hugh Stephenson and his appointment of his temporary successor, regarding which an announcement is being made to-day, has been communicated to the Government of Bihar and Orissa.

Mr. Gaya Prasad Singh: Are Government aware that, as senior Member and Vice-President of the Executive Council, the Maharaja of Dumraon would have had a claim to the Governorship of the Province if he had not been called upon to resign?

The Honourable Mr. J. Orerar: The matter of these appointments is now within the competence of the Governor-General in Council.

Mr. Ram Narayan Singh: May I know the reasons why the Maharaja of Dumraon resigned his office?

The Honourable Mr. J. Orerar: I have no information on this subject but understand that it was due to reasons of health.

Mr. Siddheswar Sinha: Is it a fact that he was asked to resign?

The Honourable Mr. J. Orerar: So far as I know, there is no truth whatever in that suggestion.

Mr. Ram Narayan Singh: Are Government aware that people have come to believe that the Maharaja was forced to resign only with a view to give to Mr. J. D. Sifton the advantage of seniority?

The Honourable Mr. J. Orerar: No, Sir, Government have no information to that effect.

Mr. Siddheswar Sinha: Has the attention of Government been drawn to several articles in the daily papers to the effect that the Maharaja was practically forced to resign?

The Honourable Mr. J. Orerar: I think I have answered that already.

REPORT OF THE HILTON YOUNG COMMISSION ON EAST AFRICAN TERRITORIES.

359. ***Mr. Gaya Prasad Singh**: (a) Will Government kindly state what steps they have taken, or propose to take to oppose the recommendations in the Report of the Hilton Young Commission being given effect to, in so far as they affect adversely the rights and interests of the Indian settlers in Kenya and other East African territories?

(b) Is it not a fact that some of the recommendations of this Committee are directly at variance with the Wood-Winterton agreement and the White Paper of 1928, which was subsequently re-affirmed by Earl Clarendon, on behalf of Government in 1927 in the House of Lords?

(c) Will Government kindly state what is the meaning of "a franchise based on civilization test", as recommended in the Hilton Young Commission's Report?

Mr. G. S. Bajpai: (a) and (b). The Report of the Hilton Young Commission is under the consideration of Government at present and it is not possible for me to state now what their attitude towards individual recommendations would be, or to comment upon any particular recommendation. I can, however, give the Honourable Member the assurance that Government will do whatever lies in their power to safeguard Indian interests in Eastern Africa.

(c) The Commission have attempted to explain the phrase quoted by the Honourable Member at pages 196-197 of the Report.

Diwan Chaman Lall: Are Government prepared to allot a date for discussion of this Report?

Mr. G. S. Bajpai: That request has already been made and is under consideration.

EFFECT OF THE LIQUOR ACT OF SOUTH AFRICA ON THE EMPLOYMENT OF INDIANS IN THE TRANSVAAL.

360. ***Pandit Hirday Nath Kunzru**: (a) Has the attention of Government been drawn to the letter of the South African correspondent of the *Servant of India*, published in its issue of the 10th January, 1929, and to the correspondence between the Witwatersrand Licensed Victuallers' Association and the Secretary for Justice, South Africa, published in the *Indian Opinion* of the 23rd November, regarding the effect of the Liquor Act and its administration on the Indian community?

(b) Are Government aware that, when the Government of South Africa agreed to drop clause 104 of the Liquor Bill, it was understood that the principle that Indians might be employed on licensed premises had been accepted?

(c) Is it a fact that section 102 of the Liquor Act prohibits the employment of Indians as barmen in the Transvaal? Are Indians already employed as such affected? If so, what is their number?

Mr. G. S. Bajpai: (a) Yes.

(b) The Government of India's representations were made on the strength of information supplied by their Agent and were limited to clause 104 of the Liquor Bill, as introduced in the Union Parliament in January 1928. The scope of these representations was, therefore, strictly speaking, limited to the hardships which, if enacted, the provisions of this clause would have imposed upon the Indian community. The general impression, however, was that the withdrawal of this clause would safeguard all existing Indian rights in respect of employment on licensed premises.

(c) This would appear to be the effect of section 102 (a) (2) of the Act, read with section 95 (a) of the Act. The Agent of the Government of India in South Africa reported that a few Indians earn their living as barmen, but did not specify the number.

EFFECT OF THE LIQUOR ACT OF SOUTH AFRICA ON INDIAN WAITERS IN THE TRANSVAAL.

361. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that the combined effect of section 95 and section 102 of the Liquor Act is to prohibit Indian waiters in the Transvaal from carrying liquor from the bar to the dining room?

(b) Is it feared that this will result in throwing Indian waiters out of employment, at least in the smaller hotels? Are about 80 Indian waiters affected?

Mr. G. S. Bajpai: (a) Honourable Member's view is correct.

(b) According to reports received from the Agent, the answer to the first part is in the affirmative. The number 80 appears to include both barmen and waiters.

Pandit Hirday Nath Kunzru: May I ask whether these men have already been thrown out of employment?

Mr. G. S. Bajpai: The Government have no information on that point.

Pandit Hirday Nath Kunzru: Are Government aware that in the communication referred to in question No. 360 above, it was stated that these men would be out of employment from the 1st January of this year?

Mr. G. S. Bajpai: The report of the Agent mentioned the fact that notice of the termination of employment had been given, but at the same time he stated that both he and the Indo-European group in Johannesburg were in communication with the Minister in order to ensure if possible an extension of the term of service of these men until such time as the general question could be settled.

EXEMPTION OF INDIAN WAITERS FROM THE OPERATION OF THE LIQUOR ACT OF SOUTH AFRICA.

362. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that section 102 of the Liquor Act authorises magistrates to exempt Asiatics for twelve months from "any discrimination imposed therein or under the authority of this Act"?

(b) Do the regulations framed under the Act contemplate exemption only in respect of authority to purchase liquor?

(c) Are Government aware that, even before clause 104 of the Liquor Bill was dropped, Mr. Ross contemplated that existing rights should be safeguarded and that, in moving the second reading of the Bill, he said, "It may well be that the position we ought to take up in regard to that (question) would be to take your Indian waiters who are now functioning and who have been functioning for a certain time, and not take away their work from them, but not allow for the future waiters to be engaged, while not depriving the present waiters of the work that is in their hands"?

Mr. G. S. Bajpai: (a) Yes.

(b) Yes.

(c) The Honourable Member has correctly quoted the Minister's statement.

RIGHTS OF INDIANS UNDER THE LIQUOR ACT OF SOUTH AFRICA.

363. ***Pandit Hirday Nath Kunzru:** (a) Are Government aware that the Witwatersrand Licensed Victuallers' Association represented to the South African Government that the regulations should be altered so as to give Asiatics the relief contemplated by section 102, and that the Act might be amended in the near future so as not to discriminate against Asiatics? Did the South African Government decline to amend either the regulations or the Act?

(b) What steps have Government taken to secure the just rights of Indians?

Mr. G. S. Bajpai: (a) Yes.

(b) The Agent of the Government of India in the Union is already seized of the matter and the Honourable Member may rest assured that he and Government will do whatever is possible to safeguard the position of the Indians affected.

REMOVAL OF ALL RACIAL DISCRIMINATION IN EMPLOYMENT OF SUBORDINATE STAFF ON RAILWAYS.

364. ***Pandit Hirday Nath Kunzru:** Have any replies been received to the letter addressed by the Railway Board to the Agents of various railways, asking them to remove all traces of racial discrimination either in the employment or in the subsequent treatment of the subordinate staff? If so, will Government be pleased to lay them on the table?

Mr. A. A. L. Parsons: Some of the replies have come in and are being examined. A full statement of the position will be laid on the table as soon as all the replies have been received, and the action, if any, which it is found necessary to take on them, has been determined.

Pandit Hirday Nath Kunzru: May I know whether these communications, together with the Government's decision, will be supplied to us before the railway budget is considered in this House?

Mr. A. A. L. Parsons: I cannot give any promise; I must wait and see how many answers are forthcoming, and also see how long it will take for Government to come to a decision on them.

Pandit Hirday Nath Kunzru: Even though complete replies from all railways are not received before the presentation of the railway budget, will Government kindly place on the table at least as many of the replies as are received by the time the railway budget is ready for presentation?

Mr. A. A. L. Parsons: I will consider the matter.

RECRUITMENT ON THE EASTERN BENGAL RAILWAY OF ANGLO-INDIANS ON MORE FAVOURABLE TERMS THAN INDIANS.

365. ***Pandit Hirday Nath Kunzru:** (a) Are Government aware that one of the Resolutions passed at the annual Conference of the All-India Railwaymen's Federation, held at Jharia in December last, protested against "the instructions just issued by the Agent of the Eastern Bengal Railway for the recruitment of Anglo-Indians to the subordinate railway service on more favourable terms and lower qualifications than those applicable to or insisted upon in the case of Indians"?

(b) Have Government made any enquiries on the subject? If the allegations made in the Resolution referred to above are correct, what action do they propose to take in the matter?

Mr. A. A. L. Parsons: The Honourable Member is referred to the reply given to starred question No. 251 by Mr. V. V. Jogiah on the 30th January, 1929. In that reply, I explained that the Railway Board had not received a copy of the Resolution mentioned by the Honourable Member. But I laid on the table a copy of the memorandum by the Agent of the Eastern Bengal Railway, to which the Resolution presumably referred, and pointed out that the memorandum did not bear the interpretations suggested.

STATUS OF INDIANS UNDER THE REFORMED CONSTITUTION IN CEYLON.

366. ***Mr. A. Rangaswami Iyengar:** (a) Has the attention of the Government of India been drawn to the discussions and resolutions of the Ceylon Legislative Council in regard to the franchise, status and rights of Indians resident and domiciled in Ceylon, proposed to be dealt with under the Reformed Constitution in Ceylon arising out of the Donoughmore Commission Report?

(b) Will Government be pleased to state whether the Government Agent in Ceylon has taken any part in the deliberations of the Government, the legislative or representative bodies of Indians in Ceylon in connection with the said reforms, in so far as they affect the status and rights of Indians, and, if so, whether they have received any report from him on the matter and whether they would lay the same on the table of the House?

(c) Will Government be pleased to state whether they have addressed the Government of Ceylon or the Secretary of State for the Colonies or for India on any of the matters arising out of the position and disabilities sought to be imposed on Ceylon Indians by means of the proposals under discussion in the Ceylon Legislative Council, and what action

they propose to take with a view to the protection of the status and rights of Indians in Ceylon in these respects?

Mr. G. S. Bajpai: (a) Yes.

(b) So far as the Government of India are aware, their Agent in Ceylon has taken no part in the deliberations of the Government of Ceylon, the Ceylon Legislative Council or the representative bodies of Indians in Ceylon on the recommendations of the Ceylon Reforms Commission. He has, however, been watching the developments which have any bearing on Indian interests in the Colony. Government regret that it is not possible to lay on the table of the House correspondence which may have passed between him and them on this subject.

(c) The Government of India are in touch with His Majesty's Secretary of State for India and the Honourable Member may rest assured that should the necessity arise, they will do whatever lies in their power to safeguard Indian interests in the Colony.

CONSTITUTION OF PROVINCIAL PUBLIC SERVICES COMMISSIONS.

367. ***Mr. A. Rangaswami Iyengar:** (a) Will Government be pleased to make a statement as to the present position in regard to existing and contemplated legislation by the Indian and Provincial Legislatures regulating the Public Services in India in pursuance of the delegation made to them by the recent notification under section 96-D of the Government of India Act?

(b) Is there any proposal under the consideration of the Government of India to undertake legislation with reference to the constitution of the Public Services Commission for India and its functions?

(c) What Provincial Governments have applied for and obtained sanction for the introduction of legislation for the constitution and functions of a Provincial Public Services Commission and for other matters connected with the Provincial and Subordinate Public Services?

(d) What are the powers and functions of the Secretary of State and the Central and Provincial Governments in regard to the recruitment, promotion, discipline, control, pension and other subjects that would be delegated to them by the proposed legislation?

(e) Will Government be pleased to state whether any proposed legislation for the constitution of a Provincial Public Services Commission has been sanctioned which in any way affects the proviso in sub-rule (2) of Rule 3 of the Civil Services (Governors' Provinces) Delegation Rules of 1926 as to the making of first appointments otherwise than as a result of competitive examination or on the advice of a permanent Board of Selection, or the fixing of standards regulating admission to that service?

The Honourable Mr. J. Ozerar: (a) The Secretary of State in Council has recently, by rule framed under Section 96B (2) of the Government of India Act, authorized the local Legislature of any Governor's province to make laws for the establishment, and for determining the functions, of a Commission to regulate the public services of the province, subject to certain conditions, which are stated in the Home Department notification No. F.-26/5/28-Ests., dated the 15th October, 1928. No such legislation has hitherto been passed but the Government of Madras have under consideration the introduction of a Bill in the local Legislative Council to establish a Commission for the purposes stated.

(b) The reply is in the negative.

(c) The Government of Madras only.

(d) The powers of the Local Governments in respect of the recruitment, etc., of the services under their control are defined in the Civil Services (Governors' Provinces) Delegation Rules of 1926, to which the Honourable Member refers later. The authority to legislate, which the Honourable Member refers to, does not have the effect of delegating additional powers, but enables a Local Government to set up an independent body to advise them in the exercise of the powers already delegated.

(e) Under the terms of the rule published in the recent notification any legislation which is repugnant to the Delegation Rules of 1926, or other rules made by the Secretary of State under the specified sections of the Government of India Act, is void.

ASSESSMENT IN BRITISH INDIA OF INCOME FROM PROFITS EARNED AND ASSESSED IN NATIVE STATES.

368. ***Mr. A. Rangaswami Iyengar:** (a) Are Government aware that applications by income-tax assessee claiming relief under the double income-tax relief notification No. 25 in respect of their assessments in British India of their foreign profits earned and assessed in Indian States such as Mysore and Travancore, are refused on the ground that the assessment in British India and in the Indian States should have been in respect of an identical block of income for an identical year?

(b) Are Government aware that, on the construction of the notification adopted by the Income-tax Department, the condition as to the identity of the assessment year has been found to be impossible of compliance and consequently the notification has become a dead letter; and that the claim for relief has been refused by the Income-tax Department in the vast majority of cases?

(c) Have Government examined this matter with a view to see that the intended relief is really given to such assessee, viz., to afford relief from double taxation in all cases where the same block of income once taxed in an Indian State comes to be assessed again in British India under section 4(2) of the Act?

The Honourable Sir George Schuster: (a) One such case relating to profits and gains brought into British India from Travancore has come to the notice of the Government.

(b) In the notification cited in the first part of the question, the Central Board of Revenue has been empowered to determine which year of assessment in any State shall be deemed to correspond with any British Indian year of assessment. So far as the Government are aware, the arrangement provides satisfactorily for most cases of double assessment, but a difficulty has arisen when the profits and gains brought into British India from a State arose or accrued in a period earlier than the year in respect of which the profits and gains are being dealt with at the time of a particular assessment.

(c) The matter is under consideration

LETTER BY MR. R. K. SIDHWA IN THE DAILY GAZETTE OF KARACHI, REGARDING THE CHIEF OFFICER, KARACHI MUNICIPALITY.

369. ***Haji Abdoola Haroon:** Will Government be pleased to state:

(a) whether their attention has been drawn to a letter signed by Mr. R. K. Sidhwa and appearing in the *Daily Gazette*, Karachi, dated the 4th December, 1928, under the caption of "Karachi's Chief Officer"?

(b) If the answer to part (a) is in the affirmative, do Government propose to appoint a Committee to inquire into the matter?

Mr. G. S. Bajpai: (a) Yes.

(b) No.

MEMORIALS FROM PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

370. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that all the piece-workers of the Government of India Press, Calcutta, sent two memorials to Government through the proper channel on the 7th September, 1928 and on the 16th November, 1928?

(b) If the reply to (a) be in the affirmative, will the Honourable Member in charge be pleased to enlighten the House as to the contents of the said memorials and also the steps, if any, taken by Government with regard to the same?

(c) If no step has been taken by Government with regard to the said memorials, will the Honourable Member in charge be pleased to state the reasons therefor?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the affirmative.

(b) The memorials are under consideration. Government do not propose to disclose their contents.

(c) Does not arise.

LEAVE RULES APPLICABLE TO TEMPORARY PIECE-WORKERS IN GOVERNMENT OF INDIA PRESSES.

371. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the piece employees of the Government of India Presses used to get 16 days' casual leave on full pay in a year and there was no restriction regarding this leave for permanent or temporary hands?

(b) Is it a fact that the leave rules applicable to permanent piece-workers only have been published in the issue of the Gazette of India dated the 8th September, 1928?

(c) If the reply to (b) be in the affirmative, will the Honourable Member in charge enlighten the House as to why the temporary piece-workers have been excluded?

(d) Is it a fact that there are piece-workers of 20 or 25 years' standing in the Government of India Presses who are yet temporary and not permanent?

(e) If the reply to (d) be in the affirmative, will the Honourable Member in charge be pleased to state the reasons why the said leave rules are not applicable to the case of such temporary piece-workers?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The answer is in the affirmative.

(c) The temporary piece-workers are still allowed sixteen days' leave with pay in a year. The Government of India do not see any justification for according to them the same treatment as to the permanent piece-workers in the matter of leave.

(d) Yes

(e) So long as the piece-workers are borne on the temporary establishment, the leave rules sanctioned for permanent piece-workers cannot apply to them. But steps are being taken, where possible, to make permanent those piece-workers who have rendered long periods of temporary service.

PAYMENT DURING LEAVE OF PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESSES.

372. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the piece-workers of the Government of India Press, Calcutta, do not get any payment when on leave, viz., 16 days' casual leave and leave according to the rules published in the issue dated the 8th September, 1928, of the Gazette of India, after the publication of the said rules in the Gazette?

(b) Is it a fact that the leave rules, as published in the issue dated the 8th September, 1928, of the Gazette of India, for the piece-workers, are not clear to the authorities and so they refuse to grant any payment for the period on leave to the piece-workers?

(c) If the replies to (a) and (b) be in the affirmative, will the Honourable Member in charge be pleased to state the reasons therefor?

The Honourable Sir Bhupendra Nath Mitra: Enquiries are being made and the result will be communicated to the Honourable Member in due course.

PAYMENT FOR DIFFERENT KINDS OF WORK DONE BY COMPOSITORS IN GOVERNMENT OF INDIA PRESSES.

373. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that equal wages are not paid for the preparation of items with figure column and alphabetical column by the compositors and the preparation of tabular matter by them?

(b) If the reply to (a) be in the affirmative, will the Honourable Member in charge be pleased to state the reason why equal wages are not paid for both kinds of work?

(c) Will the Honourable Member in charge be pleased to lay on the table proofs of eight columns of items of work with alphabetical columns and figure column, and eight columns of tabular matter without rule, of the same type, to be compared side by side and enlighten the House?

The Honourable Sir Bhupendra Nath Mitra: (a) The question is not clear but one alphabetical column set up with one figure column is not tabular matter and is not paid for at the same rate as tabular matter.

(b) The two classes of work do not require the same amount of skill and labour.

(c) Government do not propose to lay on the table the proofs referred to by the Honourable Member, as they do not consider that any public purpose will be served thereby.

DECREASED EARNINGS OF PIECE-WORKERS IN GOVERNMENT OF INDIA PRESSES.

374. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that the piece-workers in the Government of India Presses earn more if they get more hours to work, while the salaried workers earn the same even if they are required to work for lesser hours?

(b) Is it a fact that the piece-workers used to work from 9 A.M. to 6-30 P.M.?

(c) Is it a fact that the earning of piece-workers per day has decreased as their day has been reduced by half an hour?

(d) If the replies to (a), (b) and (c) be in the affirmative, will the Honourable Member in charge be pleased to state the reasons why the earnings of piece-workers have been reduced by shortening their daily period of work by half an hour?

The Honourable Sir Bhupendra Nath Mitra: (a) Industrial workers, both salaried and piece, receive extra remuneration if they are required to work beyond the normal working hours.

(b) and (c). In the Calcutta Press, to which the Honourable Member is presumably referring, the normal period of attendance on week days, other than Saturday, used to be from 9 A.M. to 6-30 P.M., and this included two rest intervals of half-an-hour each. At the request of the majority of the industrial hands, one rest interval of half-an-hour has now been discontinued by the management and the normal hours of attendance have been fixed from 9 A.M. to 6 P.M. The Honourable Member will observe that there has been no reduction in the actual working hours.

(d) Does not arise.

EMPLOYMENT IN THE GOVERNMENT OF INDIA PRESS, CALCUTTA, OF A FOREMAN ALLEGED TO BE SUFFERING FROM LEPROSY.

375. ***Mr. Satyendra Chandra Mitra:** (a) Is it a fact that, in accordance with the Government Servant Conduct Rules, the Civil Service Regulations, and the Workers' Compensation Act, no Government employee is allowed to work in Government offices or factories if he be suffering from any infectious disease, such as leprosy, small pox, cholera, etc.?

(b) Is it a fact that Ishaque, Machine Foreman in the Government of India Press, Calcutta, is suffering from an infectious type of leprosy?

(c) Is it a fact that the said Ishaque was sent to the Principal of the Calcutta Medical College for medical examination?

(d) If the reply to (a) and (b) be in the affirmative, will the Honourable Member in charge be pleased to state the reasons therefor?

The Honourable Sir Bhupendra Nath Mitra: Inquiries are being made and the result will be communicated to the Honourable Member in due course.

PAY OF COMPOSITORS IN THE EAST INDIAN AND EASTERN BENGAL RAILWAY PRESSES.

376. ***Mr. Satyendra Chandra Mitra:** Will the Honourable Member in charge be pleased to state:

- (a) What is the highest grade of the compositors in the East Indian Railway Press?
- (b) What is the yearly increment in their pay?
- (c) What is the highest grade of the compositors in the Eastern Bengal Railway Press?
- (d) What is the yearly increment in their pay?
- (e) If there be any difference in the highest grades and yearly increments in pay of the compositors in both the Railway Presses, will the Honourable Member in charge be pleased to state the reasons therefor?
- (f) Does the Honourable Member in charge propose to take steps to make equal the grade and pay of the compositors for both the Railway Presses?

Mr. A. A. L. Parsons: I am collecting the information which the Honourable Member wants, and will communicate with him when it is received.

EXPENDITURE ON THE POWER STATION OF THE GREAT INDIAN PENINSULA RAILWAY AT KALYAN.

377. ***Mr. Fazal Ibrahim Rahimtulla:** (a) Has the total expenditure, estimated at Rs. 97,40,420, for the Power Station of the Great Indian Peninsula Railway at Kalyan, as stated by Government in reply to my question number 195 on 21st March, 1927, been exceeded, and if so, to what extent, under what heads of the scheme and why?

(b) Will the estimated cost per unit generated by the Kalyan Power Station of 665 anna per unit, dropping to 594 anna per unit, as stated by Government in reply to my question on 21st March, 1927, be increased, and if so, to what extent?

Mr. A. A. L. Parsons: Necessary information is being obtained and will be furnished to the Honourable Member on receipt.

PAY OF THE SUPERVISING STAFF IN THE BOMBAY AND CALCUTTA MINTS AND THE CURRENCY NOTE PRESS AT NASIK.

378. ***Mr. Fazal Ibrahim Rahimtulla:** Will Government be pleased to state the scale of pay of the supervising staff in the Bombay and Calcutta Mints and the Security and Note Printing Press at Nasik?

The Honourable Sir George Schuster: The information is being collected and will be furnished to the Honourable Member in due course.

PROVIDENT FUND SYSTEM IN FORCE IN THE CURRENCY NOTE PRESS, NASIK, AND IN THE TREASURER'S DEPARTMENT IN CURRENCY OFFICES.

379. ***Mr. Fazal Ibrahim Rahimtulla:** Will Government be pleased to state whether any provident fund system is applied to the staff in the Note Printing Press? Is it exactly similar to that applied to the Treasurer's side in Currency Offices? If not, what are the main differences?

The Honourable Sir George Schuster: I place on the table a statement describing the provident fund system in force (a) in the Currency Note Press, Nasik, and (b) in the Treasurer's Department in Currency Offices.

Statement describing the Provident Fund system in force (a) in the Currency Note Press, Nasik, and (b) in the Treasurer's Department in Currency Offices.

(a) *Currency Note Press.*

- (1) The employee is required to subscribe to a special provident fund at the rate of one-twelfth of his pay each month.
- (2) Government adds yearly to the account a bonus at the rate of 75 per cent. of the subscriptions of the employee during the year.
- (3) Government adds yearly to the account interest, calculated monthly, at the rate sanctioned from time to time for the General Provident Fund (the rate at present is 4½ per cent.).

(b) *Treasurer's Department in Currency Offices.*

- (1) The employee is required to subscribe to the General Provident Fund: that is to say, to subscribe a minimum of 6½ per cent. of his pay per month (he may at his option subscribe up to 15½ per cent.) to an account to which Government adds yearly interest calculated monthly, at a rate from time to time sanctioned (the present rate is 4½ per cent.).
- (2) On the employee's retirement, provided his conduct has been satisfactory, Government presents him with a lump sum equal to one-twelfth of the substantive pay drawn by him throughout his service.

Note.—Retirement means retirement at an age, or after service, that would qualify for pension under the pension rules.

- (3) If the employee dies while in service, Government pays to his heirs, provided his conduct was satisfactory, a lump sum equal to one-twelfth of the substantive pay drawn by the employee during his service.

Note.—The staff recruited before 1919 is pensionable.

PROVISION OF A PROVIDENT FUND FOR THE EMPLOYEES OF THE CURRENCY OFFICE.

380. ***Mr. Fazal Ibrahim Rahimtulla:** As the question of the Reserve Bank is postponed, will Government be pleased to state whether they have now come to a final decision as regards the provident fund system applied to the Currency Office staff?

The Honourable Sir George Schuster: The Government has not yet come to a final conclusion. But a point has been reached in the discussions at which I think it may be possible to come to a final conclusion before long, and I will see that the further consideration of the matter is expedited.

PENSION RULES FOR GOVERNMENT SERVANTS.

381. ***Mr. Fazal Ibrahim Rahimtulla:** Will Government be pleased to state whether it is intended to make any changes in the Pension Rules in force at present, and, if so, when will the final orders be passed?

The Honourable Sir George Schuster: Provincial Governments have been granted authority to make rules regulating conditions of service, including pensions of provincial and subordinate services under their control, and are, it is believed, now engaged in drafting new rules relating to pensions.

The Government of India do not at present contemplate any important change in the existing rules applicable to services under their control, apart from the possible adoption of a system in which a provident fund would take the place of pensions in whole or in part. This proposal has only recently assumed definite shape, and, as I informed the Honourable Mr. Lalchand Navalrai a few days ago, in reply to his starred question No. 132, the Government of India intend shortly to consult Local Governments and probably Service Associations also on the subject. This course of action was agreed upon at the Conference of Financial Representatives of Provincial Governments held at Delhi last November.

REVISION OF PAY OF THE SUPERVISING STAFF IN CURRENCY OFFICES.

382. ***Mr. Fazal Ibrahim Rahimtulla:** (a) Will Government be pleased to refer to Mr. N. M. Joshi's starred questions Nos. 88, 89, 90, 140, 141 and 142, put in February last, and say whether they will be pleased to answer them now?

(b) Do Government propose to consider the question of the revision of the pay of the supervising staff in Currency Offices, as the scale has not practically been revised since 1920?

The Honourable Sir George Schuster: (a) Final replies to Mr. Joshi's questions Nos. 88 to 90 and 140 to 142 were sent to him on the 15th February and 1st May, 1928, respectively. Copies will be found in the Library of the House.

(b) The attention of the Honourable Member is invited to the reply given on the 24th March, 1926, to question No. 258 asked by Mr. B. Das, and to the reply to parts (c) and (d) of Mr. Joshi's question No. 90, which I have just mentioned. The position remains the same.

CONDITIONS ATTACHED TO ROCKEFELLER TRAVELLING SCHOLARSHIPS GRANTED IN INDIA.

383. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state:

- (a) When the Rockefeller Travelling Fellowships were first offered for this country by the Rockefeller Foundation, and how many, each year?
- (b) What were the conditions attached to the grant of these Fellowships?
- (c) How were these Fellowships distributed among the several provinces of India?
- (d) How many officers from the medical and public health services of the several provinces were sent respectively, for further study as Rockefeller Scholars each year?
- (e) What were the academic qualifications and service experiences of each of the officers selected for the Fellowship?

Mr. G. S. Bajpai: (a) International Health Board (Rockefeller Foundation) Fellowships were offered to this country for the first time in 1922. Five candidates from India were selected in 1922 and four in 1926.

(b) The Fellowships are offered only to candidates who possess high professional and scientific qualifications, besides a good character, and to persons who, on completion of their training, have an assured prospect of suitable employment in the official health services of their country or in schools of hygiene.

(c) The Fellowships were not allotted on a provincial basis, but all Local Governments and Administrations were asked to make nominations. The candidates so nominated, who fulfilled the conditions prescribed by the Foundation as to qualifications and prospects of employment, were arranged in order of preference by the Scientific Advisory Board of the Indian Research Fund Association, and the final selection was made by the Rockefeller International Health Board itself.

(d) and (e). The information is contained in the statement which I have had placed in the Library of the House.

RESTRICTION OF ROCKEFELLER SCHOLARSHIPS TO PUBLIC HEALTH SERVICES.

384. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state:

- (a) If they advertised for applications from qualified medical men for Rockefeller Foundation Fellowships in August, 1925?
- (b) If it was subsequently decided that the Fellowships were for public health services and not in connection with the faculties of medicine?
- (c) The grounds for such decision?

Mr. G. S. Bajpai: (a) The reply is in the negative.

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

QUALIFICATIONS OF OFFICERS SELECTED FOR ROCKEFELLER SCHOLARSHIPS.

385. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state:

- (a) The total number of Fellowships for which applications were invited by public advertisement in August, 1923, and
- (b) The number of medical officers or practitioners selected, giving professional qualifications and previous experience of each person selected?

Mr. G. S. Bajpai: (a) and (b). No applications for Rockefeller Fellowships were invited by advertisement or otherwise in 1923.

LAPSE OF CERTAIN ROCKEFELLER SCHOLARSHIPS AWARDED TO INDIA IN 1925.

386. ***Mr. Sarabhai Nemchand Haji:** Is it a fact that only two or three out of the five Rockefeller Fellowships that were available in the year 1925 were awarded, and that the remaining Fellowships lapsed; and if this be so, will Government be pleased to state why the applications of qualified medical men connected with the faculties of medicine were not considered instead of allowing the Fellowships to lapse?

Mr. G. S. Bajpai: No definite number of fellowships is offered to this country in a particular year. The Scientific Advisory Board pass on the

applications of qualified candidates, classified in order of preference, to the Foundation, who make selections after full consideration of the qualifications of the applicants.

Mr. Jamnadas M. Mehta: Since 1922 how many Fellowships were offered and out of them how many to Indians?

Mr. G. S. Bajpai: I have already answered that question, it is five plus four or nine.

Mr. Jamnadas M. Mehta: Out of how many?

Mr. G. S. Bajpai: I do not understand what the Honourable Member means by "how many"?

Mr. Jamnadas M. Mehta: I mean how many were offered on the whole and out of them how many to Indians?

Mr. G. S. Bajpai: Five plus four or nine were offered and they were accepted.

Mr. Jamnadas M. Mehta: All Indians?

Mr. G. S. Bajpai: Yes.

TOTAL NUMBER OF POSTS IN THE SUPERIOR TRAFFIC SERVICE OF INDIAN RAILWAYS FILLED BY INDIANS IN 1928-29.

387. ***Pandit Hirday Nath Kunzru:** (a) With reference to the reply given to starred question No. 906, on the 24th September, 1928, will Government state the total number of posts in the Superior Traffic Service for which Indians have been recruited in 1928-29?

(b) How many of these posts have been filled by promoted Local Traffic Service officers? What are the names of the promoted officers and how many of them were recruited direct to the Local Traffic Service?

Mr. A. A. L. Parsons: (a) Five have already been recruited and arrangements have been made to recruit seven others through the Public Service Commission by competitive examination, which is to be held early this month.

(b) Three of these two were originally recruited into the Local Traffic Service and one was promoted to that Service from the subordinate ranks.

NUMBER OF INDIANS APPOINTED TO THE SUPERIOR TRAFFIC SERVICE BETWEEN 1921 AND 1924.

388. ***Pandit Hirday Nath Kunzru:** (a) With reference to the statement made by Mr. Parsons during the Railway Budget debate on the 25th February, 1928, with regard to the future of the Local Traffic Service, are Government yet in a position to announce what steps they propose to take to promote the directly recruited men to the Superior Service?

(b) Will Government be pleased to state the number and names of Indians appointed to the Superior Traffic Service from 1921, when recruitment to the Local Traffic Service began, to 1924, when it was stopped?

Mr. A. A. L. Parsons: (a) Next year it is proposed to make 36 per cent. of the Indian recruitment to the Superior Traffic Service by promotion from the Local Traffic Service and subordinate establishment. On our present figures this means that four vacancies out of 11 will be filled in this way. As I explained in my remarks during the course of the debate on the railway budget last year, no distinction will be drawn between persons directly recruited to the Local Traffic Service, persons promoted to that service from subordinate establishment, and persons now serving in the subordinate establishment, in making selections for these vacancies.

(b) No Indian was appointed direct to the Superior Traffic Service from 1921 to 1924.

Pandit Hirday Nath Kunzru: Am I to take it, Sir, that in these three years 1921-24, no Indians were appointed direct to the Superior Traffic Service, and that the men who were recruited direct to the Local Traffic Service were regarded as forming part of the Superior Traffic Service?

Mr. A. A. L. Parsons: I must ask for notice, Sir. But the position is that they are not regarded as part of the Superior Traffic Service, though in certain publications their numbers were, I believe, included among those of the Superior Traffic Service.

Pandit Hirday Nath Kunzru: Is it a fact, Sir, that the members of the Local Traffic Service were regarded as belonging to the Superior revenue establishment?

Mr. A. A. L. Parsons: I do not think so, though in the report of the Lee Commission figures occur in which, I believe, they were included among the Superior Traffic Service.

Pandit Hirday Nath Kunzru: Are Government aware that in the rules made in the year 1922 for the recruitment of men for the railway service, they stated that the superior revenue establishment would consist of the Superior Traffic Service and the Local Traffic Service?

Mr. A. A. L. Parsons: I will look up the point, Sir.

Pandit Hirday Nath Kunzru: I want to know, Sir, if it is a fact that, from the year 1921 to 1924, as admitted by the Honourable Member, no Indians were appointed direct to the Superior Traffic Service, what reason is there for Government not considering the claims of the Local Traffic Service men to be promoted to the Superior Traffic Service to be superior to those of the men promoted from the subordinate service?

Mr. A. A. L. Parsons: I have nothing to add on that point, Sir, to the remarks which I made in the course of the last budget session.

Pandit Hirday Nath Kunzru: Am I to understand, Sir, that the Government even though they may be in the wrong, are not prepared to revise their opinions and their decisions?

Mr. A. A. L. Parsons: Government do not admit that they are in the wrong, and they are not prepared to revise this particular decision.

Mr. Gaya Prasad Singh: They are never wrong. (Laughter).

Pandit Hirday Nath Kunzru: The Local Traffic Service being part of the Superior Revenue establishment and no men having been appointed direct to the Superior Traffic Service, from 1921 to 1924 what reason is there now for not considering the claims of the directly recruited men for promotion to the Superior Traffic Service to be superior to those of others?

Mr. A. A. L. Parsons: I have already given the reasons in the remarks made by me during last budget debate.

Pandit Hirday Nath Kunzru: Will the Honourable Member state them clearly now; for I am sure they were not intelligible to the House at all?

Mr. A. A. L. Parsons: I am afraid, Sir, I cannot make them more clear.

Pandit Hirday Nath Kunzru: Does that mean, Sir, that the Government are not prepared to do justice to the Local Traffic Service men?

Mr. A. A. L. Parsons: No, Sir.

Pandit Hirday Nath Kunzru: Then, what attempts do they propose to make to do justice to the men directly recruited to the Local Traffic Service during the years 1921—24 when no men were directly appointed to the Superior Traffic Service?

Mr. A. A. L. Parsons: They propose to continue the action they have already taken; that is to say, they consider the qualifications of men directly recruited to the Local Traffic Service when making promotions to the Superior Traffic Service, to the extent of 20 per cent. of the Indian vacancies which are filled by promotions from that service and from the subordinate establishment.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that on the 24th September 1928 he stated that "the opportunity has been taken of allocating 33½ per cent. of the appointments available for Indian recruitment to the promotion of suitable officers from the Local Traffic Service" and not from the subordinate service?

Mr. A. A. L. Parsons: I should like to see my reply, Sir, before I can say what the implications were. I would ask the Honourable Member to put down a further question.

Pandit Hirday Nath Kunzru: I will read it, Sir. "The opportunity has been taken"

The Honourable Sir George Rainy: On a point of order, Sir. Is the Honourable Member entitled to read out remarks already made in the House that do not refer to the question now before the House?

Pandit Hirday Nath Kunzru: It is part of the question, Sir. It refers to question No. 906 and it is the answer to that question that I am reading out now in order to refresh the rather poor memory of Mr. Parsons. The reply was as follows: "The opportunity has been taken this year of allocating 33½ per cent. of the appointments available for Indian recruitment to the promotion of suitable officers from the Local Traffic Service"?

Mr. A. A. L. Parsons: Yes, Sir; I can take it from the Honourable Member that I made that reply.

Pandit Hirday Nath Kunzru: Then how does the Honourable Member say that Government are not prepared to go beyond the present proportion of 20 or 25 per cent. which applies to the promotion of not merely of officers already in the Local Traffic Service but also of men in the subordinate service?

Mr. A. A. L. Parsons: There seems to be some misunderstanding, Sir. Actually this year we filled 33½ per cent. of the Indian vacancies by promotion from the Local Traffic Service as I explained, and next year we shall fill 36 per cent. of the vacancies, instead of 20 per cent. by promotion from the Local Traffic Service and from the subordinate establishment.

Pandit Hirday Nath Kunzru: Will this 36 per cent. allowed for the next year be available solely to the members of the Local Traffic Service?

Mr. A. A. L. Parsons: Not entirely, Sir. As explained in my answer to the main question, it will be available to the Local Traffic Service men, whether directly recruited to that service or not, and to the subordinate establishment.

Pandit Hirday Nath Kunzru: Am I to understand that the proportion for the promotion of Local Traffic Service men next year will be less than that for the present year?

Mr. A. A. L. Parsons: I cannot say. We have not yet made the selections.

Pandit Hirday Nath Kunzru: May I ask whether before 1921, Indians used to be appointed direct to the Superior Traffic Service?

Mr. A. A. L. Parsons: I must ask for notice, Sir.

Pandit Hirday Nath Kunzru: Is it a fact that they were not appointed to the Superior Traffic Service because men began to be recruited into the Local Traffic Service?

Mr. A. A. L. Parsons: Again, I must ask for notice.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that he has already stated that no men were appointed direct to the Superior Traffic Service during the years 1921 to 1924?

Mr. A. A. L. Parsons: Yes, Sir. But what deduction does the Honourable Member derive from that?

Pandit Hirday Nath Kunzru: If Indians were appointed direct to the Superior Traffic Service before 1921 and after 1924, is it not reasonable to infer that they were not directly recruited because the Local Traffic Service was created in 1921?

Mr. President: Will the Honourable Member pass on to the next question?

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

389. ***Pandit Hirday Nath Kunzru:** With reference to the reply given to starred question No. 264, on the 8th September, 1928, did Government refer the question of the education of the children of railway employees to the Central Advisory Council in September last? If so, what are the recommendations made by the Advisory Council on the subject?

The Honourable Sir George Rainy: The question was discussed with the Central Advisory Council for Railways last September when they approved generally, and with certain modifications in detail, a scheme which was laid before them by Government.

Pandit Hirday Nath Kunzru: What is the scheme?

The Honourable Sir George Rainy: The scheme which was embodied in the memorandum drawn up for the Railway Board. I am prepared to lay a copy of the memorandum as it was revised after discussion in the Central Advisory Council on the table. I think it would be for the convenience of the House if further questions on this are postponed till it has been so placed.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that a part of my question was "what are the recommendations made by the Advisory Council on the subject?" I am not putting a new question now, Sir.

The Honourable Sir George Rainy: I did not understand the Honourable Member's question in that sense. As I said, I am quite willing to lay a copy of the memorandum which embodies that scheme on the table.

STATUS OF RAILWAY SCHOOLS TRANSFERRED TO LOCAL GOVERNMENTS.

390. ***Pandit Hirday Nath Kunzru:** (a) Is it proposed to transfer railway schools to the Local Governments within whose jurisdiction they are situated?

(b) If so, what will be the future status of these schools? Will they be treated as Government or as aided schools?

Mr. A. A. L. Parsons: In the scheme which was accepted by the Central Advisory Council for Railways, it is suggested that arrangements should be made, as soon as feasible, to transfer the present railway schools to the educational authorities of the various provinces on terms to be arranged individually in each case, these terms to include provision for retention by existing employees of such rights of admission as they may now possess. This question will, however, be discussed again with the Central Advisory Council, and I am afraid I am unable to say in any particular case whether, when transferred, a school will be a Government or an aided school. This will depend upon what terms of transfer can be arranged.

Pandit Hirday Nath Kunzru: Is this matter to be discussed again at the next meeting of the Central Advisory Council?

The Honourable Sir George Rainy: I can answer the Honourable Member's question. It is my intention that the matter should be discussed at the next meeting of the Central Advisory Council.

COMMISSIONS IN THE INDIAN TERRITORIAL FORCE.

391. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that the Shea Committee recommended that the dual commission in the Indian Territorial Forces should be abolished, and that officers of a higher rank than platoon commanders should hold commissions similar to those granted to corresponding officers of the Auxiliary Force?

(b) Was it one of the objects of the Indian Territorial Forces (Amendment) Act, which was passed in March, 1928, to carry out this recommendation?

(c) Is it a fact that dual commissions have not been abolished as yet? If so, why has this distinction between the Territorial and Auxiliary Forces been allowed to continue?

Mr. G. M. Young: (a) and (b). Yes.

(c) No. The latter part of the question does not arise.

Pandit Hirday Nath Kunzru: Are Government aware that in the Gazette of the 8th December, certain officers of the Indian Territorial Force are again shown as possessing dual commissions?

Mr. G. M. Young: I was not aware of the fact, Sir, but I am quite ready to take it from the Honourable Member. In the Gazette of 8th December?

Pandit Hirday Nath Kunzru: The Gazette of the 8th December.

Mr. G. M. Young: Very likely.

Pandit Hirday Nath Kunzru: What steps will the Honourable member take to see that dual commissions are abolished in future?

Mr. G. M. Young: Dual commissions have now been abolished.

APPOINTMENT THROUGH THE PUBLIC SERVICE COMMISSION OF INDIANS TO THE INDIAN MEDICAL SERVICES.

392. ***Pandit Hirday Nath Kunzru:** (a) Is any amendment of the Public Service Commission (Functions) Rules required to entrust the Commission with the recruitment of Indians to the Indian Medical Service, or can this function be assigned to the Commission by arrangement with it?

(b) In either case, do Government propose to take steps to place the selection of Indian candidates for the Indian Medical Service in the hands of the Commission?

Mr. G. M. Young: (a) The Public Service Commission (Functions) Rules do not apply to recruitment to the Indian Medical Service, which is a military service. If the recruitment of Indians to the Indian Medical Service were entrusted to the Public Service Commission, it might be necessary to frame special rules.

(b) Government have no intention at present of altering the system of selection.

Pandit Hirday Nath Kunzru: May I point out to the Honourable Member that he has not answered that part of my question in which I asked whether the recruitment of the Indian Medical Service could be assigned to the Commission by arrangement?

Mr. G. M. Young: No, Sir. The Honourable Member's question, if he will read it, is not to the effect that he has just stated. He asked whether the function could be assigned.

Pandit Hirday Nath Kunzru: Does the Honourable Member say so without reading the question?

Mr. G. M. Young: All I said was that the Honourable Member's interpretation of his own question does not seem to me correct.

Pandit Hirday Nath Kunzru: May I ask whether there are any services, the recruitment of which has been assigned to the Public Service Commission by arrangement—I mean services the recruitment of which it is not bound to take upon itself under the rules?

Mr. G. M. Young: I would suggest that that question be put, with notice, to the Home Department, which is concerned.

Pandit Hirday Nath Kunzru: Why are the Government not prepared to amend the rules so as to enable the Public Service Commission to make recruitment for the Indian Medical Service?

Mr. G. M. Young: Because, as I have already said, Government have no intention at present of altering the system of selection.

Pandit Hirday Nath Kunzru: Do Government only give their decisions or will they take the trouble also of justifying them?

Mr. G. M. Young: Sir, I am afraid it is not possible for me to recapitulate within the space of a supplementary question the reasons which Government have for not altering the system of selection and introducing a system of appointment by competitive examination, but those reasons have been stated on several occasions in this House.

Pandit Hirday Nath Kunzru: May I know when they were stated last?

Mr. G. M. Young: The Honourable Member can find that out by looking at the index.

Pandit Hirday Nath Kunzru: May I put it to the Honourable Member that the exact reasons for not assigning the task of making recruitment to the Public Service Commission have never been stated in this House.

Mr. G. M. Young: No, Sir, that is perfectly true. The exact reasons for not altering the present system of selection have been stated in the House before, and if there is no intention of altering the present system of selection, it is obviously futile to consider the question of amending the rules so as to enable the Public Service Commission to make recruitment to the Indian Medical Service.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that questions regarding the present method of selection have related to the admission of men with Indian qualifications, temporary Indian Officers, etc., but that no questions have been asked with regard to the recruitment of the Indian section of the Indian Medical Service by the Public Service Commission.

Mr. G. M. Young: That, as far as I know, is quite correct.

Pandit Hirday Nath Kunzru: What does the Honourable Member mean then by saying that the reasons have been stated on several occasions in this House?

Mr. G. M. Young: If the Honourable Member would listen to the replies I make to his questions, I never said anything like that. I said the question of altering the present method of selection had frequently been explained in this House.

Pandit Hirday Nath Kunzru: It seems to me the Honourable Member has been giving irrelevant replies. Will he kindly answer my question and say why Government is not prepared to entrust the recruitment of Indians to the Indian Medical Service to the Public Service Commission?

Mr. G. M. Young: Because that would be altering the present system of selection and the reasons for not doing that have already been explained to the House.

Pandit Hirday Nath Kunzru: Would that necessarily mean an alteration of the proportion of Indian recruits or an alteration of the system of selection?

Mr. G. M. Young: No, Sir, it would be an alteration of the system of selection.

Pandit Hirday Nath Kunzru: Why are Government not prepared to alter the system of selection in so far as it means selection not by a Board appointed by them but by the Public Service Commission? May I ask whether there is anything in the Act to prevent this function being assigned to the Public Service Commission?

Mr. G. M. Young: To what Act does my Honourable friend refer?

Pandit Hirday Nath Kunzru: Evidently, Sir, the Act under which he and we are here, the Government of India Act. May I ask for a reply to my question?

Mr. G. M. Young: The answer is in the negative.

Pandit Hirday Nath Kunzru: Then is it a fact that the rules framed under the Government of India Act do not empower the Public Service Commission to recruit candidates for the Indian Medical Service?

Mr. G. M. Young: Sir, we have travelled so far from my original answer to his question that the Honourable Member appears to have forgotten it. Might I read it again?

Pandit Hirday Nath Kunzru: May I put it to the Honourable Member that his answers have travelled rather far from my question?

NUMBER OF INDIANS SELECTED IN INDIA FOR THE INDIAN CIVIL SERVICE (1) BY NOMINATION AND (2) BY COMPETITION.

393. ***Pandit Hirday Nath Kunzru:** Will Government be pleased to lay on the table a statement showing the number of Indians selected annually in India for the Indian Civil Service by (1), nomination and (2), competition, since the commencement of the system of competitive examinations for the Indian Civil Service in this country?

The Honourable Mr. J. Orerar: I have laid a statement on the table, which gives the information asked for.

Statement showing the number of Indians selected annually in India since 1922 for the Indian Civil Service by (1) nomination and (2) competition.

Year.	By nomination.	By competition.
1922	4	9
1923	2	9
1924	2	5
1925	2	5
1926	4	3
1927	7	9
1928	9	6

SELECTION OF CANDIDATES FOR THE INDIAN POLICE SERVICE IN INDIA.

394. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that selection committees are required to recommend candidates for admission to the competitive examination held for the Indian Police Service in India? Have the Government of India laid down that "they shall include in the list no candidate whom, having regard to his personality, character, physique and general suitability, as shown by his previous career, they do not consider in all respects suited for appointment to the Indian Police Service in the selection area"?

(b) Are Government aware that this procedure has given rise to dissatisfaction and that the selection of candidates is regarded as being tantamount to nomination?

(c) Do Government propose to consider the desirability of replacing the present system by that of open competition, adopted in selecting candidates for the Indian Civil Service?

The Honourable Mr. J. Orerar: (a) The position is as stated by the Honourable Member, except that the procedure to which he refers is prescribed by rules made by the Secretary of State in Council under section 96B(2).

(b) No.

(c) The present system is working satisfactorily and Government see no ground for proposing a change.

Pandit Hirday Nath Kunzru: Are Government aware that this procedure has been criticised in newspapers, and if that is not sufficient, what other methods would they indicate of bringing this grievance to their notice?

The Honourable Mr. J. Orerar: I confess I have not noticed in the newspapers any very strong opinion expressed on the subject, but the substance of my reply to the Honourable Member is that this system has been in operation for a considerable period now and has operated, in the opinion of Government, with satisfactory results and that we do not propose to change it.

Pandit Hirday Nath Kunzru: Does the Honourable Member see that this method practically becomes one of nomination?

The Honourable Mr. J. Orerar: I am not prepared to agree that that is the result. The number of recommended candidates who appear in relation to the number of posts open for competition is large enough to ensure a very effective degree of competition.

Pandit Hirday Nath Kunzru: Is this practically a competition between candidates previously nominated?

The Honourable Mr. J. Orerar: No, Sir. The position is that the recommendations of Local Governments are forwarded to the Public Service Commission which is at liberty to add to or modify the recommendations made, and the experience of the last few years has been that the number of admitted candidates on those recommendations is so substantial as to ensure a very effective degree of competition.

Pandit Hirday Nath Kunzru: Why is the Indian Police, Sir, treated different from the Indian Civil Service in this matter?

The Honourable Mr. J. Orerar: Recruitment to the various Services has naturally to be adapted to the particular requirements of the Service in question?

Pandit Hirday Nath Kunzru: Are not, Sir, the Indian Civil Service and the Indian Police Service both regarded as belonging to the same category and as being security services?

The Honourable Mr. J. Orerar: In that particular I agree with the suggestion of the Honourable Member that they are both security services.

Pandit Hirday Nath Kunzru: If that is so, and, if they are both on the same level, what reason is there for having restricted competition in one case and unrestricted competition in the other case? Is it a fact, Sir, that there used to be a quota committee for the selection of candidates for the Indian Civil Service Examination and that that method has been abandoned?

The Honourable Mr. J. Orerar: Provision was made for a quota committee to meet a contingency which did not arise, and so far as I am aware no quota committee ever came actually into operation.

Pandit Hirday Nath Kunzru: Have the rules been changed in that respect now or not?

The Honourable Mr. J. Orerar: The rules contemplate that if the number of candidates appearing is excessive, then quota committees may be appointed with a view to reducing the number of candidates—I think that the actual number prescribed is 200: but as I have explained to the Honourable Member no occasion has ever arisen for the appointment of such committee.

Pandit Hirday Nath Kunzru: Is there any danger, Sir, that if unrestricted competition were allowed for the Indian Police Service Examination the number of candidates would grow abnormally large?

The Honourable Mr. J. Orerar: I think that that is a hypothetical question.

Pandit Hirday Nath Kunzru: What is it then that prevents Government from treating the candidates for the Indian Police Service Examination differently from the candidates for the Indian Civil Service Examination?

The Honourable Mr. J. Orerar: I have already explained that the recruitment to a service is necessarily to be directed in accordance with the requirements of the service. The system under which direct recruitment is made to the Indian Police Service in India has, as I say, for many years been in operation and has operated satisfactorily.

Pandit Hirday Nath Kunzru: What are the differences between the requirements of the Indian Civil Service and the Indian Police Service which would justify the present differentiation?

The Honourable Mr. J. Orerar: I am perfectly certain that the Honourable Member is quite competent to infer them himself from the nature of the functions which have to be discharged by these two services.

Pandit Hirday Nath Kunzru: Since the Honourable Member leaves it to me to decide the matter for myself, may I say that there seems to be absolutely no reason whatsoever why there should be any differentiation?

The Honourable Mr. J. Orerar: I am prepared to accept from the Honourable Member the assurance that that is his opinion. I regret that I am unable to share it.

SERVICES FOR WHICH RECRUITMENT IS MADE THROUGH THE PUBLIC SERVICE COMMISSION.

395. ***Pandit Hirday Nath Kunzru:** Will Government be pleased to state what are the services for which recruitment is made through the Public Service Commission?

The Honourable Mr. J. Orerar: The Services in question are enumerated in the answer that I gave to Mr. Lalchand Navalrai's question No. 61 on the 28th January, and in the statement laid on the table in connection with the same question. The Commission also advise on recruitment to the ministerial establishment of the Government of India Secretariat.

RIGHTS OF INDIANS IN BRITISH GUIANA.

396. ***Pandit Hirday Nath Kunzru:** (a) With reference to the reply given to starred question No. 146, on the 6th February, 1928, regarding the future rights of Indians in British Guiana, will Government state whether they made any representations to His Majesty's Government with regard to the alteration of the constitution of British Guiana?

(b) Does the Act recently passed by Parliament regarding the government of British Guiana empower His Majesty in Council to alter the constitution in any manner whatsoever? Does the constitution allow His Majesty in Council to revoke or amend laws passed by the Legislative Council and to make such laws as may appear necessary for the good government of the colony?

Mr. G. S. Bajpai: (a) and (b). The Government of India obtained full particulars as to the changes proposed in the constitution and examined them with great care. They satisfied themselves that these changes did not involve any differentiation against Indians and did not in any way infringe the provisions of the special declaratory Ordinance which was passed by the Colonial Government in 1923, and which confers equality of status on all persons of East Indian race resident in the Colony. The Indian community in British Guiana also did not submit to the Government of India any representation relating to the proposed amendments in the constitution. It was, therefore, decided not to make any representation to His Majesty's Government on the subject. The information desired by the Honourable Member in part (b) of his question will be found in the British Guiana Act, 1928, a copy of which has been placed in the Library of the House.

Pandit Hirday Nath Kunzru: May I know whether Government admit the accuracy of the statement made by me in part (b) of the question?

Mr. G. S. Bajpai: Yes, Sir.

Pandit Hirday Nath Kunzru: With reference to the answer to the first part of the question, may I draw the attention of the Honourable Member to the reply given by him on the 6th February, 1928, to a question put by me with regard to the British Guiana constitution? He then said that if it was found either that the principle of a change of constitution was involved or that Indian interests were adversely affected, representations would be made. Is it a fact that the principle of a change of constitution is involved?

Mr. G. S. Bajpai: Yes, Sir, the principle of a change of constitution is involved.

Pandit Hirday Nath Kunzru: And a very serious change too?

Mr. G. S. Bajpai: That, Sir, is a matter of opinion.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware, since he has admitted the truth of part (b) of the question, that British Guiana has practically no constitution now and that legislation can be really passed by executive decree?

Mr. G. S. Bajpai: That again is a question of the interpretation of the constitution. I am quite prepared to leave the Honourable Member to his opinion of the matter.

Pandit Hirday Nath Kunzru: Then, Sir, since so serious a change in the constitution was involved, may I know what representations the Government of India made to His Majesty's Government in regard to a colony where about 42 per cent. of the population is Indian?

Mr. G. S. Bajpai: I have already stated that the Government of India considered fully the changes contemplated by the constitution and decided that there was no element of differentiation sufficient to justify their making any representations to His Majesty's Government. The power of special legislation, to which the Honourable Member refers, is obviously and admittedly such an emergent power of legislation that it is not likely to be exercised ordinarily, and the occasion for the Government of India to make

any representations in regard to the exercise of that power would arise only if the power is exercised to enact legislation which would justify representations being made.

Pandit Hirday Nath Kunzru: May I remind the Honourable Member again that he undertook to make representations to the British Government not only when there was differentiation against Indians, but even if a principle of a change in the constitution was involved?

Mr. G. S. Bajpai: All that I undertook—I took the trouble this morning to read up my answer because I knew my Honourable friend would face me with it—on that occasion was that if the Government of India on consideration of the whole position came to the conclusion that the principle of the change in the constitution justified in Indian interests a representation being made to His Majesty's Government, such representation would be made. The only inference which my Honourable friend can draw from what I have stated to-day is that the Government of India did not consider the principle of the change of sufficient importance to justify a representation.

Pandit Hirday Nath Kunzru: The constitution having been seriously changed, what justified the Government of India in thinking that no representations ought to be made when 42 per cent. of the population of the colony was Indian in composition?

Mr. G. S. Bajpai: The answer to that is that the Government of India did not consider that either the principle or the details of the change made such difference to the status of the Indian community as to involve a differentiation compared with the status of any other community in the colony.

Pandit Hirday Nath Kunzru: Is the Honourable Member aware that the Government gave two distinct undertakings—one that it would make a representation when differentiation was made against Indians, and the other that it would interest itself if the principle of a change of constitution was involved? Should not, then, the second ground be treated differently from the first?

Mr. G. S. Bajpai: I have explained already that the Government of India did not give the undertaking that no matter whether the principle of the change justified intervention or not, a representation would be made. All that I said was that if the Government of India considered that the principle of the change justified representation being made, representations will be made.

Pandit Hirday Nath Kunzru: Did not the Government of India think that they would be justified in making representations with regard to the change of the constitution of a colony where about 42 per cent. of the population is Indian?

Mr. G. S. Bajpai: I think I had better explain to my Honourable friend quite clearly that the Government of India perhaps do not, like the Honourable Member, to quote a phrase of Burke, "venerate what perhaps some are unable to comprehend."

Pandit Hirday Nath Kunzru: Did the Honourable Member then give his reply on the 6th February, 1928, only to burke discussion?

Mr. G. S. Bajpai: The Honourable Member's capacity for punning stands vindicated by what he has said just now, but so far as the representation of my intentions or object in giving that answer is concerned, the Honourable Member is not strictly accurate.

Pandit Hirday Nath Kunzru: Are the Honourable Member's intentions to be judged from the words he uses or from what he has in his own mind, which he fails to express?

Mr. G. S. Bajpai: I am quite prepared to let anybody read my answer and then infer for himself as to whether the answer which I have given to-day marks in any way a departure either from truth or from the duty of Government.

Pandit Hirday Nath Kunzru: May I, with your permission, Sir, read out the answer which the Honourable Member gave then?

PROTECTION OF THE GOOR MANUFACTURING INDUSTRY IN INDIA FROM COMPETITION FROM JAVA.

397. ***Mr. Mukhtar Singh:** (a) Is it a fact that some sugar experts are coming to India from Java to learn the manufacture of goor?

(b) If the answer be in the affirmative, will the Government be pleased to state the measures adopted to protect the Indian cultivator from this impending danger?

(c) Have Government made any enquiries as to how far the Indian cultivator will suffer if goor is imported from Java into India? If the answer be in the affirmative, will the Government lay on the table the result of such an enquiry? If the answer be in the negative, do Government propose to make an enquiry now?

(d) Will the Government be pleased to state the facilities provided for these experts by the Imperial and the Local Governments? Have the Government of India addressed any letter to the Local Government in this behalf? If so, will the Government be pleased to lay on the table a copy of this letter?

(e) Have Government taken any steps to improve the manufacture of goor in this country on the lines recommended by the Sugar Committee?

Mr. G. S. Bajpai: (a) The Agricultural Adviser was expected to visit India in the course of the present cold weather with a view to studying questions relating to the Indian sugar industry, but does not appear to have arrived in the country yet.

(c) Government have not made any enquiries so far as to the effect of a possible import of goor into India. This question will probably receive the attention of the Sugar Sub-Committee of the Agricultural Research Council, which it is hoped will be set up in the near future, if the question is considered to be of sufficient importance.

(b) and (d). Government do not regard the visit of the expert as a danger to the goor industry. Nor, I am sure, will the Honourable Member take exception to the request which the Government of India have

addressed to Local Governments to afford the visitors such facilities as they might require. This is merely a return of courtesy due from India for the facilities which the Government of the Netherlands East Indies extended to the Indian Sugar Committee when that Committee visited Java.

(e) The recommendations made by the Indian Sugar Committee on the subject of the manufacture of *goor* were brought to the notice of the Local Governments. The problem will, it is hoped, come under review again by the Agricultural Research Council or its Sugar Sub-Committee.

RATE OF EXCHANGE AT WHICH OVERSEAS ALLOWANCES ARE PAID TO EUROPEAN MEMBERS OF THE SERVICES.

398. ***Mr. Mukhtar Singh:** Will the Government be pleased to state the rate of exchange at which the overseas allowance is paid to the European members of the services? Has the rate been reduced to one shilling and six pence from the time the exchange was fixed by law? If not, why not?

The Honourable Mr. J. Orerar: The overseas pay drawn by members of certain superior services of non-Asiatic domicile was fixed in sterling, and the amount was therefore not affected by the stabilisation of the rupee at 1s. 6d.

DISCOVERY OF A NEW VARIETY OF SUGARCANE IN JAVA.

399. ***Mr. Mukhtar Singh:** Has the attention of the Government been drawn to the discovery of a new variety of cane in Java which will reduce the cost of sugar production by 20 per cent.? If the answer be in the affirmative, will the Government be pleased to state the steps taken to import this cane into India and to study if this cane can be successfully grown in this country?

Mr. G. S. Bajpai: Yes. The Sugarcane Expert to the Government of India has already imported the new variety of cane and is growing it at the Sugarcane Breeding Station, Coimbatore, in order to study its behaviour under Indian conditions.

SHORT NOTICE QUESTION AND ANSWER.

EARLY SUBMISSION OF THE REPORT OF THE AGE OF CONSENT COMMITTEE.

Sir Darcy Lindsay: I thank you, Sir, for according me permission to ask a short Notice Question. (a) In view of the fact that the Legislative Assembly has decided that the consideration of Rai Sahib Harbilas Sarda's Hindu Child Marriage Bill be postponed until the Report of the Age of Consent Committee becomes available to the Members of the House, are Government prepared to impress upon the Age of Consent Committee the urgent importance of completing their Report at a very early date in order that it may be in the hands of Members well before the next Simla Session of the Legislative Assembly?

(b) Do Government intend to secure an early date in the Simla Session for the consideration of the Bill?

SHORT NOTICE QUESTION AND ANSWER.

The Honourable Mr. J. Orerar: The reply to both parts of the question is in the affirmative.

Pandit Hirday Nath Kunzru: Sir, on the opening day of this session I asked the Government whether they would not be in a position to allot a day for the discussion of the Hilton Young Report on the closer union of the East and Central African territories, and I want to know whether. . .

Mr. President: Order, order. That question does not arise at this stage.

Pandit Hirday Nath Kunzru: I want to know whether Government are now in a position to say whether they can allot a day for the discussion of this Report.

UNSTARRED QUESTIONS AND ANSWERS.

MEMORIAL TO THE VICEROY FROM THE STATION SERVICE TELEGRAPHISTS OF MADRAS.

169. **Mr. N. M. Joshi:** Will Government be pleased to state:

(a) Whether they have received the memorial addressed to the Viceroy from the Director General, Posts and Telegraphs, submitted by the Station Service Telegraphists of the City of Madras, praying the Government to increase the minimum as well as the maximum pay of the Station Service, as was done in the Calcutta Office?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state their decision in the matter?

Mr. H. A. Sankar: (a) Yes, the memorials submitted in August 1928 were received.

(b) The prayer of the memorialists was rejected.

GRIEVANCE OF CERTAIN EMPLOYEES OF THE TELEGRAPH DEPARTMENT RECRUITED FROM THE POST OFFICE.

170. **Mr. N. M. Joshi:** With reference to the reply given to my unstarred question No. 180 on 4th September, 1928, regarding the counting of the total length of the postal service in granting increments to the postal recruited men, will Government be pleased to state the grounds on which they refused to reconsider the grievance of a small section while they have granted increments to the members of other branches of the same service including the Post Office?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to the reply given in this House on the 28th February 1925 to part (d) of Mr. M. K. Acharya's unstarred question No. 207.

GRANT OF INCREMENTS TO TELEGRAPHISTS DOING CLERICAL WORK.

171. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they have granted increments for the telegraphists who do continuous clerical duties for years together, according to the scale granted to the telegraphists?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state why the past services of the postal recruited telegraphists should not be considered in granting increments in the Telegraph Department, simply because they have done a part of their duty in the post office?

The Honourable Sir Bhupendra Nath Mitra: (a) Periodical increments are granted to telegraphists in the ordinary way according to the scale fixed for such staff, whether the work assigned to them be, as it may, either of the operative or a non-operative kind.

(b) There is no connexion between this and the refusal of Government to fix the initial pay of postal recruited telegraphists with reference to their previous service in the postal branch, as to which I have just answered another question by the Honourable Member.

**GRANT OF INCREMENTS TO EMPLOYEES IN THE TELEGRAPH DEPARTMENT
BASED ON PAST SERVICE IN THE POST OFFICE.**

172. **Mr. N. M. Joshi:** Will Government be pleased to state:

- (a) If it is a fact that the Director-General of Posts and Telegraphs issued a circular under his No. 87-D. E. S. D.-41-21, stating that the previous services of a clerk on transfer from one branch to another in the Postmaster General's office, Dead Letter office, Railway Mail Service, Postal Audit, and Telegraph Offices, should be recognised and calculated for purpose of time-scale promotion?
- (b) If it is a fact that local service men were granted increments when they were transferred to the general service?
- (c) If the reply to (a) and (b) be in the affirmative, will Government be pleased to state the reasons why they should not grant increments for the past services of the postal recruited men in the Telegraph Department?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b) Yes.

(c) I refer the Honourable Member to the answers given to his previous questions on the same subject. The cases cited by him are not on all fours with that of the postal recruited staff.

GRANT OF PENSIONS TO MISTRIES.

173. **Mr. N. M. Joshi:** (a) With reference to the reply to my unstarred question No. 181 on the 4th September, 1928, regarding the grant of pensions to mistries, will Government be pleased to state whether they have arrived at any decision in the matter?

(b) If the reply is in the affirmative, will they be pleased to state what it is?

(c) If the reply is in the negative, what objection is there to grant pensions to this class of men such as are allowed to other subordinates of the same service, according to the Civil Service Regulations?

(d) Are Government likely to arrive at an early decision to redress this acute grievance?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

(c) The matter is under investigation as part of the general question affecting all the non-pensionable staff in the Posts and Telegraphs Department.

(d) Steps are being taken to arrive at as early a decision as possible.

**EDUCATIONAL QUALIFICATIONS OF CLERKS APPOINTED TO THE TELEGRAPH
DEPARTMENT, MADRAS CIRCLE.**

174. **Mr. N. M. Joshi:** With reference to the reply given to my unstarred question No. 184 (c) on the 4th September, 1928, regarding the test examination for appointing clerks in the Madras Circle, will Government be pleased to state the reasons for appointing men who have neither school final nor university qualifications in the Telegraph Department, when men with university qualifications were available?

The Honourable Sir Bhupendra Nath Mitra: Because these men did exceptionally well in the departmental competitive examination and beat those with university qualifications.

**NUMBER OF CLERKS APPOINTED TO THE TELEGRAPH DEPARTMENT IN
CERTAIN OFFICES.**

175. **Mr. N. M. Joshi:** Will Government be pleased to state the number of men that have been appointed as clerks in the Telegraph Department after 28th June, 1928 (a) in the Madras Office, (b) in the offices excluding Madras in the whole circle and (c) the number of those out of successful candidates that have not been given appointments as yet?

Mr. H. A. Sams: (a) Eleven.

(b) Nine.

(c) Five.

**LOSS SUSTAINED BY TELEGRAPH MESSENGERS BY COUNTING AS ONE DELIVERY
SEVERAL TELEGRAMS SENT TO THE SAME ADDRESS.**

176. **Mr. N. M. Joshi:** With reference to the reply given to the starred question No. 295 on 10th September, 1928, regarding the loss sustained by the Telegraph messengers by limiting the number of telegrams as admitted by the Government, will Government be pleased to state the Post Office Regulation by which it is said that the procedure, which had grown up in a few Circles was irregular?

The Honourable Sir Bhupendra Nath Mitra: It is regretted that the reply given to the Honourable Member's supplementary question, asked in continuation of his starred question No. 295 on the 10th September, 1928, was not strictly accurate. Before the issue of the Director-General's Traffic Circular of 9th May 1928, there was no rule to regulate the payment for delivery of more than one message for the same addressee in the same place. The Director-General proposes to recommend that Circular, which, though not unreasonable, may perhaps require some modification.

INCREASE OF PAY OF TASK WORK MESSENGERS.

177. **Mr. N. M. Joshi:** (a) With reference to paragraph XIII of the proceedings of the Standing Finance Committee of 31st January, 1928, page 596, regarding the increase of pay of taskwork messengers, will Government be pleased to state whether they have come to any final conclusion as recommended by the Committee?

(b) If the reply be in the affirmative, will they be pleased to state the decisions that have been reached?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). No decision has yet been reached.

GRANT OF HOUSE-RENT ALLOWANCE TO LOCAL SERVICE TELEGRAPHISTS APPOINTED AFTER 1913.

178. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware of the fact that the general service telegraphists and also the local service telegraphists appointed before 1913 have been granted house-rent allowance?

(b) If the reply be in the affirmative, will Government be pleased to state why there should be any distinction between local service telegraphists, appointed before and after 1913, in the matter of house-rent allowance? Is it a fact that the local service telegraphists appointed after 1913 are also liable to transfers within the Circle like those who were appointed before 1913?

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

(b) Before 1st March, 1913, all *non-Indian* telegraphists, whether in the General or Local Service, were granted house-rent allowance in lieu of free quarters, but Indian telegraphists were not. On representation it was decided that, from the 1st March 1913, the house-rent allowances admissible in lieu of free quarters, would be granted, irrespective of race, to telegraphists in the General Service, and that the allowances would continue to be drawn by *non-Indian* telegraphists in the Local Service, who were eligible for them under the former rules, but would be withheld from telegraphists, of whatever race, appointed to the Local Service after the 1st March, 1913. On the recommendation of the Telegraph Committee of 1921, it was decided in 1925 that the distinction maintained in the case of Local Service telegraphists should cease, and that all Local Service telegraphists—Indians and *non-Indians*,—who were in the service on the 1st March, 1913, and who would continue in the Local Service without being transferred to the General Service, should be granted house-rent allowances in lieu of free quarters. The Committee did not recommend the grant of house-rent allowances to the Local Service telegraphists recruited after the 1st March, 1913, mainly because they entered service on the distinct understanding that they would get no free quarters or house-rent allowance in lieu. The reply to the second part is in the affirmative.

EXTENSION OF AGE LIMIT FOR APPOINTMENT OF TELEGRAPHISTS.

179. **Mr. N. M. Joshi:** (a) Will Government be pleased to state if twenty-five years as the age limit has been prescribed by the Government for prospective Government servants?

(b) If the reply be in the affirmative, is it a fact that the same rule has not been applied for men who enter the Telegraph Service as telegraphists, and that the age limit for men who apply for Telegraph Service as telegraphists has been fixed between sixteen and twenty? If so, will Government please state the reason for this?

(c) Will Government be pleased to state whether they will reconsider their new rule? Is it a fact that no recruitment was made since 1920?

(d) Will Government be pleased to state whether they are prepared to consider the question of granting exemption of age limit, at least for the next recruitment, which is expected shortly?

Mr. H. A. Sams: (a) Yes: ordinarily for superior pensionable service.

(b) The age of between 16 and 20 has been specially chosen to allow of securing operatives whose hands and wrists are at this age sufficiently flexible for the purely manipulative work required of telegraphists. It is almost impossible to secure good operatives if trained after the age of 20.

(c) The rule is not a new one, nor is Government prepared to reconsider it. It is not a fact that no recruitment has been made since 1920.

(d) No.

INCREASE OF YEARLY INCREMENTS OF TELEGRAPHISTS IN THE STATION SERVICE OF MADRAS.

180. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are considering the increase in the yearly increments of the telegraphists in the station service in the City of Madras? Is it a fact that Government have increased the increments of munshis and clerks by Rs. 5 and Rs. 6 respectively?

(b) If the reply be in the negative, will Government be pleased to state the reasons why they do not consider the necessity of increasing the yearly increments?

Mr. H. A. Sams: (a) The reply to the first part is in the negative. As regards the second part, the rates of increments for clerks in Madras City have been raised to Rs. 6 up to the stage of Rs. 100 and thereafter fixed at Rs. 5. In the case of munshis the increments have been raised to Rs. 5 throughout.

(b) While revising the scales of pay of Station Service telegraphists generally in May last, it was found that the initial pay of the scale already in existence in Madras City for that class of official, was more favourable than that which would have been admissible according to the principle adopted in fixing the scales of pay of Station Service telegraphists in relation to those sanctioned for postal clerks.

EXTENSION OF RELIEF TIME FOR MEALS FOR TELEGRAPHISTS.

181. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware of the fact that thirty minutes is the tiffin time allowed to officials in the Government offices other than Telegraph?

(b) Is it a fact that telegraphists are allowed only thirty minutes as relief time for regular dinner or supper? Are Government prepared to consider the extension of such time?

The Honourable Sir Bhupendra Nath Mitra: (a) Government have issued no orders on the subject, though it is the common practice in Government offices to allow those clerks who particularly require it, some relaxation for meals when this can conveniently be arranged.

(b) The present relief time allowed to telegraphists, namely, half an hour for a term of duty exceeding 6 hours, has been fixed after very careful consideration, and Government do not consider it necessary to extend this period.

STATION MASTERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY DISCHARGED AS MEDICALLY UNFIT.

182. **Mr. N. M. Joshi:** (a) Will Government be pleased to state (i) if some station masters on the Madras and Southern Mahratta Railway were discharged, being found medically unfit for one defect or another, although they had put in 26 or 28 years of service (ii) if it is a fact that these discharged men were not retained in spite of requests in other departments?

(b) Will Government be pleased to state the reasons why a man thus found medically unfit should not be put in some other job on the same pay where the particular defect would not matter?

(c) Do Government propose to issue instructions to the Agents in this matter?

Mr. A. A. L. Parsons: Enquiries are being made and the Honourable Member will be informed of the result in due course.

CLOSING TO SUBORDINATES OF THE HIGHER APPOINTMENTS IN THE ELECTRICAL BRANCH OF THE TELEGRAPH DEPARTMENT.

183. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware of the fact that, by closing down the higher appointments to the subordinates of the electrical branch in the Telegraph Department, the prospects and promotions of the subordinates of this branch have been adversely affected, while the subordinates of both traffic and engineering (outdoor) branches have chances of promotion to the first-division?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state the reasons why the promotion of the subordinates of the electrical branch (indoor engineering) has been stopped?

Mr. H. A. Sams: (a) No. The action mentioned has not been taken.

(b) Does not arise.

PROMOTION OF SUBORDINATES OF THE ELECTRICAL BRANCH OF THE TELEGRAPH OFFICE AS JUNIOR AND SENIOR ELECTRICIANS.

184. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware of the fact that first division appointments of junior and senior electricians in the Telegraph Department were held by the subordinates of the electrical branch from 16th December, 1916 to 20th October, 1928?

(b) If the answer to (a) be in the affirmative, will the Government be pleased to state whether it is a fact that the above subordinates have now been deprived of their legitimate prospects and promotions to the first division after 20th October, 1928? If so, why?

Mr. H. A. Sams: (a) The fact is not altogether as stated by the Honourable Member. During the major portion of the period referred to by him the two posts in question happened to be held by officers who had been promoted from the electrical branch; these posts are filled by suitable officers of the Superior Telegraph Engineering Service, whether they were promoted to it from the electrical or any other branch of the engineering side, or are officers directly recruited to that Service. They are not intended to be filled exclusively by officers promoted from the electrical branch.

(b) The answer to the first part is in the negative. The second part does not arise.

GRANT OF HELP TO THE WIDOW OF GANPATI AYER.

185. **Mr. N. M. Joshi:** With reference to the reply given to my unstarred question No. 174 on 4th September, 1928, regarding grant of help to the widow of Ganpati Ayer, will Government be pleased to state the decision now arrived at in that case?

Mr. H. A. Sams: The matter is still under consideration.

CREATION OF LABOUR EXCHANGES IN INDIA.

186. **Mr. N. M. Joshi:** (a) With reference to the reply given to my starred question No. 258 on 4th September, 1928, regarding labour exchanges, will Government be pleased to say if they have received replies from the Local Governments?

(b) If the reply be in the affirmative, will Government be pleased to keep a copy of the correspondence in the Library?

(c) Will Government be pleased to state what action they would be pleased to take on the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) and (c). As the Honourable Member is aware, Government hope to discuss this matter with the Standing Advisory Committee attached to the Department of Industries and Labour. Copies of the correspondence will be supplied to the members of that Committee. Government do not consider it necessary to place a copy in the Library.

SICKNESS INSURANCE.

187. **Mr. N. M. Joshi:** (a) With reference to the reply given to my starred question No. 259 regarding sickness insurance, will Government be pleased to state if they have received any replies from the Local Governments?

(b) Will Government be pleased to state whether any Local Governments have appointed Committees to go into the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) The information required by the Honourable Member will not be available until the Local Governments' replies are received.

APPOINTMENT OF A PERMANENT INDIAN REPRESENTATIVE AT GENEVA.

188. **Mr. N. M. Joshi:** With reference to the reply given to my starred question No. 260 regarding the appointment of Indian representatives at Geneva, on 8th September, 1928, will Government be pleased to state the alternative proposals framed by the High Commissioner?

Mr. L. Graham: The High Commissioner's proposals have not been received.

PROMPT PAYMENT OF WAGES.

189. **Mr. N. M. Joshi:** (a) With reference to the reply given to my starred question No. 263 regarding prompt payment of wages, on 8th September, 1928, will Government be pleased to state if they have arrived at any decision?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state what it is?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES IN INDIA.

190. **Mr. N. M. Joshi:** (a) With reference to the reply given to my starred question No. 264 regarding education of the children of Railway employees, on 8th September, 1928, will Government be pleased to state if they have consulted the Central Advisory Council for Railways, in that matter?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state if they have come to any decision?

(c) If the reply to (b) be in the affirmative, will Government be pleased to state what the decision is?

(d) If the reply to (a) be in the negative, will Government be pleased to state the reason for delaying the matter?

The Honourable Sir George Rainy: (a) Yes.

(b) and (c). The Central Advisory Council for Railways approved generally, and with certain modifications in detail, the scheme which was placed before them by Government; and the present position is that enquiries are being made from railway administrations with regard to certain details of the scheme and to ascertain their views on it generally.

AMENDMENT OF WORKMEN'S COMPENSATION ACT.

191. **Mr. N. M. Joshi:** (a) With reference to the reply to my starred question No. 266, regarding the amendment of the Workmen's Compensation Act, on 8th September, 1928, will Government be pleased to state if they have addressed the Provincial Governments in the matter?

(b) If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the affirmative.

(b) Does not arise.

LEAVE AND PENSION RULES FOR INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.

192. **Mr. N. M. Joshi:** (a) With reference to the reply to my starred question No. 268, on 8th September, 1928, regarding leave and pension rules applicable to inferior servants, will Government be pleased to state if they have made any progress in the matter?

(b) Will Government be pleased to state if they have come to any decision as regards leave?

The Honourable Sir George Schuster: (a) and (b). The Honourable Member is referred to the answer given to unstarred question No. 86, asked by Khan Bahadur Sarfaraz Hussain Khan at this session.

GRIEVANCES OF EMPLOYEES IN THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

193. **Mr. N. M. Joshi:** (a) With reference to my starred question No. 271, on 8th September, 1928, regarding the grievances of the men employed in the Lillooah Workshops, will Government be pleased to state if the enquiry of the Agent into the housing conditions of the workmen there has been completed?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state the result of the enquiry?

Mr. A. A. L. Parsons: (a) and (b). The Honourable Member is referred to the reply given to unstarred question No. 67 by Khan Bahadur Sarfaraz Hussain Khan on 28th January, 1929.

GRANT OF FAMILY TRAVELLING ALLOWANCE TO DUFFRIES.

194. **Mr. N. M. Joshi:** (a) With reference to the reply to my starred question No. 277, on 8th September, 1928, regarding the grant of family allowance to duffries during the moves of Government between Delhi and Simla, will Government be pleased to state whether they have arrived at any decision in the matter?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state what it is?

(c) If the reply be in the negative, will they be pleased to state the reasons for the delay?

The Honourable Mr. J. Orerax: (a) The answer is in the negative.

(b) Does not arise.

(c) It has been necessary to secure the opinions of all the Departments on the question whether the grant of these concessions is justified.

REPRESENTATION OF WORKERS AT ENQUIRIES INTO ACCIDENTS IN MINES.

195. **Mr. N. M. Joshi:** (a) With reference to the reply to part (c) of my starred question No. 284 regarding representation of workers at enquiries into accidents in mines, on 8th September, 1928, will Government be pleased to state whether they have come to any decision about steps to be taken for ensuring such representation?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state what the decision is?

(c) If the reply to (a) be in the negative, will they be pleased to say when they would possibly come to a decision?

The Honourable Sir Bhupendra Nath Mitra: (a) No.

(b) Does not arise.

(c) Government are not yet in a position to say when a decision is likely to be reached.

ADMINISTRATION OF FINES FUNDS ON RAILWAYS.

196. **Mr. N. M. Joshi:** With reference to the reply to supplementary question to my starred question No. 293 regarding administration of the fines fund on Railways, will Government be pleased to state if they have considered the question of issuing a report on the administration of the fines fund?

Mr. A. A. L. Parsons: The Honourable Member's suggestion has not been overlooked and will be considered in connection with a proposal now under consideration to form a Railway Staff Benefit Fund in lieu of the Fine Fund.

APPOINTMENT OF INDIANS AS WIRELESS OPERATORS.

197. **Mr. N. M. Joshi:** With reference to the reply to supplementary question to my starred question No. 301, on 10th September, 1928, regarding Indian Wireless operators, will Government be pleased to state if any steps have been taken to select Indians from different provinces?

The Honourable Sir Bhupendra Nath Mitra: Volunteers were called for from all provinces, but the final selections were made so as to secure the best men, and not on the basis of provincial representation.

ADMINISTRATION OF FINES FUNDS ON RAILWAYS.

198. **Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they have discussed with Agents the question of associating employees with the Railway management in the administration of the fines fund?

(b) If the reply be in the affirmative, will Government be pleased to state if any decision has been arrived at, and if so, what it is?

(c) If the reply to (a) be in the negative, will Government be pleased to state when they would consult the Agents, as promised last year on the 28th February?

Mr. A. A. L. Parsons: The question was discussed with Agents last October, and model draft rules for a railway staff benefit fund, to which the balances of the existing fine fund and all future receipts from fines will be credited, are about to be forwarded to railway administrations for their considered opinions. Final decision will be reached when their opinions have been received.

RESTRICTION OF RECRUITMENT IN THE POSTAL DEPARTMENT OF BOMBAY.

199. **Mr. N. M. Joshi:** With reference to the reply given to my starred question No. 565 on 17th September, 1928, regarding the restriction of recruitment in the Postal Department in Bombay, will Government be pleased to state if they have modified the orders so as to allow recruitment in Bombay from any part of the Bombay Presidency?

The Honourable Sir Bhupendra Nath Mitra: The matter is still under the consideration of the Director-General.

HOUSE-RENT ALLOWANCE FOR SUB-POST MASTERS.

200. **Mr. N. M. Joshi:** With reference to the reply to my starred question No. 567 on 17th September, 1928, regarding house-rent allowance for Sub-Post Masters, will Government be pleased to state if they have revised the scale of house-rent allowances for Sub-Post Masters of offices converted into selection grade sub-offices?

Mr. H. A. Sams: The matter is still under examination.

NEW LEAVE RULES FOR SUBORDINATES ON RAILWAYS.

201. **Mr. N. M. Joshi:** (a) With reference to the reply to my starred question No. 700 on 20th September, 1928, regarding new leave rules for subordinates on railways, will Government be pleased to state whether they have come to any decision?

(b) If the reply to (a) be in the affirmative, will they be pleased to state when the rules will be got out and introduced?

(c) If the reply to (a) be in the negative, do Government propose to hurry up the matter, which is said to have been under the consideration of Government since 1923?

Mr. A. A. L. Parsons: As I have stated in reply to another question, the Railway Board have agreed that subordinates on the Great Indian Peninsula Railway, who have been officiating in the superior grades for not less than three years continuously, should have their leave salary based on the average pay drawn during the previous year and not on their substantive pay. They have told the Agent of the East Indian Railway that similar action may be taken in respect of his staff.

It is hoped this action will meet the immediate needs of the situation.

CONSULTATION OF LABOUR ORGANISATIONS ON THE AGENDA OF THE INTERNATIONAL LABOUR CONFERENCE.

202. **Mr. N. M. Joshi:** (a) Are the Government of India aware that the Government of Bombay have consulted only the employers' organisations on the agenda of the forthcoming sessions of the International Labour Conferences?

(b) Will they be pleased to enquire why the Government of Bombay did not show the same courtesy to the labour organisations?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The Government of India have no information. As they did not specifically ask Local Governments to consult associations of employers and employed generally in regard to the agenda of the next Session of the International Labour Conference, they do not propose to make any enquiry in the matter.

RECOGNITION OF THE ROYAL INDIAN MARINE DOCKWORKERS' UNION AT BOMBAY.

203. **Mr. N. M. Joshi:** Will Government be pleased to state:

- (a) Whether they are aware that the Royal Indian Marine Dockworkers' Union at Bombay has been in existence from February, 1928, and is a registered trade union of eight months standing?
- (b) Whether the Union applied to the Royal Indian Marine Director for recognition three months ago and has since been in regular correspondence with the Director in regard to the matter?
- (c) Whether the Director has submitted the rules and constitution of the Union to Government with a view to getting its recognition of the Union?
- (d) Whether it is a fact that the late Director, Captain Sir E. J. Headlam, had expressed to the Union officials his opinion in favour of the recognition of the Union?
- (e) Whether Government has communicated its decision to the Director, Royal Indian Marine, in regard to the recognition of the Union?
- (f) If not, why the matter is being delayed so inordinately?
- (g) When the recognition will be accorded?

Mr. G. M. Young: (a), (b), (c) and (d). So far as Government are aware, the facts stated are substantially correct.

(e), (f) and (g). The Flag Officer Commanding and Director Royal Indian Marine has been informed that Government are prepared to recognise the Union, provided that its rules are amended in certain respects. The matter now rests with the Union.

REINSTATEMENT OF ROYAL INDIAN MARINE DOCKWORKERS DISCHARGED IN BOMBAY.

204. **Mr. N. M. Joshi:** Will Government be pleased to state:

- (a) Whether the Royal Indian Marine Dockworkers' Union has made representations to the Director regarding re-instatement of old hands discharged from the Dock?
- (b) the number of old hands discharged from 1st March, 1928 to 15th January, 1929, their daily wages, their periods of service and the reasons for their discharge?
- (c) whether, after the discharge of the old hands, new hands were engaged in preference to old hands discharged?

(d) whether it is a fact that the services of four men from the British India Company's Mazgaon Dock were requisitioned on or about the 5th January, 1919, two on Rs. 4-1-0 per day, and two others on Rs. 3-8-0 per day?

(e) whether any old discharged hands offered their services for the same places and were not engaged?

(f) whether it is a fact that only fifteen of the old discharged hands in the factory branch of the Dock have been re-engaged and a few were offered reduced wages, while many more new hands have been employed in the same branch on a decent scale of wages?

(g) whether it is a fact that old hands entitled to promotion to higher places as chargemen are generally ignored, and raw, inexperienced hands are brought from outside to fill up such places? If not, do Government propose to institute an enquiry into the whole question of recruitment and discharge of the dockworkers with a view to improve matters?

(h) whether it is a fact that a number of workers recruited as fitters in the factory branch are working as clerks, and that the number of such clerks is much greater now than in the war period?

(i) whether the names of such clerks are entered in the muster as clerks or fitters?

(j) whether the Director is aware of these practices and methods prevailing in the Docks?

Mr. G. M. Young: I propose, with your permission, Sir, to reply to questions 204 to 207 together. The information desired by the Honourable Member is being obtained and will be communicated to him in due course.

CREATION OF A PERMANENT ESTABLISHMENT OF DOCKWORKERS FOR THE INDIAN NAVY.

+205. **Mr. N. M. Joshi:** (a) Will Government be pleased to state for how long the dock has been in existence?

(b) Are the dockworkers, even after serving for 25 or 30 years, treated as temporary hands?

(c) Does such temporary nature of service obtain in other departments of Government?

(d) Are Government prepared to consider the question of making the dockworkers' establishment permanent, consequent on the transformation of the Royal Indian Marine into the Indian Navy?

(e) Is any scheme under contemplation or in preparation?

(f) If the scheme is ready, will Government be pleased to place it on the table?

PAYMENT OF GRATUITIES TO ROYAL INDIAN MARINE DOCKWORKERS.

+206. **Mr. N. M. Joshi:** Will Government be pleased to state:

- (a) whether every case of the Royal Indian Marine dockworkers' claims for gratuity is referred by the Royal Indian Marine Director to the Government of India for sanction?

+ For answer to this question, see answer to question No. 204.

- (b) whether there is no definite settled scheme authorising the payment of gratuities by the Directory?
- (c) the number of dockworkers that received gratuities during the last two years and the total amount paid?
- (d) the scale, if any, for payment of gratuities?
- (e) the number of cases that were represented by the Royal Indian Marine Dockworkers' Union to the Director for payment of gratuity and the claims, if any, paid out of the lot represented?

PROVIDENT FUND FOR DOCKWORKERS.

†207. **Mr. N. M. Joshi:** Have Government prepared any scheme for provident fund for the dockworkers? If not, do Government propose to introduce it?

NEW AIR ROUTE TO INDIA.

208. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of January 15, 1929, page 9, under the heading "New air route to India—Plans complete—London to Karachi in six days—Empire Service"?

(b) If so, will Government please state if the heading of the paragraph, namely, "New air route to India—Plans complete—London to Karachi in six days—Empire service" represents the true state of affairs?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Government have no definite information, but they understand that the position in regard to the proposed London-Karachi Air service is as indicated in the article referred to.

ADMISSION OF CANDIDATES FROM BIHAR AND ORISSA FOR TRAINING ON THE "DUFFERIN".

209. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the report published in the issue of the *Statesman* of January 15, 1929, page 10, under the heading "Dufferin Cadets—Candidates for 3-year course of training"?

(b) If so, will they please state if the report published therein is correct?

(c) Will Government please state in what manner candidates for the qualifying examination for the mercantile marine ship "Dufferin" are admitted?

(d) Can Government please also state the reasons why no candidates from the Province of Bihar and Orissa appear in the examination, while candidates from other provinces, mentioned in the report, are among the candidates?

† For answer to this question, see answer to question No. 204.

The Honourable Sir George Rainy: (a) Government have seen the report.

(b) The report is generally correct, except that the number of candidates selected is 35 and not 33.

(c) The information is given in the Prospectus of the Indian Mercantile Marine Training Ship "Dufferin", a copy of which is available in the Library of the Legislature.

(d) Two candidates from the Province of Bihar and Orissa appeared at the last qualifying examination.

APPOINTMENT OF BIHAREES TO POSTAL CIRCLES IN BIHAR AND ORISSA.

210. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that in the Bihar and Orissa Postal Circle, out of the nine postal and two Railway Mail Service divisions, only one division is in charge of a Biharee?

(b) If so, will Government be pleased to state why the Biharees are so poorly represented in their own province?

(c) Will the Government be pleased to state if a similar state of affairs is existing in any other Postal Circle in India?

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

(b) Because suitable Biharee candidates have not been forthcoming for the post of Superintendent.

(c) Yes, in the Sind and Baluchistan Circle.

NUMBER OF POSTAL DIVISIONS IN BENGAL AND THE UNITED PROVINCES IN CHARGE OF OFFICERS FROM THOSE PROVINCES.

211. **Khan Bahadur Sarfaraz Hussain Khan:** Will the Government please quote the number of postal divisions in the neighbouring Provinces of Bengal and the United Provinces, and state how many of the total number of divisions are in charge of the officers of their own provinces, and how many are in charge of officers belonging to other provinces?

Mr. H. A. Sams:

Province.	Total number of Postal Divisions.	No. of Divisions in charge of officers of their own provinces.	No. of Divisions in charge of officers belonging to other provinces.
Bengal	25	17	4
United Provinces	15	6	7

The above figures exclude Divisions in charge of European or Anglo-Indian Officers.

TRANSFERENCE TO BENGAL OF A BIHAREE SUPERINTENDENT OF POST OFFICES.

212. Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that the general principle of the Postal Department is to keep the officers in their own provinces as far as possible?

(b) If so, will Government please state the consideration which necessitated the recent transfer of a Biharee Superintendent from the Province of Bihar and Orissa to the Province of Bengal?

Mr. H. A. Sams: (a) No. Gazetted officers of the Posts and Telegraphs Department are liable to be posted to any part of India or Burma.

(b) Does not arise.

NUMBER OF BIHAREE OFFICERS IN THE POSTAL SERVICE IN BIHAR AND ORISSA.

213. Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state the total number of Biharee officers in the Postal Service in the Province of Bihar and Orissa?

Mr. H. A. Sams: It is presumed that the Honourable Member's question refers to Gazetted officers. The number of such officers in the Postal Service in Bihar and Orissa who are Biharees is three.

INCREASED REPRESENTATION OF BIHAREES IN THE POSTAL SERVICE IN BIHAR AND ORISSA.

214. Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that, in Bihar and Orissa, the number of Bengalees as officers in the Postal Service predominates, and still more officers from Bengal have lately been brought to the Province of Bihar and Orissa?

(b) If so, will Government please state the reasons?

(c) Are Government prepared to consider the desirability of issuing orders that the Biharees are properly represented in their own province?

The Honourable Sir Bhupendra Nath Mitra: (a) It is understood that the Honourable Member means "gazetted" officers in the Posts and Telegraphs Department. If so, the reply is in the affirmative.

(b) Gazetted Officers in the Posts and Telegraphs Department are liable to serve anywhere in India, and their postings are made in accordance with the requirements of the service only. The abolition of the Eastern Circle, Railway Mail Service, with effect from the 1st January, 1929, and the transfer to the Bihar and Orissa Circle of the posts of Deputy Postmaster-General and two Divisional Superintendents, all of which happen to be held by Bengalees, is responsible for bringing three more Bengalee Officers on to the cadre of the Bihar and Orissa Circle.

(c) The Posts and Telegraphs Department is not organised on a provincial basis. Government do not propose to issue orders as suggested.

THE COMMITTEE ON PUBLIC PETITIONS.

Mr. President: Under Standing Order 80 of the Legislative Assembly Standing Orders I have to appoint a Committee on Public Petitions. I have, therefore, to announce that the following Honourable Members will form the Committee:

Mr. Dwarka Prasad Misra.

Sir Purshotamdas Thakurdas.

Mr. Dharendra Kanta Lahiri Chaudhury.

Nawab Sir Sahibzada Abdul Qaiyum.

According to the provisions of the Standing Orders, the Deputy President, Maulvi Muhammad Yakub, will be the Chairman of the Committee.

PANEL OF CHAIRMEN.

Mr. President: In pursuance of the provisions of rule 3 of the Indian Legislative Rules I have to announce that I have nominated the following Members to be on the Panel of Chairmen:

Pandit Madan Mohan Malaviya.

Sir Darcy Lindsay.

Sir Purshotamdas Thakurdas.

Mr. Jamnadas Mehta.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move that the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, be referred to a Select Committee.

The Bill before the House does not propose to establish any new principle. Indeed, its underlying principle is to maintain intact the main principles of the existing Act, pending a comprehensive revision thereof, in regard to which the Government of India are in consultation with the Provincial Governments. The present Bill is limited to the removal of certain defects which have come to light in the working of the Act during the last four years, and to the extension of the benefits of the Act to certain classes of persons in cases where such extension will not conflict with any fundamental principles and has already been decided upon by the Government of India after careful inquiry. I do not propose to weary the House with the details of the Bill, which are more or less of a technical character. It will be seen from the opinions received that, generally speaking, our proposals have met with a considerable amount of support. Some of them have also evoked a certain amount of well-founded criticism. These criticisms will have to be carefully considered in the Select Committee and necessary modifications will have to be made in the Bill. The opinions received have also produced certain new proposals, and where these seek to make a change in the existing principles, or are intended to extend the benefits of the Act to

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fresh categories in whose case it is not possible for the Government of India to take the desired action without further inquiry and consultation with Provincial Governments, the proposals will have to be held over for consideration in connection with the more comprehensive revision of the Act. Sir, I move.

Mr. President: Motion moved:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, be referred to a Select Committee."

Mr. M. S. Sessa Ayyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, in accepting the principle of the Bill, I wish to emphasize one or two points for the consideration of the Select Committee. In clause 2 of the Bill the words "railway servant" have been defined. No doubt, it expands the definition of railway employees under State railways, but the Select Committee will have to take into consideration also the need of proposing an elastic definition for the one we have. I would in this connection specially refer the House to the recent decision of the Bombay High Court in *Rabia vs. Great Indian Peninsula Railway*. There, regard being had to the existing definition in the Act, the Judges were forced to hold that an employee, engaged in erecting steel towers for the purpose of carrying overhead cables for the electrification of the Great Indian Peninsula Railway, would not come under the definition of the Workmen's Compensation Act. They held that he would not be deemed to have worked in a thing which is ordinarily part of the railway company's trade or business. This decision was perhaps due to the *lacuna* in the existing Act. I would certainly emphasize the need for the Select Committee to attend to this matter particularly and see that they obviate the danger of a similar pronouncement by the High Court hereafter, restricting the scope of the Act.

Then, in the next place, I would invite the attention of the Select Committee to the important fact that there is in clause (b) an attempt to define the railway servant irrespective of the definition in the Indian Railways Act. To my mind, it appears that this might result in some anomalies in the working of the Act. I would also ask the Select Committee to consider whether it would not be desirable in the interests of the employees to obviate the danger by eliminating any reference, in the definition of "railway servant" to the existing Indian Railways Act. I would further urge the necessity of putting it beyond controversy, because the definition of "railway servant" given in clause 2 really extends to all employees under railway contractors as well. There might be cases of dual liability arising therefrom, but that is no reason why we should not extend the definition to all employees including those who are employed by the railway contractors so that they may also come under the benefits of this Act.

Then, Sir, I would urge the need of extending the definition under clause 2 to all Indian seamen, whether they are employed in the docks or on railways in docks. So much for clause 2. I would next refer to clause 4, in

which it is sought to amend the existing section 5 of the Act.

12 Noon. Sub-clause (b) of the clause enunciates the method of calculation to be made. In the opinions received I find an alternative method suggested, which makes it not so rigid. That is a point I would ask the Select Committee to consider, whether it would not be expedient to put in the alternative method of calculation which makes it not compulsory.

Then, one word as regards sub-clause (b) of clause 7 of the Bill, under which, clause (b) of the proviso to section 28 of the Act is sought to be deleted. Now, that is done on the ground that it has remained a dead letter so far and therefore its elimination is justified. But may I submit to the House and through it to the Select Committee that there is a need for retaining that proviso for some time to come. We expect in the near future a growth of trade unions and there would be a need for the registration of agreements between the employer and the employed. There is good ground for thinking that in the future there might be a greater number of trade unions coming into existence and that would certainly accelerate the necessity for the use of a provision regarding registration contemplated under section 28 of the Act. Therefore, I would recommend to the Select Committee the expediency of retaining clause (b) of the proviso to section 28 of the Act. With these suggestions I would support the motion of my Honourable friend.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): While, with my Honourable friend who has just spoken, I accord my support to the principle of the amending Bill, I was disappointed to hear from the Honourable Member in charge that the Government were rather chary in extending the scope of the amending Bill, in view of the opinions that had been received. I hope I was mistaken in my estimate of what the Honourable Member said, because, if the Bill is going to be referred to a Select Committee, it is obvious that the opinions that have been expressed on the amending Bill should be taken into consideration by the Select Committee, and if there are additional categories to be added, then I do not see how that addition is going to affect the principle of the Bill and how the Select Committee can be prevented from taking into consideration those additional categories. For instance, I will give one example. It has been recommended by several people, whose opinions are recorded in the papers before us, that men working in canal works should also be given the benefit of the Workmen's Compensation Act. When this matter comes up before the Select Committee, I cannot see how it is going to prevent the Select Committee from saying that, if there is a genuine grievance on the part of canal workmen, they should also be given the benefit of the Workmen's Compensation Act. Again, unfortunately, the Government of India as a body suffers from prolonged periods of travail, but the issue is very disappointing and unsatisfactory. (Laughter.) The Workmen's Compensation Act came into existence in 1924. I think in Great Britain, nearly half a century before that Act came into existence in India, some sort of protection was available to the British workman. After half a century's experience of protective legislation in Great Britain, the British Government in India awakened to the possibility of the fact that the Indian workman also needed protection when he suffered an injury or suffered death in the course of employment. Having done so, they brought in a Bill which, in my opinion, was exceedingly unsatisfactory, and they have taken a period of five years in order to bring in an amending Bill which is also unsatisfactory. I am glad that not only the public, not only the labour unions, but also certain Local Governments and Judges of the High Courts like Mr. Justice Kumara-swami Sastri have recommended that they are in favour of bringing about a radical change in the Act, and of bringing in an amending Bill of a more comprehensive nature, in order to assimilate apparently the existing law in this country with the laws of other civilised countries. I do hope, as the

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Honourable Member said, and I am glad to note that he is also in agreement, that the Government of India will take the earliest opportunity of bringing in a more comprehensive amending Bill in regard to this matter.

Now, Sir, the Bill before us refers to just a few sections, *viz.*, 2, 3, 5, 8, 23, 28 and Schedule II. The definition of a railway worker has been extended, and I hope, as my Honourable friend Mr. Sesha Ayyangar has said, that the railway contractor will also be brought in and the benefits under this Act will be made available for him. Further, when the original Bill was brought forward, many of us had very great doubts whether it was not necessary to remove the restriction on building trades, and I am glad to note that the present amending Bill removes that restriction.

There is one important matter to which I would like to refer, namely, there was a decision, I believe in the Calcutta High Court, in which it was said that section 11 (6) was very unsatisfactory. I see no mention of it in the amending Bill. Section 11 (6) says:

"Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is thereafter proved that the workman has not been regularly attended by a qualified medical practitioner and that such refusal, failure or disregard was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, and compensation, if any, shall be payable accordingly."

I do not know, if, having read this, Honourable Members have been able to follow the sequence of the sentences. It is very difficult to follow the sequence of the sentences therein, and the Judges of the Bombay High Court themselves have declared that the wording is so unsatisfactory that some sort of amendment is necessary. I think the Honourable Member will find, in the opinions expressed, that this has been specifically referred to, that section 11 (6) is badly worded, and they refer to I. L. R. 51, Calcutta, page 1259. Am I to take it that matters of this sort are not to be considered by the Select Committee? Am I to take it that, while suggestions are made that certain other things like ether and ammonia should also be considered as dangerous, and that in Schedule III ether and ammonia also should be added and that those working in water-boring operations should also be brought under this Act, these opinions are not to be considered by the Select Committee, and if they make a recommendation, will it not be incorporated in the amending Bill? I do hope that the Honourable Member will agree with me that the incorporation of these new things is not a radical change of the principle of the Bill, for they are merely subsidiary matters which can easily be incorporated in the amending Bill, and that the extension should be given if an extension of this nature is recommended by the Select Committee. If that is so, I personally have not the slightest doubt that the motion before the House will be acceptable to the Members of the House. I do want to press upon the Honourable Member in charge that there is a very great necessity for a comprehensive amendment of the Workmen's Compensation Act and that attempts should be made at the earliest possible moment to bring in a comprehensive amending Bill. If that is not done, the discontent that already prevails in matters of this kind will continue. The other day we had an instance

down in the coalfields where an accident happened. An Enquiry Committee was set up and that Committee reported after a period of six months, thereby robbing the workman of the right to demand compensation. Grievances of this kind ought to be looked into by the Select Committee and if any adjustment can be made it should be recommended by the Select Committee. These are matters which demand a comprehensive inquiry. Not only should we elicit the opinions of Local Governments and of public bodies but a committee should be set up which would investigate the actual working and the administration of the Workmen's Compensation Act. If that Committee find that a radical improvement in the Act is necessary, then a Bill should be brought in by the Honourable Member in order radically to improve the Act in the interests of the working classes.

Sir James Simpson (Associated Chambers of Commerce: Nominated Non-Official): On behalf of the interests represented by these Benches, I have much pleasure in welcoming this Bill and according it general support. But there are one or two suggestions that I would like to throw out for the consideration of the Select Committee. For example, opinion No. 6 on the first paper, that is to say, the opinion of the Madras Government where certain minor modifications are suggested. I would commend them to the best attention of the Select Committee, and also a suggestion made in the letter from the Buckingham and Carnatic Mills which seems to me worthy of attention. There is another suggestion made in Paper No. 2, Opinion No. 13 by the European Association, which will tend greatly to the benefit of the workmen if that suggestion is taken into consideration. It would seem that in provinces where there is no special commissioner great delay occurs in settling the claims of workmen. The suggestion in that paper is that a special commissioner be appointed for each province, and I commend that to the Select Committee. With these remarks I have pleasure in supporting this Resolution.

The Honourable Sir Bhupendra Nath Mitra: Sir, in regard to the various criticisms on the draft Bill which have appeared in the opinions received by us, undoubtedly they will receive the most careful consideration on the part of the Select Committee. That observation applies to the remarks which fell from my friend Mr. Sesha Ayyangar and my friend Sir James Simpson. My friend Mr. Chaman Lall raised wider issues. In regard to the comprehensive revision of the Workmen's Compensation Act, as I have already informed the House, we have addressed Local Governments and we are awaiting their views. What will happen thereafter it is not possible for me to say at the present stage. The House is aware that the other day His Excellency the Viceroy announced in this House the appointment of a Labour Commission. Whether the examination of the working of the existing Workmen's Compensation Act and its comprehensive revision will be a matter which will come within the purview of the Commission I am not at present in a position to say. But, as I have already stated, we have started the ball rolling. We have addressed Provincial Governments, and we must at any rate await their replies before we take the next step. My friend Mr. Chaman Lall also referred to certain proposals put forward in some of the opinions received about extending the provisions of the Act to certain fresh categories. I dealt with that particular matter in my speech when moving the motion now before the House. The difficulty there is this. In regard to the categories for the extension to whom, of the benefits of the Workmen's Compensation Act, this Bill

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provides, such provision has been made by Government after due inquiry and in consultation with all the Provincial Governments. Now, if one or two authorities have recommended the inclusion of certain other categories, I submit it will be hardly fair for us to attempt to extend the benefits of the Bill to those categories without a wider inquiry, and I should prefer that we should confine the present Bill to those categories in whose case due inquiry has been completed, and should postpone the inclusion of other categories to the stage of the comprehensive revision of the Bill. I shall quote a specific case. I think it is the Bombay Port Trust which has said that certain other categories of dock labourers should be brought within the purview of the Bill; but it has also said that the matter would be discussed at a meeting of the Indian Ports Association to be held at Karachi in February, and it has therefore suggested that, for the time being, the particular clause to which their criticism refers might be deleted from the Bill. That, Sir, Government are not prepared to agree to. We have got this Bill, and in it Government, after adequate inquiry, have provided for the extension of the provisions of the Act to certain categories. I would suggest to the House that it would be preferable to confine ourselves to those categories rather than to attempt to extend the benefits of the Act to other categories, which may involve further inquiry and therefore a further postponement of the passing of this Bill.

Mr. President: The question is:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, be referred to a Select Committee."

The motion was adopted.

Mr. President: Mr. Crerar.

The Honourable Sir Bhupendra Nath Mitra: Sir, I want to make a motion regarding the members of the Select Committee

Mr. President: It is not in the List of Business.

The Honourable Sir Bhupendra Nath Mitra: I was told by the Secretary that this would come immediately after my first motion.

Mr. President: Standing Order 8 says:

"Save as otherwise provided in the rules or these Standing Orders, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the President."

The Honourable Sir Bhupendra Nath Mitra: I ask for leave now.

Mr. President: That is not the way to ask for leave. Sir Bhupendra Nath Mitra.

The Honourable Sir Bhupendra Nath Mitra: I beg to move:

"That the Select Committee to which the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, has been referred do consist of the following persons, namely:

Sir Darcy Lindsay, Sir Victor Sassoon, Diwan Chaman Lall, Mr. V. V. Jogiah, Mr. N. C. Kelkar, Sir Purshotamdas Thakurdas, Mr. Abdul Matin Chaudhury, Mr. N. M. Joshi, Mr. K. Ahmed, Mr. S. Lal and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Diwan Chaman Lall: May I add the name of Mr. Sesha Ayyangar?

The Honourable Sir Bhupendra Nath Mitra: I have no objection.

Mr. President: The question is that Mr. Sesha Ayyangar's name be added to the list.

The motion was adopted.

Mr. President: The question is:

"That the Select Committee to which the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, has been referred do consist of the following persons, namely, Sir Darcy Lindsay, Sir Victor Sassoon, Diwan Chaman Lall, Mr. V. V. Jogiah, Mr. N. C. Kelkar, Sir Purshotamdas Thakurdas, Mr. Abdul Matin Chaudhury, Mr. N. M. Joshi, Mr. K. Ahmed, Mr. S. Lal, Mr. Sesha Ayyangar 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 PUBLIC SAFETY BILL.

The Honourable Mr. J. Crerar (Home Member): Sir, I move for leave to introduce a Bill to check the dissemination in British India from other countries of certain forms of propaganda.

I do not propose, Sir, at this stage,—indeed it would not be proper or permissible for me—to anticipate the closer examination of the very important questions which this Bill raises. I shall merely say that the reasons which compelled Government last September to introduce a measure, the provisions of which are, with a few changes for the most part of a drafting character, embodied in this Bill have compelled them, with redoubled force, to approach the legislature again. The most important changes in the Bill, which I now ask leave to introduce, relate to remittances of money from external sources for the promotion of activities against which other provisions of the Bill are directed. It is, I think, unnecessary for me to add anything at the present stage to the brief summary in the Statement of Objects and Reasons.

Sir, I move.

Mr. President: The question is:

"That leave be given to introduce a Bill to check the dissemination in British India from other countries of certain forms of propaganda."

The motion was adopted.

The Honourable Mr. J. Crerar: Sir, I introduce the Bill.

Sir, I move:

"That the Bill to check the dissemination in British India from other countries of certain forms of propaganda be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Victor Sassoon, Nawab Sir Sahibzada Abdul Qayum, Rai Bahadur Tarit Bhushan Roy, Mr. K. C. Roy, Mr. Fazal Ibrahim Rahimtoola and the Mover, with instructions to report on or before the 28th February 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

[Mr. J. Crerar.]

In making this motion, Sir, I propose, in the first instance, to recapitulate briefly the previous history of this measure in so far as it has already been before the House.

On the 10th September I moved that the Bill, as it then stood, should be taken into consideration. An amendment was moved and accepted by Government that the Bill be referred to Select Committee. This motion was adopted on the 15th September, and thereby the House accepted the principle of the Bill. The principle of the Bill was that Government should be invested with powers to secure the removal of persons from abroad engaged in subversive designs of the character specified in the Bill. The Report of the Select Committee was presented on the 20th September. Very substantial amendments were introduced by the Select Committee, the most important of which are as follows:

In the first instance there was a restriction of the clause prescribing the nature of the activities against which the Bill is directed. There was an important extension of the categories of excepted persons, and provision was made for claims to be an excepted person to be heard by the High Court. The duration of the Act, provided in the report of the Select Committee, was to be limited for 5 years, and finally a provision was made for an appeal on the part of any person, against whom a prohibition order had been made, to a Bench of three Judges.

A motion to consider the Bill as reported was rejected by one vote on September 24th.

Now, Sir, the reasons which moved Government to bring forward this measure were set out at length by myself and other speakers on behalf of Government, in the course of what was perhaps the longest debate on which this House has ever embarked. I do not propose, on the present occasion, to retrace in detail the ground which was then covered; but I consider it necessary, as a preamble to the argument which I have now to address to the House, to restate concisely the main points of the position which Government then took up and which they now with still greater earnestness and emphasis consider it their duty to re-affirm.

The crucial question which was then and is still before the House, the Government and the country is that we are faced by a serious situation which imperatively demands exceptional measures to be taken. That serious situation arises from the propaganda of the communist movement.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): What is the Communist movement?

The Honourable Mr. J. Crerar: On the invitation of the learned Pandit, I propose very briefly to reply to that question.

Mr. Gayaprasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): It is Diwan Chaman Lall.

The Honourable Mr. J. Crerar: I propose to accept the invitation of Diwan Chaman Lall. Perhaps he will himself assist us in a proper construction of the matter at a later stage. Communism is frequently represented as merely one among many theoretical systems for the

social and economic organisation of society which may be examined or ignored, and which may or may not excite interest or curiosity like any other academical theory. It is represented, in short, that it is merely an opinion like any other opinion. The propaganda to which this Bill relates is of an entirely different character. You cannot take it or leave it; you have to deal with it or let it deal with you. The ultimate practical object aimed at is nothing new in the world's history; though perhaps the methods and the expedients and the doctrines are new, or comparatively new. That object is to bring within the orbit or domination of the communist political system, every State or country which is foolish enough, or deluded enough, or ignorant enough, to allow this propaganda to find a fruitful soil in its midst, and to neglect the crop till it has brought forth its poisonous and fateful fruit. To effect this object, the first expedient is to permeate and undermine, with a view ultimately to destroy, the existing social and economic order, as well as the existing forms of government. The reform and remedy of discontents or grievances are no part of this system. They are, on the contrary, antagonistic to it. For the object in view postulates destruction, the same object which has been attained in the past by sanguinary wars or by sanguinary revolutions. Communism has not rejected either of these expedients. Revolution is its avowed and ulterior aim. But it finds the more indirect and subterranean methods for the present more convenient for the preliminary and preparatory measures. Its policy is to inflame every conceivable cause of discontent and to manufacture and create them, when this is necessary, in order to collect sufficient inflammable material from which it may be possible, at the opportune moment, to light a great conflagration. It is not therefore difficult to understand why the most persistent and most organised efforts are directed towards industrial unrest. This industrial unrest and discontent are to be found in every country. They have never been absent and have always been the raw material of the agitator or the revolutionary, as they have been the most serious preoccupation of the reformer and the statesman. And as in India the classes immediately affected are generally illiterate, impulsive and easily led that is why we find in India communist activities most conspicuous in industrial centres, particularly in Bengal and Bombay.

It is not, however, only to illiterate workers and peasants that these activities are directed. In all countries where communism has insinuated itself it has attempted to address its most seductive appeals to the inexperience and enthusiasm of youth. Like the serpent of old, it can assume the form most likely to be attractive to those whom it seeks to tempt. And this has also been so in India, more markedly so in recent times. Sedulous attempts have been, and are being made, to bring the Youth Movements in various parts of the country within the communist orbit. These attempts, even if attended by only a partial measure of success, constitute one of the most formidable dangers that the movement entails. If the educated youth of the country, or any considerable part of it, were to be imbued with the tenets of communism, I can conceive no more fatal wound that could be inflicted upon her future. These then are the general aims and objects of the communist propaganda.

I propose now to summarise very briefly the most important facts relating to this movement which directly concern India. In 1919, the Communist Party of Russia established in Moscow an organisation known as the

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Third Communist International, whose aim was defined as the promotion of revolution throughout the world for the purpose of setting up an International Communist Republic. A thesis published by this body in 1920 expressly contemplated the direction of activities towards India and the East. A manifesto on these lines was published in India by M. N. Roy in 1922, at the time of the Gaya Congress. Others followed, and the activities which ensued rendered it necessary for Government to launch a prosecution in 1924. Four persons were convicted of conspiracy to deprive the King of the sovereignty of British India. The result was that, for some time, communist activities were to a large extent suspended. They were actively resumed in 1925 and 1926 when a communist emissary, calling himself Allison or Campbell, started the formation of Workers' and Peasants' parties in India in pursuance of the programme. He was followed by two others, who took up the task, and have since been zealously pursuing it with an increasing band of associates, including persons convicted in the conspiracy case already referred to, to the great injury of the country and in particular to the great injury of its industrial population. I need not recall the series of disastrous strikes, accompanied by every variety of disorder and violence, which occurred during last year. That, Sir, in brief was the situation when, in September last, I pressed it upon the serious attention of this House, and asked it to give its legislative sanction to the powers which the Government then thought urgently necessary, and of the urgency and necessity of which they are now still more completely convinced.

Since that time, the situation, as I think no one in this House will be prepared to deny, has seriously deteriorated. In Bombay the Communist Party has captured nearly all the labour unions, and their representatives on the strike committees are largely in control. The Government of Bombay have made the most sincere and strenuous efforts to promote a settlement of the mill strike, and as the House is aware, a committee appointed for this purpose is now sitting. Nevertheless, lightning strikes, violence and intimidation, still continue, and there have frequently been several deplorable cases of bloodshed. I think I must recount one or two of these unhappy incidents because on a previous occasion it was represented to me that I had not laid sufficient facts before the House. I will deal only with a few of the salient events which have occurred during the last two months. In Bombay on 12th December a very serious riot took place, in which a small party of police were attacked and were in most imminent danger. On 19th December, the Deputy President of the Bombay Mill Owners' Association, on going to his mill, found the offices besieged by a large crowd of strikers, and on leaving to obtain police assistance, he was violently attacked, and barely escaped with his life. On the 30th December, an Assistant Weaving Master of the Pearl Mills was murderously assaulted and succumbed to his injuries the same day. Three days later, on January 2nd, an up-country clerk, employed by an Agent of the Standard Oil Company, was beaten to death. On January 11, a very serious disturbance took place at Sewri, in the north of Bombay, attended by fatal casualties. And there have been further serious disturbances. In Bengal the situation is hardly less serious. Since last July, for example, there has been continuous labour trouble in and around Calcutta, and during most of this period, certain mills have been closed down, and I am informed that,

even now, no statement of demands or grievances has been made. Communists have taken an active part in these troubles. Intimidation has been freely resorted to, and on several occasions there has been imminent danger of the most deplorable occurrences. On one occasion, the head clerk of a mill was stabbed. On the 19th of January a large procession, consisting of 20,000 or 25,000 people, paraded the streets in Calcutta, and a mass meeting was held on the maidan. The processionists who were mostly labourers and members of the Workers' and Peasants' Party, carried a number of flags bearing inscriptions, of which the following are a few examples: "Long live the Soviet Republic of India," "Down with the Landlords," "All power to the masses," "Workers of the world unite," "Long live Revolution in India," etc. Meantime, strenuous efforts have been made to extend, all over India, a network of Workers' and Peasants' Parties on the Communist model. A large number of these have been formed in Bombay and in Bengal, and they have also been formed in the United Provinces and in the Punjab. Recently, those organisations have been centralised in an All-India Workers' and Peasants' Party, and a thesis on the familiar lines has been drawn up and published by it. Now, Sir, apart from the attention which the older, more extensive communist organisations are devoting to affairs in India, these movements have excited a lively and active interest recently in two foreign organisations which are Communist in aim and inspiration,—the Pan-Pacific Trade Union Secretariat and the League against Imperialism. The last mentioned has its headquarters in Berlin and a well-known Indian revolutionary as its Secretary. Efforts have been, and are being, made to secure contact and affiliation between these bodies and others with similar aims in India. Thus, one Johnstone was apparently specially deputed to obtain the affiliation of the All-India Trades Union Congress and the League against Imperialism, and I am informed that he was directed to attend as delegate the Workers' and the Peasants' Party. He was arrested at the recent Jharia session of the Trades Union Congress, and, as he was a foreigner, he was dealt with under the Act of 1864. Another emissary acting on behalf of the Pan-Pacific Trades Union also, was deputed to obtain the affiliation of the All-India Trades Union Congress to that body. Being a British subject, he could not be dealt with under this Act. We have received information of the despatch of other emissaries, some of whom are Indians, with similar intentions. And indeed, this despatch of emissaries specially instructed to carry on the Communist propaganda is something in the nature of a new programme, and the success attending their despatch in creating industrial unrest and disturbances is one of the most significant and dangerous aspects of the situation. Of the various expedients that are being adopted to this end I propose to refer to two in particular. The first is that of subsidies in aid of the Communist organizations in India, which is dealt with in the new provisions of the Bill now before the House. The scope of the Bill has been enlarged by adding powers to forfeit or control the expenditure of money remitted from outside British India for the promotion of the activities against which the Bill is directed. During the last few years in particular, a large number of remittances have come to notice and it is probable that a still larger number escaped observation. Among the various sources from which they have come may be mentioned the Red International Labour Union, the Profintern, another communist body, the Central Council of Trade Unions of Moscow and the Communist Party of London. Without these powers or precautions against the alien movements, the Bill

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would be defective in an important particular. It would be credulous to suppose that those who send these remittances are actuated by altruistic motives. They have an openly avowed object in view, and they have no doubt satisfied themselves that they are getting good value for their money. The sums at present coming into this country have unquestionably an appreciable effect in the promotion and prolongation of industrial strikes. If the movement grows, it will become worth while spending more on it, and if the circumstances are favourable in this sense—if for example a general strike is successfully organised—these subsidies would very likely assumed greater and greater proportions, and if unchecked, might contribute with perhaps decisive effect, to the most disastrous consequences. So far as remittances from the sources specified in the Bill are concerned, those which are ostensibly for legitimate or reasonable objects, I may point out that the Bill provides for expenditure on such objects.

The second of the measures adopted by these organisations, to which I have referred just now, is Press propaganda. No propagandist activity can afford to neglect this greatest weapon of propaganda, the most direct and effective method of affecting and moving public opinion which is offered by the Press. Apart from those who read the newspapers themselves, a single copy of a vernacular sheet, read out by a literate man in a village or in a workshop to his illiterate companions, gives it a very wide circulation. The Communist movement in India so far has not been neglecting this, and it has been using it on an extensive and increasing scale. When we last discussed this subject, several speakers avowed—and I have no doubt with complete sincerity—that they were entirely unaware of anything in the nature of Communist Press propaganda in India. How singularly remote from the truth this is will be apparent to any Honourable Member who takes the trouble to scrutinise the collection of extracts placed in the Library. You will find there every variety of propagandist articles, some plain and direct others not unskillfully disguised. Their general tendency is obvious. Their accumulated effect cannot but be powerful when they are brought to attentive but uninstructed minds. There are several organs of the Press in India which we have reason to believe have received subsidies from communist sources abroad. This is a danger which cannot be ignored, and one of the objects of this Bill is to counteract it by cutting off these subsidies.

Now, Sir, I have set out, as concisely as possible, the broad outlines of the grave situation with which the country, the Government, and particularly at this moment this House, have to deal. The Bill which I submit to the consideration of the House states the measures which Government consider immediately necessary for prevention and protection. I have been told, and I shall no doubt be told again, that it provides no real remedy for the evil under which the country, its industries and its industrial population are suffering. I have been told, and I shall doubtless be told again, that the only permanent and radical remedy is to rectify the grievances and to remedy the discontent. It has been alleged that to do this will, on my own contention, deprive the enemy of his most potent instrument, of the material readiest to his hand. Now, Sir, I do not deny that this is the most radical and permanent remedy if it could be attained, as it never has been fully attained, in any country at any recorded period of history. And what is very often implicit in the contention, and sometimes explicit, is

that all this should be done wholly and solely by the Government. But this is impossible, and, if it were possible, it would betray a very great element of weakness in the social order. The greatest possible united effort on the part of Government, of the Legislature, of every constituted authority and every rank and grade of private citizen, can only advance us by gradual steps towards a goal which can never be fully attained. It is no doubt the right and the rational road, but along it progress must be long and slow. The evil which corrodes and inflames the present discontent is not slow. It works and spreads rapidly and demands speedy action. That the object aimed at in the Bill is not the radical and permanent remedy is no reason why we should neglect it, and I maintain that the object of the Bill is the first and most important object towards which protective measures should be directed. Communism is essentially foreign to the ideas and traditions of India and it depends for its establishment and development on the inspiration, impetus and assistance which it receives from abroad. It is of the first importance that it should be cut off from these external connections, and that is the immediate and essential purpose of the Bill. If that is done, and effectively done, we may reasonably hope that on a sterile and uncongenial soil it will wither away and die.

Now, Sir, I do not on the present occasion propose to deal with the detailed provisions of the Bill. Indeed I should not, I imagine, be in order if I attempted to do so. But there are two general questions arising from the main issues which the Bill propounds to the House on which I think I ought to say something, because in the course of previous debates much doubt and apprehension were expressed with regard to them. I have argued that the immediate and the primary object to which we ought to direct ourselves is to cut off the Communist movement in India from its external sources of inspiration and support. "What", I have been asked, "What are the intentions of Government with regard to that part of the Communist movement in India which is not external, which is—I will not say indigenous—but which is carried on by natives of the country?" Well, Sir, I shall endeavour to give an explicit answer to that question, which I regard as a perfectly legitimate question. We have been carefully considering, in consultation with Local Governments, whether any further legislative measures are necessary for the purpose of dealing with Indian communists. We have no present intention of making any such proposals while there remains any chance that the movement can be checked by other means. We should prefer, in the first place, to observe the effect of the present measure when it has been passed, as I hope it will be passed by the House, and put into operation, coupled and combined with the operation of the ordinary law. The House is no doubt aware that, some time ago in Bombay, the law was set in motion after due deliberation against a prominent communist. The prosecution was unsuccessful, but it is my hope at any rate that occasions will arise when Local Governments, on whom the direct and immediate responsibility for taking action against the infraction of the penal law lies, will find themselves able to prosecute and to prosecute with success. Recently, for example, in Madras, two prominent communists have been prosecuted in respect of their activities during the South Indian Railway strike and they have been convicted. Another prosecution in Bengal against a person engaged in similar activities has also been successful. The Government of India are by no means without hope that, if the House arms it with the authority which it asks for in this Bill, with the aid of that

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authority, with the exclusion of communists from abroad, and of the sources of support which reach communism from abroad, coupled and combined with the powers which the ordinary law provides, we shall at length succeed in bringing this dangerous movement under control.

Another question which was indicated during the course of the debate during the last session is a material question and one to which Honourable Members, whose minds are disturbed by it, are entitled to an answer. The question was this. If the House give you the authority under this Bill for which you ask, if the House passes this Bill, to what in the way of principle would they be committed against Indian communists? Now, Sir, I will reply to that question as precisely as I can. The essence of the Bill is that it is directed solely against non-Indian communists, and in my opinion the House would be committed to no principle whatever in relation to Indian communists if they pass this Bill.

Now, Sir, I have given—because I do not wish to detain the House for too long a period—I have given the House a concise account of the general views which are taken by Government as to the gravity of the situation with which the country is confronted. In this summary outline I have mentioned only some of the most salient and typical facts. The catalogue could be amplified by a multitude of others, significant not only in themselves, but still more significant in their general tendency and in their cumulative effect. I do not intend to burden the House with a superfluity of detail because, whatever interpretation may be placed upon these facts and whatever difference of opinion there may be as to the character of the remedies which ought to be applied, I do not think that the reality and the gravity of the situation, of which they are the symptoms, will be seriously challenged. For more than a year India has been distracted by

1 P.M. an unparalleled series of industrial disputes and disturbances, of which the resulting injury to all the interests concerned is incalculable. They have been characterised by outrages and acts of violence and methods of intimidation which are as unprecedented as they are foreign to the natural disposition of the Indian worker. Strikes have been prolonged, as I have already instanced, long after any possibility ceased of any conceivable advantage being gained by anybody. Many have broken out without any apparent reason or economic basis, without any statement or formulation of demands or grievances. These things have occurred, or they have occurred in their greatest intensity and with their worst consequences, in precisely those areas where Communist agents have been most actively employed and where their preparations and organisations have been most complete and deliberate. Men of avowed communist views have everywhere been fomenting by words, speech and action, and have been participating themselves, in these troubles. I submit that it is an irresistible conclusion to any reasonable man who is willing to survey the facts and draw the plain unvarnished inferences that present themselves to him—it is an irresistible conclusion that, after making all reasonable deductions for adverse industrial or economic conditions, the originating cause, the constant stimulus and the ultimate object of nearly all these troubles are to be found in large measure in the propaganda against which this Bill is directed. Sir, are those who are most immediately concerned and who have already suffered from them, and those also who will inevitably be the next to suffer, and

above all those whose responsibilities in the matter are the highest and the heaviest, are they to sit idly by and not merely permit a state of affairs already intolerable to continue, but be indifferent spectators, or even active promoters, of its development to even more disastrous conclusions? Sir, of those whom I have mentioned, the first and the worst sufferers are the workers, who are little able to help themselves, and are, I imagine, entitled to the help of those who can. The capitalists and the landlords and the educated classes generally are among those who have already suffered or will be the next to suffer. They can help themselves and they can also perform the duty which is plainly incumbent on them to assist the workers. Here prudence and common-sense, as well as duty, point clearly in the same direction. I may be accused of appealing to selfish and interested motives. In this instance I am not afraid of the accusation. It is common prudence that a man should seek to protect his legitimate interests from fraud or force. The will and the power to do so are essential to, and form the basis of, any form of civic freedom. But it is not common prudence for a man to expect that this shall be done for him without any effort or co-operation on his part. Those who have interests of their own to safeguard as well as the interests and welfare of others, effectively within their power to protect, would do well to reflect on this and to direct their conduct on their reflections.

But, Sir, there is a higher order of duty and responsibility than any of these. When the most vital interests of the country are assailed, when not only the rule of law and established institutions are the object of attack, but the most elementary conditions of national progress and prosperity, I submit that there is an obligation incumbent upon every man of public spirit and good will. Nevertheless, the responsibility rests far more heavily than elsewhere on the government of the country, the Government of the country which is vested in the executive and the legislature. The executive Government have discharged at least one part of their responsibility in bringing forward this measure for the sanction of this House. I do not say—and I have never contended—that that is a complete discharge of their responsibility. But I do say and contend that, in so far as the objects of this Bill are concerned, particular and limited as they are but nevertheless essential, the rest of the responsibility devolves upon this House. It is for Honourable Members to consider and weigh well how they propose to deal with and discharge their share of the responsibility. It may be, and from some of the arguments which were urged in this House in the earlier debates I find it difficult to refrain from the inference, that there is a disposition in some quarters, whatever measure we may bring before the House, to regard as the first consideration what attitude towards it may be most effectively an embarrassment and impediment to Government. I am not concerned, Sir, to dispute the familiar dictum that it is the duty of the Opposition to oppose. But the body of doctrine and political tradition from which that dictum is drawn also affirms that there are times and occasions when it does not apply. When there are reasonable and convincing grounds alleged of a serious menace to the security and prosperity of the country and a common effort is required from all those who recognize these things as having a paramount claim to their support and active assistance, there may indeed be room for criticism of and vigilance over the actions of Government, but none for mere opposition without reason, without reserve or without qualification. Such opposition to Government

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measures may have a temporary success, but it may be pursued with reckless disregard of consequences. It may be purchased at too high a price for the permanent interests of the country. It may leave an ill-omened and ill-starred heritage for any possible succeeding government which may be established by law and must continue to exist by law. I should be reluctant, Sir, to suppose that on this occasion there are many Members of this House who are actuated by these views. But I must frankly say that, when I made an earlier appeal to the House, I was acutely sensible of a disinclination among many Honourable Members to face the plain and compulsive facts. I am willing to admit that my presentation of them may have been faulty and inadequate. But I maintain that, above and apart from any formal statement of the case, the signs and tokens of the actual state of affairs were then manifest and are now still more manifest. I felt also that in regard to the measures then proposed, restricted as they were to meet a particular aspect of a wider problem, I heard more of objection and criticism than of constructive and positive counsel. Sir, whatever may have been the case then—and my own view of it is unchanged—I am confident that there will be more now to acknowledge and to give practical effect to their conviction that the facts must be faced and a remedy found. I was told then that our estimate of the situation was distorted and exaggerated: I hope that different views will now prevail. I was told then that Government had ample powers. They had arbitrary powers, and the suggestion was made in some rather unexpected quarters that Government should resort to them.

Sir, I pointed out then, and I repeat now, that the enactments referred to do not meet effectively, in nearly every respect do not meet at all, the objects we had and have immediately in view. They do not effectively meet what we regard as the first and most immediate requirement, namely to rid India of an intrusive element which aims at the subversion of all established institutions. They do not adequately provide for prevention, as distinct from punishment, which can only be applied when the mischief has already been done. Designs against the national interest have, no doubt, in other countries, been dealt with by their Governments by summary enactments or by Acts of State without any legislative sanction. That may be, as some hold, the simplest course; it may be the most effective course. However, that may be, that was not the course we then elected to pursue. We acted on the traditional British constitutional and legal practice, on which the Government of Great Britain, of the Dominions and of India is based, and I think will continue to be based; on the declared policy to which this Assembly owes its existence. We were convinced of the necessity of executive action: we recognised and ourselves proposed the propriety of limiting and defining the circumstances and the manner in which it should be exercised; and we came to you for legislative sanction. We come to you again.

Whose, then, is the immediate responsibility in this matter? If this House denied us these powers, would it absolve us from the responsibility of taking the action that the situation may from time to time require? It would not. But if this Bill were rejected, I submit that the House would act to the great detriment of its own moral authority in asking for an account of our responsibility when of its own it had made the Great Refusal.

Sir, I believe and I earnestly trust that it is unnecessary for me to regard any conclusion in that sense as a conclusion which is likely to be arrived at by this House. If four months ago, I failed at the final stage to convince the House of the necessity of the measures then proposed, I now rely for the support of the House to this motion, not so much on anything I then said or have now to say, as on the more mature reflection of Honourable Members, and on the plain warning of events and facts which are patent to every eye which is willing to see. Sir, I move.

Mr. President: Motion moved:

"That the Bill to check the dissemination in British India from other countries of certain forms of propaganda, be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Victor Sassoon, Nawab Sir Sahibzada Abdul Qaiyum, Rai Bahadur Tarit Bhushan Roy, Mr. K. C. Roy, Mr. Fazal Ibrahim Rahimtullah and the Mover, with instructions to report on or before the 28th of February 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. Gaya Prasad Singh: Sir, I beg to move the following amendment:

"That the Bill be circulated for the purpose of eliciting opinions thereon."

It would, I think, be a fruitless waste of time on my part now to traverse the ground which was covered on the previous occasion when this Bill was before us in the last Simla Session. I would, therefore, now content myself by merely indicating, as briefly as I can, some of the grounds on which I base my amendment. Honourable Members will remember that the Bill, when it was introduced originally, evoked a storm of opposition, not only in this House but outside it. The most objectionable features of the Bill were quite unacceptable to us. The Bill was then referred to a Select Committee, and I admit that, when the Bill emerged from the Select Committee, it was shorn of a few of its objectionable features. Even then, Sir, the Bill was not acceptable to us, and we know the result. The Honourable the Home Member has now attempted to revive the Bill with somewhat more drastic and rigorous provisions. The Bill, as originally introduced last year, was intended to provide for the removal of certain persons from British India in the interests of public safety. But the present Bill intends to check the dissemination in British India from other countries of certain forms of propaganda, and for this purpose to provide for the removal of certain persons from British India, and for the seizure and control of money or other valuables in certain cases. The latter part of this preamble, Sir, clearly goes outside the scope of the Bill as it was then introduced. Following this, we have in the present Bill, in clause 4, a provision which is quite new to us. That clause provides for the forfeiture of monies, securities, goods or credits which have been, or are about to be transmitted from any place outside British India to any place in British India and so on. In fact all those provisions are absolutely new to us. We have had no opportunity of thinking over these provisions of the Bill.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Question. It does not require much thinking over.

Mr. Gaya Prasad Singh: There is also, Sir, another important point in which this Bill differs from the old one. In clause 2 of the old Bill an excepted person was intended to include any British subject ordinarily

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resident in British India. Now, in this Bill, an excepted person is intended to be a British subject ordinarily resident in India. That clearly amplifies the scope of this Bill, and spreads its net more wide.

In the Statement of Objects and Reasons, Sir, the Honourable the Home Member has stated that evidence has accumulated for some time past of the subversive intentions and activities of the Communist International generally, and has said:

"There is also evidence to show that bodies under the control or influence of the Communist International have been remitting sums of money in aid of the various industrial disputes recently in progress in India."

Now, we challenged the Government on the last occasion, and we repeat our challenge now. If Government are in possession of such evidence, let them lay it before this House and take us into their confidence. But Government have resolutely declined to place any materials before us. (*An Honourable Member*: "They have no material.") Can any self-respecting Member of this House take the Government at their word (*An Honourable Member*: "No"), and willingly furnish an additional weapon in their armoury without clear proof of urgent necessity? Another fact to which I wish to draw the attention of the House relates to the provisions of clause 6 of the present Bill. The powers which this Bill gives to the High Courts are merely illusory powers. Clause 6 says that the High Court may, on application made by, or on behalf of, any person in respect of whom a removal order has been made, set aside the order on the ground that such person is an excepted person, but on no other ground. This latter proviso cuts away the ground from under the powers which this clause is supposed to confer upon the High Court. The decision of the executive Government is to remain final and unquestioned. Clause 7 provides that any person in respect of whom a removal order has been made may, within seven days, appeal to the Governor General in Council. This period of 7 days, I maintain, is totally inadequate and insufficient. But this is a minor point. Sub-clause (3) of the same clause provides that the Bench shall sit at such time and place and shall follow such procedure as the Governor General in Council may in each case direct. Sir, this is quite contrary to the provisions of the Code of Criminal Procedure. The Bench will be at the beck and call of the executive authorities, and in every case the executive authorities will be responsible for calling the Bench into existence and for prescribing the actual procedure. That, Sir, is a thing to which we cannot be asked to give our sanction. (*An Honourable Member*: "What do you suggest?") An Honourable Member has asked me as to what I suggest. I suggest a very simple procedure, and that is the procedure laid down in the Criminal Procedure Code. (*An Honourable Member*: "Hear, hear.") Let a permanent tribunal be established as it is already established by the executive Government. Let all cases come under the purview of that tribunal which they have themselves established, and for which they have prescribed a procedure under the Criminal Procedure Code.

Mr. O. S. Ranga Iyer: Then why do you want circulation of the Bill for opinion?

Mr. Gaya Prasad Singh: Sub-clause (5) of the same clause says:

"... the Bench shall ... furnish him with a general statement of the grounds on which the removal order was based, but neither he nor any pleader appearing on his behalf shall be entitled to be made acquainted with any details or particulars of the facts or circumstances laid before the Bench by the Governor General in Council, and the Bench shall treat all such facts and circumstances as confidential."

This, I maintain, is a denial of the fundamental principles of justice, equity and good conscience. I am not aware of any law in which a procedure like that has been prescribed. I think the clear effect of this provision would be to prejudice the minds of the Judges against the accused in each case, because the Judges shall be in possession of all the incriminating facts of the case, but the principal persons in the case namely, the accused and his pleader, shall not be entitled to have an inkling of them. How can the accused person defend himself? In these circumstances, neither the presence of the accused nor that of his pleader before the Bench shall be of any avail.

With regard to the seizure and forfeiture of monies, the Bill says, in clause 8, that the provisions of clause 7 shall apply for the purposes of the appeal in like manner as they apply for the purposes of that section; and, subject to the provisions of that section as regards the confidential character of the facts and circumstances laid before the Bench by the Governor General in Council, the appellant shall be given an opportunity of attending, and, if he does so, shall be entitled to be furnished with a general statement of the grounds on which the order under appeal was based. This, I maintain, is open to the same objection to which I referred in the earlier part of my speech. I will here ask whether the present law is not sufficient to bring within its purview the men contemplated by this Bill. The other day we all remember that one Mr. Johnstone was deported from Jharia while he was attending a meeting. I asked a question in this House, and the Honourable the Home Member replied that he was deported under Act III of 1864. The preamble of that Act provides:

"Whereas it is expedient to make provision to enable the Government to prevent the subjects of Foreign States from residing or sojourning in British India, or from passing through or travelling therein, without the consent of the Government ..."

The provisions of this Act, one should have thought, were wide enough to bring within its clutches all foreign communists. The only persons who may not come under the clutches thereof would probably be the English communists. With regard to that, I would submit that Regulation III of 1888 (*Some Honourable Members*: "1818"). I beg your pardon, of 1818, under which Dr. Besant and others were incarcerated, are wide enough to deal with

Mr. O. S. Ranga Iyer: You want the application of Regulation III of 1818?

Mr. Gaya Prasad Singh: Let me try to develop my argument in my own way.

Mr. O. S. Ranga Iyer: I put it to the Honourable Member whether he believes in the application of Regulation III of 1818? (*Some Honourable Members*: "Order, order".)

Mr. Gaya Prasad Singh: I have not given way.

Mr. C. S. Ranga Iyer: That is very clever, (Laughter).

Mr. Gaya Prasad Singh: Regulation III of 1818, under which the ex-Maharajah of Nabha and others were deported, that Regulation I want to be repealed. But is the Honourable the Home Member prepared to give a guarantee that, if we give him the powers which he seeks under this Bill, he is prepared to repeal Regulation III of 1818? (*Some Honourable Members:* "Hear, hear.") The question which my Honourable friend has asked had better be addressed to the Treasury Benches and not to me.

Mr. C. S. Ranga Iyer: You suggest the application of Regulation III? (*Cries of "Order, order."*).

Mr. Gaya Prasad Singh: No. In the armoury of the Government I say there are ample weapons for dealing with foreign communists and English communists. That is what I maintain and that is my position.

Mr. C. S. Ranga Iyer: You want Regulation III to be used? (*Cries of "Order, order."*) *Some Honourable Members:* ("Go on.")

Mr. Gaya Prasad Singh: Lastly, Sir, I come to sub-clause (2) of clause 15 which says:

"... no removal order, no order of forfeiture, and no prohibition order shall be called in question in any Court or by or before any other authority whatsoever ..."

That means that what little there is of the Habeas Corpus as provided in section 491 of the Criminal Procedure Code, is to be taken away. (*An Honourable Member:* "For British communists only.") Quite so. Lastly, in order to save the executive officials from the result of whatever arbitrary action they may take under the provisions of this Act, they have provided that no prosecution or other legal proceeding whatsoever shall lie against any person in respect of anything in good faith done or intended to be done under this Act. I maintain, Sir, that some of the facts which I have indicated are enough to enable this House to come to the conclusion that the only proper procedure under the circumstances, short of a total rejection, would be to allow some time for us, and to allow the country to have some time, to form correct conclusions on the all-embracing provisions of this Act. All is not lost if the Government consents to allow this Bill to go into the country for the purpose of eliciting opinions thereon. Last time the plea of urgency was urged with insistence by the Honourable the Home Member. We know that the House refused to accord its sanction to the Bill, and, what harm has been done? The Sun continues to rise in the East and set in the West. The diurnal motion of the earth continues its course unshaken. The work of the administration goes on smoothly, as smoothly as it did before, and the Honourable Member to-day stands without any satisfactory answer as to what has happened during the last few months to justify this plea of urgency. (*Interruptions from the European Benches.*) I hear some interruptions from my friends of the European group. I know, Sir, as Lord Curzon once said, the work of exploitation and the work of administration go hand in hand in this country; and my friends there are prone to do a good turn to the executive Government, and the executive Government do a good turn to them, as will be seen when Mr. Haji's Bill comes up for discussion. With these words I commend my amendment to the House.

Mr. C. S. Ranga Iyer: Sir, I was very much astonished to hear the previous speaker very seriously move his amendment, as I happen to know something of the opinion which is held on his side of this House. Sir, the Honourable gentleman from Muzaffarnagar (*An Honourable Member:* "Muzaffarpur"),—there is alliteration in it. (Laughter.) There is rhyme but no logic, I admit, in the Honourable Member's speech suggesting that the Bill be circulated for the purpose of eliciting opinions thereon. If he was very serious about this proposition, then he should have concentrated on the amendment which he proposed. He should have explained to the House how and why the Bill should be circulated for opinion. He himself seems to be abundant with his own opinions on this Bill, one of which is that there is a much better piece of legislation, namely, Regulation III of 1818. Obviously some change has come over that side of the House. (Laughter.) The latest evidence about it, Sir, is the absence of a Member of this House who was entrusted with the responsibility of a Bill to repeal Regulation III of 1818, which resulted in less than a quarter hour's session in this House. After that extraordinary absence on an important question, comes the observation, equally surprising from a Member of the Congress Party, saying "There is Regulation III of 1818". Surely, Sir, Regulation III of 1818 is much more barbarous than any other piece of legislation on the Statute Book. Regulation III of 1818

Mr. Gaya Prasad Singh: Who said it is not?

Mr. C. S. Ranga Iyer: You said that it is much better legislation. The Honourable gentleman used that argument: "There is Regulation III of 1818; why then have this measure". Regulation III of 1818 was opposed even by my friend Mr. Fazl Ibrahim Rahimtulla. Regulation III of 1818 was opposed by Sir Sivaswami Aiyer and Sir Chimanlal Setalvad. Sir Chimanlal Setalvad is a supporter of the particular measure before the House.

The leader of the Liberal Party, in his very interesting speech at the All-India Liberal Federation,—the Liberals being now strange bed fellows with the Congress Nehruites (Laughter)—that stalwart who adds glory to the Nehru Report, said that this piece of legislation was necessary. I am not criticising his speech but I am only pointing out that he who was prepared to support this measure was not, as a Member of this House, prepared to support Regulation III of 1818, and now Swarajism, that is giving us ideas of tyranny in and out of this House, is prepared to flirt with Regulation III of 1818, is prepared to point out that Regulation III of 1818 is much better than this piece of legislation.

The Honourable Member from the Swarajist benches who spoke, said there was "a storm of opposition" to this Bill. I myself, I believe, had a hand in creating that storm. When there was a storm of opposition to this Bill, why on earth, I ask him, should he have sprung on us this motion for the circulation of this Bill. You ask for a Bill to be circulated for opinions when there is no opinion on the subject. I am surprised that the gentleman who saw "the storm of opposition" should shrink before that storm. Supposing it was circulated for opinion, may I ask him whether that will change his opinion on this subject? I put it to this House and the gentleman seated on the benches, to which the Honourable Member happens to belong, if the opinions of men like Sir Sivaswami Iyer,

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Sir Tej Bahadur Sapru and the beauties of the Nehru Report are in support of this proposition, will they change their opinion? It is extremely disgusting to see men who ought to understand what they stand for trampling their principles under foot. (An interruption from the Swarajist Benches.) Will the Honourable Member speak up?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mind your own principles first before caring for others.

Mr. C. S. Ranga Iyer: Charity begins at home. Principles, so far as the particular gentleman who just interrupted me is concerned, seem to begin outside his Party, but as for myself, I am a jealous guardian of my principles.

Then the Honourable Member spoke of drastic and rigorous provisions. If he wants them to be mitigated, why should he not vote for the reference to the Select Committee? Why should he talk of drastic and rigorous provisions? Then he says it is a new Bill to us, especially that point which refers to the forfeiture of Soviet gold. He says it requires much thinking over. I never thought, Sir, the Honourable gentleman, and the Group to which he belongs, do require much thinking over a provision of that kind. I don't think the Members are so dense as to say that such a thing requires much thinking over. It requires no thinking over: it is as plain as plain can be. And then, Sir, he says that these things amplify the scope of the Bill. Does he want that the scope should be restricted? Then he talks almost like an innocent babe to the Home Member. "Take us into your confidence; Government have declined to place materials before this House." Was he asleep when the Honourable the Home Member was speaking? He has placed abundant material before the House, and it is a foolish charge to bring that the materials are not before this House. Materials have been before the House for a very long time, and if we have no brains to judge the materials, we have no business to be in this House. (Laughter.)

Then, Sir, he complains of the period of seven days. Seven days is an inadequate period? I put it to him and to the gentlemen whom he represents, if the seven days were extended to seventy days, will he support this Bill? It is amusing that such illogical statements should emanate from that side of the House.

My position is very easy. I oppose the circulation of the Bill because the Bill does not deserve any circulation at all, and if I oppose reference to Select Committee, it is because it was already once referred to Select Committee. Where is the necessity for the reference of this Bill to Select Committee? Who are the Members of the Select Committee whom the Honourable the Home Member's motion includes? The Members of the Select Committee happen to be men like Sir Darcy Lindsay. I shall deal with them one by one. Sir Darcy Lindsay's addition to the Select Committee is certainly an interesting innovation. This House did not obtain the assistance of Sir Darcy Lindsay at a time when his presence in this House and the addition of one vote would have turned the fate of this Bill. (Laughter.) Sir Darcy Lindsay was having a glorious time in the other hemisphere. To-day Sir Darcy Lindsay's opinion on the Bill must be a valuable one, but no originality attaches to that opinion. Sir Darcy

Lindsay's views are not yet known, but the views of his constituency are very well known, and, Sir, I believe he accepts the principle of the Bill. What I object to, and why I object to the reference to Select Committee is that I do not accept the principle of this Bill. Once you accept the principle of this Bill you accept the whole Bill. I do not think there is any necessity for a reference of this Bill to Select Committee. I have very carefully gone through this Bill and assure you, Sir, that it is a perfect piece of draftsmanship. So far as the legal or drafting aspect goes, there is nothing you can take exception to in the Bill. What you can take exception to is the special purpose of this Bill, the exceptional principle underlying the Bill. (An Honourable Member: "The preamble.") My Honourable friend from Bombay objects to the preamble. I say that from the preamble to the last word it is perfect so far as draftsmanship goes, and I do not see why it should be spoilt by a reference to Select Committee. The Honourable gentleman who spoke after the Home Member said that it emerged last time from Select Committee rather in an improved state. I thought the emergence was rather against the Bill. I need not repeat the arguments used by that side of the House. I thought it was for the Honourable gentlemen seated on those benches to deny the fact that it had emerged in an improved condition, and from the views expressed on that side of the House, the Bill underwent certain drastic alterations which did not go to improve the principle underlying the Bill.

Be that as it may, we come to the second Member of the Select Committee, Sir Victor Sassoon. I don't know why he has not been made the first Member, because he belongs to the school who made a splendid case for this Bill during the last Simla session. He feels a definite necessity for this Bill, and I do not see why he should not accept the Bill in its present drastic form. Even from their point of view, there is no necessity for a reference to Select Committee.

Now we come to Nawab Sir Sahibzada Abdul Qaiyum, the frontier stalwart. He will not stand for mitigation of the principle or for the matter of that for those important clauses of the Bill where this necessity for a reference to Select Committee comes in.

Among other Members we have Mr. Fazal Ibrahim Rahimtulla. He is always straight. He never hits below the belt or behind the back. He hits you straight on the face. I don't see why he should aspire to improve the Bill or rather to spoil it. I do not believe in so many cooks spoiling the nice broth. (Laughter.) So far as I am concerned I don't want to taste the broth, I want to throw it away.

The Honourable the Home Member made a speech to which I must pay homage, because he brought forward abundance of materials and placed them before this House. From his point of view he made a good case for the Bill. He could as easily have quoted—though his modesty forbade him from doing so—from the speeches of the Congress President. He could have quoted from the speeches of the President of the All-India Liberal Federation. Both these gentlemen used identical phrases. They said something is coming, and what is that something? That something is to "swallow" us up. We are all going to be swallowed up! If that is the situation, I do not see why this Bill should not be introduced. I however dispute the fact that we can be easily swallowed by communism.

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The Honourable Diwan Chaman Lall made a statement about the growth and advance of communism in the labour world. His statement was published in the *Civil and Military Gazette*. All these have supplied abundant materials so far as this Bill is concerned, but I object to the Bill on the same identical grounds on which I objected to it last year. I have no sympathy for communism. The communists did try to flirt with me while I was in Europe, but I could not easily be flattered. I don't like flirtation with a crocodile. I think it was deQuincy who described in his "Confessions of an Opium Eater" the kisses of a crocodile. (Laughter.) He said the kisses were "cancerous". Well, Sir, I believe the flirtations of a communist are more certainly cancerous. I had also the privilege, which was extended to certain gentlemen in this House and perhaps outside, of an invitation from the Soviet Government. They said, as I believe they did in other cases, they would pay the passage, that we would be their guests and so on and so forth. But as Great Britain had cut off all diplomatic relations with Russia, I valued my British citizenship (Hear, hear), and therefore I refused to accept the invitation. I declined the invitation with thanks. I do not believe in communism, and if I really believed that there was a danger of the spreading of communism in this country, I would have supported this Bill. If I believed, as the Congress President said in his address,—and the same thing was said by the President of the Liberal Federation—that there was great danger to this country from communism, I should most certainly have supported the measure. The premises of the Bill are the confessions of the Congress and the liberal people and the champions of the Nehru report outside this House.

My own objection to this Bill is this. I consider that my country is a very peaceful country. I consider that communism has no chance here. I consider that Indians are an aristocratic race, not a communistic people. Even a labourer is an aristocrat, Sir. Our traditions are in our blood; our traditions are in our society; we do not want the benevolent help of the Honourable the Home Member and the Government so far as the blasting of this movement is concerned. I challenge anybody, even the so-called gentlemen who believe that communism is coming to this country, and even those who believe that communism has come in definitely, I challenge them to seek an election on the issue of communism. They dare not. Most of the supporters of the Congress people during the elections have been zamindars. I know socialistic flirtations are going on even to-day in the premier house of the taluqdar of Oudh. The Maharaja of Mahmudabad and the champions of the Nehru report are not communists. There is no question of communism in this country, and once there is no danger, you can depend on Indian society, Indian culture and Indian civilisation and India's genius to resist communism. Where, I ask, where does the necessity arise for a measure of this kind. I would leave it to India to combat it, as the Honourable the Home Member himself very beautifully put it. About the principle, or rather about the ideas of communism, he said that communism was essentially foreign to the idea of British dominions. I would say, it may not be quite foreign to certain parts of the British Empire. But, at least to a part of the British Empire it is wholly alien. In England there is a much more powerful communist or semi-communist socialistic movement than anywhere else in the Empire. Perhaps in Australia communism might have some chance. But I agree with

the Honourable the Home Member that communism is essentially foreign to the idea of that part of the British dominions of which he happens to be the Home Member. It is essentially foreign, and once it is essentially foreign to the conditions of this country, where is the necessity for this measure? I do not understand where the necessity arises. It is a noxious growth of the West. This communism cannot come even up to Afghanistan. Certainly I shall not tread on dangerous ground, as my Honourable friend the Foreign Secretary will promptly remind me. The Hindukush mountains are strong enough to prevent communism from entering this country. The communists dare not fly aeroplanes over this country and throw leaflets. The aeroplanes will be brought down and the communists would be given, what perhaps my Honourable friends on the Swarajist Benches would have them given, namely, Regulation III of 1818. Therefore there is no danger of communism.

Then the Honourable the Home Member referred to communist propaganda. I know certain newspapers publish articles written by communists outside this country. But the very easiest thing is for the Government to censor these communications. Why introduce this legislation? There is the power of censorship which the Government possess and they can use it and they can stop communist literature coming into this country.

Then the Honourable the Home Member talked of cutting off subsidies. Well, Sir, I am not very much in love with these Russian subsidies and am not much enamoured of their coming into this country. If the Honourable the Home Member had brought in a Bill only for the cutting off of the subsidies, I at any rate would not have hesitated to vote with him. Because, he thinks, communist money comes into this country, it is obviously evidence of communist propaganda. We do not want communist propaganda in this country. We do not want alien support. At any rate we do not want Soviet gold to do communist propaganda in this country, though I would remind the Honourable the Home Member that such a step had not been taken in his country where Soviet gold appeared now and again. I think it would be legitimate criticism to say when your own countrymen have not taken up an attitude of the kind, why should you take it up here? But I for my part would wish that the Bill was "so amplified in its scope," to borrow the dubious expression of the Honourable Member Mr. Gaya Prasad Singh, that it was restricted only to this particular thing, because I do believe that foreign gold comes into this country. The motive is dangerous, and I think that part of the Bill is perhaps not unreasonable and I would even say very wholesome. But unfortunately it is only a very small part of the Bill, and the least objectionable, or rather the most useful. But my difficulty arises out of the fact that you cannot take that part up by itself. I do object to foreign gold coming into this country because we do not want the help of foreigners, not certainly Russians.

Then, Sir, the Honourable the Home Member referred to the serious situation arising from propaganda of the communist movement. I do agree with the Honourable the Home Member that there is propaganda by the communists, but I refuse to believe that the propaganda is very serious. I admit there is a certain amount of seriousness, if not in the whole country at least in the industrial areas. I do not deny there is a certain amount of seriousness, not in the agricultural areas, but in the industrial areas. But why not prosecute the offenders, or accept the advice of the

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Swarajist Member and intern them? I do not give the Government that advice. But you can certainly prosecute them. Prosecutions have been launched, and as the Honourable the Home Member very truly pointed out, prosecutions have been very successfully launched too. I do not know why that attempt should not be made against Englishmen also. If Indian communists can be prosecuted, why should English communists get a passage on the cheap; for, Sir, it is a question of racial discrimination in legislation. Why should there be this racial discrimination? If an Indian communist is worthy of being prosecuted, an English communist cannot be unworthy of being prosecuted. Prosecute him. The experience of people in prisons might teach them, and I think the Honourable the Home Member's knowledge of prison law will inform him that Europeans are given special treatment in jails. Life there is not so hard as it is for Indians. Therefore let him prosecute them and put them in prison.

Mr. H. G. Cocke (Bombay: European): Send them to the Andamans.

Mr. C. S. Ranga Iyer: My Honourable friend from Bombay, Mr. Cocke, says, send them to the Andamans. I do not want to be so unkind. I would give them six months' simple imprisonment if you succeed in prosecuting them. If you prosecute them successfully, it will suffice. If one or two prosecutions are launched, I do not think the Englishmen or the communist or the Socialist Party would care to come to India to seek prosecutions. If, on the other hand, we give them a cheap free passage, it will be a temptation for more communists to come in. Sir, in trying to get rid of an evil by introducing this Bill and by giving them a free passage, what are you doing? You are encouraging more communists to come into this country. Many of the communists are not rich people. They are a very poor lot. They need take passage only one way and once they come to this country and make a few speeches in a few industrial areas, they are given a free passage home. It may be third class, as the Foreign Secretary reminded us last year, and I think third class passengers can do perhaps more harm on the boat than first class passengers. (Laughter.) They would rather like to travel third class. It does not matter because they are accustomed to travel third class. They do not mind this. But the whole point is this. Why do you encourage these unemployed communists of your country to come to this country and then allow them to go back on the cheap.

An Honourable Member: Why on the cheap?

Mr. C. S. Ranga Iyer: Certainly it is going on the cheap, because they are given a free passage home. It is not very difficult for a few labour organisations to provide them with third class passages to this country. They can easily come here, and then go back at the Government expense. Therefore, this Bill is really an inducement for communistic propaganda

in this country. It does not attack the root of the disease—
2 P.M. and about attacking the root of the disease, I shall have something presently to tell the House—but it really worsens the disease. There is no use bringing in special legislation, though I admit the Honourable the Home Member has pointed out that it is not a permanent measure and that it is only meant to meet a particular situation. I don't think, Sir, this Bill is necessary at all, and I object to this kind of giving separate treatment to the Indian communist from that accorded to the British communist.

Then, the Honourable the Home Member talked of the communist danger which will destroy the existing social and economic order. The social order has not been destroyed by worse movements than the communist movement. We know some of our temples used to be destroyed; we know the great invasion of Nadir Shah. Surely nothing was more dangerous than the invasion of Nadir Shah; but what happened? The gentlemen who came to destroy our temples lived in the same temple of India. They were attracted by it; they lived with the people; they were one of the people, and they are now one of the people. (Hear, hear.) I hear Honourable gentlemen saying from that place (pointing to the Congress Benches) "Hear, hear". I say in reply, then accept all their legitimate demands and embody them in the Nehru report and don't treat them as foreigners. Sir, they are one of us, but they have not been treated as one of us by the greatest betrayal of the Hindu Nationalists.

An Honourable Member: I challenge that.

Mr. C. S. Ranga Iyer: The Honourable gentleman challenges it. I think my friend Mr. Fazl Ibrahim Rahimtullah accepted the challenge and proved that the Conference that sat at Calcutta was a Hindu All-Parties Conference, and that the Conference that sat here in Delhi was a Muslim All-Parties Conference. Be that as it may, it is only parenthetical. I do not want to speak further about it in spite of the alluring interruption of my friend Mr. B. Das, who is always hilarious.

The Honourable the Home Member stated that the social order stood in danger of being destroyed. Waves of foreign invasions have not destroyed the social order, and the British conquest of India has not destroyed the social order. I do not think, therefore, that, in spite of 150 years of English education

Colonel J. D. Crawford (Bengal: European): We did not have the desire to do so.

Mr. C. S. Ranga Iyer: My Honourable friend Colonel Crawford says: "We did not have the desire to do so". I must tell my Honourable and gallant friend that his information is very wrong. The British did have the desire to do so. I do not for a moment say that it was a wrong desire or that it was an ignoble desire; but they had the desire to do so, and to know that, my Honourable friend should read Macaulay's famous Minute, in which he spoke of Indians educated in English ideals, fed on European ideas, one day asking for European self-Government, European democracy and so on and so forth. Therefore, the desire was there, and the desire has succeeded up to a point. But what I say is this: the existing social order is not likely to be destroyed. The educated classes, as the *Englishman* of Calcutta truly says, are only a microscopic minority. I would rather call them a telescopic minority. (Laughter.) But the existing social order has not been destroyed. It has not been affected at all; it has been left untouched. The bed-rock of Indian culture has not been affected at all either by the Moslem Raj or by the British Raj. And when successive waves of invasions and centuries of foreign rule could not affect the existing social order, may I ask, how can a handful of leaflets, a handful of pamphlets of the communist type break that social order? Leave the social order to take care of itself. Communism cannot be tolerated in India, not certainly by my leader Sir Purshotamdas Thakurdas. (Loud Laughter and Applause.) At any rate, so far as the industrial areas are concerned, if

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communism raises its abominable limbs, Sir Purshotamdas Thakurdas will take care to oppose it and defy it, and he may be trusted to do it successfully. Even so, if it were to attack the villages and the agricultural areas, I am sure gentlemen like the ex-General Secretary of the Swaraj Party—I refer to Pandit Nilakantha Das—can be expected to oppose that movement and destroy that movement. Therefore, the question does not arise of a social order being attacked or for that matter, the economic order being overthrown. Capitalists and agriculturists can be trusted to defy the unsettlement of the existing economic and social order. They do not want any special legislation. The social order and the economic order can be left to take care of themselves.

Then, Sir, the Honourable the Home Member referred to communism's object, which is destructive. Yes; it is destructive. But it cannot destroy when we are unwilling to be destroyed. Where others have failed, you are putting too much importance on communism when you say that a few communist pamphlets can achieve success. What English rule and Moslem rule have failed to achieve cannot be achieved by a few such pamphlets. Sir, it is not a great compliment to the character of the Indian people, to the institutions which have been through scores of centuries flourishing in this country, to say that communism could destroy them. No communism can destroy "Hinduism", by which I mean both Hinduism and Muhammadanism, which includes not only Hindus and Moslems but also Anglo-Indians and Europeans who live in this country. Hinduism, as it is popularly understood, may mean a religion; but Hinduism, as it was understood originally and interpreted correctly, refers to the institutions in India which are thriving on this side of the Sindhu. And that is how, Sir, I am inclined to say that Hindu institutions cannot be destroyed by communist propaganda. I am not afraid of it; leave it to us to resist it. We do not want your support, your unwanted support by means of legislation of this kind.

I am afraid the Bill defeats the object we have in view, the object of laying low communism. It raises a question of principle, a principle to which we cannot agree or adhere, that is, the principle of special legislation. Sir, it is an elementary principle of English jurisprudence that a man who has not been proved to be guilty is innocent. We take our stand on that principle. This Bill, Sir, denies that fundamental principle of English jurisprudence. I do not know if the Honourable the Home Member discovered this principle in the jurisprudence of Russia. Possibly, this principle is embodied in the jurisprudence of Russia. I have not read the jurisprudence of Russia. Or perhaps, this principle may be in the jurisprudence of Austria. Here, Sir, the question of imprisonment does not arise. To deprive a man of his liberty, to extern a man, to deport a man without giving him a trial, is a principle to which I at any rate cannot be a party. Therefore, I do think the principle of the Bill is objectionable. But there may be occasions, for instance in wartime, when such fundamental principles have to be suspended. The Defence of the Realm Act suspended that principle; the Defence of India Act suspended that principle; and I would have endorsed this principle of suspension if the situation was so dangerous. I submit, Sir, the situation is not so dangerous. The Honourable the Home Member in a very convincing speech—though I have not been convinced by it, I cannot doubt the force of his argument,

though I admit that so far as I am concerned I do not think it was so forcible as to convince me—spoke of indirect and subterranean measures. I admit there are indirect and subterranean measures. I admit that no propaganda can escape them. But why not tackle the very problem which those subterranean problems and indirect forces are attacking. That is the whole point. The Honourable the Home Member is perfectly right in saying that the industrial areas are ablaze when communist agents visit them. But I fix the responsibility for that, not on the communist agents, who will always be found there from both in and out of the country; I fix the responsibility on the existing state of things.

Sir, in what part of the world, may I ask, is there the disparity in living between rich and poor, between capitalist and labour, that you find in India? Sir, we have been reading with great pride and pleasure the speeches and observations of His Royal Highness the Prince of Wales, who has been touring over the mining areas, going into the houses of these poor working men, watching them, looking into their hearths, capturing the citadels of their hearts, examining their boots and clothing, and their poverty. The sensation in England to-day is the Prince of Wales visiting the mining areas. Sir, we want that spirit, the spirit of investigating the problems, the difficulties, the appalling, the unmentionable, the cruel lot of these poor labourers. A Bill of this kind cannot improve their lot. I know there will be Bolshevik agents who will exploit their condition. It is not for you to stop those Bolshevik agents so much as to ameliorate their condition to remedy the evil, to improve the lot of these labourers. Why not stop these communist agents from coming out to this country? Do not give them passports. Stop them somewhere near Aden and send them back. Why let them come in? Why should we be a party to passing measures of this kind, inviting the odium of the world on this House, the Parliament of India? My Honourable friend from Bombay, Mr. Cocke, says "What about the poor masses?" If the masses were on fire, a Bill of this kind could not quench that fire. I admit the masses are intensely poor, and empty stomachs, as a great Irish statesman put it—I refer to Edmund Burke—empty stomachs are a prolific cause of revolutions. By passing a measure of this kind you cannot deal with a serious situation. I do not say the situation is so serious, but taking the Honourable the Home Member at his word, if the situation is dangerous, if we are sitting on the top of a volcano, this is not the measure to take. Sir, the proper thing will be for the Honourable the Home Member to introduce remedies. I know a Labour Commission has been announced, but a Commission does not necessarily mean an achievement. Achieve, improve the condition of the poor, both agricultural and industrial. Let there not be that appalling disparity in living between rich and poor, and then, Sir, there will be no necessity of guarding these people against communism. Any amount of caution will not guard them; any amount of prosecutions, though necessary in the interests of law and order, will not improve their lot. Prosecutions feed on prosecutions. Just as Sir Rash Behari Ghose once said "repression makes the meat it feeds on," even so prosecution makes the food it feeds on. Sir, the Honourable the Home Member talked of organised efforts towards industrial unrest. I tell the Honourable the Home Member, you cannot set the prairie on fire in the absence of inflammable material. The industrial unrest is there. Tackle those who are responsible for the industrial unrest, both labour and capital. If this unrest is found anywhere the arm of your law is long enough to put the makers of unrest in prison. And you have already said successful prosecutions have

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been launched. If on the other hand labour's condition is not so good as it ought to be, tackle the capitalists. Ask them to improve the condition. Then they will tell you why the conditions are what they are and help you to bring forward measures to improve the circumstances even of the capitalists. Sir, it is constructive legislation that we want and constructive legislation to improve the condition of labour is exactly what we want. I have not the interests of the capitalists at heart. They are strong enough, powerful enough to take care of themselves, and I believe many of them feel for the labourer more than any academic critic can ever feel. But, Sir, the condition has to be improved and it cannot be improved by a Bill of this kind. The Honourable the Home Member referred to the industrial centres of Bengal and Bombay. Sir, the industrial centres of Bengal and Bombay are certainly very much affected with unrest, but the cause of that unrest, as I have already said, the chief cause, is poverty, poor wages, impossible living. Can you imagine, Sir, that anyone with a large family, such as these poor labourers unfortunately happen to have, procreation and poverty travel together—can you, Sir, imagine that these poor people with large families can live on such low wages? That is the unfortunate, that is the tragic fact of the situation, and an attempt must be made to increase their wages. You may be successful in deporting Mr. Spratt. You may be successful in deporting Mr. Bradley; but you cannot prevent some other Spratts and Bradleys coming into the country. That is the whole position; and so long as the situation is what it is, any amount of deportation cannot prevent the evil. In fact, knowing as I do the spirit in England, knowing as I do the spirit which is animating the socialist movement, I know some socialists would like to come to India to get martyrdom on the cheap. They would like to go back to their country and say "Look here, we have been deported". The stamp of martyrdom is easily acquired. The Bill therefore will not serve its purpose.

Then, Sir, the Honourable the Home Member referred to youth movements being drawn within the orbit of communism. I quite sympathise with that observation. I strongly feel, Sir, that young men in schools and colleges should not be seduced by politicians. I do not think, Sir, there is any use in these young men being made cats paws of by wicked politicians. I say it is the climax of wickedness to approach these young men, to ruin their lives, to draw them into politics and fling them away as so many have been flung away. Therefore, Sir, I object to this Youth movement. It is an exploitation of the innocent young men for the propping up of dishonest leadership. Let the young men go and consult their parents first. Let the leaders not exploit these young men. I know that, when these young men are exploited and drawn into politics, the elephant foot of dishonest leadership will crush them; and having betrayed their parents at home, they will be betrayed by the leaders who exploit them for the aggrandisement of their leadership. Where are these young men, I ask, whom these wretched leaders put into prison during the non-co-operation movement? I know many of them who are starving to-day. Where are they? It is all very well to start youth movements and exploit these young men. I bitterly feel it. This exploitation of young men, this dishonesty of leadership is responsible for the condition in which we live. Young men should not be exploited. Do not spoil their studies. Just as the present leaders themselves did not spoil their studies, but got into politics after they had completed their educational course, even so let these young men complete their studies and come out.

But, Sir, sympathising strongly as I do with the Honourable the Home Member's observations against exploiting these young men and bringing them within the orbit of communism, I say, get at those men who do it. If they make rash speeches, prosecute them and make it prohibitive to approach these young men. Make special legislation for that purpose and I will support the Honourable the Home Member. Let the Principals of Schools and Colleges take drastic action, because young men should not be exploited by unscrupulous leadership. But, Sir, this Bill will not put a stop to it. The passing of this Bill will not attack it, and therefore I do not consider that that is a sufficient argument for the passing of this Bill. The youth movements will go on. Students will continue to be drawn out of their studies: your Bill does not deal with the situation. Therefore, Sir, I feel, and I deeply feel, that if you want to protect the students, this is not the kind of Bill that you should bring forward. It is quite a different Bill you want. Therefore there is no justification for this Bill on that ground. If the Home Member's observations about the youth movement were the premises, I say this is not the superstructure. But the premises are different. You want to get at Mr. Spratt; you want to get at Mr. Bradley or men of that kind, not necessarily these people but alien gentlemen who belong to the tribe of communism. But by getting at them, I put it to the Honourable the Home Member, how can he prevent youth movements being started, and young men being drawn within the orbit of aggressive politics, socialism or anything of that kind? How can you prevent that? If that is the object that the Honourable the Home Member has in view, it is a very good object in my opinion, and I talk with a good deal of experience on that subject, a very salutary and very attractive object, but this is not the Bill for its fulfilment; and that is why I say that this Bill is utterly useless so far as that question is concerned. Therefore, Sir, though I feel on that question, my feeling cannot be very helpful to the Home Member so far as this particular piece of legislation is concerned.

Then, Sir, the Honourable the Home Member referred to the facts of the situation. I have presented the facts of the situation from my own point of view. He referred again to Mr. M. N. Roy. I have not had the honour or opportunity of knowing this gentleman. I hear from people who know him that he is a very very enthusiastic man, but I do think Mr. M. N. Roy would feel considerably flattered if he were to hear that he was twice mentioned on the floor of this House by the Honourable the Home Member. (Laughter.) I do not think, Sir, Mr. M. N. Roy deserves so much attention even from the Home Member. He may be a very dangerous man, I do not know, but he cannot set this country on fire by a few articles. I do believe even in India you can find fairly good writers who could produce as hot stuff as Mr. M. N. Roy.

Mr. M. S. Aney (Berar Representative): Not excluding the speaker himself.

Mr. C. S. Ranga Iyer: I do not however see why Mr. M. N. Roy should have got on the Honourable the Home Member's nerves. Perhaps when he reads his leaflets he thinks they are very bad and naturally therefore those activities of Mr. M. N. Roy should be stopped. But Mr. M. N. Roy will continue to write in spite of this Bill. How can you stop his writing? You are not touching Mr. M. N. Roy and other communists—if Mr. M. N. Roy is a communist. He might perhaps be a Bolshevik or a member of the Third International; or a frank Indian Nationalist revolutionary, whatever

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ne may be, you cannot prevent him and others of his ilk sending literature to this country. How can you prevent that by passing this Bill?

Then the Honourable the Home Member referred to the Third Communist International which was perhaps brought into existence in 1919. Well, the Third Communist International cannot be affected by legislation of this kind. No Russians have come to India: they are only using Englishmen and perhaps Indians. I do not think, at least I do not know, if any Indians in this country are in touch with the Third Communist International. The Honourable the Home Member must know better. No prominent man to my knowledge, at any rate, is in touch with it. But how are you going to affect the activities of the Third Communist International by deporting half a dozen Englishmen who might come out to this country?

Then, Sir, the fundamental difficulty about giving my support to this motion arises from the fact that it is aimed at British citizenship. Sir, the old English Imperialists have said that the ancient Romans considered *Civus Romanus sum* as their great imperial citizenship motto, and British imperialists prided themselves on *Civus Britannicus sum*, following the ancient Romans. Sir, this Bill attacks the foundations of that principle. I can understand an Alien Act, but I cannot understand an Act for fellow-citizens of the British Empire. There will be nothing to prevent communist members of the House of Commons, and even socialist members, because the demarcation between communism and socialism is very slight. Of course you have moderate socialists and you have left wing socialists, and you have moderate communists and you have left wing communists, and the left wing socialists and right wing communists are almost tarred with the same brush and some of these left wing socialists, whom I need not name, occupy fairly important places in the House of Commons and in the Labour Party. They do sympathise with radical socialistic movements, and when you introduce a Bill of this kind and when these labour gentlemen in their anxiety to promote the condition of Indian labour visit these labouring areas, what happens? They deliver speeches or they investigate the state of things and give interviews; and it is within your power, it is within your competence and your purview by this Bill to lay hands on them, and to deport them. This, Sir, does not look like establishing an *esprit-de-corps* between India's Parliament and England's Parliament. Though a Member of Parliament does not claim any more privilege than an ordinary citizen outside the House of Commons, still there is something uncanny in a Bill of this kind attacking even the Members of the House of Commons, and whether they are Members or not, very good labour people coming out to this country to investigate the labour conditions and to recommend to the Mother of Parliaments that these conditions should be improved. In my opinion, therefore, Sir, it is not quite just from the point of view of British citizenship. By all means introduce a Bill to deport Russians. You will be perfectly justified in doing so for the very simple reason that your own country—and I think in this matter what obtains in England obtains all over the British Empire—has cut off diplomatic relations with Russia. If an Englishman, be he even the Chancellor of the Exchequer, Mr. Winston Churchill, wants to go to Russia, he will be refused passports by the passport office, because diplomatic relations have been cut off. Therefore, Sir, it is quite within the rights of this House, and quite in keeping with the spirit which animates to-day the British Government, the Party in power, it is quite

in keeping with that spirit, Sir, to pass an Alien Act affecting Russians. But there are no Russians in this country at present, and if there are any, get at them by all means. When you try to get at labour people, the socialists in England, Members of the British Parliament, Sir, I can only say that it is not only not in keeping with the spirit of British citizenship, but it violates the privilege, or rather the correct attitude, which this House should adopt. Sir, it goes against the spirit of the Reforms. No Member of this House, no Indian outside this House, can be a party to passing a Bill of this kind, at a time like this, at a time when the Indian Parliamentary Act, the Reforms Act, the Government of India Act, is in the crucible. No one, Sir, will agree to alienate the sympathies of any one in the British House of Commons. If a Bill of this kind were passed by Members of this House, if the Opposition includes even a single Indian at a time like this—I am appealing here even to men like my friend Mr. K. C. Roy who, I am surprised to see, are supporting the principles of this Bill,—I would ask every Member now on the Select Committee, I would ask my friend Mr. Roy, if he has the courage of his convictions, to resign from the Select Committee. I would ask every Indian to throw out this Bill. And if I ask that, Sir, it is not merely on the merits of the question, but on diplomatic grounds.

I find, Sir, that this Bill is calculated even to alienate our friends in the British Parliament and in England they will say, what is the use of sympathising with these politicians, moderates and extremists, and all classes of politicians, what is the good of sympathising with these people? That is what they will say, especially when we pass measures of this kind, when we do not value the little privilege of reforms that has been accorded to us. The passing of this Bill, Sir, will advertise us in the eyes of the world as utterly incompetent, it will advertise us as utterly unfit for responsible Government. If a Bill of this kind had been introduced in the British House of Commons by Mr. Joynson-Hicks, who occupies there exactly the same position as the Honourable the Home Member occupies here, if he were to introduce a Bill of this character and make as convincing, as cogent and as reasoned a speech,—and he could find a good deal of material in England about communist activities, in fact much more than the Honourable the Home Member has in the brief time at his disposal been able to place before this House,—if he were to introduce a Bill there of this kind, and that at a time when they had to face a General Election, the Conservatives, who have a majority, a very big majority, in the House of Commons, would make the return of Labour to power very easy, for, Sir, a measure of this kind would not be tolerated by an Englishman. Englishmen, I admit, are essentially conservative people. Even the socialists of England are conservative, but even a conservative race like the Englishmen will not stand a measure of this kind. They will not allow the laying of the axe at the root of imperial citizenship. That is the point which I would ask the Honourable the Home Member to bear in mind. If, supposing, Sir, the Honourable the Home Member himself were responsible in the constitutional sense to an electorate, and the general elections were possibly fast approaching and we had to go to our constituencies to face new combinations, I do not think he would have cared to introduce a Bill of this kind.

But, Sir, this proposition is also arguable the other way, as my friend Mr. Jayakar, the Leader of the Independent Party, in one of those fascinating speeches of his—it is always a treat to hear Mr. Jayakar—last

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authority, with the exclusion of communists from abroad, and of the sources of support which reach communism from abroad, coupled and combined with the powers which the ordinary law provides, we shall at length succeed in bringing this dangerous movement under control.

Another question which was indicated during the course of the debate during the last session is a material question and one to which Honourable Members, whose minds are disturbed by it, are entitled to an answer. The question was this. If the House give you the authority under this Bill for which you ask, if the House passes this Bill, to what in the way of principle would they be committed against Indian communists? Now, Sir, I will reply to that question as precisely as I can. The essence of the Bill is that it is directed solely against non-Indian communists, and in my opinion the House would be committed to no principle whatever in relation to Indian communists if they pass this Bill.

Now, Sir, I have given—because I do not wish to detain the House for too long a period—I have given the House a concise account of the general views which are taken by Government as to the gravity of the situation with which the country is confronted. In this summary outline I have mentioned only some of the most salient and typical facts. The catalogue could be amplified by a multitude of others, significant not only in themselves, but still more significant in their general tendency and in their cumulative effect. I do not intend to burden the House with a superfluity of detail because, whatever interpretation may be placed upon these facts and whatever difference of opinion there may be as to the character of the remedies which ought to be applied, I do not think that the reality and the gravity of the situation, of which they are the symptoms, will be seriously challenged. For more than a year India has been distracted by

1 P.M. an unparalleled series of industrial disputes and disturbances, of which the resulting injury to all the interests concerned is incalculable. They have been characterised by outrages and acts of violence and methods of intimidation which are as unprecedented as they are foreign to the natural disposition of the Indian worker. Strikes have been prolonged, as I have already instanced, long after any possibility ceased of any conceivable advantage being gained by anybody. Many have broken out without any apparent reason or economic basis, without any statement or formulation of demands or grievances. These things have occurred, or they have occurred in their greatest intensity and with their worst consequences, in precisely those areas where Communist agents have been most actively employed and where their preparations and organisations have been most complete and deliberate. Men of avowed communist views have everywhere been fomenting by words, speech and action, and have been participating themselves, in these troubles. I submit that it is an irresistible conclusion to any reasonable man who is willing to survey the facts and draw the plain unvarnished inferences that present themselves to him—it is an irresistible conclusion that, after making all reasonable deductions for adverse industrial or economic conditions, the originating cause, the constant stimulus and the ultimate object of nearly all these troubles are to be found in large measure in the propaganda against which this Bill is directed. Sir, are those who are most immediately concerned and who have already suffered from them, and those also who will inevitably be the next to suffer, and

above all those whose responsibilities in the matter are the highest and the heaviest, are they to sit idly by and not merely permit a state of affairs already intolerable to continue, but be indifferent spectators, or even active promoters, of its development to even more disastrous conclusions? Sir, of those whom I have mentioned, the first and the worst sufferers are the workers, who are little able to help themselves, and are, I imagine, entitled to the help of those who can. The capitalists and the landlords and the educated classes generally are among those who have already suffered or will be the next to suffer. They can help themselves and they can also perform the duty which is plainly incumbent on them to assist the workers. Here prudence and common-sense, as well as duty, point clearly in the same direction. I may be accused of appealing to selfish and interested motives. In this instance I am not afraid of the accusation. It is common prudence that a man should seek to protect his legitimate interests from fraud or force. The will and the power to do so are essential to, and form the basis of, any form of civic freedom. But it is not common prudence for a man to expect that this shall be done for him without any effort or co-operation on his part. Those who have interests of their own to safeguard as well as the interests and welfare of others, effectively within their power to protect, would do well to reflect on this and to direct their conduct on their reflections.

But, Sir, there is a higher order of duty and responsibility than any of these. When the most vital interests of the country are assailed, when not only the rule of law and established institutions are the object of attack, but the most elementary conditions of national progress and prosperity, I submit that there is an obligation incumbent upon every man of public spirit and good will. Nevertheless, the responsibility rests far more heavily than elsewhere on the government of the country, the Government of the country which is vested in the executive and the legislature. The executive Government have discharged at least one part of their responsibility in bringing forward this measure for the sanction of this House. I do not say—and I have never contended—that that is a complete discharge of their responsibility. But I do say and contend that, in so far as the objects of this Bill are concerned, particular and limited as they are but nevertheless essential, the rest of the responsibility devolves upon this House. It is for Honourable Members to consider and weigh well how they propose to deal with and discharge their share of the responsibility. It may be, and from some of the arguments which were urged in this House in the earlier debates I find it difficult to refrain from the inference, that there is a disposition in some quarters, whatever measure we may bring before the House, to regard as the first consideration what attitude towards it may be most effectively an embarrassment and impediment to Government. I am not concerned, Sir, to dispute the familiar dictum that it is the duty of the Opposition to oppose. But the body of doctrine and political tradition from which that dictum is drawn also affirms that there are times and occasions when it does not apply. When there are reasonable and convincing grounds alleged of a serious menace to the security and prosperity of the country and a common effort is required from all those who recognize these things as having a paramount claim to their support and active assistance, there may indeed be room for criticism of and vigilance over the actions of Government, but none for mere opposition without reason, without reserve or without qualification. Such opposition to Government

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measures may have a temporary success, but it may be pursued with reckless disregard of consequences. It may be purchased at too high a price for the permanent interests of the country. It may leave an ill-omened and ill-starred heritage for any possible succeeding government which may be established by law and must continue to exist by law. I should be reluctant, Sir, to suppose that on this occasion there are many Members of this House who are actuated by these views. But I must frankly say that, when I made an earlier appeal to the House, I was acutely sensible of a disinclination among many Honourable Members to face the plain and compulsive facts. I am willing to admit that my presentation of them may have been faulty and inadequate. But I maintain that, above and apart from any formal statement of the case, the signs and tokens of the actual state of affairs were then manifest and are now still more manifest. I felt also that in regard to the measures then proposed, restricted as they were to meet a particular aspect of a wider problem, I heard more of objection and criticism than of constructive and positive counsel. Sir, whatever may have been the case then—and my own view of it is unchanged—I am confident that there will be more now to acknowledge and to give practical effect to their conviction that the facts must be faced and a remedy found. I was told then that our estimate of the situation was distorted and exaggerated: I hope that different views will now prevail. I was told then that Government had ample powers. They had arbitrary powers, and the suggestion was made in some rather unexpected quarters that Government should resort to them.

Sir, I pointed out then, and I repeat now, that the enactments referred to do not meet effectively, in nearly every respect do not meet at all, the objects we had and have immediately in view. They do not effectively meet what we regard as the first and most immediate requirement, namely to rid India of an intrusive element which aims at the subversion of all established institutions. They do not adequately provide for prevention as distinct from punishment, which can only be applied when the mischief has already been done. Designs against the national interest have, no doubt, in other countries, been dealt with by their Governments by summary enactments or by Acts of State without any legislative sanction. That may be, as some hold, the simplest course; it may be the most effective course. However, that may be, that was not the course we then elected to pursue. We acted on the traditional British constitutional and legal practice, on which the Government of Great Britain, of the Dominions and of India is based, and I think will continue to be based; on the declared policy to which this Assembly owes its existence. We were convinced of the necessity of executive action: we recognised and ourselves proposed the propriety of limiting and defining the circumstances and the manner in which it should be exercised; and we came to you for legislative sanction. We come to you again.

Whose, then, is the immediate responsibility in this matter? If this House denied us these powers, would it absolve us from the responsibility of taking the action that the situation may from time to time require? I would not. But if this Bill were rejected, I submit that the House would act to the great detriment of its own moral authority in asking for an account of our responsibility when of its own it had made the Great Refusal.

Sir, I believe and I earnestly trust that it is unnecessary for me to regard any conclusion in that sense as a conclusion which is likely to be arrived at by this House. If four months ago, I failed at the final stage to convince the House of the necessity of the measures then proposed, I now rely for the support of the House to this motion, not so much on anything I then said or have now to say, as on the more mature reflection of Honourable Members, and on the plain warning of events and facts which are patent to every eye which is willing to see. Sir, I move.

Mr. President: Motion moved:

"That the Bill to check the dissemination in British India from other countries of certain forms of propaganda, be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Victor Sassoon, Nawab Sir Sahibzada Abdul Qaiyum, Rai Bahadur Tarit Bhushan Roy, Mr. K. C. Roy, Mr. Fazal Ibrahim Rahimtullah and the Mover, with instructions to report on or before the 28th of February 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. Gaya Prasad Singh: Sir, I beg to move the following amendment:

"That the Bill be circulated for the purpose of eliciting opinions thereon."

It would, I think, be a fruitless waste of time on my part now to traverse the ground which was covered on the previous occasion when this Bill was before us in the last Simla Session. I would, therefore, now content myself by merely indicating, as briefly as I can, some of the grounds on which I base my amendment. Honourable Members will remember that the Bill, when it was introduced originally, evoked a storm of opposition, not only in this House but outside it. The most objectionable features of the Bill were quite unacceptable to us. The Bill was then referred to a Select Committee, and I admit that, when the Bill emerged from the Select Committee, it was shorn of a few of its objectionable features. Even then, Sir, the Bill was not acceptable to us, and we know the result. The Honourable the Home Member has now attempted to revive the Bill with somewhat more drastic and rigorous provisions. The Bill, as originally introduced last year, was intended to provide for the removal of certain persons from British India in the interests of public safety. But the present Bill intends to check the dissemination in British India from other countries of certain forms of propaganda, and for this purpose to provide for the removal of certain persons from British India, and for the seizure and control of money or other valuables in certain cases. The latter part of this preamble, Sir, clearly goes outside the scope of the Bill as it was then introduced. Following this, we have in the present Bill, in clause 4, a provision which is quite new to us. That clause provides for the forfeiture of monies, securities, goods or credits which have been, or are about to be transmitted from any place outside British India to any place in British India and so on. In fact all those provisions are absolutely new to us. We have had no opportunity of thinking over these provisions of the Bill.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Question. It does not require much thinking over.

Mr. Gaya Prasad Singh: There is also, Sir, another important point in which this Bill differs from the old one. In clause 2 of the old Bill an excepted person was intended to include any British subject ordinarily

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resident in British India. Now, in this Bill, an excepted person is intended to be a British subject ordinarily resident in India. That clearly amplifies the scope of this Bill, and spreads its net more wide.

In the Statement of Objects and Reasons, Sir, the Honourable the Home Member has stated that evidence has accumulated for some time past of the subversive intentions and activities of the Communist International generally, and has said:

"There is also evidence to show that bodies under the control or influence of the Communist International have been remitting sums of money in aid of the various industrial disputes recently in progress in India,"

Now, we challenged the Government on the last occasion, and we repeat our challenge now. If Government are in possession of such evidence, let them lay it before this House and take us into their confidence. But Government have resolutely declined to place any materials before us. (*An Honourable Member*: "They have no material.") Can any self-respecting Member of this House take the Government at their word (*An Honourable Member*: "No"), and willingly furnish an additional weapon in their armoury without clear proof of urgent necessity? Another fact to which I wish to draw the attention of the House relates to the provisions of clause 6 of the present Bill. The powers which this Bill gives to the High Courts are merely illusory powers. Clause 6 says that the High Court may, on application made by, or on behalf of, any person in respect of whom a removal order has been made, set aside the order on the ground that such person is an excepted person, but on no other ground. This latter proviso cuts away the ground from under the powers which this clause is supposed to confer upon the High Court. The decision of the executive Government is to remain final and unquestioned. Clause 7 provides that any person in respect of whom a removal order has been made may, within seven days, appeal to the Governor General in Council. This period of 7 days, I maintain, is totally inadequate and insufficient. But this is a minor point. Sub-clause (3) of the same clause provides that the Bench shall sit at such time and place and shall follow such procedure as the Governor General in Council may in each case direct. Sir, this is quite contrary to the provisions of the Code of Criminal Procedure. The Bench will be at the beck and call of the executive authorities, and in every case the executive authorities will be responsible for calling the Bench into existence and for prescribing the actual procedure. That, Sir, is a thing to which we cannot be asked to give our sanction. (*An Honourable Member*: "What do you suggest?") *An Honourable Member* has asked me as to what I suggest. I suggest a very simple procedure, and that is the procedure laid down in the Criminal Procedure Code. (*An Honourable Member*: "Hear, hear.") Let a permanent tribunal be established as it is already established by the executive Government. Let all cases come under the purview of that tribunal which they have themselves established, and for which they have prescribed a procedure under the Criminal Procedure Code.

Mr. C. S. Ranga Iyer: Then why do you want circulation of the Bill for opinion?

Mr. Gaya Prasad Singh: Sub-clause (5) of the same clause says:

"... the Bench shall ... furnish him with a general statement of the grounds on which the removal order was based, but neither he nor any pleader appearing on his behalf shall be entitled to be made acquainted with any details or particulars of the facts or circumstances laid before the Bench by the Governor General in Council, and the Bench shall treat all such facts and circumstances as confidential."

This, I maintain, is a denial of the fundamental principles of justice, equity and good conscience. I am not aware of any law in which a procedure like that has been prescribed. I think the clear effect of this provision would be to prejudice the minds of the Judges against the accused in each case, because the Judges shall be in possession of all the incriminating facts of the case, but the principal persons in the case namely, the accused and his pleader, shall not be entitled to have an inkling of them. How can the accused person defend himself? In these circumstances, neither the presence of the accused nor that of his pleader before the Bench shall be of any avail.

With regard to the seizure and forfeiture of monies, the Bill says, in clause 8, that the provisions of clause 7 shall apply for the purposes of the appeal in like manner as they apply for the purposes of that section; and, subject to the provisions of that section as regards the confidential character of the facts and circumstances laid before the Bench by the Governor General in Council, the appellant shall be given an opportunity of attending, and, if he does so, shall be entitled to be furnished with a general statement of the grounds on which the order under appeal was based. This, I maintain, is open to the same objection to which I referred in the earlier part of my speech. I will here ask whether the present law is not sufficient to bring within its purview the men contemplated by this Bill. The other day we all remember that one Mr. Johnstone was deported from Jharia while he was attending a meeting. I asked a question in this House, and the Honourable the Home Member replied that he was deported under Act III of 1884. The preamble of that Act provides:

"Whereas it is expedient to make provision to enable the Government to prevent the subjects of Foreign States from residing or sojourning in British India, or from passing through or travelling therein, without the consent of the Government ..."

The provisions of this Act, one should have thought, were wide enough to bring within its clutches all foreign communists. The only persons who may not come under the clutches thereof would probably be the English communists. With regard to that, I would submit that Regulation III of 1888 (*Some Honourable Members*: "1818"). I beg your pardon, of 1818, under which Dr. Besant and others were incarcerated, are wide enough to deal with

Mr. C. S. Ranga Iyer: You want the application of Regulation III of 1818?

Mr. Gaya Prasad Singh: Let me try to develop my argument in my own way.

Mr. C. S. Ranga Iyer: I put it to the Honourable Member whether he believes in the application of Regulation III of 1818? (*Some Honourable Members*: "Order, order".)

Mr. Gaya Prasad Singh: I have not given way.

Mr. C. S. Ranga Iyer: That is very clever, (Laughter).

Mr. Gaya Prasad Singh: Regulation III of 1818, under which the ex-Maharajah of Nabha and others were deported, that Regulation I want to be repealed. But is the Honourable the Home Member prepared to give a guarantee that, if we give him the powers which he seeks under this Bill, he is prepared to repeal Regulation III of 1818? (Some Honourable Members: "Hear, hear.") The question which my Honourable friend has asked had better be addressed to the Treasury Benches and not to me.

Mr. C. S. Ranga Iyer: You suggest the application of Regulation III? (Cries of "Order, order.")

Mr. Gaya Prasad Singh: No. In the armoury of the Government I say there are ample weapons for dealing with foreign communists and English communists. That is what I maintain and that is my position.

Mr. C. S. Ranga Iyer: You want Regulation III to be used? (Cries of "Order, order.") Some Honourable Members: ("Go on.")

Mr. Gaya Prasad Singh: Lastly, Sir, I come to sub-clause (2) of clause 15 which says:

"... no removal order, no order of forfeiture, and no prohibition order shall be called in question in any Court or by or before any other authority whatsoever ..."

That means that what little there is of the Habeas Corpus as provided in section 491 of the Criminal Procedure Code, is to be taken away. (An Honourable Member: "For British communists only.") Quite so. Lastly, in order to save the executive officials from the result of whatever arbitrary action they may take under the provisions of this Act, they have provided that no prosecution or other legal proceeding whatsoever shall lie against any person in respect of anything in good faith done or intended to be done under this Act. I maintain, Sir, that some of the facts which I have indicated are enough to enable this House to come to the conclusion that the only proper procedure under the circumstances, short of a total rejection, would be to allow some time for us, and to allow the country to have some time, to form correct conclusions on the all-embracing provisions of this Act. All is not lost if the Government consents to allow this Bill to go into the country for the purpose of eliciting opinions thereon. Last time the plea of urgency was urged with insistence by the Honourable the Home Member. We know that the House refused to accord its sanction to the Bill, and, what harm has been done? The Sun continues to rise in the East and set in the West. The diurnal motion of the earth continues its course unshaken. The work of the administration goes on smoothly, as smoothly as it did before, and the Honourable Member to-day stands without any satisfactory answer as to what has happened during the last few months to justify this plea of urgency. (Interruptions from the European Benches.) I hear some interruptions from my friends of the European group. I know, Sir, as Lord Curzon once said, the work of exploitation and the work of administration go hand in hand in this country; and my friends there are prone to do a good turn to the executive Government, and the executive Government do a good turn to them, as will be seen when Mr. Haji's Bill comes up for discussion. With these words I commend my amendment to the House.

Mr. C. S. Ranga Iyer: Sir, I was very much astonished to hear the previous speaker very seriously move his amendment, as I happen to know something of the opinion which is held on his side of this House. Sir, the Honourable gentleman from Muzaffarnagar (An Honourable Member: "Muzaffarpur"),—there is alliteration in it. (Laughter.) There is rhyme but no logic, I admit, in the Honourable Member's speech suggesting that the Bill be circulated for the purpose of eliciting opinions thereon. If he was very serious about this proposition, then he should have concentrated on the amendment which he proposed. He should have explained to the House how and why the Bill should be circulated for opinion. He himself seems to be abundant with his own opinions on this Bill, one of which is that there is a much better piece of legislation, namely, Regulation III of 1818. Obviously some change has come over that side of the House. (Laughter.) The latest evidence about it, Sir, is the absence of a Member of this House who was entrusted with the responsibility of a Bill to repeal Regulation III of 1818, which resulted in less than a quarter hour's session in this House. After that extraordinary absence on an important question, comes the observation, equally surprising from a Member of the Congress Party, saying "There is Regulation III of 1818". Surely, Sir, Regulation III of 1818 is much more barbarous than any other piece of legislation on the Statute Book. Regulation III of 1818 . . .

Mr. Gaya Prasad Singh: Who said it is not?

Mr. C. S. Ranga Iyer: You said that it is much better legislation. The Honourable gentleman used that argument: "There is Regulation III of 1818; why then have this measure". Regulation III of 1818 was opposed even by my friend Mr. Fazl Ibrahim Rahimtulla. Regulation III of 1818 was opposed by Sir Sivaswami Aiyer and Sir Chimanlal Setalvad. Sir Chimanlal Setalvad is a supporter of the particular measure before the House.

The leader of the Liberal Party, in his very interesting speech at the All-India Liberal Federation,—the Liberals being now strange bed fellows with the Congress Nehruites (Laughter)—that stalwart who adds glory to the Nehru Report, said that this piece of legislation was necessary. I am not criticising his speech but I am only pointing out that he who was prepared to support this measure was not, as a Member of this House, prepared to support Regulation III of 1818, and now Swarajism, that is giving us ideas of tyranny in and out of this House, is prepared to flirt with Regulation III of 1818, is prepared to point out that Regulation III of 1818 is much better than this piece of legislation.

The Honourable Member from the Swarajist benches who spoke, said there was "a storm of opposition" to this Bill. I myself, I believe, had a hand in creating that storm. When there was a storm of opposition to this Bill, why on earth, I ask him, should he have sprung on us this motion for the circulation of this Bill. You ask for a Bill to be circulated for opinions when there is no opinion on the subject. I am surprised that the gentleman who saw "the storm of opposition" should shrink before that storm. Supposing it was circulated for opinion, may I ask him whether that will change his opinion on this subject? I put it to this House and the gentleman seated on the benches, to which the Honourable Member happens to belong, if the opinions of men like Sir Sivaswami Iyer,

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Sir Tej Bahadur Sapru and the beauties of the Nehru Report are in support of this proposition, will they change their opinion? It is extremely disgusting to see men who ought to understand what they stand for trampling their principles under foot. (An interruption from the Swarajist Benches.) Will the Honourable Member speak up?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mind your own principles first before caring for others.

Mr. C. S. Ranga Iyer: Charity begins at home. Principles, so far as the particular gentleman who just interrupted me is concerned, seem to begin outside his Party, but as for myself, I am a jealous guardian of my principles.

Then the Honourable Member spoke of drastic and rigorous provisions. If he wants them to be mitigated, why should he not vote for the reference to the Select Committee? Why should he talk of drastic and rigorous provisions? Then he says it is a new Bill to us, especially that point which refers to the forfeiture of Soviet gold. He says it requires much thinking over. I never thought, Sir, the Honourable gentleman, and the Group to which he belongs, do require much thinking over a provision of that kind. I don't think the Members are so dense as to say that such a thing requires much thinking over. It requires no thinking over: it is as plain as plain can be. And then, Sir, he says that these things amplify the scope of the Bill. Does he want that the scope should be restricted? Then he talks almost like an innocent babe to the Home Member. "Take us into your confidence; Government have declined to place materials before this House." Was he asleep when the Honourable the Home Member was speaking? He has placed abundant material before the House, and it is a foolish charge to bring that the materials are not before this House. Materials have been before the House for a very long time, and if we have no brains to judge the materials, we have no business to be in this House. (Laughter.)

Then, Sir, he complains of the period of seven days. Seven days is an inadequate period? I put it to him and to the gentlemen whom he represents, if the seven days were extended to seventy days, will he support this Bill? It is amusing that such illogical statements should emanate from that side of the House.

My position is very easy. I oppose the circulation of the Bill because the Bill does not deserve any circulation at all, and if I oppose reference to Select Committee, it is because it was already once referred to Select Committee. Where is the necessity for the reference of this Bill to Select Committee? Who are the Members of the Select Committee whom the Honourable the Home Member's motion includes? The Members of the Select Committee happen to be men like Sir Darcy Lindsay. I shall deal with them one by one. Sir Darcy Lindsay's addition to the Select Committee is certainly an interesting innovation. This House did not obtain the assistance of Sir Darcy Lindsay at a time when his presence in this House and the addition of one vote would have turned the fate of this Bill. (Laughter.) Sir Darcy Lindsay was having a glorious time in the other hemisphere. To-day Sir Darcy Lindsay's opinion on the Bill must be a valuable one, but no originality attaches to that opinion. Sir Darcy

Lindsay's views are not yet known, but the views of his constituency are very well known, and, Sir, I believe he accepts the principle of the Bill. What I object to, and why I object to the reference to Select Committee is that I do not accept the principle of this Bill. Once you accept the principle of this Bill you accept the whole Bill. I do not think there is any necessity for a reference of this Bill to Select Committee. I have very carefully gone through this Bill and assure you, Sir, that it is a perfect piece of draftsmanship. So far as the legal or drafting aspect goes, there is nothing you can take exception to in the Bill. What you can take exception to is the special purpose of this Bill, the exceptional principle underlying the Bill. (An Honourable Member: "The preamble.") My Honourable friend from Bombay objects to the preamble. I say that from the preamble to the last word it is perfect so far as draftsmanship goes, and I do not see why it should be spoilt by a reference to Select Committee. The Honourable gentleman who spoke after the Home Member said that it emerged last time from Select Committee rather in an improved state. I thought the emergence was rather against the Bill. I need not repeat the arguments used by that side of the House. I thought it was for the Honourable gentlemen seated on those benches to deny the fact that it had emerged in an improved condition, and from the views expressed on that side of the House, the Bill underwent certain drastic alterations which did not go to improve the principle underlying the Bill.

Be that as it may, we come to the second Member of the Select Committee, Sir Victor Sassoon. I don't know why he has not been made the first Member, because he belongs to the school who made a splendid case for this Bill during the last Simla session. He feels a definite necessity for this Bill, and I do not see why he should not accept the Bill in its present drastic form. Even from their point of view, there is no necessity for a reference to Select Committee.

Now we come to Nawab Sir Sahibzada Abdul Qaiyum, the frontier stalwart. He will not stand for mitigation of the principle or for the matter of that for those important clauses of the Bill where this necessity for a reference to Select Committee comes in.

Among other Members we have Mr. Fazal Ibrahim Rahimtulla. He is always straight. He never hits below the belt or behind the back. He hits you straight on the face. I don't see why he should aspire to improve the Bill or rather to spoil it. I do not believe in so many cooks spoiling the nice broth. (Laughter.) So far as I am concerned I don't want to taste the broth, I want to throw it away.

The Honourable the Home Member made a speech to which I must pay homage, because he brought forward abundance of materials and placed them before this House. From his point of view he made a good case for the Bill. He could as easily have quoted—though his modesty forbade him from doing so—from the speeches of the Congress President. He could have quoted from the speeches of the President of the All India Liberal Federation. Both these gentlemen used identical phrases. They said something is coming, and what is that something? That something is to "swallow" us up. We are all going to be swallowed up! If that is the situation, I do not see why this Bill should not be introduced. I however dispute the fact that we can be easily swallowed by communism.

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The Honourable Diwan Chaman Lall made a statement about the growth and advance of communism in the labour world. His statement was published in the *Civil and Military Gazette*. All these have supplied abundant materials so far as this Bill is concerned, but I object to the Bill on the same identical grounds on which I objected to it last year. I have no sympathy for communism. The communists did try to flirt with me while I was in Europe, but I could not easily be flirted with. I don't like flirtation with a crocodile. I think it was deQuincy who described in his "Confessions of an Opium Eater" the kisses of a crocodile. (Laughter.) He said the kisses were "cancerous". Well, Sir, I believe the flirtations of a communist are more certainly cancerous. I had also the privilege, which was extended to certain gentlemen in this House and perhaps outside, of an invitation from the Soviet Government. They said, as I believe they did in other cases, they would pay the passage, that we would be their guests and so on and so forth. But as Great Britain had cut off all diplomatic relations with Russia, I valued my British citizenship (Hear, hear), and therefore I refused to accept the invitation. I declined the invitation with thanks. I do not believe in communism, and if I really believed that there was a danger of the spreading of communism in this country, I would have supported this Bill. If I believed, as the Congress President said in his address,—and the same thing was said by the President of the Liberal Federation—that there was great danger to this country from communism, I should most certainly have supported the measure. The premises of the Bill are the confessions of the Congress and the liberal people and the champions of the Nehru report outside this House.

My own objection to this Bill is this. I consider that my country is a very peaceful country. I consider that communism has no chance here. I consider that Indians are an aristocratic race, not a communistic people. Even a labourer is an aristocrat, Sir. Our traditions are in our blood; our traditions are in our society; we do not want the benevolent help of the Honourable the Home Member and the Government so far as the **blasting** of this movement is concerned. I **challenge anybody, even the so-called gentlemen who believe that communism is coming to this country, and even those who believe that communism has come in definitely, I challenge them to seek an election on the issue of communism.** They dare not. Most of the supporters of the Congress people during the elections have been zamindars. I know socialistic flirtations are going on even to-day in the premier house of the taluqdar of Oudh. The Maharaja of Mahmudabad and the champions of the Nehru report are not communists. There is no question of communism in this country, and once there is no danger, you can depend on Indian society, Indian culture and Indian civilisation and India's genius to resist communism. Where, I ask, where does the necessity arise for a measure of this kind. I would leave it to India to combat it, as the Honourable the Home Member himself very beautifully put it. About the principle, or rather about the ideas of communism, he said that communism was essentially foreign to the idea of British dominions. I would say, it may not be quite foreign to certain parts of the British Empire. But, at least to a part of the British Empire it is wholly alien. In England there is a much more powerful communist or semi-communist socialistic movement than anywhere else in the Empire. Perhaps in Australia communism might have some chance. But I agree with

the Honourable the Home Member that communism is essentially foreign to the idea of that part of the British dominions of which he happens to be the Home Member. It is essentially foreign, and once it is essentially foreign to the conditions of this country, where is the necessity for this measure? I do not understand where the necessity arises. It is a noxious growth of the West. This communism cannot come even up to Afghanistan. Certainly I shall not tread on dangerous ground, as my Honourable friend the Foreign Secretary will promptly remind me. The Hindukush mountains are strong enough to prevent communism from entering this country. The communists dare not fly aeroplanes over this country and throw leaflets. The aeroplanes will be brought down and the communists would be given, what perhaps my Honourable friends on the Swarajist Benches would have them given, namely, Regulation III of 1818. Therefore there is no danger of communism.

Then the Honourable the Home Member referred to communist propaganda. I know certain newspapers publish articles written by communists outside this country. But the very easiest thing is for the Government to censor these communications. Why introduce this legislation? There is the power of censorship which the Government possess and they can use it and they can stop communist literature coming into this country.

Then the Honourable the Home Member talked of cutting off subsidies. Well, Sir, I am not very much in love with these Russian subsidies and am not much enamoured of their coming into this country. If the Honourable the Home Member had brought in a Bill only for the cutting off of the subsidies, I at any rate would not have hesitated to vote with him. Because, he thinks, communist money comes into this country, it is obviously evidence of communist propaganda. We do not want communist propaganda in this country. We do not want alien support. At any rate we do not want Soviet gold to do communist propaganda in this country, though I would remind the Honourable the Home Member that such a step had not been taken in his country where Soviet gold appeared now and again. I think it would be legitimate criticism to say when your own countrymen have not taken up an attitude of the kind, why should you take it up here? But I for my part would wish that the Bill was "so amplified in its scope," to borrow the dubious expression of the Honourable Member Mr. Gaya Prasad Singh, that it was restricted only to this particular thing, because I do believe that foreign gold comes into this country. The motive is dangerous, and I think that part of the Bill is perhaps not unreasonable and I would even say very wholesome. But unfortunately it is only a very small part of the Bill, and the least objectionable, or rather the most useful. But my difficulty arises out of the fact that you cannot take that part up by itself. I do object to foreign gold coming into this country because we do not want the help of foreigners, not certainly Russians.

Then, Sir, the Honourable the Home Member referred to the serious situation arising from propaganda of the communist movement. I do agree with the Honourable the Home Member that there is propaganda by the communists, but I refuse to believe that the propaganda is very serious. I admit there is a certain amount of seriousness, if not in the whole country at least in the industrial areas. I do not deny there is a certain amount of seriousness, not in the agricultural areas, but in the industrial areas. But why not prosecute the offenders, or accept the advice of the

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Swarajist Member and intern them? I do not give the Government that advice. But you can certainly prosecute them. Prosecutions have been launched, and as the Honourable the Home Member very truly pointed out, prosecutions have been very successfully launched too. I do not know why that attempt should not be made against Englishmen also. If Indian communists can be prosecuted, why should English communists get a passage on the cheap; for, Sir, it is a question of racial discrimination in legislation. Why should there be this racial discrimination? If an Indian communist is worthy of being prosecuted, an English communist cannot be unworthy of being prosecuted. Prosecute him. The experience of people in prisons might teach them, and I think the Honourable the Home Member's knowledge of prison law will inform him that Europeans are given special treatment in jails. Life there is not so hard as it is for Indians. Therefore let him prosecute them and put them in prison.

Mr. H. G. Cocke (Bombay: European): Send them to the Andamans.

Mr. C. S. Ranga Iyer: My Honourable friend from Bombay, Mr. Cocke, says, send them to the Andamans. I do not want to be so unkind: I would give them six months' simple imprisonment if you succeed in prosecuting them. If you prosecute them successfully, it will suffice. If one or two prosecutions are launched, I do not think the Englishmen or the communist or the Socialist Party would care to come to India to seek prosecutions. If, on the other hand, we give them a cheap free passage, it will be a temptation for more communists to come in. Sir, in trying to get rid of an evil by introducing this Bill and by giving them a free passage, what are you doing? You are encouraging more communists to come into this country. Many of the communists are not rich people. They are a very poor lot. They need take passage only one way and once they come to this country and make a few speeches in a few industrial areas, they are given a free passage home. It may be third class, as the Foreign Secretary reminded us last year, and I think third class passengers can do perhaps more harm on the boat than first class passengers. (Laughter.) They would rather like to travel third class. It does not matter because they are accustomed to travel third class. They do not mind this. But the whole point is this. Why do you encourage these unemployed communists of your country to come to this country and then allow them to go back on the cheap.

An Honourable Member: Why on the cheap?

Mr. C. S. Ranga Iyer: Certainly it is going on the cheap, because they are given a free passage home. It is not very difficult for a few labour organisations to provide them with third class passages to this country. They can easily come here, and then go back at the Government expense. Therefore, this Bill is really an inducement for communistic propaganda in this country. It does not attack the root of the disease—
2 P.M. and about attacking the root of the disease, I shall have something presently to tell the House—but it really worsens the disease. There is no use bringing in special legislation, though I admit the Honourable the Home Member has pointed out that it is not a permanent measure and that it is only meant to meet a particular situation. I don't think, Sir, this Bill is necessary at all, and I object to this kind of giving separate treatment to the Indian communist from that accorded to the British communist.

Then, the Honourable the Home Member talked of the communist danger which will destroy the existing social and economic order. The social order has not been destroyed by worse movements than the communist movement. We know some of our temples used to be destroyed; we know the great invasion of Nadir Shah. Surely nothing was more dangerous than the invasion of Nadir Shah; but what happened? The gentlemen who came to destroy our temples lived in the same temple of India. They were attracted by it; they lived with the people; they were one of the people, and they are now one of the people. (Hear, hear.) I hear Honourable gentlemen saying from that place (pointing to the Congress Benches) "Hear, hear". I say in reply, then accept all their legitimate demands and embody them in the Nehru report and don't treat them as foreigners. Sir, they are one of us, but they have not been treated as one of us by the greatest betrayal of the Hindu Nationalists.

An Honourable Member: I challenge that.

Mr. C. S. Ranga Iyer: The Honourable gentleman challenges it. I think my friend Mr. Fazl Ibrahim Rahimtullah accepted the challenge and proved that the Conference that sat at Calcutta was a Hindu All-Parties Conference, and that the Conference that sat here in Delhi was a Muslim All-Parties Conference. Be that as it may, it is only parenthetical. I do not want to speak further about it in spite of the alluring interruption of my friend Mr. B. Das, who is always hilarious.

The Honourable the Home Member stated that the social order stood in danger of being destroyed. Waves of foreign invasions have not destroyed the social order, and the British conquest of India has not destroyed the social order. I do not think, therefore, that, in spite of 150 years of English education

Colonel J. D. Crawford (Bengal: European): We did not have the desire to do so.

Mr. C. S. Ranga Iyer: My Honourable friend Colonel Crawford says: "We did not have the desire to do so". I must tell my Honourable and gallant friend that his information is very wrong. The British did have the desire to do so. I do not for a moment say that it was a wrong desire or that it was an ignoble desire; but they had the desire to do so, and to know that, my Honourable friend should read Macaulay's famous Minute, in which he spoke of Indians educated in English ideals, fed on European ideas, one day asking for European self-Government, European democracy and so on and so forth. Therefore, the desire was there, and the desire has succeeded up to a point. But what I say is this: the existing social order is not likely to be destroyed. The educated classes, as the *Englishman* of Calcutta truly says, are only a microscopic minority. I would rather call them a telescopic minority. (Laughter.) But the existing social order has not been destroyed. It has not been affected at all; it has been left untouched. The bed-rock of Indian culture has not been affected at all either by the Moslem Raj or by the British Raj. And when successive waves of invasions and centuries of foreign rule could not affect the existing social order, may I ask, how can a handful of leaflets, a handful of pamphlets of the communist type break that social order? Leave the social order to take care of itself. Communism cannot be tolerated in India, not certainly by my leader Sir Purshotamdas Thakurdas. (Loud Laughter and Applause.) At any rate, so far as the industrial areas are concerned, if

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communism raises its abominable limbs, Sir Purshotamdas Thakurdas will take care to oppose it and defy it, and he may be trusted to do it successfully. Even so, if it were to attack the villages and the agricultural areas, I am sure gentlemen like the ex-General Secretary of the Swaraj Party—I refer to Pandit Nilakantha Das—can be expected to oppose that movement and destroy that movement. Therefore, the question does not arise of a social order being attacked or for that matter, the economic order being overthrown. Capitalists and agriculturists can be trusted to defy the unsettlement of the existing economic and social order. They do not want any special legislation. The social order and the economic order can be left to take care of themselves.

Then, Sir, the Honourable the Home Member referred to communism's object, which is destructive. Yes; it is destructive. But it cannot destroy when we are unwilling to be destroyed. Where others have failed, you are putting too much importance on communism when you say that a few communist pamphlets can achieve success. What English rule and Moslem rule have failed to achieve cannot be achieved by a few such pamphlets. Sir, it is not a great compliment to the character of the Indian people, to the institutions which have been through scores of centuries flourishing in this country, to say that communism could destroy them. No communism can destroy "Hinduism", by which I mean both Hinduism and Muhammadanism, which includes not only Hindus and Moslems but also Anglo-Indians and Europeans who live in this country. Hinduism, as it is popularly understood, may mean a religion; but Hinduism, as it was understood originally and interpreted correctly, refers to the institutions in India which are thriving on this side of the Sindhu. And that is how, Sir, I am inclined to say that Hindu institutions cannot be destroyed by communist propaganda. I am not afraid of it; leave it to us to resist it. We do not want your support, your unwanted support by means of legislation of this kind.

I am afraid the Bill defeats the object we have in view, the object of laying low communism. It raises a question of principle, a principle to which we cannot agree or adhere, that is, the principle of special legislation. Sir, it is an elementary principle of English jurisprudence that a man who has not been proved to be guilty is innocent. We take our stand on that principle. This Bill, Sir, denies that fundamental principle of English jurisprudence. I do not know if the Honourable the Home Member discovered this principle in the jurisprudence of Russia. Possibly, this principle is embodied in the jurisprudence of Russia. I have not read the jurisprudence of Russia. Or perhaps, this principle may be in the jurisprudence of Austria. Here, Sir, the question of imprisonment does not arise. To deprive a man of his liberty, to extort a man, to deport a man without giving him a trial, is a principle to which I at any rate cannot be a party. Therefore, I do think the principle of the Bill is objectionable. But there may be occasions, for instance in wartime, when such fundamental principles have to be suspended. The Defence of the Realm Act suspended that principle; the Defence of India Act suspended that principle; and I would have endorsed this principle of suspension if the situation was so dangerous. I submit, Sir, the situation is not so dangerous. The Honourable the Home Member in a very convincing speech—though I have not been convinced by it, I cannot doubt the force of his argument,

though I admit that so far as I am concerned I do not think it was so forcible as to convince me—spoke of indirect and subterranean measures. I admit there are indirect and subterranean measures. I admit that no propaganda can escape them. But why not tackle the very problem which those subterranean problems and indirect forces are attacking. That is the whole point. The Honourable the Home Member is perfectly right in saying that the industrial areas are ablaze when communist agents visit them. But I fix the responsibility for that, not on the communist agents, who will always be found there from both in and out of the country; I fix the responsibility on the existing state of things.

Sir, in what part of the world, may I ask, is there the disparity in living between rich and poor, between capitalist and labour, that you find in India? Sir, we have been reading with great pride and pleasure the speeches and observations of His Royal Highness the Prince of Wales, who has been touring over the mining areas, going into the houses of these poor working men, watching them, looking into their hearths, capturing the citadels of their hearts, examining their boots and clothing, and their poverty. The sensation in England to-day is the Prince of Wales visiting the mining areas. Sir, we want that spirit, the spirit of investigating the problems, the difficulties, the appalling, the unmentionable, the cruel lot of these poor labourers. A Bill of this kind cannot improve their lot. I know there will be Bolshevik agents who will exploit their condition. It is not for you to stop those Bolshevik agents so much as to ameliorate their condition to remedy the evil, to improve the lot of these labourers. Why not stop these communist agents from coming out to this country? Do not give them passports. Stop them somewhere near Aden and send them back. Why let them come in? Why should we be a party to passing measures of this kind, inviting the odium of the world on this House, the Parliament of India? My Honourable friend from Bombay, Mr. Cocke, says "What about the poor masses?" If the masses were on fire, a Bill of this kind could not quench that fire. I admit the masses are intensely poor, and empty stomachs, as a great Irish statesman put it—I refer to Edmund Burke—empty stomachs are a prolific cause of revolutions. By passing a measure of this kind you cannot deal with a serious situation. I do not say the situation is so serious, but taking the Honourable the Home Member at his word, if the situation is dangerous, if we are sitting on the top of a volcano, this is not the measure to take. Sir, the proper thing will be for the Honourable the Home Member to introduce remedies. I know a Labour Commission has been announced, but a Commission does not necessarily mean an achievement. Achieve, improve the condition of the poor, both agricultural and industrial. Let there not be that appalling disparity in living between rich and poor, and then, Sir, there will be no necessity of guarding these people against communism. Any amount of caution will not guard them; any amount of prosecutions, though necessary in the interests of law and order, will not improve their lot. Prosecutions feed on prosecutions. Just as Sir Rash Behari Ghose once said "repression makes the meat it feeds on," even so prosecution makes the food it feeds on. Sir, the Honourable the Home Member talked of organised efforts towards industrial unrest. I tell the Honourable the Home Member, you cannot set the prairie on fire in the absence of inflammable material. The industrial unrest is there. Tackle those who are responsible for the industrial unrest, both labour and capital. If this unrest is found anywhere the arm of your law is long enough to put the makers of unrest in prison. And you have already said successful prosecutions have

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been launched. If on the other hand labour's condition is not so good as it ought to be, tackle the capitalists. Ask them to improve the condition. Then they will tell you why the conditions are what they are and help you to bring forward measures to improve the circumstances even of the capitalists. Sir, it is constructive legislation that we want and constructive legislation to improve the condition of labour is exactly what we want. I have not the interests of the capitalists at heart. They are strong enough, powerful enough to take care of themselves, and I believe many of them feel for the labourer more than any academic critic can ever feel. But, Sir, the condition has to be improved and it cannot be improved by a Bill of this kind. The Honourable the Home Member referred to the industrial centres of Bengal and Bombay. Sir, the industrial centres of Bengal and Bombay are certainly very much affected with unrest, but the cause of that unrest, as I have already said, the chief cause, is poverty, poor wages, impossible living. Can you imagine, Sir, that anyone with a large family, such as these poor labourers unfortunately happen to have, procreation and poverty travel together—can you, Sir, imagine that these poor people with large families can live on such low wages? That is the unfortunate, that is the tragic fact of the situation, and an attempt must be made to increase their wages. You may be successful in deporting Mr. Spratt. You may be successful in deporting Mr. Bradley; but you cannot prevent some other Spratts and Bradleys coming into the country. That is the whole position; and so long as the situation is what it is, any amount of deportation cannot prevent the evil. In fact, knowing as I do the spirit in England, knowing as I do the spirit which is animating the socialist movement, I know some socialists would like to come to India to get martyrdom on the cheap. They would like to go back to their country and say "Look here, we have been deported". The stamp of martyrdom is easily acquired. The Bill therefore will not serve its purpose.

Then, Sir, the Honourable the Home Member referred to youth movements being drawn within the orbit of communism. I quite sympathise with that observation. I strongly feel, Sir, that young men in schools and colleges should not be seduced by politicians. I do not think, Sir, there is any use in these young men being made cats paws of by wicked politicians. I say it is the climax of wickedness to approach these young men, to ruin their lives, to draw them into politics and fling them away as so many have been flung away. Therefore, Sir, I object to this Youth movement. It is an exploitation of the innocent young men for the proping up of dishonest leadership. Let the young men go and consult their parents first. Let the leaders not exploit these young men. I know that, when these young men are exploited and drawn into politics, the elephant foot of dishonest leadership will crush them; and having betrayed their parents at home, they will be betrayed by the leaders who exploit them for the aggrandisement of their leadership. Where are these young men, I ask, whom these wretched leaders put into prison during the non-co-operation movement? I know many of them who are starving to-day. Where are they? It is all very well to start youth movements and exploit these young men. I bitterly feel it. This exploitation of young men, this dishonesty of leadership is responsible for the condition in which we live. Young men should not be exploited. Do not spoil their studies. Just as the present leaders themselves did not spoil their studies, but got into politics after they had completed their educational course, even so let these young men complete their studies and come out.

But, Sir, sympathising strongly as I do with the Honourable the Home Member's observations against exploiting these young men and bringing them within the orbit of communism, I say, get at those men who do it. If they make rash speeches, prosecute them and make it prohibitive to approach these young men. Make special legislation for that purpose and I will support the Honourable the Home Member. Let the Principals of Schools and Colleges take drastic action, because young men should not be exploited by unscrupulous leadership. But, Sir, this Bill will not put a stop to it. The passing of this Bill will not attack it, and therefore I do not consider that that is a sufficient argument for the passing of this Bill. The youth movements will go on. Students will continue to be drawn out of their studies: your Bill does not deal with the situation. Therefore, Sir, I feel, and I deeply feel, that if you want to protect the students, this is not the kind of Bill that you should bring forward. It is quite a different Bill you want. Therefore there is no justification for this Bill on that ground. If the Home Member's observations about the youth movement were the premises, I say this is not the superstructure. But the premises are different. You want to get at Mr. Spratt; you want to get at Mr. Bradley or men of that kind, not necessarily these people but alien gentlemen who belong to the tribe of communism. But by getting at them, I put it to the Honourable the Home Member, how can he prevent youth movements being started, and young men being drawn within the orbit of aggressive politics, socialism or anything of that kind? How can you prevent that? If that is the object that the Honourable the Home Member has in view, it is a very good object in my opinion, and I talk with a good deal of experience on that subject, a very salutary and very attractive object, but this is not the Bill for its fulfilment; and that is why I say that this Bill is utterly useless so far as that question is concerned. Therefore, Sir, though I feel on that question, my feeling cannot be very helpful to the Home Member so far as this particular piece of legislation is concerned.

Then, Sir, the Honourable the Home Member referred to the facts of the situation. I have presented the facts of the situation from my own point of view. He referred again to Mr. M. N. Roy. I have not had the honour or opportunity of knowing this gentleman. I hear from people who know him that he is a very very enthusiastic man, but I do think Mr. M. N. Roy would feel considerably flattered if he were to hear that he was twice mentioned on the floor of this House by the Honourable the Home Member. (Laughter.) I do not think, Sir, Mr. M. N. Roy deserves so much attention even from the Home Member. He may be a very dangerous man, I do not know, but he cannot set this country on fire by a few articles. I do believe even in India you can find fairly good writers who could produce as hot stuff as Mr. M. N. Roy.

Mr. M. S. Aney (Berar Representative): Not excluding the speaker himself.

Mr. C. S. Ranga Iyer: I do not however see why Mr. M. N. Roy should have got on the Honourable the Home Member's nerves. Perhaps when he reads his leaflets he thinks they are very bad and naturally therefore those activities of Mr. M. N. Roy should be stopped. But Mr. M. N. Roy will continue to write in spite of this Bill. How can you stop his writing? You are not touching Mr. M. N. Roy and other communists—if Mr. M. N. Roy is a communist. He might perhaps be a Bolshevik or a member of the Third International; or a frank Indian Nationalist revolutionary, whatever

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ne may be, you cannot prevent him and others of his ilk sending literature to this country. How can you prevent that by passing this Bill?

Then the Honourable the Home Member referred to the Third Communist International which was perhaps brought into existence in 1919. Well, the Third Communist International cannot be affected by legislation of this kind. No Russians have come to India: they are only using Englishmen and perhaps Indians. I do not think, at least I do not know, if any Indians in this country are in touch with the Third Communist International. The Honourable the Home Member must know better. No prominent man to my knowledge, at any rate, is in touch with it. But how are you going to affect the activities of the Third Communist International by deporting half a dozen Englishmen who might come out to this country?

Then, Sir, the fundamental difficulty about giving my support to this motion arises from the fact that it is aimed at British citizenship. Sir, the old English Imperialists have said that the ancient Romans considered *Civus Romanus sum* as their great imperial citizenship motto, and British imperialists prided themselves on *Civus Britannicus sum*, following the ancient Romans. Sir, this Bill attacks the foundations of that principle. I can understand an Alien Act, but I cannot understand an Act for fellow-citizens of the British Empire. There will be nothing to prevent communist members of the House of Commons, and even socialist members, because the demarcation between communism and socialism is very slight. Of course you have moderate socialists and you have left wing socialists, and you have moderate communists and you have left wing communists; and the left wing socialists and right wing communists are almost tarred with the same brush and some of these left wing socialists, whom I need not name, occupy fairly important places in the House of Commons and in the Labour Party. They do sympathise with radical socialistic movements, and when you introduce a Bill of this kind and when these labour gentlemen in their anxiety to promote the condition of Indian labour visit these labouring areas, what happens? They deliver speeches or they investigate the state of things and give interviews; and it is within your power, it is within your competence and your purview by this Bill to lay hands on them, and to deport them. This, Sir, does not look like establishing an *esprit-de-corps* between India's Parliament and England's Parliament. Though a Member of Parliament does not claim any more privilege than an ordinary citizen outside the House of Commons, still there is something uncanny in a Bill of this kind attacking even the Members of the House of Commons, and whether they are Members or not, very good labour people coming out to this country to investigate the labour conditions and to recommend to the Mother of Parliaments that these conditions should be improved. In my opinion, therefore, Sir, it is not quite just from the point of view of British citizenship. By all means introduce a Bill to deport Russians. You will be perfectly justified in doing so for the very simple reason that your own country—and I think in this matter what obtains in England obtains all over the British Empire—has cut off diplomatic relations with Russia. If an Englishman, be he even the Chancellor of the Exchequer, Mr. Winston Churchill, wants to go to Russia, he will be refused passports by the passport office, because diplomatic relations have been cut off. Therefore, Sir, it is quite within the rights of this House, and quite in keeping with the spirit which animates to-day the British Government, the Party in power, it is quite

in keeping with that spirit, Sir, to pass an Alien Act affecting Russians. But there are no Russians in this country at present, and if there are any, get at them by all means. When you try to get at labour people, the socialists in England, Members of the British Parliament, Sir, I can only say that it is not only not in keeping with the spirit of British citizenship, but it violates the privilege, or rather the correct attitude, which this House should adopt. Sir, it goes against the spirit of the Reforms. No Member of this House, no Indian outside this House, can be a party to passing a Bill of this kind, at a time like this, at a time when the Indian Parliamentary Act, the Reforms Act, the Government of India Act, is in the crucible. No one, Sir, will agree to alienate the sympathies of any one in the British House of Commons. If a Bill of this kind were passed by Members of this House, if the Opposition includes even a single Indian at a time like this—I am appealing here even to men like my friend Mr. K. C. Roy who, I am surprised to see, are supporting the principles of this Bill,—I would ask every Member now on the Select Committee, I would ask my friend Mr. Roy, if he has the courage of his convictions, to resign from the Select Committee. I would ask every Indian to throw out this Bill. And if I ask that, Sir, it is not merely on the merits of the question, but on diplomatic grounds.

I find, Sir, that this Bill is calculated even to alienate our friends in the British Parliament and in England they will say, what is the use of sympathising with these politicians, moderates and extremists, and all classes of politicians, what is the good of sympathising with these people? That is what they will say, especially when we pass measures of this kind, when we do not value the little privilege of reforms that has been accorded to us. The passing of this Bill, Sir, will advertise us in the eyes of the world as utterly incompetent, it will advertise us as utterly unfit for responsible Government. If a Bill of this kind had been introduced in the British House of Commons by Mr. Joynson-Hicks, who occupies there exactly the same position as the Honourable the Home Member occupies here, if he were to introduce a Bill of this character and make as convincing, as cogent and as reasoned a speech,—and he could find a good deal of material in England about communist activities, in fact much more than the Honourable the Home Member has in the brief time at his disposal been able to place before this House,—if he were to introduce a Bill there of this kind, and that at a time when they had to face a General Election, the Conservatives, who have a majority, a very big majority, in the House of Commons, would make the return of Labour to power very easy, for, Sir, a measure of this kind would not be tolerated by an Englishman. Englishmen, I admit, are essentially conservative people. Even the socialists of England are conservative, but even a conservative race like the Englishmen will not stand a measure of this kind. They will not allow the laying of the axe at the root of imperial citizenship. That is the point which I would ask the Honourable the Home Member to bear in mind. If, supposing, Sir, the Honourable the Home Member himself were responsible in the constitutional sense to an electorate, and the general elections were possibly fast approaching and we had to go to our constituencies to face new combinations, I do not think he would have cared to introduce a Bill of this kind.

But, Sir, this proposition is also arguable the other way, as my friend Mr. Javakar, the Leader of the Independent Party, in one of those fascinating speeches of his—it is always a treat to hear Mr. Javakar—last

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 year hinted—I have not looked up his speech, I am talking from memory. I believe he said that if the present system of Government had changed, if, for instance, it was responsible to the people of India, the introduction of a Bill like this would be another matter. I think I have put the views of the Honourable the Leader of the Independent Party quite correctly. That, Sir, is the crux of the whole question. There are some gentlemen on this side of the House who will most certainly support the Honourable the Home Member. There are others who will certainly not support the Honourable the Home Member; but in this latter category there are two sets of men. One group would have supported him had any one of them been privileged to be the Leader of the House in a Government which was responsible to the people, as the British Government is responsible to the people of Great Britain. Anyone of them would have supported a measure of this kind if they had felt that circumstances necessitated its passing for the protection of order, economic and social, for the protection of society. Therefore, Sir, you should not think that the reluctance from one section of the House to support this Bill arises wholly from what I may call the merits of this Bill but from the merit, or rather the lack of it, of a House in which this Bill has been introduced.

Sir, that is a very fundamental question. A Government risks its own fate on an issue of this kind in every self-Governing country. A Government which has a conviction of its own will most certainly risk a General Election on an issue of this kind. But, Sir, the British Government are not willing to do it at any rate, and the Indian Government might perhaps have not been willing to do so either, if the Indian Government had been as responsible to the Indian people as the British Government is responsible to the British people. It is essentially a question of constitutional responsibility. And, Sir, the lack of that responsibility is certainly an advantage in certain respects, but there is a great disadvantage, so far as the Opposition is concerned, because they have got to be responsible, and I do not think, Sir, if you go to the country and ask for support for a Bill of this kind, you will get it if there is another party which says that support should not be given. You may be very right, you may be very reasonable, you may have abundant material, and a good number of orators on your side, and they may be very wrong, they may be quite unreasonable, but they too will have plenty of speakers, and a good deal of confusion would arise over this question. Even in England where the electorates have an intelligence and a responsibility which no Englishman at any rate in this country will deny, an election issue is clouded by orators. If the Honourable the Home Member were to go to the country on an issue of this kind and if my Honourable friend, the Leader of the Independent Party (Laughter) were also to go to the country, and both of them were to use their lungs as well as their brains, their lungs more than their brains, (Laughter), they would appeal to the electorate which is gullible in all countries of the world, including England, where Zinovieff's letter, since repudiated, played havoc. When a situation like that arises, I for my part, to whatever party I might belong, would welcome a Bill of this kind because it would supply a platform for the forthcoming election. At present, I am afraid, now that the elections are drawing near, the Honourable the Home Member is not likely to get the support of even those who might have been inclined to give up the idea of immediate responsibility in the Central Government.

So far as I am concerned, my position is easy. I opposed this Bill last year and I oppose this Bill this year. I opposed it last year on grounds which I have not repeated, but to which I adhere. If the Honourable the Home Member had mentioned the Youth Leagues last year, I would have said exactly what I have said to-day, because I deeply feel the exploitation of youth. I, Sir, equally feel the bringing forward of a measure which really does not get at the root of the problem. What I want is to get at is the root of the problem; what I want is to eradicate the disease. (An Honourable Member: "Lunch.") I think the Honourable Member will have to be contented with a lunch of words. (Laughter.) This is a very important question. I thought the Honourable the Home Member was in a hurry to go on. I am not in a hurry, however, to let the Bill pass. Sir, all that remains to be said is that there is no necessity for the reference of the Bill to a Select Committee, even from the Government point of view. From the point of view of my Honourable friend, Mr. Gaya Prasad Singh, he wants circulation; from the point of view of the Honourable the Home Member he wants a Select Committee. A Select Committee did examine the Bill in Simla, and when the Honourable Member is in a hurry I do not really see why he should waste much good time for no purpose. The Select Committee will convince only those who are on it and they do not require much conviction. They are already convinced about it. On the other hand, those who are opposed to the principle of the Bill will not be convinced by a Select Committee. Where, then, I ask, is the necessity for a measure of this kind, which was once discussed in this House, being referred to a Select Committee? If the Bill is to be had, let us have it as it is. Unfortunately, no Leader of the Opposition has yet come forward to say how he proposes to deal with the Bill. We have the Congress argument that they want circulation. They want circulation of this Bill because they want more words, more comments, more opinions on this Bill. Government, at any rate, are not so anxious to circulate it. They also want time, they are not in a hurry it appears. If they are really in a hurry, I do not see why they should refer it to a Select Committee at all. Therefore, viewed from the Congress point of view and viewed from the Government's point of view, the extremes meet. They want time. So far as I am concerned, I do not want time. I had made up my mind about this Bill last year. This is a superfluous piece of legislation. This is an unnecessary piece of legislation. This is a legislation which cannot meet the situation. You can meet that situation only by attacking the labour problem. This is a Bill which only issues an invitation to unemployed undesirables in England to come to India and get much newspaper advertisement. They are no bodies in their own country; no body takes notice of them, but when they come to this country, not only do they get newspaper applause but a Government passport and a free passage. This is most extraordinary. It is a thing which even the tax-payer will not like to encourage. For why should the tax-payer be asked to pay for the passage of an Englishman who is undesirable? The tax-payer is paying the passage of desirable Englishmen under the Lee dispensation. (Laughter.) But why should he pay the passage of undesirable Englishmen, may I ask? And Government are really insulting the intelligence of the tax-payer by asking the tax-payer's representatives to vote for a proposition of this kind. Sir, I would rather say that the Honourable Mr. Gaya Prasad

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Singh wants the tax-payer to tax his intelligence and give his opinion. But he forgets that when the Bill is circulated for opinion, it is not the man in the street that is invited to offer his opinion. If he wants to ascertain the opinion of his constituency he should have just gone to his constituency and ascertained it, and why should he ask for the circulation of this Bill? If he has not been able to make up his mind, and if gentlemen sitting on those Congress Benches have not been able to make up their minds about the Bill, which is as clear as crystal, whose objects have been well-known—if those gentlemen want time to make up their minds, I can only say that they are tied up in a knot. I really do not know what they mean by saying that they want time, they want circulation, they want opinions. Supposing Mr. Justice Kumaraswamy Sastri, to whom my Honourable friend Diwan Chaman Lal referred, Sir Chimanlal Setalvad and able men like that, supposing they gave their opinions, would the Swarajist opinion be altered? Sir, I know what they want, but unfortunately, the Honourable gentleman did not say what really they want. They want to promise, pause, prepare, postpone and end by letting things alone. This charge used to be levelled against Government that they resorted to these tactics. The same charge, Sir, I level against those who are aspirants for power. They also want to pause, to prepare and to postpone. I for my part will face the Bill as it is presented to me and oppose it, not for the sake of postponing it as the Congress gentry want, but because I want that a Bill of this kind should not be supported by a House of this kind. This is a Bill for a responsible Government to bring forward, and a Bill on which they must be prepared to face public opinion. Sir, viewed from the point of view of social stability, viewed from the standpoint of the rights of Imperial citizenship, viewed from the standpoint of the elementary principle of English jurisprudence, viewed from the standpoint of the opposition to the Bill, or any Bill which violates that principle, I am afraid I cannot support this measure, and those of my way of thinking will not be able to support this measure. Such of those gentlemen who support it I can only say are unworthy of their aspirations, namely, responsible government. Responsible government cannot be conceded to a people who do not show responsibility. Let there be a general election on this Bill. Let the Members go to the country and let them come back to this House. Let the Government also go to a constituency. Just as we have to face a constituency, I want the Government to face a constituency. (*An Honourable Member*: "Where is it?")

Mr. B. Das (Orissa Division: Non-Muhammadian): The Secretary of State is their constituency.

Mr. C. S. Ranga Iyer: My friend Mr. B. Das says that the Secretary of State is their constituency. That shows that Mr. B. Das does not know their constituency. The British electorate is their constituency. The Secretary of State is responsible to the British Cabinet, the British Cabinet is responsible to the British Parliament, and the British Parliament is responsible to the British electorate—a very large electorate. Their constituency is their own countrymen in England. I want them to face their constituency. I would ask the Honourable the Home Member to take leave, to go to England and stand as a candidate for admission

to the House of Commons on this particular Bill. I have sufficient confidence in the spirit of a democratic constituency. I know, Sir, that a democratic constituency, brought up on the traditions on which the British Parliament and British democracy are brought up, will not touch this Bill, not even with a pair of tongs, except occasionally when they are red hot. Sir, the English constituency will not stand this Bill. Why should Government ask us to support a Bill of this kind when their own countrymen are hesitating—perhaps they have not thought about it—to introduce a Bill of this kind in the Mother of Parliaments? We under the Reforms scheme are supposed to take lessons from the Mother of Parliaments. I am quite willing to undergo a few courses at Westminster and I am quite willing to profit from my lessons, but Sir, I do not propose to go back on the few lessons I had at Westminster and the one lesson I had at Westminster is the love of the principle of democracy. It is the love of this principle which has made the British people what they are. You cannot trifle with the rights of an Englishman in England. "It is the land that free men till" that is what Tennyson said of England. I want to know what this land is. Is this the land of slaves? It is not that land. English education and English traditions have ceased to make us think in a slavish way. Even for the sake of the English principles, even for the sake of the English education and the English ideals which inspire the educated opposition in this House, even for the sake of that, I would ask the Honourable the Home Member not to proceed further to the Select Committee. I do not ask him very much. I do not say "Don't proceed with this Bill." Do not take it to Select Committee; let us fight it out here and now and if we have the majority of votes, let us bury it on the floor of this House, though I know resurrection will take place in the other place. (Laughter.) If on the other hand they have the votes, let them carry the Bill with the support of their votes. Why should there be a reference to the Select Committee? There may be some flaws in drafting. If such flaws do really exist, all I can say is this. Remove those flaws by amendments on the floor of the House. It is easy to do so, and then, if the very intelligent men in this House who support this Bill, fail to notice one or two flaws, there are the more intelligent men in the other place, and they can make those verbal alterations. Once we agree to the principle, why refer it to the Select Committee. Therefore the reference to the Committee is altogether superfluous, alike from the Government's and our point of view. And now, Sir, I have only to refer to the Statement of Objects and Reasons with which the Bill is introduced. I propose to combat these objects and reasons one by one.

The Honourable the Home Member says:

"Evidence has accumulated for some time past of the subversive intentions and activities of the Communist International generally, . . ."

I will stop there. I should like to know when the Honourable Member got to know of the subversive intentions and activities of the Communist International generally. I believe his knowledge cannot be recent. I believe, Sir, he knew the subversive intentions and activities of the Communist International generally when that body came into existence. All those who have been keeping in touch with the Russian movement and with the retrogression of ideas in Europe, are aware that the Communists

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International came into existence with a particular intention long ago. The very fact that those intentions have not materialised, so far as this country is concerned, ought to be sufficient, so far as I am concerned and so far as those who do not want the circulation of this Bill are concerned, to oppose this Bill. Of course the Home Member refers to the particular efforts that the Communist International is directing against India. I am afraid he might think perhaps I did him an injustice when I split his sentence in "the Objects and Reasons" of the Bill in the middle. The efforts that they are directing against India cannot bear fruit because India does not want communism. You cannot sow the seed of communism in India and reap a harvest. I think the Honourable the Home Member referred to some poisonous fruits, or something of that kind. That is a very fine expression, but I do not think that this poisonous plant of communism can take root in India. The soil is uncongenial. It is, as I said, a noxious growth of the West which cannot be transplanted to India. It might have been transplanted perhaps to some parts of Asia, but it cannot be transplanted to India. Mightier than the Himalayas and the Hindu Kush mountains is the genius of the race, the culture of the people, their traditions and temperament. Communism cannot grow in a soil which is not congenial to it. Therefore leave it to the people, to their temperament and culture to protect that culture, which needs no protection with artificial legislation.

In the Honourable the Home Member's Statement of Objects and Reasons it is stated that the general policy of the Communist movement is to rouse a spirit of discontent and lawlessness in the masses. I will leave it there for the time being. Discontent is there. Discontent was in India even when the Communists were not in Russia but in Siberia, when the Communist leaders were interned in Siberia, when the Czars were on the throne. Even in those distant days, there was discontent in India. The general policy of the Communist movement may be to rouse a spirit of discontent. I know it is, but discontent was already there, as terrible as it is now. For instance, take the case of the non-cooperation movement, which was only a symbol of that discontent. It had nothing communistic about it, and therefore, Sir, do not give the National discontent a bad name. Do not call it communism. Communists are in existence. I know, but you cannot stop them so long as discontent is there, and as this Bill cannot remove discontent, leave it to the people to combat these communist factors by propaganda. Communism cannot be killed by legislation, but it can be destroyed by propaganda.

Sir, the Honourable the Home Member's Statement of Objects and Reasons further refers to the ultimate object of destroying by violence both the Government established by law and the present economic organisation of society. I have already referred to the economic organisation of society, which needs no protection of this kind, because it is very well organised. I only refer now, Sir, to the ultimate object of destroying, by violence, the Government established by law. Well, the Government established by law is strong enough. The Honourable the Home Member knows that it is strong enough. They have resisted successfully a powerful enemy in the past, a combination of enemies in the last war, at a time when, as Lord Hardinge said, India was "bled white" of all white troops in the country.

And at a time like that, Sir, there was not any danger because Indians did not consider that England's calamity was India's opportunity. At any rate they did not consider it so, and as there is no such danger at present, I do not see why the Government established by law should lose faith in their own strength, and why they should resort to legislation as though they were not strong enough to resist a handful of communists.

Sir, the Statement of Objects and Reasons goes on to say that, for the promotion of this movement in India as in other countries, the Communists depend largely on the work of propagandists who are despatched to this country for the purpose of forming organisations intended to promote and spread communistic ideas and doctrines, and of creating general unrest among the masses. Sir, it is written in very good style, it is written in almost convincing terms, but if you want to prevent these communists coming to this country, prevention would be better than cure. You can, so far as Englishmen are concerned, instruct the India Office to see to the examination of the antecedents of Englishmen coming out to this country, and to refuse them passports if necessary. That is a most easy method. Why allow them to come to this country? I don't want communists and communist trouble, and the Home Member does not want communist trouble either. I do not want the slightest disturbance in labour areas which may be caused by these communists. I have already explained how, by deporting one or two men, you don't prevent other people from coming; but if you prevent them from coming, discontent in labour areas would cease. I would ask the Home Member to write a very good despatch to the Secretary of State for India and secure the support of the Governor General, telling the Secretary of State for India not to send these undesirables to us. We don't want, and India does not want undesirable Englishmen, and therefore these English undesirables may be stopped from coming by the mere addition of one more responsible officer to the passport office in England. Therefore, however understandable the Home Member's point of view may be, the promotion of this movement can be stopped by refusal of passports to the men coming out to this country.

Then, so far as they are concerned there will be no creation of general unrest among the masses, we are told.

Mr. B. Das: On a point of information, Sir.

Mr. President: Order, order, Mr. Ranga Iyer.

Mr. C. S. Ranga Iyer: Thank you, Sir.

The Statement of Objects and Reasons goes on to say:

"It is not reasonable that these agents of communism, if they happen to obtain entrance into India, should be allowed to stay in India with the object of undermining the whole structure of the life of the community."

It is not reasonable, I admit; it is more reasonable that these agents should not be allowed to come to this country at all, and therefore they should be prevented by the British Foreign Office, or by the British Colonial or India Office, from sailing out to this country. They should be refused passports. Then the question may arise, and the Honourable the Home Member will be justified in raising that argument, supposing they take French passports. Well they can be prevented from landing.

The Honourable Mr. J. C. Crerar: How?

Mr. C. S. Ranga Iyer: As a matter of fact you can always find out the moment they land in India what kind of men have landed. Let the difficulty that I propose be solved by appointing officers in England. Let it be solved by appointing officers in India. They should not be allowed to enter the country. It does not matter what they do.

They should be asked to go back. If they have no money to go back, put them in prison or deal with them in some other manner.

An Honourable Member: Section 109.

Mr. C. S. Ranga Iyer: My learned friend on that side says there is some section of the law which can deal with these people. He says section 109, or something of the kind. I do not mention these sections. I do not pretend to know these sections. All that I am concerned with is that you must have one officer in England to prevent undesirables coming to our country, you must have a similar officer in India. There are the various ports in India where they can be prevented from landing and spreading their tentacles into the interior. That is what I want, and if this simple trick is resorted to, I do not think there is a necessity for a Bill of this kind. I doubt whether the Honourable the Home Member can throw away this easy method of solving this difficult problem. In that case, you would not attach the same martyrdom to the socialist or communist who comes into this country, and I do not believe in cheap or easy martyrdom. The Statement of Objects and Reasons further goes on to say that there is also evidence to show.

Mr. President: Order, order. The Honourable Member is repeating his own arguments.

Mr. C. S. Ranga Iyer: I must wind up if you think that I am repeating my arguments to which ruling I am obliged to bow.

All that I can say in conclusion (Applause) is this, that a Bill of this kind need not receive the support of this House for the very ordinary reason that the law of the land is sufficient to deal with the offenders. I pointed out during the last session what sections of the law can deal with them, and I do not want to repeat those sections, Sir, though my repetition of those sections might be perhaps very relevant. All that I need say is that the civil sword is strong enough, why resort to a new weapon. (Applause.)

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

The Assembly re-assembled after Lunch at Half Past Four of the Clock, Mr. President in the Chair.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, my friend Mr. Ranga Iyer, who is not here now, spoke just before me and it is to be regretted that he brought into this question many

extraneous matters with which Members of this House are not concerned. I wish he had only concentrated his observations on the motion for circulation of this Bill or its reference to a Select Committee. As for myself, I am not much enamoured of this motion for circulation. It is evidently a dilatory motion, and it has its use only to that extent. And I must make it clear that I shall have perhaps, if need be, to go to the lobby with my Leader for obvious reasons.

The debate on this question is not new to-day in this House. We had long discussions on this self-same question in Simla, and there I was not all the time present; but what I gathered afterwards was that the main burden of the argument was that Government have already so many weapons in their armoury, that no new weapon is necessary for this purpose. From the speeches of many of my friends on this side, it would appear as if, to avoid this measure, they were going, perhaps unwillingly, to give sanction to all other repressive measures and measures for excluding Europeans or Englishmen who are considered undesirable. I am here to give sanction to none of them.

But I am simply wondering how long this kind of thing would go on; how long imperialism and capitalism would be nursed in glass houses. . . .

Mr. C. S. Ranga Iyer: Without capitalism, how can there be labour?

Pandit Nilakantha Das: Is labour a counterpart of capitalism? This is a new idea. Labour has nothing to do with capitalism, as such.

Mr. C. S. Ranga Iyer: Has labour anything to do with capital? Can labour exist in the absence of capital?

Pandit Nilakantha Das: But in modern political philosophy capitalism has a special significance. I have heard the argument particularly of Mr. Ranga Iyer on the evidence adduced by the Honourable the Home Member to justify the Bill. To my friend Mr. Gaya Prasad the evidence was not sufficient, but to Mr. Ranga Iyer strangely that evidence was more than sufficient. Even for arguments' sake, admitting that it is sufficient, I say communism is there. It is a menace and a terror I know, to the world's imperialism and capitalism which are trembling to fall at the very thought of it. Communism is there, a new ideal of world civilization. It is dawning on the horizon; it has already come up, and in ordinary course, it must affect the destiny of all the previous new ideals of the world. What doubt is there about it?

There was always an existing order of things which was threatened by any new ideals that came up, and again those that profited by the things existing have always opposed, in the course of history, in this particular manner, all such new ideals. We have had experience in history of fires at Runnymede during the reign of Bloody Mary. There was also the extreme penalty of the Inquisition. But Protestantism could never be killed. It triumphed on the other hand. Galileo died in jail for something which he said, which appeared as communism to men who were interested in things or orders existing then. But who has lived? Galileo or the Pope who imprisoned him.

It is a fact that communism has dawned. How? Who preached it in Russia? What number were exiled in Siberia and how long? Do you remember? Was communism shut out in the snow of Siberia? You

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cannot now make this Indian Empire a harem, a Zenana of the British Imperialists, to be exploited in the dark. I say communism has come in. Let it come, and we are here to face it. If you are so very suspicious of your own position here, if the Government is not broad-based on the very will of the people, if you have not convinced our people that your Government is good and that the administration is quite stable, how can you protect all your existing orders in this manner? Can you ward off all the ideas of communism and other such ideas from the shores of Bombay? You may deport half a dozen or a dozen Europeans or Englishmen for reasons you know best; you may suppress the beautiful youth movement for you have power, but will communism be warded off? Will not the communist principle come into India? As it is a new idea, it will, as it is already doing, pervade the atmosphere of the world, and it must come to India as it has come to England or to any other country.

You call it a revolutionary something. What is revolution? As a student of philosophy I do not understand the meaning of revolution. I do not understand it even in the dictionary. In the order of progress, I know everything new is a stage in evolution. The idea of revolution is a creation of unscientific understanding, or of the people interested. Take the case of a plant, and its flower, which, any botanist will tell you is a variation of the leaf. A common ordinary man goes to a plant and looks at its flower. He finds something new and calls it perhaps a revolution in the life of the plant. But to a scientist it is clearly a stage in evolution. It is nothing new. So you may call it a revolution whenever you find something new. Strange it is, that a new leaf, so long as it looks like its predecessor, is an indication of evolution, and not the flower which is perhaps the *summum bonum* of the plant; perhaps the best stage in its evolution—the object or the purpose for which the plant exists! Who knows that this new ideal that is coming is not the best stage in the evolution of human culture—an indication of the purpose for which humanity exists? Let it have a trial all over the world; let it have a trial in India. We are here to face it as I have told you.

You say you try to protect us from ideals and ideas which some people are coming to preach here. In this connection you dare to speak of our culture. What is our culture? Indian culture is always open to all sorts of ideas and movements and all sorts of thoughts. No ideas or ideals have ever been shut out of our doors. Even in the days of Brahminism we had our Charvaka philosophy which preached:

"Yarajjiret sukham jivet nam krtrā ghrtaṁ niret"

Bhāsmibhūtāya dehasya punarāgāmanam kutas."

That is, "enjoy as long as you live; borrow money, drink ghee (with that money), (for) after your body is done to ashes, you are not coming again". That was the Charvaka system of philosophy preached by Brihaspati. It was not only tolerated in India, but was given as free a scope as any other philosophy in the land. Culture was not damaged. The then existing order of things did not come down like a house of cards. Rather our culture was synthetically supplemented by this aspect of human life. You speak of preserving culture against ideas which are foreign

to the Indian. I do not understand how you can preserve culture by wording off aspects of culture from the shores of India. It is impossible. So I say the very principle of the Bill is wrong and vicious.

Don't, therefore take to these means, proved ineffective during ages, to tighten your grip for a time and then to justify your existence. You must take to other means of convincing people that you ought to be here, that the order of things you have established and have carried on for these 150 years, the economic order, the administrative order—or whatever you like to call it—that all your orders of things are stable and are not to be thrown as under at the whisper of a new idea. In plain words, convince people that you should stay on here you should adopt other means and not the means you are adopting. These means are against our culture, our tradition, our temperament. We cannot agree that people coming to preach certain new ideas in India should be shut out. This is unthinkable. No Indians care for new ideas being preached among them. If you go for public opinion, if you go on this issue for any election, you will find that even the masses you want to protect against this new economic order of things will be against you. You are here for your own purposes. You interpret the opinion of the masses for your own convenience; but have you gauged what that opinion really is? Have you understood it carefully? Had you understood it even partially, your opinion would be otherwise. But here we are to reply to a body of irresponsible people who work for their own purposes and have not even the foresight to listen to reason and that is how such a measure came to be discussed in this House. I oppose it; I oppose the principle of the Bill.

Mr. W. A. Cosgrave (Assam: Nominated Official): Sir, I have not the philosophic temperament of the gentleman who has just sat down. He referred to Runnymede and as far as I could hear him on this side of the House he said India had become a hell of British Imperialists to be exploited in the dark.

Honourable Members: Harem not Hell.

Mr. W. A. Cosgrave: I am sorry. I caught on this side of the House the word "hell". Well, Sir, it is difficult to understand exactly why this strong speech should have been made by my Honourable friend Mr. Nilakantha Das.

Pandit Nilakantha Das: Was it strong?

Mr. W. A. Cosgrave: He used strong words when the whole object of this Bill is not to deal with Indian communists, but to deal with British communists who come out to India to spread communistic propaganda. I was not at the September session, Sir, when the previous Bill was discussed, but I have read with the greatest interest, and spent some time in perusing the debates of that session, and I find that that Bill was opposed for four reasons; and I understand, as far as I could understand the long and interesting speech of Mr. Ranga Iyer, that the points on which the Bill is opposed are firstly, that it is repressive, secondly, that it is unnecessary, thirdly, that it will not be used, and fourthly, that it will be abused. Now of course the Bill may be described as repressive legislation. All criminal legislation is of a more or less repressive nature, unless the legislation happens to be of the type of legislation which was put down for last Thursday's meeting, by which it was proposed to reduce or to—shall I say?—emasculate some provisions of the

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Indian Penal Code. But because legislation is repressive, or because it tries to repress dangerous tendencies, it does not necessarily follow that there is anything inherently wrong in such legislation. I think all countries have to adopt some legislation of a repressive nature. Well, Sir, as regards this proposed Bill being unnecessary, I cannot understand my Honourable friend Mr. Gaya Prasad Singh saying that the Honourable the Home Member had given us no information as to what are the conditions in India with which this present Bill is drafted to deal. The Honourable the Home Member has told us, I think I may call it, the pitiful chapter of industrial troubles that have occurred in Bombay, that have occurred in Calcutta, and that are likely to occur in other industrial centres, unless some action is taken promptly by this Assembly to deal with British communists coming to India.

Now, Sir, as the Honourable the Commerce Member pointed out in September, it is very difficult for Government always to deal with these cases, because my lawyer friends on the other side immediately ejaculate "*Sub-judice*" or words to that effect. All cases practically come under two classes. One is *sub-judice* and the other is *res judicata*. Well if we deal with cases three or four years' old, we are told that they are old cases and it is no use talking about them—*res judicata*. On the other hand, if we try to refer to things that are going on at present, we are immediately told the cases are *sub-judice*. This is one of the reasons why it is very difficult for the Government side to put their case properly. I think that we ought to realise the force of the cases that have been quoted to-day in the eloquent speech of the Honourable the Home Member. I know that such cases will not appeal to some gentlemen on the other side, but I am sure that that pitiful chapter of troubles that have been going on during the past two or three months will appeal to gentlemen who have—if I may use an expression which I know is occasionally sneered at—a stake in the country, and to gentlemen who have some respect for law and order. Now, I would appeal particularly on this matter to Members whose names are well known and well honoured in places like Bombay, particularly to Members like Mr. Jayakar, Sir Purshotamdas Thakurdas, and other gentlemen who must realise what a state of things now prevails in Bombay, very largely owing to the influence of British communist agitators.

Now, Sir, as regards other objections, as my Honourable friend Sir George Rainy pointed out in the Simla session, the two other objections that have been put forward are that the new Bill, if passed, will not be used, and that the new Bill, if passed, will be abused. Those are what I might call contradictory statements. Either one is correct or the other. If the Bill will not be used, what objection have gentlemen on the other side? As regards abuse, since the Bill was opposed in the September session considerable improvements have been made in the Select Committee. Now, any person who is aggrieved by an order under this Bill can appeal. I know people may object to the short space of seven days: well, that is a question for the Select Committee; and if the Select Committee like to alter the time from seven to, say, twenty days, I presume they will be entitled to do so. But anybody who is aggrieved by this order will have a right to appeal, in which case the Government will appoint what I may call a tribunal of three Sessions Judges with not less than five years' service. Now, Sir, I

know my friend Pandit Madan Mohan Malaviya pressed at the September session for three High Court Judges, on the analogy of the legislation of 1908. But I do not really see why there should be this suspicion of three Sessions Judges with five years' service. Now, Sessions Judges are people with a considerable knowledge of law and practice—I see Mr. Allison is very pleased at what I may call this good chit—but there is no reason to believe that Sessions Judges are more amenable to Government influence than any other people are. In fact we have seen a case recently, I believe in Calcutta, where a Sessions Judge allowed the appeal of the leader of the Howrah riot. The Government of Bengal—I ask Honourable Members to correct me if I am wrong—appealed against that order of acquittal on appeal, and the Honourable Judges of the High Court restored the conviction. I am waiting to hear cries of "shame" from the opposite benches. There was a Sessions Judge with more than five years' service and he acquitted on appeal, and yet that sentence was restored by the Honourable Judges of the Calcutta High Court. Well, Sir, I only quote this instance to show that I think that a genuine attempt has been made in the present Bill to provide adequate precautions of appeal; and I hope that all broad-minded gentlemen, gentlemen who look at these things as practical men of business, not as philosophers, and not perhaps as idealists, I hope that they will realise that the present Bill is a genuine attempt to deal with a very difficult situation that has arisen in this country. Now, Sir, I think allusions were made last session—none has been made so far as I am aware to-day—to the Magna Charta, the Bill of Rights and various other things. In fact, anybody would think, from the speeches which were delivered at the September session on the other side of the House, that this Bill was something phenomenal, that it was what is called in Russia, an *ukase*, or something like that, or that it was something like a decree of the Bourbon Kings.

Diwan Chaman Lall: How is it different?

Mr. W. A. Cosgrave: It is very different. I am glad my Honourable friend Diwan Chaman Lall has said that: it is quite different from those things because this law is modelled, as far as I can see, on the immigration laws of the United States of America and of certain of the self-governing dominions.

Diwan Chaman Lall: No.

Mr. W. A. Cosgrave: My Honourable friend Diwan Chaman Lall says "no". If this House will allow me, and if you, Sir, will permit me to do so, I would like to show the very marked resemblance between the present Bill and the Acts in force in the United States and in the Dominions of Canada and Australia. I understand that most of the Honourable Members on the other side are anxious to have self-government in this country, either on an entirely independent basis, or on the lines of one of the self-governing dominions. Therefore I say, and I hope that even my friend Diwan Chaman Lall will agree with me, when I read them here: *Which ever you like you may take your choice.* You can either see what is done in the United States, if you want to have complete independence, or you can see what is done in Australia or Canada, if you want to remain within the Empire. Now what does this Bill say in clause 2, sub-section (iii) (a)? It says distinctly "person to whom this Act applies means any person who directly or indirectly advocates the overthrow by force or violence of the

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government established by law in British India, or the unlawful destruction of property or unlawful interference with the ownership of property." Now what does the United States Act say? Section 3 says:

"The following classes of persons shall be excluded from admission into the United States."

Diwan Chaman Lall: Admission, not deportation without trial.

Mr. W. A. Cosgrave: Yes deportation also: I will read:

"anarchists or persons who believe in, (I emphasise the word "believe"), or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property."

Now, my Honourable friend Diwan Chaman Lall said that prohibits the admission, but what about the deportation? I will read on

Diwan Chaman Lall: Without trial.

Mr. W. A. Cosgrave: Yes, without trial. Sections 19 to 33 say that at any time within five years after entry, any alien who, at the time of entry, was a member of one or more of the classes excluded by law, any alien who shall have entered or who shall be found in the United States in violation of this Act, or in violation of any other law of the United States, any alien who at any time after entry, shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law, or the assassination of public officials, shall, upon the warrant of the Secretary of Labour, be taken into custody and deported

Diwan Chaman Lall: May I ask the Honourable Member whether he is aware that the man who is to be deported has a right to challenge the order?

Mr. W. A. Cosgrave: That is a point that has been disputed by competent authorities. It has been disputed by competent authorities, and as a matter of fact I am not certain that he is entitled to get a free passage home, as is provided for in this Bill. Well, if the United States Immigration Law is not an apt thing to compare—though personally I think it is, because after all the United States is a great Government of one of the great English speaking communities, and the English language is the chief bond of union in this Legislative Assembly—I think, Sir, if Members do not like to hear what goes on in the United States, the instances of Canada and Australia may be of particular interest to them. I would like to read what goes on in Canada first, because my Honourable friend Diwan Chaman Lall who seems to be inclined to dispute my facts, paid a visit last year at Government expense, and travelled first class both ways, to Canada, so that he probably knows something about Canada, and probably takes a very great interest in it

Diwan Chaman Lall: At the Canadian Government's expense. I do not get a free passage under this Bill.

Mr. W. A. Cosgrave: I shall now read what the law on the subject is as regards Canada:

"Persons who believe in," (mark again the words "believe in"), "persons who believe in or advocate the overthrow by force or violence of the Government of Canada, or who disbelieve in or are opposed to organised Government, or who advocate the assassination of public officials or who advocate or teach the unlawful destruction of property"

and so on.

Now compare that with the section

Diwan Chaman Lall: May I interrupt the Honourable Member? Is he aware that, under the Writ of *Habeas Corpus*, every Canadian has a right to challenge the authority under which he is arrested and demand a fair trial?

Mr. W. A. Cosgrave: I was not referring to Canadians. I was referring to non-Canadians entering Canada. In the Bill before the House we deal with British subjects entering India.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban): Are they aliens?

Diwan Chaman Lall: Are they aliens?

Several Honourable Members: Are they aliens?

Mr. W. A. Cosgrave: The aliens are dealt with, as we know in the case of Mr. Johnstone the other day, under the *Foreigners Act*.

Diwan Chaman Lall: He was an alien. Is a British subject in Canada an alien?

Mr. W. A. Cosgrave: I will now go on, Sir. My Honourable friend Diwan Chaman Lall will find that, in the law in Australia, there is no mention of the word "alien" at all, so that it appears that apparently it applies to anyone. Now, I would like to read to the House what the law in Australia is:

"The immigration into the Commonwealth of Australia of the persons described in the following paragraphs is prohibited:

- (gd) any person who advocates the overthrow by force or violence of the established government of the Commonwealth or of any State or of any other civilized country, or of all forms of law, or who advocates the abolition of organized government, or who advocates the assassination of public officials or who advocates or teaches the unlawful destruction of property, or who is a member of or affiliated with any organization which entertains and teaches any of the doctrines and practices specified in this paragraph"

Now, if you will compare this with paragraph 2(iii) (a) of the Bill under discussion, you will see a very remarkable resemblance. I am of course a back bencher. I am not a draftsman of the Government of India but I should imagine that this Bill, when it was drafted,—the Acts from which I have quoted now relate to the great self-Governing Dominions of Australia and Canada,—I should imagine that those Acts were referred to probably, or they were taken as parallels when the present Bill was drafted.

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Now, Sir, what is the action to be taken in the case of people of an undesirable nature entering the Commonwealth of Australia? I see that my Honourable friend Diwan Chaman Lal has left the house,—no doubt to bring out authorities against me,—but in spite of his departure in such rapid haste, I really must deal with this point, and that is, the amending Immigration Act of 1925, which contains several important amendments of principle, and they deal with the following things:

"To deport persons, other than those born in Australia, who have been concerned in Australia"—no mention of aliens—"in acts directed towards hindering or obstructing, to the prejudice of the public, the transport or the conveyance of passengers, or the provision of necessary services, and whose presence in Australia is considered likely to be injurious to the peace, order and good government of the Commonwealth."

Now, I shall read what is the action to be taken under this law:

"Before action can be taken under the latter provision to deport any person from the Commonwealth, he must be required to appear before a specially appointed Board, to afford him an opportunity to show cause why he should not be deported."

("Hear, hear" from the Swarajist Benches).

Honourable Members on the other side say "Hear, hear", but I think, if they will listen to the next sentence, they will see a very remarkable resemblance between the procedure followed in Australia and the one laid down in the new Bill introduced this morning by the Honourable the Home Member.

"The Board will consist of three members nominated by the Minister, and the Chairman must be a person who holds or has held the office of Judge, or of Police, Stipendiary, or Special Magistrate."

There is no mention in Australia of having three Judges with more than five years' service. Even a Magistrate can be Chairman of this tribunal.

Mr. C. S. Ranga Iyer: Australia has Ministers who are responsible to the people. India has not got Ministers who are responsible to the people.

Mr. W. A. Cosgrave: I am very glad to find Mr. Ranga Iyer coming out again with his voice after his performance this morning. I understood he was going to take a rest cure.

Well, Sir, as regards the very pertinent interpellation by my friend who, I am glad to see, is back again, I would make one point, and it is this. If you want responsible government, you must also have a responsible opposition, and I confess, Sir, that speeches like some of those—do not want to mention names, to which we have listened this morning make one feel that the Opposition in this House is not quite responsible.

Pandit Motilal Nehru: Is the Government responsible?

Mr. W. A. Cosgrave: The Government is responsible for the good government of this country. (*An Honourable Member:* "Question." *Another Honourable Member:* "To whom are they responsible?") In the present Bill we are only dealing with British communists.

The Honourable the Home Member has given a distinct assurance this morning, in his most eloquent speech, to which we all listened with real attention, that the passing of this Bill will not be taken as a precedent

for passing a similar Bill later on against Indian communists. I think therefore that the apprehensions which fill the hearts and minds of the gentlemen on the other side, that if they give consent to the present Bill passing into law, or even going before a Select Committee, they will be assumed automatically to approve of the proposal, or the idea that there should be similar legislation for Indian communists are entirely unfounded. Well, Sir, I do not want to say much more on this Bill except to reiterate my sincere hope that some of the Honourable Members on this side, or I may say, on the Central side, or on the different sides of this House, who generally cannot see their way to vote with the Government, will support the present Bill to-day in the interests of the good Government and prosperity of India.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I rise to oppose this Bill. I am not for the Bill being committed to the Select Committee, nor am I for its circulation. I for one, Sir, cannot congratulate the Honourable the Home Member for having re-introduced this Bill, which is extremely repressive in character. The Honourable Member knows that when this Bill came before the Simla Session, public opinion was against it, and I submit that there has been absolutely no change in the public opinion since then in regard to this measure. I submit therefore it was not discreet or statesmanlike on the part of the Home Member to have brought forward this measure. This Bill, instead of being improved, has been brought in in a much worse form than its predecessor. It now provides, in addition to the removal of persons, for the forfeiture of monies, securities, goods and credits of the persons offending against the provisions of this Bill.

In these days when India aspires to independence and asks at least for full Dominion rule, and in these days when His Excellency the Governor General, in his speech which he delivered the other day here, said that the declaration of 1917 stands and will stand for all time as the solemn pledge of the British people to do all that can be done by one people to assist another to attain full national political stature, and that the pledge so given will never be dishonoured—in these days to trample upon public opinion by introducing this Bill adds insult to injury. Now, Sir, I am not an extremist, but I hold Nationalist views and I would not like that any human being be deported, much less deported without trial. I oppose this Bill on principle, and that principle is, "Do unto others what you would be done by." That is the motto that we should follow. What is the position? Shall we be consistent in passing this Bill when India has been crying itself hoarse asking that the repressive measures that now exist on the statute book should be repealed? In the face of our asking that those repressive laws, such as Regulation III of 1818, Bombay Regulation XXV of 1827, and other like measures, should be removed from the Statute Book, with what face shall we stand and say that, because this is a Bill in which Indians are being excepted, we should pass it, and with what reasonableness shall we say that we are fair in passing the Bill? It was in 1921 that the Central Legislature made endeavours to remove the existing repressive laws from the Statute Book. In 1921 a Resolution was moved in the Council of State that the repressive laws should be removed and at that time a Committee, which was called subsequently the Repressive Laws Committee, was formed. That Committee recommended that

the repressive laws should be taken away from the Statute Book. When that recommendation came before His Excellency the Governor General in Council, what he said was this; I will quote the exact words. They appear in the Debates of the Assembly in 1924, Volume IV, Part III, page 2051:

"The Governor General in Council has considered the report and has decided to accept the recommendations made by the Committee. Steps will be taken, as soon as may be."

It is quite plain that His Excellency the Governor General in Council also accepted the principle that these repressive laws should not remain on the Statute Book. Now, Sir, that "as soon as may be", has not come yet and one does not know if it is coming till Doomsday. Anyway, in 1924, again a Resolution was moved by the Honourable Mr. Amar Nath Dutt, and that too was passed without an amendment, that these repressive laws should be repealed. In those debates it will be found that, even the Honourable Sir Hari Singh Gour, who last time voted with the Government on this Bill, and who has now found it fit to sit on the Central Committee against the popular wish, to assist the Simon Commission, said that the principle of the Bill was wrong and that those repressive laws should be removed. With regard to the deporting measure, Regulation III of 1818, it is recognised by many British people that it is a disgraceful Act on the Statute Book. I happened to read a question lately put by the Honourable Mr. Thurtle in the House of Commons as recently as the 29th January, 1929, and it was this. He put a question:

"Are not Government ashamed to acquiesce in the detention without trial under Regulation III?"

In reply, Earl Winterton only gave a series of evasive replies of the type we are so well accustomed to on the floor of this House. In these circumstances it would not be wise for the House to support such a Bill.

The second point that I wish to make in opposing this Bill is that no one should be condemned without a trial or condemned unheard. What is this Bill, as it has been introduced? It is a Bill which gives power to the Governor General in Council to make an order, without giving any notice and without a hearing, to the person concerned, that he should be removed. This is an *ex parte* order. That *ex parte* order having been made, what is the procedure further? The procedure further is that he is not to be given any trial; not only not given a trial, but the information which is before the Government, the details of it, the particulars of the facts before it, should not be given to him. It is said in the Bill that a statement (*An Honourable Member*: A general statement), a general statement of the grounds would be given to him. It may be only a skeleton statement. We all know how copies of charge-sheets are given to the counsel at the Bar. They more or less give a few words here and there which are wholly unintelligible. In like manner, in this case also the same might be done. Sir, the man is told that he will be put in possession of no papers, he will be given no trial, but he could appeal. Now, appeal against what? What facts shall there be in his possession which he can show to the Court, to those three Judges who will be appointed by the Governor General in Council? Again, the burden of proof is thrown upon the man, that is the procedure, which is against all principles of law. Moreover, he has no right to go to the High Court or revision. This is the second objection against this Bill. The third objection that I would

raise is with regard to the fact whether the existing laws are not sufficient for meeting the purposes of this Bill. I submit they are.

Colonel J. D. Crawford: Will the Honourable Member give us an example?

Mr. Lalchand Navalrai: I will. The word "disaffection" in section 124A of the Indian Penal Code has been interpreted and held by authorities to cover all practices, whether by word, deed or writing, which are likely to disturb the tranquillity of the State and lead ignorant persons to endeavour to subvert the Government or the laws of the Empire. A person offending against the provisions of this Bill would come under section 124A, that is to say, whoever advocates the overthrow of the Government by force fomenting any agrarian or industrial disputes in order to subvert the Government, or becomes a member of an institution and advocates or encourages such doctrines for the purpose of subverting the Government will be amenable to this penal law. This is a punitive action but if any preventive provision is needed, that also exists in section 108 of the Criminal Procedure Code. How easy it is in practice for the Executive under Chapter VIII of the Criminal Procedure Code, as we have had enough experience of, to get a man incarcerated and refused bail. I submit therefore that for these reasons, Sir, this is a Bill which must not be accepted and I hope the House will throw it out.

Mr. President: I take it that it is the general desire of the House that we should adjourn.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th February, 1929.

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LEGISLATIVE ASSEMBLY.

Tuesday, 5th February, 1929.

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

QUESTIONS AND ANSWERS.

REVISION OF THE CASES OF CERTAIN OFFICERS UNDER RULE 10 (A) OF APPENDIX B TO SCHEDULE IV OF STATUTORY RULES AND ORDERS, 1924.

400. *Colonel J. D. Crawford: (a) Is it a fact that it is nearly twelve months since Rule 10 (a) of Appendix B to Schedule IV of the Government of India Statutory Rules and Orders, 1924, No. 1895, was amended, and that the officers who were deprived of the benefits of the Lee Commission under the old rule have not yet had their cases revised?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state the cause of delay in finally deciding these cases?

(c) Are Government aware that these officers have to pay additional income-tax?

(d) Do Government intend to afford these officers any relief in the matter of assessment of income-tax?

(e) Are Government prepared to instruct the Railway Board to deal with this matter with as little delay as possible?

Mr. A. A. L. Parsons: (a) and (b). The amendment to which the Honourable Member refers was published in December, 1927. At the same time the authorities concerned were instructed to review, and to submit where necessary for the orders of the Secretary of State or Government of India, the cases of any officers who would become eligible for benefits under the new rule. The Government of India believe that the majority of such cases have been settled, though some are outstanding owing to the fact that the information furnished in the first instance was incomplete, or that the cases were of a doubtful nature.

(c) Government are aware that the payment of a lump sum representing the amount due in respect of any concession for which an officer may have become eligible owing to the amendment of the rule may have the effect of increasing the rate of income-tax at which he is liable to be assessed.

(d) No.

(e) I can assure the Honourable Member that it is the desire of the Railway Board to deal with these cases as expeditiously as possible.

GRIEVANCES OF THE PROCESSION OF EX-SERVICE MEN AT LAHORE.

401. *Colonel J. D. Crawford: (a) Will Government please make a full statement regarding the recent trouble in Lahore between a *jatha* of ex-service men and the Punjab Government?

(b) What were the grounds on which certain leaders of the *jatha* were arrested?

(c) Will Government please state the grievances which the *jatha* represented to the Punjab Government?

Mr. G. M. Young: (a), (b) and (c). The matter is one that primarily concerns the Local Government, and I would refer the Honourable Member to the full statement communicated to the Press by the Government of the Punjab on January the 10th. Subsequently the members of the *jatha* elected a deputation, which waited on His Excellency the Governor on the 21st of January, and then dispersed to their homes. The Government of India have not yet seen any detailed list of the grievances of the ex-service men, but they understand that their principal demand was for grants of land. As I have already stated in reply to question No. 805 on the 30th January, the local authorities are taking all possible steps to deal with any genuine grievances.

Colonel J. D. Crawford: Is there any benevolent fund at the disposal of the authorities for dealing with hard cases among Indian ex-service men?

Mr. G. M. Young: We have two funds. There is the India and Burma Military and Marine Relief Fund, which has an income of over Rs. 40,000, and is for disabled soldiers and the dependents of those who were killed in the Great War. We have also a fund called the Indian Army Benevolent Fund, the nucleus of which was established out of the Imperial Indian Relief Fund. It is supplemented now by private subscriptions and by a grant from Government. It is to help disabled soldiers and soldiers in distress. The income of that fund is something over Rs. 30,000.

Colonel J. D. Crawford: Does the Honourable Member consider that that amount is sufficient to deal with all the hard cases arising which do not come within existing pensionable regulations?

Mr. G. M. Young: No, Sir. We should certainly like more. But we have these two funds with a total income of over Rs. 70,000 a year. We get a large number of applications, which are very carefully sifted by the civil authorities and by the Command before they reach us. It is certainly true that the amounts we have at our disposal do not enable us to meet all the demands as fully as we would wish.

Colonel J. D. Crawford: Will the military authorities consider the advisability of taking more energetic steps of the nature taken by the Ex-Service Association to secure adequate funds to deal with hard cases?

Mr. G. M. Young: We do take all possible steps. In the organisation of the District Soldiers Board we have a machinery whereby practically every case—in fact every case—of distress, whether among ex-soldiers themselves or among their dependants, ought, if the system is properly worked, to be brought to light, and we do endeavour, through this organisation to obtain more funds from private subscription.

Colonel J. D. Crawford: Cannot something more energetic be organised than at present exists. The Ex-Service Association is very energetic in the interest of the British ex-service men. Why cannot the same be done for Indian ex-service men?

Mr. G. M. Young: I don't think that there is any failing of energy.

Nawab Sir Sahibzada Abdul Qayyum: Cannot adequate provision be made for this purpose in the Military Budget?

Mr. G. M. Young: We do make grants to a large extent.

Diwan Chaman Lall: May I ask whether the Government are aware that the *jatha* was sent because the pensioners were dissatisfied with the Soldiers' Boards and that is the reason why the *jatha* came to Lahore?

Mr. G. M. Young: At this stage I cannot answer that question fully, but the actual grievances of these ex-soldiers are being examined by the Punjab Government, and if that is the case no doubt the fact will emerge.

Diwan Chaman Lall: May I ask whether that is not a matter within the cognisance of the Army Department, whether the Army Department is not competent to enquire into the grievances of the ex-soldiers and whether the Army Department has any intention of instituting an enquiry into the grievances of ex-soldiers?

Mr. G. M. Young: The working of the District Soldiers' Boards is a matter within the competency of the Army Commander, as well as the Local Government. The matter has not yet been considered by the Government of India but it will be considered when we receive a full report of what has occurred from the Punjab Government.

The Revd. J. O. Chatterjee: May I ask what the income of the European Ex-Service Association is as compared with this fund?

Mr. G. M. Young: I am afraid that I cannot answer that question without notice.

NOMINATION OF A REPRESENTATIVE OF THE BIHAR AND ORISSA CHAMBER OF COMMERCE FOR SERVICE ON THE RAILWAY RATES ADVISORY COMMITTEE.

402. *Mr. Gaya Prasad Singh: (a) With reference to the revised list (published in the Gazette of India, dated the 8th December, 1928, Part I, pages 1040—1043) of persons nominated by the various bodies and Associations for service on the Rates Advisory Committee, are Government aware that not a single commercial body in the province of Bihar and Orissa was asked to nominate any person on this Committee? And why not?

(b) Do Government realize that the commercial and other interests of the province of Bihar and Orissa now go entirely unrepresented in connection with questions that are to come up before the Rates Advisory Committee?

(c) Have Government received any representation on this subject from the Bihar and Orissa Chamber of Commerce, Patna? And do they now propose to ask the Bihar and Orissa Chamber of Commerce to nominate their representative for service on the Rates Advisory Committee? If not, why not?

Mr. A. A. L. Parsons: (a) Yes. The panel from which commercial representatives are selected for investigations by the Rates Advisory Committee is large and representative of the various commercial interests involved, and was arrived at after reference to the more important Chambers of Commerce in India.

(b) and (c). With the existing panel Government have no reason to fear that the commercial and other interests of Bihar and Orissa will not receive every consideration; but a letter has just been received from the Bihar and Orissa Chamber of Commerce asking for representation on the panel of the Rates Advisory Committee, and this request is now under consideration.

REDUCTION OF LICENCE FEES IN THE SALTPETRE INDUSTRY.

403. *Mr. Gaya Prasad Singh: (a) With reference to my starred question No. 442 of the 25th August, 1927, and the reply of the Government that "in view of the present condition of the saltpetre industry, Government are at present re-examining the whole position, including the possibility of reducing licence fees", will Government kindly state if they have reached any conclusions on the subject?

(b) Has the attention of Government been drawn to the Annual Administration Report of the Northern India Salt Revenue Department, 1925-26, (pages 13-14), in which it is stated that "the difficulty experienced by the *luniya* in going to the headquarters' treasury for his licence (since remedied by the authorization of sub-treasuries)" and "the increase in the rate of fees" have had "a depressing effect on the industry"? Is it not a fact that "where fees have been raised appreciably, the result is that many *luniyas* are abandoning saltpetre for more lucrative employment"?

(c) Are Government aware of the virtual ruin of the saltpetre industry, and do Government propose to reduce the licence fee at an early date and to make it available through the post offices as before?

The Honourable Sir George Schuster: (a) No; but the question is under active examination. I can at least promise the Honourable Member that a decision will be reached before the next licensing season commences (i.e. before August 1 next) and that any change made in the present practice will be in the direction of improving the position for village workers.

(b) The answer to the first part of the question is in the affirmative. The Government do not accept entirely the thesis stated in the second part of the question. The raising of the licence fees undoubtedly influences the number of applications for licences, but the most potent factors have been a severe fall in price and a large decrease in the demand.

(c) The Government are aware that the saltpetre industry has been steadily declining during the past years. As already stated, the Government expect to be able to reach a decision about the reduction of the licence fees shortly. They will consider at the same time the advisability of issuing licences through Post Offices.

Mr. Gaya Prasad Singh: With reference to the answer to the latter part of (b), are Government aware that in the Annual Administration Report of the Northern India Salt Revenue Department for 1925-26, it is stated that "where fees have been raised appreciably the result is that

many *luniyas* are abandoning saltpetre for more lucrative employment"? Do I understand Government do not agree with that part of their own Administration Report?

The Honourable Sir George Schuster: Government agree that the falling off in the demand for licences coincided with the raising of licence fees, but unfortunately the troubles from which the saltpetre industry is suffering go rather deeper than that, and I am afraid that even if we reduce the licence fees, or abolish them altogether, it is not going to be possible fully to revive the saltpetre industry, because that depends on economic causes. Perhaps the Honourable Member will be satisfied if I say I am very grateful to him for raising this question, and I intend to see that everything possible that Government can do will be done to revive this industry.

LOCATION OF THE INDIAN REFRESHMENT ROOM AT PATNA JUNCTION RAILWAY STATION.

404. *Mr. Gaya Prasad Singh: With reference to my question No. 5 of the 4th September, 1928, regarding the location of the Indian refreshment room at Patna Junction Railway Station (East Indian Railway), have Government received any reply from the Agent, East Indian Railway, as to what arrangements are in contemplation to locate this Indian refreshment room at the Railway Station, as the European refreshment room is located? Are Government aware that Indian passengers are put to much trouble and inconvenience? How long is this discrimination to continue?

Mr. A. A. L. Parsons: The quinquennial programme of the East Indian Railway shows that the Agent wishes to take up the remodelling of the station at Patna Junction in 1930-31. I am sending him a copy of the Honourable Member's question and of this reply in order that the question of making improved arrangements for the Indian refreshment room may not be overlooked in drawing up any plans for the station remodelling.

MONOPOLY OF RAILWAY REFRESHMENT ROOMS BY MESSRS. KELLNER AND CO. AND MESSRS. SPENCER AND CO.

405. *Mr. Gaya Prasad Singh: (a) Are Government aware that the firms of Messrs. Kellner and Co. and Messrs. Spencer and Co., are one and the same, or that they have controlling interests in one another?

(b) Is it a fact that they have practically a monopoly in railway refreshment rooms in Bengal, Madras, and the Punjab?

(c) Do Government propose to give them contracts for other Railways also? If so, what railways? And why?

Mr. A. A. L. Parsons: (a) Government are not aware of the exact relationship between the two firms mentioned, but believe that they are connected.

(b) Messrs. Kellner & Co. have the contract on the East Indian Railway and Messrs. Spencer & Co. on the Madras and Southern Mahratta, South Indian, North Western and Mysore Railways.

(c) The contracts are placed by railway administrations and not by Government. Government are not aware of any proposals for giving railway refreshment room contracts on other railways to the firms mentioned.

ELECTION OF A MEMBER TO THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

Mr. President: The Assembly will now proceed to elect a Member to represent the Legislative Assembly on the Council of the Indian Institute of Science, Bangalore. There are two candidates whose names are printed on the ballot papers which will be supplied to the Honourable Members in the order in which I call them.

(The ballot was then taken.)

THE PUBLIC SAFETY BILL—contd.

Mr. President: The House will now resume further debate on the Public Safety Bill.

Mr. H. G. Cocke (Bombay: European): Sir, the amendment which has been proposed that this Bill should be circulated for the purpose of eliciting opinion is obviously of a delaying nature, and after all the discussion that took place in Simla and the consideration given to the question since, I do not think for a moment that the amendment will appeal to the House. As regards the motion that the Bill should go to Select Committee, for my part, I should have been only too glad to have seen this Bill considered in this House. The original Bill has already been to Select Committee, and the changes which have since been made are, in a sense, more or less insignificant. Therefore, I agree with my friend Mr. Ranga Iyer, who in his little speech yesterday, (Laughter), suggested that this Bill should certainly not be circulated and he also appeared to be in favour of its being dealt with without its going to Select Committee.

There are various lines of argument taken up against this Bill. There are some who say that the evil does not exist. My friend Diwan Chaman Lall, I have no doubt, is one of those who will tell us that no such evil exists in India to-day and that what is called an evil is not merely not an evil, but is something for the country's good. (*An Honourable Member:* "Yes".) Well, Mr. Chaman Lall is a man who is supposed to be in touch with labour, I believe those who are to-day in touch with labour in industrial circles like Bombay and Calcutta will not agree with him. Among those who have seen the distress, I may mention Sir Purshotamdas Thakurdas, because we have sat together in Bombay to consider this subject, more than once I think, and it is admitted, I think, by every one who is really in touch with the troubles of labour to-day that certainly an evil exists. It may be a matter of opinion as to whether we should have had such labour troubles without communism, but I believe the better opinion is that labour troubles have undoubtedly been aggravated by the communist doctrines which have been sweeping up and down the country.

Then there are those who admit the evil; but they say that this is not the right remedy. Mr. Ranga Iyer yesterday appeared to admit that there was an evil, but said that India could stand against it; it did not require legislation. Well, how could it be possible, when we know that there are 300 millions of illiterate people, who cannot read or write, and who are easily led away with a speech on the village green or in a chawl behind the mill, to say that these people are quite safe without legislation, and that they

do not require help from Government to combat this evil and to tread it underfoot? That seems to me to be a very extraordinary notion. From what we have seen in Bombay, we realise that there has been any amount of intimidation going on behind the scenes, and I think it is not doubted by anybody in touch with the situation that that intimidation has grown up as a direct result of the communist doctrines which are being preached in India to-day. Therefore I say, it is the duty of the Government to deal with this matter in the best way they can, and it is not right for any House in any country to refuse its Government powers when they are asked for, as in a Bill like this. They obviously know more of what is going on behind the scenes than we do. We were given a good deal of information yesterday as to what has been happening; but there are certain things of course which cannot be divulged, and I think it is only right that this House should accept from Government the proposition that the evil will be met to some extent by this Bill. Whether it will be necessary to follow this Bill with another, to deal with those who are not brought in under this Bill, is a serious question and one which I am quite certain Government have not lost sight of; but at any rate this is a step. If you take away the source of an evil, it is quite likely that the growth may die away. If certain elements of that growth, brought into existence from that source, are not killed by this Bill, then it will be the duty of the Government to bring in another Bill and deal with the matter in some other way.

As regards the provisions of the Bill dealing with confiscation of the money and treasure, no one will deny that it is very important to get at that money and that treasure, if it can be done. It may not always be easy, but at any rate I consider those provisions are only right and should be included in the Bill. The question of publicity, of course, is a very important one, and if only some additional counter propaganda could be set going by Government to counteract some of the communist propaganda which has been going on, it would undoubtedly be a very good thing. It is very easy to say that, but it is possibly not a very easy thing to effect; but at the same time I think Government ought to do something to counteract this propaganda by some other propaganda, and possibly the science of wireless may in time be useful to that end.

The question of trial which has been referred to many times in connection with this debate, that is, the suggestion that a man should be tried before he is condemned to leave the country or to go to jail, is of course a very important one. We should all like to see these people tried, but it is impossible to get the evidence together to enable that trial to go through, then the only effective way of doing it is by means contained in a Bill such as the present one.

Mr. Ranga Iyer referred to the question of censorship. Well, that is a matter again which possibly will help; but the fact that the Government decided to undertake more rigorous censorship does not mean that this Bill is not necessary. As long as you have these communists coming from overseas to preach their doctrines to ignorant people, as long as the masses are going to be affected by those preachings, I say that the Government has a bounden duty to undertake legislation to the best of their ability to counteract that evil. I hope that Honourable Members will consider very seriously, before voting against this Bill, the effect of communist doctrines on the masses. They pose over and over again in this House as being friends of the masses and anxious to do them good, but surely

[Mr. H. G. Coker.]

those who have seen the effects of this evil in the industrial centres, must agree that what has happened has not been good for labour. Think of the lakhs and lakhs in wages that have been withheld from labour owing to the strikes which have broken out. That cannot be good for labour. Is it seriously suggested that these strikes are going in the end to benefit labour? I cannot think that that is so, and I do not believe that is the general opinion of the House. I hope Honourable Members will think very seriously before voting against this Bill on this second and last occasion.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to oppose the original motion, and in doing so I am not going to repeat any of the arguments which I laid before this House in Simla but will try to cover new ground if possible. It is really unfortunate that Government have come with this Bill to this Assembly in this insistent and aggressive manner. I say the manner is insistent because the House has already given its verdict upon the Bill; and it is aggressive for the reason that, not content with the bundle of objectionable provisions contained in the original Bill, Government have added one more objectionable feature to the Bill, namely, the provision about the forfeiture of monies and properties and securities.

Now the first question that arises in connection with this Bill at the present moment is what is the real justification for Government to bring in such a Bill even now. Being a man coming from the Bombay Presidency, I will deal more or less with the situation in Bombay, which is said to be the real justification for the present Bill. The House will remember that the Honourable the Home Member, in his speech yesterday, made many points, but most of the points made by him in yesterday's speech related to the situation in Bombay, and very few related to the situation outside. I suppose he may have once in a way referred to Bengal, but he referred one after another to events that were alleged to have happened in Bombay in connection with one particular industry. I am one of those who regard the situation in Bombay City as very ugly nowadays, but I must add that, as I see the signs before me, the situation is getting clear.

Then there is this question as to whether Government could not really have put down their foot at an earlier date and stopped all this evil. I think Government were for a time dallying or shilly-shallying with this evil. In particular, I may refer to the speech of the present Governor of Bombay who, immediately after he took up the reins of administration in Bombay, received a deputation from one particular industry. In the reply he made to that deputation, His Excellency said that, having regard to the fact that the strike had existed for about eight months, it was surprising, I think he said, that there was so little disturbance. I think the surprise caused to me by that speech itself was perhaps greater than the surprise to which His Excellency himself referred. Can we say that the speech was ironical or cynical, or that it was a straightforward reply? If it was cynical and ironical, well I can only say that it should not have been so. But it was a straightforward reply. I am entitled to presume that it represented a true state of things, which means that in view of the fact that the strike had lasted eight months in Bombay, the situation had not become so serious as to require attention. For all that, I think we may assume, as reasonable men and people, who know something about

even Bombay City, that the present evil in Bombay city may only be a passing phase and we may soon tide over it.

Then with regard to the resources of Government and the police I think they are absolutely sufficient. Have not the Government dealt with similar situations in the past? I know of at least two or three very fierce riots in Bombay City which the Government was able to put down after a short space of time. Then there was the difficult task of rounding up hundreds of Pathans in one night. It is a feather in the cap of the Bombay police that they were able to do so, and it proves conclusively that if they really mean to deal with the situation in an effective manner, they have the means and the resources at hand.

Then I may also refer to the pressure of public opinion, both the general public opinion and the opinion of one particular class, in this respect. Of course the general public opinion must have its own effect, even on the working population, because they work side by side as neighbours in the same city. But I would particularly refer to the pressure which is being brought to bear upon these workers and strikers by the small business men and the traders and shopkeepers with whom these workers come into contact. Now both these two classes of people, the shopkeepers and small business men and the workers, have lost enormously during the strike. The worker has lost his own credit with the small business man, and the small business man in return has lost many things. He has lost his credit in his turn with the big dealer, with the wholesale dealer, and he has lost all hope of recovering arrears from these workers, as also lost his current custom. So the small business man, with whom the worker comes immediately in contact, has lost in three different ways, and I am quite sure that, as there is no escape to the worker from the small business man, or to the small business man from the worker, the pressure wielded on each other by these two classes will ultimately have its effect.

Then attempts are being very seriously made with regard to arbitration, and I am entitled to presume that these efforts will succeed. As a parallel, take the case of the big nations who also hope to succeed in avoiding war in future by reference to arbitration and settlement. Now look at the difference in the state of these big nations and the state of the small working class people. The nations are all armed to the teeth, as they say. Some nations have to defend themselves. Other nations have to acquire and defend and maintain their Empires; and they have perhaps the whole world's wealth to grab. That is the great incentive to them to try the strength of arms and to win wars notwithstanding any League of Nations or arbitration. But what, on the other hand, has the small worker to lose? He loses his business and he loses his life in the bargain. So as between big nations and these small workers, I think these small workers have every inducement to come to a settlement about their quarrels as soon as possible. The latest we hear from Bombay is that the joint conference of millowners and workers have come to a settlement about the standardisation which, if not the sole, was at least one of the causes of discontent. Then again the Fawcett Committee has practically come to the end of its labours. I do not know the exact truth about it, but I am told the Committee has lessened the reduction in wages, but has maintained it for the greater part. I am told that the representatives of the workers have almost agreed to accept that reduction in the wages.

Sir Victor Sassoon (Bombay Millowners' Association: Indian Commerce): Question!

Mr. N. C. Kelkar: As I have already said, my friend may be in a better position to know than I am, but that is my information.

An Honourable Member: That is not right.

Mr. N. C. Kelkar: But on both these points, namely, standardisation of wages and efficiency on the part of the labourers and about the reduction of wages, both parties are practically coming to a settlement, and the latest news that I read in the newspapers was that the mills are already working. I should like to be informed how many mills are not working.

Sir Victor Sassoon: All stopped.

Mr. N. C. Kelkar: Then the newspaper reports must be untrue. For my guarantee I could point to certain items of news in the Bombay papers.

Then, Sir, there is another matter. After all, the whole animus which has been generated by the strike, which has lasted for several days, could not have exhausted itself. The battery has been charged and it is not yet exhausted: I can presume it. But there is one consideration, that even those who are exposed to the results of this animus are in no worse position than some of the other people in Bombay. Take the average citizen of Bombay who is waylaid by a Pathan; or take the occupant of a lonely bungalow in a Bombay suburb; are not these people equally exposed to the animus of their enemies? Why should the mill worker or mill manager or *muccadam* feel himself exposed in a greater degree to violence at the hands of people in the mill area or amongst a lot of people?

Then, Sir, the second point I would like to make is that the objective of the Bill is in all conscience a very small one. If, as I allege, the objective is a small one, the Bill is unnecessary. But if the objective or target of the Bill is intended to be a large one, then I say that the Bill is inadequate and insufficient. Therefore, Sir, whether it is unnecessary or insufficient, it is useless. Now, Sir, to whom does the Bill really apply? Let us find that out. It does not, in the first place, apply to an Indian British subject. Secondly, it does not apply to a British subject ordinarily resident in India, and it does not also apply to the subject of a State in India. With regard to aliens, it has already been pointed out—and I accept the correction from the Home Member—that foreigners and aliens can be dealt with under the Foreigners Act. Therefore it comes to this: that the Bill does not apply to Indian subjects; it does not apply to State subjects, it does not apply to aliens and furthermore it does not apply to any one who has regularly resided or maintained a residence in India, or has carried on any trade, business or profession, or held any office or employment in India and for the purposes thereof has resided in India at regular intervals during that period. After thus enumerating all these categories of people, to whom this Bill does not apply, what is the real residue? Only a handful of people can be really affected and must be in contemplation under this Bill. When I say "handful," I should say that the fingers of your hand will perhaps be too many to mention these people who are in contemplation in the present Bill.

An Honourable Member: What about the future?

Mr. N. C. Kelkar: Throughout these days we have been hearing only of two names, Spratt and Bradley, Bradley and Spratt, nothing more. I might make a rhyme about it and say:

"Bradley and Spratt and Spratt and Bradley

They have together made a very fearful medley "

for the Government.

Of these two, Spratt has been put up before the Court and prosecuted, and with what result? A Civilian Judge of the High Court, who was once a Legal Remembrancer of the Bombay Government, heard the case with the assistance of a jury, and he accepted the verdict of the jury and acquitted Spratt on the ground that there was no evidence disclosed against Spratt. So Spratt is disposed of. Then Bradley remains. I think that Bradley, that single individual, fearful and formidable though he may be, must have a limited capacity for evil, because he has been found out as working only in Bombay and causing all this trouble.

Again, Sir, I come back to the point that all the allegations about the unrest and disturbances are confined more or less to the City of Bombay at the moment. (*An Honourable Member:* "No, no."). As regards strikes in Bombay, have not these strikes existed long before the name of Bolshevism was heard in this country? The strike is admittedly a legitimate weapon to be used as between master and servant, and even in England it has been recognised. Therefore, Sir, I think that the Bill is too big a weapon to be used, intended as it is, against so very few and ascertained a number of individuals. You can almost mention them name by name.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): How does it hurt you then?

An Honourable Member: Give it a chance.

Mr. N. C. Kelkar: You cannot ask us to pass such a difficult and objectionable measure as this Bill with such a small objective. It is very like, I may say, using a Nasmyth hammer to kill a fly; or, if I may offer you another metaphor of my own creation, it is like using a tractor-harrow to comb out a few fleas from the head of a gypsy woman. (Laughter.) The question therefore is why not try other remedies than coming to this Assembly with this Bill? (*An Honourable Member:* "What one?"). The question is, what is the real remedy? I think I mentioned it at Simla as one of the remedies—namely, the manipulation of the passport regulations. I still stick to that argument and contend that much can be got out of the use of that remedy. Then again I have got something else to suggest this time and that is, rather than asking the Assembly to co-operate with the Government in this objectionable Bill, should not His Excellency the Governor General himself take upon himself the responsibility of issuing an Ordinance? It will remain in force for six months without the Assembly having got anything to do with it. During those six months you can comb out all these undesirable Britishers and deport them, and immediately on that, as a supplementary measure, you can put your passport regulations all right and begin the manipulation at the other end. Why do it at this end? So, with the Ordinance to be issued by the Governor General and the proper and effective manipulation of the passport rules at the other end, I suppose the Government of India can get really what they want. I may at once say, Sir, that I am not one of those who have got any sympathy, or much sympathy, with the mere mischief-mongering Britisher who comes into India with his propaganda. I would also say that here are a number of capitalists in this country who are going to object to this Bill; but you cannot certainly allege that these capitalists are in league or unison with communism. Therefore, Sir, you must really appreciate our objection to the Bill and the objection which the Indian

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capitalists themselves raise. I just read in the papers that the Bombay Merchants Chamber and Bureau, itself a capitalist body, has actually passed a resolution saying that while it will co-operate with Government in any other reasonable measures that may be proposed in this respect, it is positively against this particular piece of legislation. Therefore I say that the objective is a small one. This is a big measure and it is going to be made applicable not only to Bombay City but to the whole country and for all time.

An Honourable Member: For five years only.

Mr. N. C. Kelkar: For five years; I accept the correction.

Now, I come to my chief objection to the Bill, and that is an objection of principle. By this Bill Government is going to institute in this country a kind of Star Chamber, and is asking the Assembly to co-operate with them in instituting that objectionable institution. There is one point of difference between the last Bill and the present Bill. It is this. Whereas in the last Bill the High Court Judges were to form a Bench, in this particular Bill, Sessions Judges have been mentioned to form a Bench, and not High Court Judges, and I think that is a very important point of difference to be noted.

Now, the question is whether the High Courts have expressed their opinion on this measure. It is really significant that the High Courts have refused to co-operate with Government in regard to this Bill. It is very likely that the High Courts with a high judicial sense, must have refused to look at this measure. They must have refused point blank to do this dirty job for the Government.

The Honourable Mr. J. Crerar (Home Member): Will the Honourable Member kindly state what authority he has to make that statement?

Mr. N. C. Kelkar: That is my impression.

Mr. K. Ahmed: How do you infer? There must be some logical conclusion. What authority have you to make that statement?

Mr. N. C. Kelkar: As I said, that is my impression. If it were only a question of making any addition to the strength of the High Court Judges to form a Bench, that would have been a different matter. But what are the real facts? The work that will be thrown upon the Bombay High Court, e.g., will be practically a flea-bite, when compared to the enormous amount of work which is already on the hands of that High Court. So far as I know, there are heaps of dung hills of arrears of work already in the present Bombay High Court—thanks to the fastidious and routine-loving nature and the dilatory methods of the present Chief High Court Judges of Bombay.

My second objection of principle to the Bill is that it makes certain acts offences which either are not already offences, or it seeks to make certain acts offences under the Bill which ought not to be made offences. Now, if they are offences under the ordinary Penal Code, it follows also that they should be dealt with like other offences under the Indian Penal Code. On the other hand, there are certain acts which are sought to be made offences under this Bill which, I do maintain, ought not to be made offences, and in this connection I would merely refer for a moment to the

unlawful interference with the ownership of property. That is really a very big question. It sounds only like a dogma or a theory, and I am of opinion that such a theory, or it may be a dogma, should not be penalised.

Then there is the question of forfeiture of money and property. If there is one argument for which one might support the amendment of my Honourable friend here, it is this innovation about the forfeiture of money in the hands of banking establishments; and I would really like this Bill to go out for this reason, if not for other reasons, for eliciting public opinion; because, I am quite sure that the banking establishments, even in this country, have got such a tradition and sense of privilege of their own, that they would rightly object, in my opinion, to the new disabilities that are being put upon them and the interference that is threatened in their work.

Then my last objection to the Bill on principle is that, once we make ourselves a party to this Bill, it is bound to have its natural reactions and repercussions in other ways. Something was said about it: of course it is not the intention of the Government to take action against Indian communists. But who knows what Government will do? There are the guarded words "for the present", which mean that, immediately you pass this Bill, Government may come back to us with a new Bill dealing with Indian communists, or they may begin to operate the objectionable Regulation of 1818.

Mr. K. Ahmed: It may be just the other way round; a new Bill may not be necessary.

Mr. N. C. Kelkar: Now, I shall briefly deal with one or two larger aspects of the Bill. I have already said that we in India do not like communism in its extreme form, and if I may give one reference to the public opinion prevailing in India about communism, in respect at least of one doctrine of it, namely maintenance of private property. I may at once refer to the Nehru Report in this connection, and point out that the Nehru Report does give a guarantee to maintain the institution of private property; and if we may suppose that the Nehru Report concentrates the enlightened public opinion of India, then you have in it a very good guarantee about the maintenance of private property. That guarantee is in conflict with the dogmas of the Soviet. That should prove to the House that India is not going to tolerate all this nonsense about the abolition of private property.

Mr. K. Ahmed: And the Moscow money will be inherited by the real heir.

Mr. N. C. Kelkar: After all, Sir, the question of the abolition of private property is a question of opinion. It is after all a theory; and even taking the Soviet dogma at its best or at its worst, it comes to this, that Government seeks to tilt at a mere doctrine, a socio-economic or politico-economic theory,—nothing better or nothing worse than that,—but the real point about that theory is that it does not harm anybody. It is the possible harm resulting from this Bill that is objectionable. Of course, violence in any form or shape or at the hands of anybody we at least, in India, would stoutly oppose. But with regard to mere penalising theories, I would ask some of the Members of this House to remember if they have read John Morley's book entitled "Compromise". He has stated there quite explicitly with regard to opinions, that anybody has got the right of expressing his own opinions, whatever they may be, however extreme they may be.

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He has actually given one instance of freedom of opinion to the effect that it is open to anybody, to any Britisher outside the Parliament, or in the Parliament, to say that the Crown of Great Britain may be put into the melting pot. There is nothing wrong in saying that, because, after all, it is a mere theory, and no violence or any serious results are going to follow from that theory; and so long as a man only sticks to that dogma, theory or opinion, he cannot be punished. That is what John Morley himself has said. We find also, side by side with this, that Soviet literature or Bolshevik literature is actually being allowed to be brought into Britain and is being tolerated to be read by the British public with impunity. After all, the literature about the Soviet and Bolshevism that we get in India is an infinitesimal fraction of the whole literature that is dumped into England and which is being read, devoured and digested by the British public. So far as I can see, there is no prohibition against the dissemination of such literature in England. I may be wrong again in this matter, and I would really feel obliged if the Honourable the Home Member would put before the House the provisions that are used in England itself about putting a stop to the Russian or Bolshevik propaganda being carried on in England. What are the real facts? What is the present Act, and what are the prohibitions issued against literature and propaganda of this kind in England itself?

Then again there is an independent testimony to the toleration which is being accorded to the Soviet propaganda in England itself. For after all the Labour Party has got such a thing as the extreme social democratic party or even a communist party in it; and I want to be told, if it is a fact, that the Labour Party as a whole, has cut off this gangrenous limb from it. So far as my information goes this extreme wing, which is fraternising with Bolshevik propaganda, is still an organic part of the Labour Party in England. If that is so, then it follows that it is not a thing which ought to be dealt with by legislation here.

Then are there not communist M. P.'s in England? What about them? Take the case of Mr. Saklatvala, for instance. He is an M. P. He is a Bolshevik, he is a communist, and he has expressed his belief in communism openly. He makes no secret of it, and yet he continues to be a Member of Parliament, without any action being taken against him, even with regard to his utterances made when he is not behind the shield of Parliamentary privilege. What has Government done to Mr. Saklatvala? The real thing is this, that in England they are more tolerant than the British Government in this country. They have been for generations past giving

quite equal treatment to opposite kinds of doctrines in this matter. They allow full privilege to capitalism to speak out its own mind and make its own propaganda. They allow communism and extreme forms of social democratic principles also to make their own propaganda in England. And that is the real attitude for any Government to take, namely, allow equal opportunity and equal freedom of opinion to opposite doctrines of any type. For the last fifty years, England has seen socialism advance step by step, and stage by stage, and England has not yet put its foot down against the growth of socialism and its going up to the point of communism. (An Honourable Member: "No, no".) (Another Honourable Member: "Yes".) And if we may care to characterise what is really actually happening in India at the present moment, I will only say that they are the mere beginnings of the growth of an Indian Social Democratic Party

to which nobody can take exception. Capitalism is thriving in India, and why should not the other theory also go on here, so that the people may be able to judge for themselves which of the two is better and more useful for the country? Then, there is one more thing and it is this. England has tolerated this propaganda about social democratic principles for the reason that materially no violence results from these activities. That is the experience in England, and that I assure this House will ultimately be the effect in India also. Propaganda will certainly go on, preaching there will be, dogmas and theories will flourish and will have a full life even in this country, but I may assure the House that, after all there will not be much violence directly resulting from these theories. For even otherwise have we not got enough of crime already in this country? The Honourable the Home Member was reading a sort of diary as to what happened in Bombay during the last two months. If you read the Bombay newspapers at random, you will find therein murders and other acts of violence going on from day to day and how are you going to account for all that? Are they in any way due to this Bolshevik propaganda? Certainly not. There are other elements, evil elements in human nature, which find their manifestation in every city. Therefore it is not right to confuse matters and mix up the results of the ordinary human mind with the results of the preaching of a particular theory even in Bombay City. In England, as I said, the Social Democratic Party and the Labour Party have been working for the last fifty years, and with what result? There has not been any violence. There has not been any revolution. I myself have seen the strike of the Triple Alliance in England in 1919. I saw with my own eyes how that strike failed. Then, again, take the general strike, which was perhaps a more formidable strike, and which happened in England in 1926. It had almost led to a civil war; such at least were the fears of those who contemplated the results of a successful general strike of that character. And yet what was the result? The rationally minded Labour leaders never participated nor encouraged that general strike. It was only the extreme wing, and a very small fraction of the Labour Party at that. Such extreme wings there will always be in any country, but they will always be outnumbered by the more rationally minded men in the country. One particular fact about this general strike of 1926 I may mention, and it is remarkable for this reason. Sir John Simon led a campaign against this general strike in England in 1926, and how did he achieve the result of defeating the strike? By the manipulation, if I may say so, of the little finger of that subtle lawyer, by a little manoeuvre of going to a Law Court he got the whole general strike of 1926 abolished and finished. If really there were elements of violence behind that general strike, that strike would not have ended as it did then. Therefore, my point is that, though there are these dogmatic preachings and furious preachings sometimes about Bolshevik propaganda, there are not real or substantial elements of violence behind that propaganda. (Mr. K. Ahmed: "It is a matter of opinion.") And in this connection, I would just quote Mr. Hubert Bland, who gives expression to the resulting and prevailing opinion about the possibility of social revolution actually taking place in England. He says:

"The physical force man, like the privileged Tory, has failed to take note of the flux of things, and to recognise the change brought about by the ballot. Under a lodger franchise, the barricade is the last resort of a small and desperate minority, a frank confession of despair, a reduction to absurdity of the whole Socialist case. Revolutionary heroics, natural and unblameable enough in exuberant puerility, are

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imbecile babblement in muscular adolescence, and in manhood would be criminal folly."

Here is a prominent Labour Party man expressing this view. He continues:

"The threat of shocking clamour of bloodshed is bound to create in any society, a revulsion among the humane section of the middle classes and also the working classes. The section which is blinded by class prejudice to all sense of social responsibility is the only class which treats personal violence from the working class with a superstitious terror that defies enlightenment or control. Some one has said that during the agitation made by the unemployed in England in 1887, the Chief Commissioner of Police in England started at his own shadow and mistook Mr. John Burns for the French Revolution."

Here, in this case, I may add, however, that the cap fitted on both heads, the heads of the people on either side, for we have known that people like Lord Bramwell, blue blooded aristocrats, openly said, as Presidents of respectable Societies from their high place, that they would come out into the streets and oppose physical force if there was a question of the abolition of landed classes. Here, therefore you have got people on both sides; here is Lord Bramwell giving a threat of revolution and physical violence, and why should it not be tolerated and taken at its proper value when coming from a working class man?

There is only the other argument which I will touch, and it is about the youth movement. I am not going to say anything about the Youth movement, for we all know how both to cherish it and treat it at its proper value. The youth in India will be for ever what it has always been, not only in India, but everywhere else in the world. I will not say anything further than that about youth. It is perhaps as it should be—just a little superficial in its thought and thinking and just a little exuberant in its expression. Beyond that, I will not criticise the youth of this country or any other country. And mind you, it is not only the youths of this country that are showing these signs. It is a coming movement, and as Dr. Moonje and Mr. Jayakar pointed out, it is up to Government to take full advantage of the Youth movement, by directing it in proper channels and giving it all facilities for the expression of its youthful vigour and enthusiasm. People in England had to pass through this phase themselves. Take the white bearded Bernard Shaw of the present day. He was at one time a youth himself. He himself has passed through a phase of thought and activity which might have been called revolutionary in his time and I would not like to point to this fact of his once having passed through that phase but with a view to the ultimate results which he points out; and in this connection I will just read an extract from one of his Fabian Essays and you will like to hear it. He says:

"Numbers of young men, pupils of Mill, Spencer, Comte and Darwin, roused by Mr. Henry George's 'Progress and Poverty' left aside evolution and free thought; took to insurrectionary economics; studied Karl Marx; and were so convinced that Socialism had only to be put clearly before the working classes to concentrate the power of their immense numbers in one irresistible organisation, that the Revolution was fixed for 1889—the anniversary of the French Revolution—at latest. I remember being asked satirically and publicly at that time how long I thought it would take to get Socialism into working order if I had my way. I replied, with a spirited modesty, that a fortnight would be ample for the purpose. When I add that I was frequently complimented on being one of the more reasonable Socialists, you will be able to appreciate the fervour of our conviction and the extravagant levity of our practical ideas. The opposition we got was uninformative; it was mainly founded on

the assumption that our projects were theoretically unsound but immediately possible, whereas our weak point lay in the case being exactly the reverse. However, the years sifted and sobered us. 'The Socialists' as they were called have fallen into line as a Social Democratic party, no more insurrectionary in its policy than any other party."

I have quoted this passage to show you that you need not have any fears about undesirable things coming from this youth movement. It is a legitimate movement. It was bound to come. It has come. It will go on. It has got a foothold in the country. One youthful generation always succeeds another youthful generation. There is never a stop put to the succession of youthful generations. The whole country is advancing. Free thinking is advancing—free thinking not only in politics and economics but in the social and religious departments also. Therefore all things are moving to a very happy result, and the youth movement is one of the signs. I therefore say that, neither the youth movement in this country, nor the growth of social democratic party principles in this country, are such that Government should come forward to this Assembly with this drastic and repressive measure of legislation. Lastly, I will say one word about the argument of responsibility which was brought forward yesterday by my friend Mr. Cosgrave. He said "This House must not be irresponsible". I will answer him in a single sentence and say, so long as you do not give us the real responsibility, do not give us the opportunity to occupy those benches, and keep us confined to these benches; so long as you do not play the manly game of in and out of administration, so long the irresponsibility of this House must continue. There is practically no responsibility upon its head.

Sir Denys Bray (Foreign Secretary): Ordinarily, Sir, when my Honourable friend Mr. Kelkar gets up to speak, I settle myself down in my chair for a delightful half hour. For I greatly enjoy his charm of manner, his urbanity of speech, his delightful quips and literary anecdotes, his touches of humour, the tolerance and moderation of his views. To-day I missed my usual enjoyment. For I find great difficulty, Sir, in transporting myself from the atmosphere of the Bill—an atmosphere heavy, electric, charged with danger for India—to the atmosphere of Mr. Kelkar's delightful debating society. Mr. Kelkar says that no elements of violence are behind the communist propaganda! Let him listen once more to the burning words of revolutionary sincerity which are made to stand again and again as the prelude to the communist creed:

"Communists disdain to disguise their purpose. They give notice to the wide world that it is through the overthrow of the whole social order as it exists and through its final down-crash alone that their grand aim can be accomplished."

An Honourable Member: Mere words.

Sir Denys Bray: Words which they themselves have translated into action! With India's safety at stake, are we *really* to chop logic over the doctrinaire rights of the individual, the non-Indian individual—let me underline it again—the individual from outside, the stranger in India's gates, to come to India and disseminate a poison deadly to India, corrosive of her social life? With India's safety at stake, are we *really* to indulge in archaeological research into the armoury of the executive, and guess whether this or that rusty, unhandy weapon cannot be used to ward off India's peril? Are we *really* at this stage to split straws over adding to the armoury of the executive—an executive, irresponsible, imperfectly responsive,

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imperfectly Indianised, bureaucratic, an executive democratically impossible if you will—and yet, for better or worse, the executive with India's safety for the time being in its keeping? Is this House, when India's safety is at stake, once more to halt between two opinions?

For mark, Sir. Neither to-day nor yesterday nor during those long summer debates was a voice, a serious voice, raised in defence or extenuation of the poison or the poisoners with which this Bill seeks to cope. All through those debates last summer there were strong undercurrents in every quarter of the House of revulsion against the poison and the agencies that sought to disseminate it. True, above the undercurrents there lay a spurious calm, an indifference induced, where it was genuine, by a superb racial pride. It filled me with a thrill and a glow then. Yesterday, when I caught some of it in the labyrinthine mazes of Mr. Ranga Iyer's speech, it seemed to me to have lost something of its freshness. But the confidence itself is superb, a confidence that, be the poison ever so deadly to other races, to other countries, India—or rather I should say Hinduism—for my Muslim friends were more robust, less passive, more combative in their racial and religious pride—a confidence that Hinduism would be left unmoved and immovable as this invasion, last of many invasions, passed over it. Unmoved, immovable? If I believed that, I should not be standing here now.

But, note with me, Sir, the immensity of difference between the invasions of the past and the invasion that is seeking to make its way over India to-day. No longer has India to face an invasion of force against force, matter against matter, and invasion bent on a material conquest. To-day the invader comes in the guise of philosopher and friend

An Honourable Member: Like the British people!

Sir Denys Bray: bent on a conquest not of matter but of mind. He comes to his victims in many guises. But at no time is he more dangerous—and here I would turn again to my friend Mr. Kelkar—than when he comes like Mephistopheles of the fable,—fable? It is, the embodiment of evil eternal!—and passing by minds set, mature, well balanced, offers the lure of its poisonous gifts to the immature, the adolescent, the youth of India.

It is this thought that has driven me to my feet. For I cannot expel from my mind and conscience the memory of my own youth. How generous, how liberal, how impressionable, how receptive of every wind of doctrine were our minds in the flush and fervour of that youth at Oxford! Any doctrine, however wild, however visionary, however Utopian, that seemed to us to have the power to level out some of the cruel inequities and inequalities of the realities of life—how potent was their appeal! ~~Patent?~~ Long after the doctrines themselves have been weighed, found wanting, discarded, their appeal remains, I suppose, colouring one's thoughts and feelings to one's dying day. But with all my heart I thank whatsoever star that guides my moving that communism was not allowed to shed its deadly nightshade upon our youth. For, mark this. Unlike those rebellious doctrines of your youth, Sir, and mine, there is nothing selective about communism. Communism does not permit of selective treatment. You cannot take from communism this idea or that impulse, and leave the rest.

With communism it is all or nothing. "It is through the final down-crash of the whole social system alone that its grand aim can be accomplished." Shall we, now that we ourselves have arrived at drab years of discretion, look on unmoved, while our youth has this poison insinuated before it? Can anyone who remembers the plastic, impressionable age of his own youth, can we, whose youth was sheltered, look upon the gradual approach of these pernicious doctrines and remain unmoved, inactive, unafraid for India's youth? Not I for one! And it will be a sorry day for India when the older generations cease to be afraid for their youth, and are content—what an idle empty word! But I cannot find the word I want—content to remain afraid of it.

The Honourable the Home Member addressed an appeal, as I understood it, to the Leader of the Opposition to lay aside the role of opposition for opposition sake, in a matter so close to his heart and ours. I would appeal to another Honourable Pandit, Leader of the Nationalist Party, leader—and this is far nearer my thoughts—leader, as no man I know is, leader and inspiration of Hindu youth. I appeal to him dispassionately, for he knows far better than I the perils by which Indian youth is environed. I appeal to him coolly, for he is always alert to feel the sincerity in others; with confidence, for I know the intensity with which the flame of devotion to young India, the fuller India of to-morrow, burns in his breast. I appeal to him, myself a devoted servant of India, to let me share with this leader of Indian youth the glow of a common purpose and let me follow his lead in the passing of this Bill for the better safety of India and India's youth. (Applause.)

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Sir, it is difficult to get away from the spell of the infrequent speeches delivered by the Honourable Sir Denys Bray, and if for no other reason, let me from this side of the House congratulate him on the manner of his speech.

An Honourable Member: What about the matter?

Diwan Chaman Lall: I am asked what about the matter of Sir Denys Bray's speech. I intend to deal with the matter of his speech and that is the reason why I have stood up to speak this afternoon. What does Sir Denys Bray say? He says that India's safety is in danger and that therefore we, to-day, must not split hairs over this or that rusty weapon. He presumes that the safety of India is at stake, and then proceeds to assume that once the safety of India is at stake, any weapon that the executive can recommend must perforce be given into their hands. The whole question is, are we going to empower the Executive with the weapons which they can use without resort to the ordinary law of the land? Are we going to empower them with extraordinary weapons which they have no business to use in the enlightened age in which we live to-day? **An Honourable Member** speaking yesterday, I think it was Mr. Cosgrave, turned round and said that somebody reproached him that the legislation before the House savoured of the Star Chamber method. He turned round and denied the fact that it had any taste whatsoever of the methods which are famous in history and known as Star Chamber methods. May I remind him what the constitution of the Star Chamber was? It was a constitution similar to the one which is being set up under this Bill. Now, under this Bill, three Sessions Judges are called upon by His Excellency

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the Governor General to adjudicate upon cases brought before them and on the evidence brought before them, to which the accused has no right of access. The accused is given just a general statement of the offence that he is supposed to have committed, with no facts and no figures and no data and no dates; and yet he is to be content with whatever is given to him. Discretion is left to the three Sessions Judges chosen by the Executive to act on the documents handed over to them, documents which have probably been concocted by the police, documents perhaps which have been forged by the police (*An Honourable Member*: "Question"), and documents which will not stand the test of the ordinary law of evidence. If the ordinary law were to be made applicable to such cases, the procedure would have been different and the evidence would have been placed before the open Court and the accused and his lawyer would have had the right of access to them. This is, Sir, exactly what happened something like 500 years ago in the land from which my Honourable friends hail. Here is described what the Star Chamber did:

"The Star Chamber took notice of riot, murder, forgery, felony, perjury, fraud, libel and slander, duels and acts tending to treason as well as of some civil matter," and I am certain, Sir they would have included communism, if communism had been known in their time:

"its procedure was not according to law. It dispensed with the encumbrance of a jury. It could proceed on rumour alone. It could apply torture, it could inflict any penalty but death. It was thus admirably calculated to be a support of order against anarchy,"

exactly what my Honourable friends over there have been saying about this Bill,

"or of despotism against individual and national liberty."

Exactly what my Honourable friends over there have been saying. When my Honourable friend said that this Bill did not savour of Star Chamber methods, he should have been more careful in regard to the history of the Star Chamber. He should have known what the history of the Chamber had been. I say again deliberately and would stand the challenge of any Member of this House, I repeat that it does savour of the Star Chamber methods and that the persons who are on trial . . .

Mr. W. A. Cosgrave (Assam: Nominated Official): On a point of explanation, Sir. May I say that the Star Chamber was never mentioned in yesterday's debate either by me or by any other speaker. It is as entirely new point.

Diwan Chaman Lall: Perhaps the Honourable Member's memory fails. Anyhow that is not the point.

Sir Victor Sassoon: But that is what he says.

Diwan Chaman Lall: It is not the point whether the Honourable Member does or does not consider these methods to be like the Star Chamber methods. It was, I repeat again, mentioned on the floor of the House yesterday. Probably the Honourable Member does not remember it. But that is not my whole argument. The point that I want to drive at is this, that the persons who are on trial are not Mr. Bradley or Mr. Spratt, but the persons who are on trial are my Honourable friend Sir Denys Bray and his colleagues who are sitting over there on the Treasury Benches.

Sir Victor Sassoon: We do not mind.

Diwan Chaman Lall: My Honourable friend says that they do not mind.

Sir Victor Sassoon: We do not mind being on trial.

Diwan Chaman Lall: That is just the tragedy of it. When the Englishman crosses to this side of Suez, he forgets all the traditions which make him an English gentleman. (*An Honourable Member*: "Question".) I challenge my Honourable friend who questions this, to get up in his own country and advocate legislation of this kind, arbitrary legislation of this kind, and see whether he can command either respect or attention of his people. Is there no Communist Party in Great Britain to-day? Has that been declared an unlawful association? Has any man in Great Britain to-day demanded such executive powers as the Honourable Members over there are demanding from us? And yet it is a well known fact that there is in existence a Communist Party in Great Britain; it is a well known fact that it is a very powerful party; it is a well known fact that it elects even Honourable Members to the House of Commons. (*An Honourable Member*: "One Member".) The Honourable Member surely knows history. He knows that several Members were put up for election. (Laughter.) I want to know from my Honourable friend over there, who interrupted me, whether it is a fact that the Communist Party of Great Britain has been in existence for a considerable number of years, and whether it is a fact that on no occasion has the British Government ever suggested the use of extraordinary powers to cope with what they call in this country a menace. If legislation of this kind is not desirable in Great Britain, why, I ask, is it supposed that legislation of this kind is desirable in this country. When the Honourable the Home Member spoke on this motion last time in Simla, as far as I can recollect he predicted the practical breakdown of the entire social, religious, moral and material fabric of this country if this menace was not stemmed in time. My Honourable friend was not allowed the use of this extraordinary power in order to stem this menace, and several months have elapsed since he spoke at Simla. May I ask if the social, religious, moral and material fabric of this Nation has broken down?

The Honourable Mr. J. Orerar: I never suggested that the social, moral and material fabric of this Nation would break down in four months.

Diwan Chaman Lall: My Honourable friend says he did not say that it would break down in four months and that it was not an urgent measure which the Government wanted. What was the urgency then, if within four months he could prove nothing, nothing whatever which would induce any man to believe that anything has happened to disrupt this Nation? Let me refresh the Honourable Member's memory for a minute. He said:

"There may be, and indeed it is part of my case that there are, dangers which threaten not only the existence of the Government in India, not only the existence of conditions of peace and order, but dangers which threaten the most vital interests, the most essential and the most vital assets and elements of the whole state of our society."

[Diwan Chaman Lall.]

Agreed. Society still exists, and Honourable Members travel about this country in safety and peace. Honourable Members conduct their business from day to day in peace and comfort. I have not heard of any Member of the Government having been assaulted or murdered or spirited away or kidnapped

Colonel J. D. Crawford (Bengal: European): What about the Indian labourers whom you should be in contact with?

Diwan Chaman Lall: I am not aware, Sir, that the social fabric has been disturbed or that the Honourable Mr. Crawford has spent a sleepless night worrying himself over such a thing. Further, Sir, the Honourable Member said:

"If we do not act upon the principle of looking facts in the face, there is a movement which, if left unchecked, may ultimately prove destructive to that whole heritage of culture, of civilisation, of religion, the organisation of agriculture, industry and commerce and the whole structure and the whole basis of society."

The Honourable Member over there must have been talking with his tongue in his cheek when he uttered those high-sounding phrases which meant nothing whatsoever. Was it in this fashion that the Honourable Member attempted to frighten this House into empowering him with authority which any honest man ought to be ashamed of giving?

An Honourable Member: Why?

Diwan Chaman Lall: For the simple reason that, whatever you suggest, whatever the Government suggest they want to check, they can check by the ordinary law of the land in force at present. Whatever they desire to check, they should check as honest men, honestly dealing with a criminal, bringing him for trial in an open Court of Justice by the ordinary methods of criminal jurisprudence. What right has any man to-day, in the year 1929, to demand that he should be given powers to punish a man without trial?

Colonel J. D. Crawford: What about the intimidated labour in Bengal?

An Honourable Member: Other countries do it.

Diwan Chaman Lall: My Honourable friend over there says other countries do it. I am now going to deal with the other countries. Mr. Cosgrave the other day got up and said that there are other countries which have similar legislation. First of all, let me make it perfectly clear that legislation in other countries like Canada, Australia and America or in Ireland, is legislation which is limited to the question of immigration, immigration, I say, that is, in the case of people wanting to settle in the country. (Some Honourable Members: "No.") What my Honourable friend over there was referring to was the immigration laws.

An Honourable Member: What about deporting?

Diwan Chaman Lall: I will come to the question of deporting later on. Let me clear the ground first of all. My learned friend over there, if he wanted to give an example of similar legislation in any other country, should have given us the example of Ireland, his own country. There is Cosgrave's Government in Ireland and there is Cosgrave's Government in

India. Cosgrave's Government in Ireland did exactly what Cosgrave's Government in India want to do here. They brought in a Public Safety Bill, and having brought in that, they did exactly what Cosgrave's Government in India want to do, namely, limit it to a period of five years; and having limited it to a period of five years, they discovered that it did not satisfy public opinion. I believe—and I speak subject to correction—that since this Act was passed in Ireland, not a single case was reported under that Act. Anyhow, what did Cosgrave's Government in Ireland do, I ask? After a year and a half's experience of this Act, they went before the Legislature and they had that Act repealed. It is no longer on the Statute-Book. It was done a few months ago. After a year and a half's experience of this kind of legislation, they had to go before their Legislature with a repealing measure. Why did not my friend over there cite the example of Ireland? He went on to cite the example of Australia and he said: "We are doing nothing more in this country than what has already been done in Australia". Let me refresh my friend's memory for a minute. Can you show me any provision in Australian legislation, under which a man who is to be deported, can be placed before three Sessions Judges, with no evidence produced before them, with the evidence taken in secret, the man himself not being allowed to examine the charge or the evidence under which he is to be deported? That is practically a secret trial. Is there any such provision in Australian legislation, or in Canadian legislation, or in American legislation?

An Honourable Member: Yes.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): No I deny that.

Diwan Chaman Lall: I will prove to the Honourable Member who interrupted me that he is wrong. Let me take Australia, an example that was cited by Mr. Cosgrave with much force. This is what their provision is:

"To deport persons other than those born in Australia"

"Before action can be taken under the latter provision to deport any person from the Commonwealth, he must be required to appear before a specially appointed Board to afford him an opportunity to show cause why he should not be deported" . . . etc."

So, he has got to show cause why he should not be deported. The evidence is placed before him, the charge is placed before him, to the effect that he has contravened such and such a provision of the Immigration laws. If he can prove that he has not contravened that particular section of the Immigration laws he is not deported.

Colonel J. D. Crawford: As under this Bill, as under the laws of Immigration in force in Australia.

Diwan Chaman Lall: If my friend over there happened to be deaf or dumb, or suffering from some contagious disease, he would not be allowed to enter Australia, and if he by some means chartered a ship and went to Australia, in spite of the laws existing in Australia, he would then be called upon to go before this Board to prove why he should not be deported. That is what this law means. There is no secrecy about it. Is it the same here?

Sir Victor Sassoon: It is the same.

Diwan Chaman Lall: I am not surprised at this reply. These are however the arguments with which my friend there is prepared to bolster

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up this Bill, and I now realise why his industry is in such a state. (Loud Laughter.) What are the grounds that were advanced by my Honourable friend? What did he tell us? Let me take his arguments, which fall into three different categories. He says first of all that there is a movement in this country which inflames sources of discontent. Secondly, this movement makes a body of inflammable material and lights a great conflagration. Thirdly, organised efforts are being directed towards industrial discontent. Fourthly, the Youth movement is being brought under communistic influence. Fifthly, he wants to prevent the misleading of the classes that are illiterate. May I ask him, in all solemnity,—in all seriousness I ask the Honourable Member—does he really believe that the passing of this Bill is going to do any of the things he has laid down there? Now let me see what the Bill is actually going to do. The Bill is aimed at non-Indians. Suppose the Bill becomes law and is placed upon the Statute-Book; what will the Honourable the Home Member proceed to do? Who are the people that he can get hold of? A friend of mine showed me the other day a cartoon depicting Mother Britannia in the likeness of the Home Member dressed in a night-shirt getting into bed. Two little mice are trying to crawl up her feet. The mice are marked Spratt and Bradley, while Mother Britannia cries "Police! Fire!! Murder!!! Help!!!!" (Loud Laughter.) Underneath was the caption "Public Safety Bill". (Laughter.) If the measure is passed into law, will my Honourable friend deport Mr. Spratt and Mr. Bradley? And does he really mean to tell me the deportation of these two gentlemen is going to do all the things that he says? He wants not to inflame the sources of discontent. Is that going to stop it, or to prevent organised efforts directed towards industrial discontent or the Youth movement from coming under communistic influence, in spite of what Mr. Ranga Iyer may say? And will the deportation of these two gentlemen prevent the misleading of the illiterate classes? Does my Honourable friend seriously think he is going to achieve all this? No. What is going to happen is this. As the Honourable the Home Member himself suggested, hinted at, in his speech, they are going to consult Local Governments. Once this Assembly gives its assent to the principle underlying this Bill, then it is a definite move forward for the Government to come before this House again and say: "We want to put an end to this menace. We have not yet succeeded in putting an end to it. We want further powers to deal with the Indian as we have powers now to deal with the European." (Cheers.) That exactly is the situation which a vote of this Assembly will create for the non-officials of this House, if the non-officials in this House vote in favour of this Bill. It is no good suggesting that we are not going to be tied down to any principle. Of course we are going to be tied to a principle, and a most vicious principle. It is that Indians clamouring, claiming freedom for our country are going to be gagged with this sort of legislation. (Applause.) Such a thing would stink in the nostrils of every decent Englishman.

Now my Honourable friend the Home Member also gave us another reason, and now I come to the second category. The sixth reason was that this Bill, if it passes into law, will help them to cope with the attempts that are being made by this communist movement to destroy organised government by sanguinary methods. I want to ask the Honourable the Home Member—he knows a certain amount of law though he

is not a lawyer, otherwise he would not be the Home Member—has he never looked into the Indian Penal Code? Does he know there is such a thing as the Indian Penal Code? Does he know there are sections of the Code which relate to things like criminal conspiracy, abetments of crime; which relate to offences against the State, which talk about waging war against the King? If there is a man to-day, Englishman, Indian or any kind of foreigner, who is advocating the destruction of organised government by sanguinary methods, your law, the Indian Penal Code, is sufficient to deal with it. (Applause.) (*A Voice from the Government Benches: "No!"*). Why do you want extraordinary powers? Who is this bright and intelligent lawyer who says "No"? (Loud Laughter.) Now, Sir, if this is all that you want to do, namely, to prevent the destruction of this Government by sanguinary methods, the law is there. What do you want special powers for? Why do you want powers which will enable you to take action against a man, without his being aware of the evidence that is produced against him? I want now to deal with the third category of the Honourable Member's reasons. The third category dealt with this. The Honourable Member said in justification of this measure that there are lightning strikes being caused in Bombay, intimidation being caused in Bombay, that violence still continues in Bombay. There have been riots. One mill worker's head was broken open.

Sir Victor Sassoon: He died.

Diwan Chaman Lall: Now how is the Honourable Member going to prevent all this by the passing of this Bill into law? Will heads not be broken again, if Messrs. Spratt and Bradley are deported from this country? Can the Honourable Member give me a guarantee, that, if we pass this Bill, no more heads will be broken in Bombay, no more intimidation will take place in Bombay, there will be no further industrial unrest in Bombay? What does the Honourable Member mean by making these observations? I want to draw the Honourable Member's attention to the fact that there was a period very recently in the history of this country when communal riots were prevalent throughout India. Very many heads were being broken, property was being damaged and destroyed. Did the Honourable Member convene a special session of the Legislative Assembly to get extraordinary powers to enable him to tackle that situation?

Mr. K. Ahmed: What did the Swarajists do then?

Diwan Chaman Lall: I want to ask the Honourable the Home Member. He comes from Bombay. He was in Bombay when I was in Bombay. He knows Bombay pretty well. He was in Bombay I believe in the Home Department when an attempt was made in 1920 to murder me and Mr. Baptista by the Pathans hired by the employers. Were any special powers demanded by the Bombay Government at that time to tackle that situation? In 1925 there was a regular Pathan menace in Bombay. Murders were being committed

Mr. K. Ahmed: Defamation, Sir.

Diwan Chaman Lall: Were any special powers demanded by the Government to deal with the situation? No. What they want is this. They want to tackle the Indian political problem, which they know is now

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shifting its ground from the upper and the middle classes to the working classes. They know perfectly well that we in this House have been asserting, year in and year out, that we have not got the sanction behind us. They know that the sanction lies with the working classes of India and with the peasantry of India. They are afraid of that sanction, and they want extraordinary powers by the back door. They want extraordinary powers to deal with that situation which is likely to arise soon.

One last word, Sir, about Mr. Crerar's speech. I do not know the relevance of his remark. He made that remark in all seriousness in order apparently to frighten us. He said: "You want evidence? Well there is evidence enough; in Calcutta the other day 25,000 workers marched into the Congress pandal carrying banners and flags." Is that evidence which is going to compel us to give the Honourable Member the power that he is seeking under this Bill? What is the basis of this measure? What is it?

An Honourable Member: The awakening of the masses.

Diwan Chaman Lall: My friend says it is the awakening of the masses and he is quite right.

Mr. K. Ahmed: Money from Moscow, Sir.

• Diwan Chaman Lall: I would much rather take money from Moscow—so much the worse for Moscow—and do some work in the interest of the workers, than sit in those chairs and get fat and do not work. (Laughter.) What is it, Sir, that is sought to be done by the Honourable the Home Member? I would suggest this: instead of dealing with a situation which he has created in his own imagination—we shall hear a great deal about it from my friend, Sir Victor Sassoon, who has a very vivid imagination—instead of dealing with the situation which he has imaginatively created, why not deal with the real problem? What is the real problem? The real problem is that the Indian workers are hungry. They do not require a Bradley or a Spratt to go and tell them that they are hungry; nor do they require the services of the Honourable Mr. Crerar to convince them that they are not hungry. The fact remains that the Indian masses are to-day hungry; millions of them go without proper nourishment. You have talked of Calcutta and Bombay. Go to the so-called prosperous Province of the Punjab. What do we find there? 99 per cent. of the houses in the villages are kutcha houses, mud huts. Is that a sign of prosperity? The soil for communism is there, whether Mr. Bradley preaches it or not, whether Mr. Spratt preaches it or not. If the hungry masses are told that their salvation lies in an organized attempt to nationalise land and industry—that is all that communism is trying to do—(An Honourable Member: "No.")—who is going to prevent the spread of that doctrine? Is this Bill going to prevent the spread of that doctrine? The Government of India has the intellectual reputation of exciting upon occasion the laughter of the world. A despotic government which is unmindful that it is being laughed at is either like the Fascist Government in Italy, too strongly entrenched, or like the Government of India heading towards a fall. (Applause.) This measure, if it is placed upon the Statute-Book, will make the Government of India the laughing stock of the world. I do not know when my Honourable friend, Mr. Crerar, laughed last, but if he will only laugh over this measure, he will

realise the ridiculousness of it. I want my friend to bring his mind to bear upon the radical problem. Nowhere in the body of this Bill is the word "communist" mentioned. What is mentioned is this:

"Any one who directly or indirectly advocates the overthrow by force or violence of the government established by law"

—crimes which are covered by the law of the land to-day, for which you do not want extraordinary powers—

"or seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India."

Now, Sir, I suggest that one of the objects of the Swaraj Party and the Congress Party is to subvert organised government in British India . . .

An Honourable Member: By force?

Diwan Chaman Lall: The word "force" is not mentioned in sub-clause (b), if my learned friend will only read it. Let my learned friend read the Bill first.

Sir Victor Sassoon: I have; have you?

Diwan Chaman Lall: Read it again:

"Seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organized government in British India."

Where is the word "force"? That is the object of the Swaraj Party and the Congress Party—to subvert organised British Government in India.

Sir Victor Sassoon: By fomenting industrial disputes?

Diwan Chaman Lall: By any means legitimate within their power, apart from violence.

Sir Victor Sassoon: What means?

Diwan Chaman Lall: What means? The Honourable Member will know when the day arrives. (Cheers.) Now, the terms of the Bill are such that I do not know whether the Honourable the Law Member himself realises the vagueness and the indefiniteness of the phraseology and the terminology used in the measure. As I said, the word "communist" is not mentioned. If I, an outsider, feel that the policy of the Government is a policy of no prohibition and the Government in India feels that their economic safety depends upon a policy of non-prohibition, then if I, an outsider, send money into this country and ask my friend, Mr. Rangaswami Iyengar, to utilise that money for the purpose of preaching prohibition, then I come under this Bill.

Sir Victor Sassoon: No.

Mr. A. Rangaswami Iyengar: You do.

Diwan Chaman Lall: I wish my learned friend, who is a mill-owner, would consult a lawyer before he talks. Apart from this, the whole reasoning of the Honourable Member and of Members opposite has been on the

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basis that they are out to destroy communism by the passing of this measure. Are they out to destroy communism? Do they destroy communism? Is the Indian Communist Party touched? It is not. Well, be frank with this House and let us know if it is your intention to destroy communism in this country. If that is so, why have you not brought it within the purview of this measure—the Indian as well as the non-Indian communist? What is the reason? The reason, Sir, is that you are afraid of coming out with that admission all of a sudden. You want to break it to us gently. The Government know that we are a sensitive people and they want to break it to us gently; that is the next step they will take. Is India prepared to give them this before giving them the liberty of taking that next step? That is the question I want to ask. As far as the principle of this Bill goes, I want to repeat once again that the Indian labour movement as it is constituted at present—and I have had a great deal to do with the Indian labour movement for the last ten years—the Indian labour movement believes, as does the communist movement, that the end for the working classes is nationalisation of land and industry. Where it differs from the communist movement is in this: that it does not believe in violence as the method by which they would attain that object. That is the sole difference. Am I going to be prevented, as an honest socialist, from preaching my doctrine or receiving the help of a socialist organisation by the passing of this Bill? The aim and object of socialism—I do not know if my Honourable friend, Mr. Crerar, knows anything about it—would come within the purview of this measure if you pass it; and to-morrow, having passed it here, you may be faced with the possibility of a socialist government entrenched in Whitehall.

Mr. K. Ahmed: That is to be seen later on.

Diwan Chaman Lall: In the whole of my experience I have never come across a more amazing proposition than the one that has been brought up before the House by the Honourable the Home Member. If socialism means the getting hold of land, which is God's gift to man, and not to Sir Victor Sassoon, if socialism means the getting hold of that land for the benefit of the people as a whole, if that is the object, then the object certainly is that we must have a Government which is based upon that principle—and the result—subversion of the present Government. Any ordinary socialist, I say, would come under the purview of this Bill. Does my Honourable friend give me a guarantee that he does not? He shakes his head. Can he show me any provision here in this Bill which prevents it? If Mr. Ramsay Macdonald, who is aspiring to be Prime Minister of England again, sends me money from England, and if he says: "I am a socialist and you are a socialist; your object is to seek to foment or utilise industrial disputes or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India; or to directly or indirectly advocate the unlawful interference with the ownership of property, which is socialism".

Sir Victor Sassoon: Socialism?

Diwan Chaman Lall: If Sir Victor possesses property and says that it is his, we say that it is not his. The law may say that it is his, but we say it is not his. (*An Honourable Member:* "Change the law.") Now, Sir, it seems to me that Honourable Members on the other side of the

House have been so frightened out of their wits by the menace of communism, that they have not stopped to think what the provisions of this measure would mean, what their significance is, or what their extent is. Whatever their significance, whatever their extent, I say that no honest Indian has any right to attach his signature to a writ being placed in the hands of the Government for them to act in the manner in which they are seeking to act, that is to rob any man in this country, be he an Indian or non-Indian, of his liberty without a fair and just trial, and that, Sir, is the crux of the whole matter. We do not want to discuss anything else but this. The crux of the whole matter is that extraordinary powers are claimed by the Government to arrest and deport a man without a fair trial,—here I use the word "trial" in the legal sense. It is indeed very extraordinary, Sir, that Honourable gentlemen on the other side who spoke of *Magna Charta*, the Bill of Rights, and things like that, should have forgotten their own traditions. Their traditions have been that the liberty and the freedom of the British Constitution are the blood and marrow of the British people. That is exactly what we demand in India,—the liberty and freedom of our constitution, that no man shall be tried except by the duly constituted Courts of Law; and we will not empower you, lest you should use these powers even against the humblest, we shall not empower you, lest you should use these powers against Indians later on, with such weapons in order that you may go outside the law and rob a man of his liberty. It is up to you to realise that, if you want to use your powers against any movement which menaces the existing system of Government, you have got ample provision in the existing law if you would only use it. But if you want to be dishonest and make use of information which no Court of Law would care to look at, then you can go on demanding it, but you will not get the support of the popular Party. It is no good my friend Sir Denys Bray appealing to Pandit Madan Mohan Malaviya and saying that he is the leader of Hinduism, and he is the acknowledged leader in India. My friend Sir Denys Bray must realise that Hinduism is the most socialistic religion the world has ever known.

Mr. K. Ahmed: Why, there are Brahmins and non-Brahmins?

Diwan Chaman Lall: My friend has heard, I daresay, of the village community system which prevails in Russia and which prevails in India, where the village land is commonly owned, where every artisan is an owner in the land itself and gets no wages, where a shoemaker presents a pair of shoes to the villager, and does not get a price for it, but shares in the produce, and the land is owned in common by all.

Mr. K. Ahmed: What about water? Have you got a common well for all?

Diwan Chaman Lall: That is socialism. That is why I said that if you are trying to preach against socialism, if you are demanding powers to suppress socialism, you will have to walk over our dead bodies before you can get that power, and I say as a responsible labour man, a man who has had a great deal to do with the labour movement in this country, a man who was responsible for setting up the All-India Trade Union Congress in this country, I say with all deliberation, that if extraordinary powers are taken by Government over our heads, then we shall take all steps that lie within our power to defeat your object of suppressing legitimate grievances. (*An Honourable Member:* "With or without violence"?) We are

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not in the labour movement for communism. We have had to fight with communists, the few communists that there are. I do not believe that there are more than 10 legitimate honest communists in the whole of India.

An Honourable Member: Honest?

Diwan Chaman Lall: I give them that credit. I wish my friend would also give them that credit; I wish he would give his opponents credit for their honesty, and I suggest that the majority of the Members—and I suggest it deliberately,—I have repeated it elsewhere,—I suggest that the majority of the members of such organizations are really men who are paid by the Criminal Intelligence Department. (*An Honourable Member:* "Where is the evidence"?) Will the Honourable the Home Member take my challenge? Will he now at this meeting constitute a committee of Pandit Madan Mohan Malaviya and Pandit Motilal Nehru, and let them go and examine the secret files in his department? Let my friends examine the secret files and find out how many of these so called members of these organizations are in the pay of the Criminal Intelligence Department. The Honourable the Home Member knows it perfectly well; he is fully aware of it.

An Honourable Member: See Bannerjee's case.

Diwan Chaman Lall: Not only is there Bannerjee's case, but one could cite several cases, of which my friend the Home Member himself is aware. And this is the insidious manner in which these movements have been corrupted by Members who are sitting on the opposite Benches. Now, as I said, we in the trade union movement are not afraid of communism. We want a clear fight. The aim and object is the same, but as I have said, the method differs. The aim and object of socialism and communism are the same. But we do not want these extraordinary powers to be used even against the two non-Indian communists, and I am not so sure that either of these is a communist.

An Honourable Member: They are communists.

Diwan Chaman Lall: I take it from the Honourable Member that they are communists, but as I said I am not so sure that either of them is.

Sir Victor Sassoon: It is admitted.

Diwan Chaman Lall: It is admitted by Sir Victor Sassoon that they are communists. But they are not. Mr. Phillip Spratt has denied that he is a communist. Mr. Bradley has never asserted that he is a communist.

Sir Victor Sassoon: He has admitted it.

Diwan Chaman Lall: So far as I know, he is a member of the Workers' Party, and I do not know what its constitution is. Whatever it might be, are we going to arm the Government with this extraordinary power, after having fought bitterly against the use of such legislation against Indians themselves, are we going to empower them to use these powers against foreigners? And even the constitutional position is perfectly clear. It is wrong under the International Law for the Honourable Member to make use of extraordinary and differential legislation like this. (*Mr. K. Ahmed:* "Go to the Geneva Conference"). I suggest in the circumstances, both as

a matter of policy and as a matter of convenience, and indeed as a matter of constitutional propriety and certainly as a matter of principle, that it would be unwise for any non-official Indian to vote for this Bill, but still, if this Bill is passed, it is the Honourable Member over there, who seems to have been very ill-advised in bringing up this matter once again before this House, who will be held responsible for any agitation that arises on account of his action. (Applause.)

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.

***Mr. J. Coatsman** (Director of Public Information): Sir, my object in speaking in this debate is a limited one. I wish only to elaborate to some extent certain remarks which the Honourable the Home Member made yesterday morning on the subject of communist propaganda in this country. To me one of the most notable features of the debate last session on this Bill was the unanimity, obviously perfectly sincere and genuine, with which speakers on the opposite side of the House rejected the arguments, first, that communist ideas and propaganda had spread to any extent in this country, and secondly that the communist agents and their activities were anything but negligible. Well, Sir, it is my fortune, whether good or bad I do not say, to have to read more newspapers than any other Honourable Member in this House, not even excepting my friend Mr. K. C. Roy and I can assure the Members of this House, and I am prepared to back my assurance with proof, that communist propaganda is very widespread in this country, and the activities of communist agents are very far from negligible. In fact I believe that a wide and careful survey of Indian newspapers to-day will prove what I have said. I also think that such a survey will show that this propaganda and these activities have increased both in scope and in intensity since this Bill was rejected last session. Well, Sir, as I listened to the debate last session I could not help feeling that, if I could prove what I now say, many Honourable Members on the other side would take a different line from what they were apparently determined to take. I therefore determined, that if this Bill came up again, I would try to supply the proof to which I have referred. I therefore went through my office records and I have collected a very large number of cuttings illustrating communist propaganda in this country in all its different aspects. I have placed those cuttings in the Library. I can hardly expect that Honourable Members will read through them all—there must be at least a quarter of a maund of them—but I think that if they will merely glance through them rapidly, read the headlines and dip into them here and there, they will get a good idea of the extent and also of the variety and the subtlety of that propaganda. I said that I have placed a large number of cuttings in the Library, and although I placed so many there, I must inform the House that they are far from exhaustive. Had I thought that any useful purpose would have been served by adding to that number, I could have

* Speech not corrected by the Honourable Member.

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multiplied them very largely. It will also be noticed that all those cuttings are cuttings from newspapers published in English. No vernacular newspapers are represented there. I thought that I had better leave the vernacular newspapers alone, because they are of course printed in so many different languages and the amount of labour that would have been required to collect them would have been quite inordinate, but in order to give Honourable Members a bird's eye view of what the vernacular press is doing in this respect I have put a few, a very few representative cuttings into a pamphlet which is now in the hands of Honourable Members and I would like to say this before I leave the subject of this pamphlet. I would draw particular attention to the extracts from the vernacular newspapers contained in that pamphlet partly because of the crudity and violence of their expression and the consequent effect it is likely to produce on uneducated and ignorant minds, and secondly because of the immensely greater range of the vernacular press as compared with the English press. We have got to remember that, for every newspaper printed in English, literally dozens are printed in the vernacular and as the Honourable the Home Member pointed out to the House yesterday, the range of even one copy of a vernacular newspaper is very great potentially, because one literate man can read the paper to his companions. As I say, if Honourable Members will just cast their eye over these extracts from the vernacular press of this country and realise that they are just half a dozen out of literally thousands which could have been collected, I think they will agree that a good deal of direct communist propaganda is going on in the vernacular press and it has been carried on by people who are the most susceptible to that propaganda.

An Honourable Member: This Bill does not touch that.

Mr. President: Honourable Members must realise that Mr. Coatsman is making his maiden speech.

Mr. J. Coatsman: Thank you, Sir. Well, Sir, the extracts which I have placed in the Library are very numerous, and as I said I can hardly hope that Honourable Members will be able to read through them all and I trust they will bear with me if I try to expound their purport and the reasons why I placed them in the Library. They will find in those cuttings the subject of communism treated from a very large variety of points of view, and as Honourable Members know, the most effective form of propaganda is indirect propaganda, and particularly is this true of communist propaganda, because a bald statement of communist ideals is far more likely to repel than to attract the average man, and direct communist propaganda, by which I mean the open extolment of communist aims, and the whole hearted advocacy of them, is far more likely to miss the mark than to hit, and even to produce a hostile reaction, and therefore the communist propagandist goes about his business by devious routes, and I would like to point to just a few of the different forms which this indirect communist propaganda takes in the Press of this country. In the cuttings to which I have referred, you will find an enormous number relating to the achievements of the Soviet Government in Russia, and the moral and material benefit which have occurred to the people of Russia from the Soviet rule is extolled in myriad newspapers in this country. The idea, of course, of all this praise

of the Soviet Government is to inculcate sympathy with communist ideals. A very favourite form of propaganda, to which I would particularly refer Members, is the form which consists in the refutation of charges made against the Communist International. Now, in the cuttings in the Library there are quite a number of examples of this form of propaganda, and I would like to point out to Members that many of the charges which are replied to in these cuttings are charges which never appeared in the Indian Press at all. In fact many of them are purely artificial charges and are made with the sole object of effective destruction.

And, of course, any reader, even the most honest and unbiassed reader, reading these very convincing refutations of alleged charges made against the Communist Internationals, and particularly the Soviet Government, cannot help concluding not only that a widespread campaign of calumny is being carried out against communists and the Soviet Government, and that the people making the charges are mistaken, but he must feel that the people making the charges must be hostile, and in this way sympathy with the communists is spread.

I would like to draw your attention to a very important matter. The replies to these charges all betray very intimate knowledge of communist personality, events in communist history, communist grouping, and so on. And it is quite obvious that their replies are, at any rate, inspired by men on the side of the communist movement. Now the significance of this I shall return to later on when I try to show how all this affects the Bill before us.

Another form of propaganda, to which I would like to draw your attention, is the immediate denial of statements made by leading communists in Russia or England, and in various foreign countries, who occasionally are incautious enough to admit in public speeches or public documents that the aim of the Communist International is the overthrow of organised government everywhere by violence; and particularly that the Communist International seek to foment revolution in India. A very good example of this was given to us last September when a Polish comrade, speaking at Moscow at the Third International, admitted that the immediate end of the Third International was to cause revolution in this country, and the significant thing is that, as soon as that news came out, immediately all over India refutations appeared in Indian newspapers, and the Polish comrade was denounced as a man of no standing, and of speaking without authority.

An Honourable Member: Then what happens?

Mr. J. Coatsman: Well, Sir, I don't want to weary the House by citing other examples of forms of indirect propaganda, but I would like to draw your attention to the very large number of examples of this which I have collected and I want you to regard them as different lines of approach to the same objective which is the inculcation of sympathy for communist ideas and for the party which has accepted communist principles and made them the basis of government. It might be said that this indirect propaganda is after all indirect, but I shall try to give you many examples, and if I may say so, striking examples, of direct propaganda. And here again I would draw your attention to certain examples which you will find in the pamphlet in your hands, and to the very much greater number of cuttings in the Library. You will find there articles written by leading

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communists, reports of meetings, lectures, and so on; and when I tell the House that among the specimens of direct communist propaganda which I have placed in the Library will be found manifestos direct from the Bureau of the Communist Internationals, articles by high communist leaders in Russia, India and England, it will be realised that communist propaganda in India is not the mere bogey which it is so often represented to be. If anyone will take the trouble to study the very large selection of cuttings in the Library, I think he will come to the conclusion that all this propaganda, both direct and indirect, has created a sort of Russian communist method in the minds of, not only the uneducated people, but of, educated people also, and this propaganda, you will find, has its own organisation in this country, its own instruments of publicity and other means of disseminating itself.

Well, Sir, hitherto I have spoken of propaganda in favour of communism, generally, but of course here in this country we are naturally mostly concerned with the spread of communistic ideas and principles in this country, and the activities of communist agents here. Now, Sir, among my cuttings in the Library will be found a number of bundles all relating to India, and in those bundles will be found ample proof that an organised communist party, not ten strong but much stronger, does exist in this country. It will be seen that this Communist Party has regular officials, has branches in various parts of India, and is unquestionably in touch with communists outside, both in Russia and in other parts of Europe. Cuttings will be found relating to the work of the Workers and Peasants Party, which nobody will deny is a communist organisation, and, above all, cuttings will be found illustrating dangerous activities of the very people against whom this Bill is directed, certain foreign communists, and a thing which to my mind is of very great significance, that the activities of these foreign communists have become more open and more bold within the last five months.

Well, Sir, I think, if anybody studies the material which I have laid before you carefully, he will find that widespread sympathy is expressed by the newspapers with communist ideas and communist ambitions; and if you will permit me to say so, I would like to say that my very close touch with this side of the subject during the past few months has convinced me that this sympathy arises entirely from a misconception, a misconception which, if I did not misunderstand him, is shared by Diwan Chaman Lall. That misconception is that the communist movement is in some way complementary to and can help and foster the Indian national movement. That, Sir, I believe to be a profound mistake. (Applause.) Communism is the very negation of nationalism. It is hostile to all that nationalism stands for in intellectual, industrial and economic and political achievement and it is hostile to all that nationalism stands for in domestic and social traditions. A good deal of lip service is paid by the communist propaganda to the freeing of subject nations. But those who will read the sayings and writings of the communists themselves in the material which I have placed at your disposal will find that this is after all mere lip service. The methods by which this freeing is to be accomplished is the same always, namely, organising the lower strata of society against the upper strata. Ample evidence of that is to be found, and I would like to draw attention to the cuttings relating to the last Trade Union Congress at Geneva, and also to certain cuttings relating to

meetings held by communists and also to the speeches made by communists after the Trade Union Congress. There again ample evidence would be found that communism has struck its root in this country and that it is being sedulously watered and nursed by open communistic activities. I would also like to remind my hearers of this, that if so much has appeared in public and if so much has been made known, what of others which have not been made known, what of those which have been going on underground? The communist movement is like an iceberg which floats in the water; only a small portion floats above water but a much longer portion floats beneath the water and it is the most dangerous. That also is a point which I think Honourable Members ought to remember.

Another section of the cuttings to which I would like to draw the attention of the House is that relating to the general strike in this country. Now, Sir, references were made to the general strike this morning. My Honourable friend Mr. Kelkar had a lot to say about the general strike in England; and he showed how feeble a thing it was and how illusory was the danger therefrom. Well, Sir, England is a very different place from India. (Hear, hear.) Mr. Kelkar will remember that the general strike in England lost its force simply because of the reserve of willing and able citizens who were prepared to break that strike and who organised themselves to break that strike. I do not wish to dilate on this subject at any length, but I would like Honourable Members to ask themselves what a general strike in this country would mean. Think of the immediate dislocation of all communications in services, and I would like them to ask themselves where they would find the large reserve of citizens, the enormous supply of alternative means of communication afforded by motor cars and good roads and so on. Where is all that in India? What would a general strike mean? I do not wish to make any body's flesh creep. I would like Honourable Members to consider this for themselves. But in this growing advocacy of a general strike I think we have a feature which deserves the serious attention of everybody here.

Another thing which Mr. Kelkar said this morning was that nothing had happened in the last four months to make this Bill any more necessary than it was last September, and in particular he said that we have always had labour troubles with us. I think everybody here will agree that the labour troubles we are now witnessing in Bombay and Calcutta are different in kind from the labour troubles which have happened previously. The objective is different, the slogan, the war-cry and the incentive, are all different. They all have a much wider and more subversive aim. I regret very much that I have not been able to present to the House what I regard as the most effective part of my material, namely, extracts from the vernacular Press, and I hope that as much stuff as I have included in the pamphlet will be carefully studied. It is true that some of the newspapers, from which extracts are taken, are obscure and ephemeral. But they can all do harm, and some of them are important, and this also I would like Honourable Members to reflect upon. While you have these newspapers, you have also the men preaching those doctrines and directing the operations. These men again are obscure men themselves. On the other hand, they also are working among obscure men. Honourable Members know it; the day to day writings, particularly in the vernacular Press, are proof positive that this work is being carried on, and is being

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ried on on a very large scale. How do all these affect the Bill in front of you? They affect it in this way. Communism is not indigenous to this country. It is imported from abroad and its mainspring is abroad. Throughout this present debate, and throughout the debate last session, I heard no word in praise of communism, unless what my Honourable friend Diwan Chaman Lall said this morning could be interpreted as that. In view of what he said only a few days ago to the Press, that interpretation would be wrong. At any rate, no voice has been raised in praise of communism and that means that the classes represented by the Members here, like their fellows elsewhere, recognise communism for what it is worth, namely, that it is an anti-social and degrading tyranny, imposed by a minority, using the agrarian and industrial disputes as their instruments. That, Sir, is what these foreign communists, with whom we are now trying to deal, have come to India for, namely to organise the peasants and the industrial workers against the upper classes of this country. There is ample proof of that, even in the small pamphlet which I have put in your hands. What is their interest in India? None of them, as far as I remember, are hypocritical enough to suggest that they come here for anything except to bring India into the orbit of the Communist International, and as I have been trying to point out till now, this vast amount of propaganda which I have made available to your inspection is the outcome of that organisation, and these are the men who are carrying on that organisation. Look through the cuttings which I have placed in the Library and ask yourselves what interest, what possible interest can the middle class, say in Bombay, have in obscure men who impose their communist intrigues on them here; and you find ample examples of that sort of stuff. Again, when a comrade is incautious enough to blurt out what he really means to do in India, and what the International really stands for, and what it wants him to do in India, where does the responsible denial come from? It must come from these very people whose object is the same in every case, namely to go on inculcating sympathy with communist ideals. The best example of all, to which I can draw your attention, is the very large number of cuttings in praise of the Soviet Government in Russia on the occasion of the tenth anniversary of the founding of the Soviet Republic. All over India there is a chorus of praise of the Soviet Government and the bulk of the articles, the bulk of the special articles written in praise of the Soviet Government are written by men who are known to be important communists either in Russia or in

England or here. The whole of the propaganda is the work of men who have been nurtured in ideas and ideals very different from those of this country. And if I may, without impertinence, say this to this House, I would like to add that the communist ideal, so far from being complimentary to the Indian national movement, is hostile to it and for this reason. What are the communists trying to do? According to their own statement, clothed in their own words, what are they trying to do? To set up class against class, to create industrial unrest, and in fact to set up civil war. That is a legacy which the communists and their propaganda would give to the national movement.

Well, Sir, I had never thought of speaking so long when I rose to speak. I have tried to give to Honourable Members a bird's eye view of the question of communist propaganda and its extraordinary variety.

and I have tried to show how it is all directed to the one set purpose, *viz.*, the glorification of the communist ideal and the overthrow of everything that is purely national. I have also tried to show that the mainspring of this propaganda is outside India, that certain trained and able propagandists have been sent out to this country to give effect to the principles of the Communist International. Now, Sir, a good deal of what I regard as irrelevant matter has been introduced into this debate. We have heard a good deal about deporting, and about people being condemned without trial and so on. Might I suggest that the subject before the House is limited to one thing? We all admit that there are certain features in the public life of this country at the present moment. I think most of us will admit that foreign communist agencies have had something to do with rousing up these features—I think we all admit it. The question before the House therefore is, are these men to be dealt with; is it necessary to deal with them; and does this Bill deal with them satisfactorily? All I have been trying to do is to present to this House certain data to enable Honourable Members to come to a conclusion on this very restricted and very important question. (Loud Applause.)

Mr. A. Rangaswami Iyengar: Sir, my Honourable friend Mr. Coatman made a maiden speech to-day on which I desire to congratulate him. (Cheers.) But I do not think, from the tenor of the whole speech, any Member of this House would have gathered that the substance of it was at all relevant to the Bill before the House. My friend Mr. Coatman has had a good deal to do with newspapers and journals and things of that kind, and he has apparently spent a lot of midnight oil in preparing his pamphlet for the Members of the House. But for the life of me, I fail to understand what it is he has tried to make out in this pamphlet. If he wanted to say that news about communism and news about communistic activities outside this country, as sent to the Indian newspapers, were growing and that the Indian newspapers have shown some enterprise in the publication of news regarding all sorts of subjects including communism, he would have done better than by publishing this pamphlet. But what is his object in putting it all as the case for the Bill before the House? He has, curiously enough, collected a lot of extracts from newspapers of all kinds, and I find that the very first extract is from the *Hindu*. I was taken aback when I saw it and wanted to know what exactly it was that he wanted to refer to and I found he had put the *Hindu* in the forefront, merely because it has published a very well-known and excellent speech delivered by Shapurji Saklatwala in Delhi in the Assembly Chamber here in March 1927, a speech which was very widely appreciated by those who agreed and by those who disagreed with communism, in the midst of a very big and influential gathering of all Indian parties in this Assembly. I was puzzled to know what this was all for, and why this speech was republished. Does Mr. Coatman mean to show thereby that communist principles, having been thus broadcast in this country by Shapurji Saklatwala and to the immediately present Members of this Assembly, he desired us to resort to violence, to break down this very place and all that? I do not, however, think so. I have not had time to go through the pamphlet, and I have only glanced through it. It contains the most valueless extracts from the point of view of proving that this country is honey-combed with a very big plot of Reds. I should have expected a pamphlet of red cuttings with a red coating of blood all over

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it. I find, on the other hand, a simple little, very harmless, blue-book put into my hands, which merely gives a good deal of news about communism and communistic activity in this country, and which newspapers, if they are worth their salt, are bound to make public and bound to make their own comments on. There is very little use in this document so far as the Bill is concerned, and I am very sorry that my friend has been put to all this trouble for absolutely no use.

Sir, I desire, on the substance of the Bill itself, only to refer to the speech of my friend Mr. Cosgrave, to which my friend Mr. Chaman Lall also referred, in which he sought to prove that both in the Dominions of Australia and Canada and also in the United States of America, there are legislative enactments of exactly the kind which this House is now asked to give its assent to. Sir, I happened to take, in the little time that was before me, some trouble to find out what these legislative enactments were, and why they were passed; and I was really surprised that my friend Mr. Cosgrave should have put himself to all the trouble of citing those pieces of legislation without understanding the obvious intention and object of the legislation in those three countries. As my friend Mr. Chaman Lall pointed out, the whole of the legislation in Australia, Canada and the United States was legislation dealing with restrictions as regards immigration. Those are laws which deal with the conditions under which immigration shall be permitted in those States. And laws pertaining to the question of immigration in newly settled countries like the United States, Australia and Canada are absolutely different from laws which have to be made either in England or in India in connection with populations which have settled for centuries, in countries which are practically over-populated countries. Therefore, when I found that this was nothing more than an immigration restriction law, I naturally thought what this restriction was intended for. It has been generally conceded that, in so far as restrictions in regard to immigration are concerned, there are two ways in which these new countries proceeded to restrict immigration. First of all, there is the general principle which applies to old and new countries alike, by means of which aliens are dealt with and all undesirable aliens can always be deported. And that is part of the general civil law of all countries. That is not touched by this. This law in Canada, Australia or the United States deals with the cases of those who come into the country and settle there and do their work there and become naturalised citizens. The law of Australia is called the Law relating to Immigration Restriction. The Canadian law is similarly styled. They are all laws intended in respect of immigration into that country and this is a clause relating to those who are going there with these intentions, namely, to subvert organised government, or destroy property and do things of that kind. There are forty clauses dealing with all sorts of restrictions to immigration, and this is only one of the restrictions to immigration, and it is obviously wrong to quote a law intended for one definite purpose in support of a law intended for a very different purpose. What is this law the Honourable the Home Member proposes to introduce in India to-day:

"Whereas it is expedient in the interests of public safety to check the dissemination in British India from other countries of certain forms of propaganda, and for this purpose to provide for the removal of certain persons from British India," etc.

It is not for the purpose of restricting immigration; it is for the purpose of putting down certain propaganda which the Government consider objectionable. I say the point of view is entirely different. Then you will find in regard to these prohibited immigrants, all that these three States have done is to adopt what may be called very proper methods of enquiry and trial and conviction. (*An Honourable Member*: "Trial?") If you give me the book I am prepared to refer you to the sections. The book is at present in my friend Mr. Graham's hands.

Mr. L. Graham (Secretary, Legislative Department): He can have the book and I should like him to read out the section.

Mr. A. Rangaswami Iyengar: So far as the Canadian Act is concerned, section 3 defines "prohibited immigrants" and out of 30 clauses only clause (3) refers to the immigration of this undesirable class of aliens who are coming here. Section 7 of that Act provides for summary trial and punishment for a prohibited immigrant who enters into the country and for deportation of that man after conviction and trial.

Sir Victor Sassoon: Before whom?

Mr. A. Rangaswami Iyengar: Trial before the ordinary court in that country. Section 8A provides—Mr. Cosgrave read it yesterday—that, in the case of a man who has already entered these colonies and who, within three weeks of his entry into that country, begins to indulge in propaganda of the character specified in that clause, he is asked to show cause why he should not be dealt with under the Act, and forthwith a Board is set up, which also is a Magisterial Board

Mr. L. Graham: No! Only the Chairman is a Magistrate.

Mr. A. Rangaswami Iyengar: I am sorry; the Chairman is a Magistrate, and before that Magistrate he is entitled to appear by pleader. He is entitled to bring all the evidence he wants and, the evidence is recorded. That is the main point. There is no *in camera*, no confidential character about any of the proceedings against him. The only thing that the law says is that it is not open to the public. But so far as the accused man is concerned, he is entitled to tender evidence and to hear what has been urged against him, and he is entitled to appear by counsel and do everything that is required in an ordinary court of law.

Sir Victor Sassoon: Is that in the Act.

Mr. L. Graham: No!

Mr. A. Rangaswami Iyengar: I challenge my friend Mr. Graham to show the contrary.

Mr. L. Graham: I am prepared to put the book in the Honourable Member's hands and I shall be very glad if he will read out what he has announced to be the law there.

Mr. A. Rangaswami Iyengar: Will you kindly pass me the book.

(The book was passed to the Honourable Member.)

Now Section 7 says:

Mr. L. Graham: You do not want section 7.

Mr. A. Rangaswami Iyengar: That does not suit you. Then I will read section 8A. Section 7 however says:

"Every prohibited immigrant entering or found within the Commonwealth in contravention or evasion of this Act shall be guilty of an offence against this Act and shall be liable upon summary conviction to imprisonment for not more than six months"

Conviction means conviction by a court of law

"and in addition to or substitution for such imprisonment shall pursuant to any order of a Minister be deported from the Commonwealth."

That is section 7. Section 8A says:

"Where the Minister is satisfied that within 3 years after the arrival in Australia of a person who was not born in Australia . . . that person is convicted . . ."

Then various clauses are given and it says the Minister:

"may by notice in writing summon the person to appear before a Board . . ."

Mr. L. Graham: The Honourable Member is not reading the section; he is reading extracts which suit him.

Mr. A. Rangaswami Iyengar: I am reading the section itself.

Mr. L. Graham: I would ask the Honourable Member to read the section and not extracts from it.

Mr. A. Rangaswami Iyengar: I will choose my own method:

"He may by notice in writing summon the person to appear before a Board at the time specified in the summons and in the manner prescribed to show cause why he should not be deported from the Commonwealth.

"A Board appointed for the purpose of the last preceding sub-section shall consist of three persons to be appointed by the Minister. The Chairman shall be a person who holds or has held the office of Judge or police, stipendiary or special magistrate. Then if the Board recommends that he be deported from the Commonwealth the Minister may make an order for his deportation."

Sir Victor Sassoon: Where is the evidence?

Mr. A. Rangaswami Iyengar: So far as this is concerned, the Australian Act says that he should appear before the Board at the time specified in the summons and in the manner prescribed, show cause, etc. What the manner is, is provided for in the Canadian Act. (Laughter.) Surely, my Honourable friends may all laugh, but it is for Mr. Graham to show that "in the manner prescribed" means in the secret manner prescribed in this Bill.

Mr. L. Graham: The manner prescribed in the Australian Act is not the manner prescribed in the Canadian Act.

Mr. A. Rangaswami Iyengar: I am citing the Canadian Act to show the manner in which the accused is allowed to appear by counsel, and the accused is allowed to have evidence taken on oath or by affirmation and that he is allowed to have all the facilities which a fair and open trial before a Magistrate always involves.

Sir Victor Sassoon: But not in Australia.

Diwan Ohaman Lal: Is there any secret trial in Australia?

Mr. A. Rangaswami Iyengar: I challenge Mr. Graham to show that "in the manner prescribed" in the Australian Act means the secret Star Chamber method prescribed in this Bill.

Mr. L. Graham: I ask my Honourable friend to produce the manner prescribed.

Mr. A. Rangaswami Iyengar: If my Honourable friend Mr. Graham cannot produce it, it is not my fault. I presume that in any country governed by British institutions no Star Chamber methods, such as is prescribed in the Bill before the House, would be tolerated. As I say, both in the United States Act, as well as in the Canadian Act, the accused has the right to appear by counsel, and the accused has also the right to tender evidence. The evidence has to be taken on oath or affirmation and every facility that is given for the fair trial of an accused in an ordinary court of law is given to him; and the order is made by a Board on which there is a Magistrate or Judge in Australia, or by a similar authority in Canada and by a similar authority in the United States. And then, both in Canada and the United States, there is from that an appeal to the Minister, and there also he has got the right to represent his case, and the whole evidence and the proceedings are asked to be made a public record in both those Acts. Therefore, Sir, I say there is all the difference in the world between the procedure which my friend Mr. Crerar has prescribed in this Bill and the procedure which has been prescribed there. The object of this legislation in Canada and Australia is wholly different from the object which my friend has in view.

Mr. K. Ahmed: Give notice of amendment at the next stage.

Mr. A. Rangaswami Iyengar: Why is it, Sir, if Canada and Australia, and the United States, having self-government and having their own responsible ministry, have thought fit to prescribe limitations in regard to immigration in their own way, we in this country should give the fullest facilities for exploiters to come into this country in their thousands, for planters to follow in the wake of the missionary, for the trader to follow in the wake of the British flag, for the British flag itself to be waved in India and elsewhere with a view to exploit all these Eastern countries? Why should we provide the fullest facilities for them, and why should we now be asked, on the other hand, to prevent any other man who honestly believes in the principles regarding the state of society, which differ from those of the exploiter and the capitalist, from coming to this country and doing peaceful propaganda as much as the other kind of man who wants to bleed this country, who has already bled this country for so many generations? Therefore, Sir, I do not see that the analogy of Canada or Australia can avail the Government much.

Then, Sir, there is another matter. My friend Mr. Cosgrave read certain sections very vehemently yesterday: but I want to know whether those sections comprise all that this Bill seeks to provide. Here you have the words "person to whom this Act applies means any person who directly or indirectly advocates the overthrow by force or violence of the government established by law in British India." That is there, I agree; "or the unlawful destruction of property", that is all right; "or the unlawful interference with the ownership of property"—that is not there. I want to know what this means. Unlawful interference with property can occur

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in many ways. There are various things which are done in the pursuit of even legal rights, which may be considered in law unlawful interference with property. Those who are conversant with Mayne's famous Commentaries on the Criminal Law will know that, when the Indian Penal Code was enacted, they originally wanted to insert a section called the illegal pursuit of legal rights, but then they found that it would be obviously opposed to all principles of jurisprudence to enact such a section in the Indian Penal Code. But here my friend, Mr. Crerar, says "unlawful interference with the ownership of property." Anything may be unlawful interference: if I were to get into this Chamber after it was locked up and tried to get out by some door which might be open, it might be unlawful interference with property. It is trespass; and is that going to be dealt with under the provisions of this law? Then the next clause says:

"seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organized government in British India and with any object the attainment of which is intended to conduce to that result."

Now, I want to know what it is that the Government are at by this section. So far as I can see, fomenting industrial disputes, etc., is in effect to say that no industrial dispute or agrarian dispute should be assisted or helped by the political parties in this country on peril of deportation under this clause.

An Honourable Member: No.

Mr. A. Rangaswami Iyengar: I challenge you to prove the contrary, because the moment you go and interfere with it the government will say "your object is subverting the organised government". If there is a railway strike and the Congress organisation expresses sympathy with it, you will say it means interference and fomenting, or utilising an industrial or agrarian dispute with the direct object of subverting the organised government. What is subverting organised Government? Is it, as my friend, Diwan Chaman Lall said, subverting organised government by force or by peace? Take Bardoli. Take any number of instances in which the politicals have had to interfere in industrial disputes, for the benefit sometimes of even my friends the capitalists, and settle those disputes. Would that be an interference which would come within the four corners of this section? This section is so vague and so sweeping that the object of the Government seems really to be to get some kind of control over forces which, as my friend Diwan Chaman Lall said, were rising against the perpetuation of bureaucratic government in this country; and they want at this juncture to put out a feeler in the shape of this Bill. We say that this Bill is really intended to strengthen the power of the Government as by law established at present in this country, that is, the bureaucracy; and that it is not intended for the benefit of the people of this country, because if that is so, if it were really intended for the benefit of the people, then we on this side say that we do not think the communist movement has at all made any headway in this country or that it is of such a character that we should go about legislating in the manner, for instance of Canada or Australia. But when we are clear that there is no necessity for this Bill, where is the necessity for Government to come and say: "Everything is in danger; it is all red; you are going to see red ruin before you, unless you pass this Bill, by means of which two foreigners might

be deported." After all, foreigners or aliens can be dealt with without the aid of this Act, and only the British people who might come and preach the communist doctrine are expected to be dealt with by this Bill. I ask, Sir, why this anxiety, if it were not for a certain sinister purpose behind it all? I think, Sir, that, so far as this Bill is concerned, the Government have absolutely no case to come to the House again and ask the House to enact this Bill. Government had a full perception of the entire unanimity of public opinion against this Bill on the last occasion; and it is a clear defiance of the verdict of the country for the Honourable the Home Member again to come to this House and ask that this Assembly should enact the same legislation which it had rejected very definitely at the last Simla Session.

Sir Victor Sassoon: Mr. President, I have gathered from some of the speeches we have listened to with great interest that there is still a considerable amount of opposition to this Bill. But the opposition seems to be taken from some very different view points. The very eloquent speech of my friend Diwan Chaman Lall, has apparently received its reward at the hands of his Party, because I notice that he has now been promoted to the Front Bench.

Diwan Chaman Lall: I came here more closely to listen to you.

Sir Victor Sassoon: It was speech which I listened to with great interest. His eloquence was not only appreciated by us here, for outside, during the lunch interval, I heard compliments paid to his undoubted forensic ability. Personally I appreciated the manner of his speech, if I did not, to use his own words, entirely appreciate the matter. I felt that my Honourable friend Diwan Chaman Lall was using his professional gifts rather to throw dust in the eyes of unfortunate laymen like myself. I think that was really made clear when his neighbour, Mr. Rangaswami Iyengar, attempted to quote and read out the various clauses from the American and Australian Acts. I think most of us, common-sense people here, will appreciate that in fact, whether those sections are attached to an Immigration Act or any other Act, the Governments in those countries have powers very similar to those under this Bill.

An Honourable Member: No.

Sir Victor Sassoon: Practically the same. Unless of course if Mr. Rangaswami Iyengar is going to assume that the prescribed forms, which nobody here apparently knows anything about, lay down that you can ask the Government to bring evidence against the delinquent, when all that the Act says is that the person concerned is to show cause why he should not be deported. He points out that in Canada the delinquent can be represented by counsel.

Mr. A. Rangaswami Iyengar: After evidence taken on oath.

Sir Victor Sassoon: I have an idea that under this Bill he can also be represented by counsel.

Mr. A. Rangaswami Iyengar: Read that section please.

Sir Victor Sassoon: I understand that my friend is very much exercised in spirit, because the counsel can bring evidence before this tribunal,—mark you, not one of the ordinary tribunals of the land, but a special

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tribunal, which has been brought into being by the Minister concerned, and which in some cases consists of three people, of whom one would be a Magistrate; whereas under this Bill you have three Sessions Judges of 5 years' experience

Mr. Rangaswami Iyengar: What about the last clause? Either he or any pleader on his behalf, etc.?

Sir Victor Sassoon: If my Honourable friend wishes to know whether he or his pleader would be allowed to bring evidence before this tribunal; if my Honourable friend wishes to know whether this evidence can be taken on oath, I have not the slightest doubt that the Honourable the Home Member will assure him that this shall be done. But because the American Act, the Canadian Act and the Australian Act do not definitely say that the evidence against the delinquent is to be revealed to him and is to be proved before these judges, I see no reason why it should be assumed that secret evidence would be shown to him, evidence which may affect other countries and which we all know in practice would never be shown to the delinquent, because that evidence I maintain, would never be shown in any country; so in practice the result is exactly the same. It may be that we have definitely specified that evidence against the defendant would not be brought forward, but I am perfectly certain that if the Honourable Member will make a reference to Australia, Canada or America, he will find that all the information that is put before those three judges nominated by the Minister is not put before the delinquent. At any rate, Sir, it is not in Australia, which is a country enjoying Swaraj, and which, I understand, is often put forward as the ideal of what India is striving for.

Then, Sir, there is one other point which I have undertaken to prove to my Honourable friend, and that is with reference to clause 2(iii) (b), which reads thus:

"seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government."

Now, according to my friend Diwan Chaman Lall, and according to Mr. Rangaswami Iyengar, supposing he were to utilise an industrial or agrarian dispute to subvert the present Government of India, he would be liable under this clause. Now, Sir, I am only a layman and I am no lawyer; but I do not read the clause that way. I say that this clause is directed against anarchists, against that class of individuals, not against a communist, not against a socialist, not against a member of the Swaraj Party, but against an anarchist who is against all forms of organised Government.

An Honourable Member: Not even against a millowner.

Sir Victor Sassoon: Yes, not even against millowners, for even they want organised government, though it may not be exactly the same form as that advocated by my friend Diwan Chaman Lall. But supposing my friend Diwan Chaman Lall was fomenting these disputes with the object of doing away, not only with the present Government of India, which, I gather, is not particularly favoured by him but with any form of organised government, then I say he would come in under this particular clause. That, I think, is the meaning of this clause. But personally I would be prepared, if I were the member in charge of this Bill, to make it clearer by adding in front the word "all" because that is the actual phraseology in the similar section in the American Act. But I am

sure that that is what is meant. It does not say the present Government of India; it says organised government in British India. So I think my friend Diwan Chaman Lall may safely continue fomenting and utilising industrial and agrarian disputes on behalf of a socialist form of Government no worse than that presided over by Mr. Ramsay Macdonald.

Mr. Jámnnadas M. Mehta (Bombay City: Non-Muhammadan Urban): I don't think they visualise any other Government.

Sir Victor Sassoon: Now, it is not a question of visualising any other government; it is a question whether the government, the Honourable Member favours, is an organised form of government; if so, he would not come under the purview of this section.

Now, Sir, there is another point. It is an argument that my friend Mr. Ranga Iyer brought forward, and that was, that although it might be perfectly in order for legislation of this kind to take place in Dominions like Canada or Australia, it was not proper that such legislation should be brought forward in this country, because India did not enjoy Swaraj. I have a recollection that certain Members of this House at the Simla Session stated publicly that they would be prepared to give powers to the Government of India if that Government was a Swaraj Government. Now, Sir, it appears to me that, however keen, however desirous one might be that India should achieve Swaraj,—and it may be said that some of us on this side are in the same position as those on the opposite side, in that we have the same ideals and aims, but differ in regard to the routes we use—however much we may desire that this country should have Swaraj, I think it is dangerous to say that, until India has Swaraj, no legislation should be undertaken to deal with an undoubted evil, one which only those who refuse to see, can deny, exists to-day. I should like to emphasize once more what has been emphasized by Mr. Kelkar and Mr. Coatman, and that is the very restricted scope of this Bill. I am rather inclined to sympathise with Honourable Members who might have felt that the Honourable the Home Member and the Honourable the Foreign Secretary were rather exaggerating the good points of this Bill, because this Bill is extraordinarily restricted in scope. In the first place, it admittedly does not deal with Indian communists, though a large number of mercantile interests in Bombay would be very glad—I can assure this House about—if there were clauses in this Bill which would have enabled Government to deal with Indian communists.

Mr. Jámnnadas M. Mehta: Question?

Sir Victor Sassoon: And though the Bill covers foreign communists, it is not necessary in their case, because, under the Foreigners' Act, foreign communists like Mr. Johnstone can be effectively dealt with under provisions which are more drastic than the provisions in this Bill, and under which provisions there is no appeal of any sort or kind. This Bill merely deals with British Members of the Third International or similar associations, and only with those members who do not escape under the provisions of clause 2 (i). Now, Sir, there were certain Members of this House in Simla who even doubted the existence of communists in India. I remember one Member saying that he had never seen a communist.

Mr. B. Das (Orissa Division: Non-Muhammadan): I said that, and I still maintain it.

Sir Victor Sassoon: My friend says that he has never seen a communist and he refuses to believe in the existence of communists in India, because he has never seen a communist. I do not know what Mr. B. Das thinks communists look like. I do not know whether he considers that they are very easy to differentiate from his fellow citizens in this country, whether he thinks that they parade the streets clothed in red or waving a flag. But I can assure Mr. B. Das that, not only have I seen many communists not only British but Indian, but I also have the advantage of having met them, and I am perfectly prepared to promise Mr. B. Das that, if his business will enable him to visit Bombay, I will arrange for him to see a British communist and an Indian communist, and he will then be able to come here and stand before the House and probably say that he believes in communists since he has now seen one. (Laughter.) Of course, I may be wrong; I may be misjudging Mr. B. Das. Mr. B. Das may have the same kind of temperament as the lady who went to a zoological garden and saw a giraffe for the first time. She stood in front of the giraffe and ejaculated, "I do not believe it". (Laughter.) Sir, I can assure this House that communism not only does exist in this country, but it has progressed, as some of us foreshadowed, during the last four months, and the organisation which was laid down six months ago has unfortunately borne fruit, and that, as I said before, we foreshadowed. It has captured the Trades Union in the textile trade in Bombay. The legitimate Trades Union, which was run by Mr. Joshi, has lost the larger part of its numbers. The Union which was called *Girni Kamgar Mandli*, and which has been captured by these communists, has probably got over 90 per cent. of these textile workers within its ranks. Only the other day it decided that it should change its name to the Red Flag Union. I do not remember the Indian name, but that is what it means. I have seen copies of the receipts which it gives to its members in return for their monthly dues, on which the Red Flag is stamped. Now, Sir, they have captured this Union. They have captured the Trades Union of the Railway; they are in the course of capturing, if they have not already captured, the Oil Union; and I am informed that they are spreading further afield and have begun their activities in Calcutta. These Unions are very different to the genuine type of trades unions presided over by men like Mr. Joshi and Mr. Chaman Lall. With unions of that type we can work. With unions of that type I advocate working. Unions of that type will enable capital and labour to come together for the benefit of both classes. Sir, I entirely agree with some of the speakers when they say that the soil of India at the present time is fruitful for these communist organisations. I also entirely agree with them when they say that we should attempt to remove the fruitfulness of this soil. Let us try and help the agriculturists to be more prosperous.

An Honourable Member: How?

Sir Victor Sassoon: That is the point. The great difficulty is to know how to do it. We all want the agriculturist to be prosperous. Nobody wants to feel that the agriculturist is starving, but when you say how, you have hit on the difficulty of the problem. It is so easy for people to say, "Oh, take everything from somebody else who has got it and give

it to them". That may be all right in theory, but it does not work out in practice. I think that one way to help the agriculturist is by means of co-operation between the Government and commercial and other interests, by which modern methods of agriculture should be put at the disposal of the agriculturist. I think another way is that small factories should be established all over India so as to absorb the surplus agricultural population, because if you make your agriculturist more efficient, the necessary corollary is that a fewer number of men will produce the same amount of produce as before, and therefore something must be done to take care of the surplus men. And the suggestion that I now throw out is the establishment of small factories all over the country to absorb this surplus population so as to enable it to manufacture some of the goods now being imported in exchange for the food which they are consuming. (An Honourable Member: "A very good idea, but a pious one".) Another is that capital and labour should work together for their mutual benefit, and that, I think, is shown, as far as Bombay is concerned, by the negotiations that are taking place before the Enquiry Committee, where the representatives of the Millowners' Association are working hand in hand with men and bodies like Mr. Bakhle and Mr. Joshi's Union, and even occasionally members of the Red Union. We are trying to meet them where we can, and although it is not true that we have come to an agreement over all points of dispute, there has been a large measure of agreement on details, so that the only question which now will come before the Enquiry Committee will be as to whether a cut at all is justified. If that cut is justified, then the two parties have agreed that the various rates for the different classes of goods should be laid down on an agreed basis.

Mr. K. Ahmed: You do not give a portion of your income to them.

Sir Victor Sassoon: Unfortunately, the activities of the Red Union are not limited to this kind of work. They are not limited to merely attempting to improve the status of the millhand. Unfortunately, they are consolidating their position. They are drawing away members from the other unions by threats, and these threats have, in some cases, been accompanied by murder. At the present time, they are building up a fighting force of 5,000 men, of whom something between 600 and 1,000 are being drilled to-day and a definite programme has been laid down designed to culminate in a general strike next May. And there is nothing secret about this programme.

An Honourable Member: Are not the Bombay Government aware of it?

Sir Victor Sassoon: The Bombay Government are as much aware of it as any of us. It is openly admitted by the Red leaders; it is openly admitted by the Red Flag Union, and yet, under the ordinary course of the law, apparently, nothing can be done at the moment.

What do we ask? We are asking you merely to pass this little Bill which enables the Government to deport the British communist leaders who are organising all this behind the scenes. These British leaders do not come out into the streets; they do not harangue mass meetings; but they are the brains, the general staff, of the movement, and there is no question about it that they have improved the organisation of these communist parties enormously during the last few months.

Diwan Chaman Lal: You said that it is not aimed at communists but only at anarchists.

Sir Victor Sassoon: I did not say that. I said that that particular clause was aimed against anarchists, and not the whole Bill.

My criticism of this Bill is not that it goes too far. My criticism of it is that it does not go far enough. (Ironical cries of "Hear, hear" from the Swarajist Benches). My criticism is against the Honourable the Home Member's action yesterday when he pledged himself to limit the provisions of this Bill, or any other Bill, to a few British communists, and stated that he did not propose to deal with Indian communists, except by the ordinary process of the law. My friends on my right affirm that the ordinary criminal law is sufficiently drastic to deal with this undoubted danger. It may be so in theory to lawyers but it is not so in practice in Bombay.

An Honourable Member: How long have you practised law?

Sir Victor Sassoon: I have not practised law, but let me tell my friend the position as it is to-day. We see men being threatened with death in Bombay and Bengal. Men have been murdered, and the lack of faith in the protection of the law in India to-day is such, that even though men are threatened they dare not come into the open and lay charges against this sinister organisation. Though you can get all the evidence you want privately, witnesses will refuse to jeopardise their lives, —I am speaking of something which I know personally—by revealing what they know in a court of law. My Honourable friend Mr. Kelkar said that the small business man was against the strike. He told us of the influence the small business man had with the mill hands. That is perfectly true. The large bulk of the mill hands to-day do not want to go on strike. The large bulk of the mill hands to-day want to be allowed to work quietly, but they cannot help themselves. They are being overawed by an organised murderous body that threatens death to them and worse than death, to their families. Now, Sir, the law in practice to-day has not protected mill hands or others in Bombay. It is all right for Honourable Members to say that this talk of violence is all mere words. If they will go to the widow of the weaving master in the Pearl Mills in Bombay, they will know whether the violence in Bombay only consists of words.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Is this the work of foreign communists?

Sir Victor Sassoon: They are the guiding force at the back. I have already told the House that we in Bombay do not consider that this Bill is sufficient to deal with the danger. I have said that this should be a wider Bill, or that it should be followed by another Bill which will deal satisfactorily with this danger, and in that respect I am not very far from the point of view of my Honourable friend Sir Purshotamdas Thakurdas. The position to-day is this.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Will the Honourable Member leave me to express my views?

Sir Victor Sassoon: I merely gave it as my opinion that my views in that respect would not be very far from those of my Honourable friend. I did not dream

Sir Purshotamdas Thakurdas: That is the Honourable Member's hope, I take it.

Sir Victor Sassoon: I based my remarks on speeches that he has made. The position to-day is that the law does not give the protection we need. What has been the result? As is always the case when the law does not afford the protection it alleges it does, individuals take matters to deal with the situation into their own hands. Men are engaged who are prepared to meet violence with violence. A guerilla warfare is in existence in the streets of Bombay, and today all the mills have stopped due to a fracas between two groups of men. Now, Sir, in my opinion, instead of taking up a lot of time in opposing this Bill merely in the hope of annoying the Government, if we were to press on Government the essential need of dealing with all communists, the Red movement in India would not be indirectly encouraged, as it is at present. The motion before this House is to refer this Bill to a Select Committee, and an amendment has been moved that it be circulated for public opinion. I gather from the speeches that have been made that this obviously dilatory motion will be lost. The essential part of this Bill has been before the country for four months and I can see no justification for further delay. There is in fact a good deal to be said for Mr. Ranga Iyer's point of view that it should not be necessary to send the Bill to a Select Committee at all. The additional matter in the Bill refers to funds remitted by communist associations and individuals abroad to further illegal acts in India. I put it to the House, if an association in this country, had sent funds to Afghanistan for the purpose of helping the revolution against the ex-King Amanullah, would not every Member of this House have considered that the Afghan Government was justified if it seized those funds? I expect they would. Why should not the Government of India have the right to seize funds intended to promote bloodshed in India, if it can get hold of them? The Third International has voted a large sum—something like a quarter of a million sterling—to be expended in India when it is considered that the moment is ripe for revolution. I only hope that, when this Bill is passed, my Honourable friend the Finance Member will get a windfall. I will tell the House very frankly that I do not think he will get a great deal, because these clauses in my opinion are by no means water tight and I think it is more than likely that funds may get into this country, unless a mistake is made, without the Government being able to seize them, but still they may act as a deterrent and for this reason I support them. I know there are Members in this House, like Mr. Jamnadas Mehta, who have visions of using the Red communist movement to pull the chestnuts out of the fire for the Party of which he is so prominent a member. Let me disillusion him of such hopes.

Mr. Jamnadas M. Mehta: I never said that. The Honourable Member attributes to me what I never said.

Sir Victor Sassoon: If my Honourable friend will read his speech at Simla

Mr. Jamnadas M. Mehta: I remember it.

Sir Victor Sassoon: He stated that he was prepared to join any association or group of people who would help him to free India, or words to that effect. In other words he is prepared to use the communist party to pull the chestnuts out of the fire for the Swaraj Party. "I take it when

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the Honourable Member wants Swaraj, he is envisaging a Government of which his friends, if not himself, will be members. I suggest he will be disillusioned, for with all their faults, the members of the Third International are no fools and the Honourable Member and his friends are more than likely to be hoist with their own petard. Now we are told that the red terror no longer exists in Soviet Russia. Of course it does not exist in Soviet Russia now. (An Honourable Member: "Why"?) It is not necessary now. When the Commintern of the proposed Indian Soviet republic has had its revolution and has had its red terror and when it has liquidated all the capitalists and land owners and members of the intelligentsia, including my friend Mr. Jamnadas Mehta, even including my friend Diwan Chaman Lall, when it has eliminated the large bulk of those in this House and most of their friends outside, when it has established its autocratic rule in India as it is established in Russia—and I would remind this House that although there are millions of inhabitants in

Russia the communist party of Russia only consists of thousands—
4 P.M. when that state of affairs occurs, then you will find that the Commintern of the Soviet Government will make use of those members of the classes I have referred to who have been left behind. They will use them for their technical knowledge under the strictest supervision. They will probably make hostages of their families, and then they will proclaim to the world that wholesale executions are no longer the order of the day. But let no one imagine that in Moscow, even to-day, anyone can attack or criticise the policy of the Soviet Government, as my friends on my right are able to do here with perfect impunity (Cheers), and if they do attempt to do that under a Government similar to the Soviet Government they will be very lucky if, like Trotsky, they are allowed to leave the country whole in body, if bruised in spirit.

There is one argument, and a very pertinent argument, which was brought forward by Mr. Kelkar. Mr. Kelkar said, "Why can you not achieve what you are trying to achieve by this Bill by asking the British Government to keep a stringent watch on the issue of visas to this country? Deal with it under the Passport Regulations." I want the House to realise what that will mean. There are thousands of visas issued every year to India. They are issued not only in England but in every British Consulate all over the world. If you are going to suggest or lay down that no visa is to be given until the Government of India is satisfied that the individual who asked for that visa is a desirable person to enter into this country, it would mean a great deal of hardship to a very large number of innocent individuals who would not be able to get visas probably for months. Surely it is much more practical that, rather than disturb the existence of thousands of innocent people, you merely pass this Bill which enables you to deal with the one, two, three or four, or half a dozen people you object to when they have landed and when you have found out that they are the people who are objectionable. It is much simpler and more efficacious.

An Honourable Member: Very!

Sir Victor Sassoon: I am told that this legislation savours of Star Chamber methods. When that word was used I saw visions passing before me of racks and thumb screws and boiling lead. At least I thought of

dungeons below the water level and large big hungry rats sitting up and watching the unfortunate beings who might have broken the provisions of this Bill. Whereas what is the practical effect, what is the penalty in this Bill? What would happen to one of these unwelcome people if he got a visa which he would not have got under Mr. Kelkar's method? There, when he asked for his passport, he would not get a visa and would not be able to come to this country. Under the Bill, he might get a visa, and comes here. If he fails to show that he is not one of the people who contravene the provisions of this Bill, he is sent back again. The only difference is that he has paid his passage from Europe to this country. And yet we have Members opposite talking of Star Chamber methods, of the liberty of the subject, fulminating about *habeas corpus*, etc., while what we are really arguing about is whether it is fair on the British communist to waste his fare from England by sending him back. I do feel that the passionate rhetoric to which we have been treated has been rather wasted when we realise what in effect this little Bill is. I do emphasize to the House that at any rate the individual who comes under this Bill has some sort of appeal to a tribunal and some form of justice, however, much you may criticise it; whereas if the authorities at Home refused to give a visa, there is no question of appeal, there is no question of shipping cause.

I, therefore, oppose the amendment and am prepared to support the Resolution if Government press it, though I do not see any necessity for reference to a Select Committee.

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions: Non-Muhammadian Rural): Sir, I was very eager to hear the speech of Sir Victor Sassoon. Coming as he does from Bombay, and being in close touch with the situation at Bombay, I expected to hear some very strong arguments from him in favour of this Bill, and I must confess, Sir, that I am sorely disappointed in that expectation. I know it is not at all due to any lack of eloquence which he possesses in good measure but it is probably because Sir Victor did not himself feel much confidence in the cause which he was advocating. That probably was the reason that he could not make out a good case for the acceptance of this Bill.

Let me make it very clear at the outset that I am not at all in favour of communism, and this not because it is not in my interests. I know that in spite of all upheavals and disorders of the past, capitalism has survived and I know that in spite of all communism and bolshevism, capitalism is going to survive.

An Honourable Member: Don't prophesy until you know.

Mr. Ghanshyam Das Birla: But I honestly believe, Sir, there, in the best interests of the country, of the labourer and of the industrialists, communism is a thing which we all ought to oppose. I am quite prepared therefore to support any reasonable measure which might be brought before this House to check communism, but this Bill, as it stands, is, Sir, very wrong in principle, and therefore I am not prepared to support it as it stands.

Sir, I and other Indian capitalists very strongly disapprove of any principle which vests the Government with a power, enabling them to deport or intern or imprison people without a trial. That is my chief objection. We on this side of the House have all along strongly opposed the retention of the provisions of the Indian Passport Act of 1918, and it would be too much for the Government

[Mr. Channayyan Das Birla.]

to expect us to support a similar measure to be placed on the Statute Book. My Honourable friend Mr. Cosgrave cited instances of other countries. I do not profess to know anything about the legal aspect. His arguments have already been replied to by this side of the House. But I will put him one question. Is there any country in the world where the Government had the courage to intern people, to intern popular leaders of the country under such an extraordinary measure. Is there any other country in the world where popular leaders could be assaulted with impunity by the police? It is no use comparing other countries with India. The bitter experience of the past is sufficient to warn us that if under measures like Regulation III of 1818 persons like Lala Lajpat Rai and Dr. Beasant could be interned,—a sheer misuse of power—it would be much more dangerous to give any further powers of a similar nature to the present Government, constituted as it is, being neither responsible to the people nor removable by the people. Until the Government is so constituted as to be responsible to the people, I would be the last person to agree to granting any further power enabling the Government to deal with persons in an arbitrary manner. This is Sir, my chief objection. It has been suggested from this side of the House, why not utilise the existing laws. It has been suggested that the Penal Code is quite sufficient to deal with communism. That point has not yet been met by Honourable Members on the Treasury Benches. My Honourable friend Colonel Crawford interrupted my Honourable friend Lalchand Navalrai when he was making his speech and asked him to show as to how under the existing law communists could be dealt with. I again confess Sir, that I have no knowledge about legal matters. But the best answer to that was given by the Honourable the Home Member when referring to the Indian communists. He remarked yesterday that so far as the Indian communists were concerned, the Government hoped to deal with them under the existing law. He went so far as to say that they have been prosecuting Indian communists successfully in Bengal and other parts of the country. Sir, if Indian communists could be successfully prosecuted under the existing law, I do not see any reason why English communists could not be prosecuted in a similar manner. (Hear, hear). I think, Sir, that is the best illustration which my Honourable friend Colonel Crawford, who is not now in his seat, wanted. The answer to the question as to how the Indian communists could be dealt with under the existing law had already been provided by the Honourable the Home Member. I think, Sir, it is not fair for the Government to shirk their responsibility by not facing a trial. It would be fair to the Government, to the people, as well as to the communists if they thought it necessary in order to deal with the communist, to go before the courts and get the men prosecuted. To deal with them in an underhand manner is a thing which I am afraid this side of the House is not prepared to agree to.

Now, Sir, every supporter of this Bill assumes that it is one calculated to deal with communism. The Honourable the Home Member, when delivering his opening speech, cited a train of events which took place during the last few months and arrived at the conclusion that communist organizations were responsible for these events. He referred to the Youth movement, he referred to the Calcutta procession, press propaganda and so on and so forth. Surely, Sir, this is not

all being brought about by the English communists, and we should not forget that this Bill is meant to deal only with the English communists. I am quite sure that, in spite of the deportation,—if that may happen at all—of the English communists, all such activities are bound to continue in this country. It is very difficult, under the present circumstances, for an Englishman, whether a communist or an Imperialist, to command sufficient confidence of the people to lead any such movement in India. If communism is at all to grow, it must grow under the leadership of Indian communists; and eventually the Government must come before this House with a measure similar to the one before the House to deal with Indian communists. It is no use saying or assuring the House that we want only so much and no more at present and that we shall be prepared to deal with the Indian communists under the existing law. Once you agree to the principle of deporting people without trial, the logical course for us would be to agree to any other proposal of a similar nature which comes from Government and is intended to deal with Indian communists. For this reason we have to be very cautious in accepting any such principle at this stage. Now, Sir, I believe it is absolutely a false notion to believe that you could kill any such movement by such extraordinary measures. My own personal feeling is that we have unnecessarily advertised communism in India. Mr. Coatman referred to the Press propaganda, and he went so far as to tell us that the vernacular press was full of such propaganda. Surely we, on this side of the House know more about the vernacular press than Mr. Coatman or any other gentleman on the Treasury Benches knows. I am personally a reader of various vernacular papers in Hindi as well as in Gujarati, and it was for the first time that I came to know at Simla that such a thing as communism had existed in India. (Laughter.) I never find any such propaganda being sedulously carried on. I do not believe at all that communism is prevailing to such an extent in India as to require any drastic measure at all. But even if it were so, I do not believe in such repressive laws. I know that between 1880 and 1920 all sorts of repressive measures were enacted in Ireland to suppress the national movement and the result was that things went from bad to worse and from worse to worst until Home Rule was granted. It was only then that peace and order was restored. Even in India, if we take the history of the last thirty years, we shall find that laws after laws of a repressive nature, have been promulgated without any success, and almost all the repressive laws in India were more or less followed by bloodshed. As we all know, the Rowlett Bill was followed by bloodshed in the Punjab. Things have not improved in spite of all these repressive laws. I am quite sure that, until people get what they want, you will not have peace and good will in this country, and the responsibility therefor will rest on the Government. If they cannot see things as they are, if they go on with these wild measures, and place all kinds of repressive laws on the Statute Book, they cannot improve the situation. The situation can only be improved by giving to the people what they want. I do not make much discrimination or much distinction between swarajism, communism and all such other 'isms' because I know they are descended from the same stock. It is due to discontent prevailing in the country that all those movements find good soil. It is the yearning of the people for swaraj, their thirst to free themselves from the foreign domination that is reflected

[Mr. Ghanshyam Das Birla.]

in all these movements. If you remove the causes, if you give to the people what they want, I am quite sure that peace and good will will be restored. Until then, Sir, it will be futile to try to perform by repressive measures what can only be performed by sympathetic means.

As regards the Bombay strikes, I quite agree that law and order is at a great discount in Bombay. But I wish Sir Victor Sassoon had the courage to tell the Government why that is so. It is not entirely due to the labour trouble. I know there are mills in Bombay which look upon these strikes with mixed feelings. If only the mills had been making profits, they would in no time make a settlement with labour and the cause for discontent would disappear in a moment. Because the mills are losing money, they are not very keen to come to terms with labour (Hear, hear.) And all that is due to the ruinous financial policy pursued by the Government, by their putting an appreciated ratio on the Statute Book (Hear, hear), and thus giving a blow to the industry. We warned the Government at that time as to the consequences that were going to follow. We warned them of the strikes, of the severe depression, and all the evil consequences which generally follow on economic depression, and, Sir, what we apprehended then has unfortunately now turned out to be correct. The money is very tight, trade is very much depressed, purchasing power has gone down and even the Government loan floated in England has been a total failure. If the Government really want to improve the situation, let them revert back to the 1s. 4d. ratio, and let them accept the recommendations of the Tariff Board about protection to the Indian textile industry, and they will then find that the mills will prosper and that these causes of discontent will disappear in no time. What I say is, restore prosperity and you will restore law and order; but if you want to restore law and order by repressive measures, it will be something like gagging a hungry child that is crying for milk. The child does not want gagging, it wants milk because it is hungry. Give it milk and you will be able to stop it crying. But, Sir, gagging won't do.

Now, Sir, this Bill was put before this House and rejected last September. If the intention of the Government was to check communism, surely it was the duty of the Government to take the Indian industrialists into their confidence. I do not know whether they consulted the European capitalists or not, but I am quite sure that they have not taken the Indian mercantile bodies into their confidence. So far as I know,—I do not know anything about the Bombay Millowners' Association—of the 29 bodies affiliated to the Federation of Indian Chambers, none suggested to the Government at any time to bring in such a measure before this House. (Hear, hear.) When this measure was put before the House, I wired to all the affiliated bodies of the Federation of Indian Chambers and invited their opinion. Sir, I think the House will allow me the indulgence to read some of the telegrams which I received in reply:

The Bombay Bullion Exchange support the principle of having some measure to control and eliminate communist agitation engineered by foreigners.

The Indian Merchants' Chamber of Bombay wired:

"Committee Indian Merchants Chamber fully realise the gravity of foreign communist menace and appreciate Government's anxiety to deal with it. They would be

prepared to support Government in all legitimate measures in achieving that end. Committee regret however they cannot support present Bill as it stands because it deals only with foreign communists and because it contains provisions which are too drastic and arbitrary. Committee would welcome any special measure dealing comprehensively with all fomenters of industrial disorders and providing reasonable safeguards against arbitrary curtailment of liberty of subject."

The Maharashtra Chamber of Commerce, Bombay, replied saying:

"Nothing has happened since this Bill was last thrown out by the Assembly to justify its re-introduction with the additional clause about Red money. The Committee still emphatically protests against the Bill and its new clause and expresses its opinion that there is no necessity for a measure of this kind in this country."

The Indian Chamber of Commerce, Calcutta, opposes; the Seeds Traders' Association, Bombay, opposes; the Grain Merchants' Association, Bombay, opposes; the Shroff Association of Bombay opposes; the Indian Produce Association, Calcutta, opposes; the Telikanta Brokers' Association, Calcutta, opposes; the Burma Chamber of Commerce of Rangoon opposes. The Millowners' Association, Ahmedabad, gives a qualified support. They say:

"The committee of the Ahmedabad Millowners' Association endorses the principle of the Public Safety Bill and supports it but would desire deletion or amendment of provisions which give arbitrary and unrestricted powers to Government particularly in the matter of forfeiture of monies securities, goods or credits, etc."

So, they also do not want this sort of deportation without trial. The United Provinces Chamber, Cawnpore, from where my Honourable friend Mr. Gavin-Jones comes, opposes. The Southern India Chamber of Commerce, Madras, opposes. The Marwari Association, Calcutta, again gives a qualified support. While supporting the principle of the Bill they say:

"Care should be taken to introduce safeguards in sections likely to be open to abuse."

The East India Jute Association, and the Bengal Jute Dealers' Association of Calcutta, the Indian Tea Planters' Association of Jalpaiguri, the Bihar and Orissa Chamber of Patna, the Bihar and Orissa Mica Association of Giridih, the Mysore Chamber of Bangalore, the Indian Merchants' Association of Karachi all oppose the Bill. The Marwari Chamber, Bombay, while generally favouring the Bill, consider clause 2 sub-clause (c) too wide, vague and liable to misuse and urge suitable amendment thereof. The Skin and Hides Association of Madras considers the Bill "very arbitrary", though it suggests a comprehensive measure to deal with communist activities "with unambiguous liberty of ordinary appeal". The Buyers and Shippers Chamber of Karachi suggests radical amendments, including trial with help of jury and opportunities of defence, with the proviso that:

"No detail, particulars or circumstances should be withheld from accused or his pleader."

Now, Sir, what is the reason for these capitalist associations opposing this Bill? If this Bill is to check communism, as has been stated by the Government, surely the capitalist bodies ought to have supported the Government. But the very fact that the capitalist associations and the industrial bodies are not prepared to support this Bill shows that they are not prepared to give the Government any extraordinary powers. And I hope, Sir, the Government will take a lesson from this.

[Mr. Ghanshyam Das Birla.]

Now, Sir, I have made it very clear that I am not at all in sympathy with communism; not alone in my own interests, but in the interests of the people and the best interests of the country, I am not in sympathy with it. I am employing nearly 20,000 workers under me in different parts of the country, and so know something about the labour problem. I sincerely believe that communism is not going to help this country. I sincerely believe that industry at present is in an infant stage in this country, and we are passing through a very severe depression. Therefore I think it is the duty of every well-wisher of the country, every patriot, to help industry in order to increase its production and bring down the cost of such production. Any one who disturbs the cordial relations between labour and capital is in my opinion, working against the interests of the country. Sir Pershotamdas Thakurdas, in his opening speech at the Annual Session of the Federation of Indian Chambers in Calcutta, remarked that the Government could count upon Indian Merchants' support for any reasonable proposal which they might bring forward to check the communistic movement, and I endorse every word uttered by him. But, Sir, this is not what I call, or what other industrialists call, a reasonable measure. This is, if I may adopt the term used by His Excellency the Viceroy for Mr. Haji's Bill, a heroic measure, and as such, I oppose it. (Loud Applause.)

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 6th February, 1929.

LEGISLATIVE ASSEMBLY.

Wednesday, 6th February, 1929.

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

MEMBER SWORN:

Mr. Thomas Andrew Chalmers, C.S.I., M.L.A. (Assam: European).

QUESTIONS AND ANSWERS.

PREVIOUS SUPPLY TO MEMBERS OF ANSWERS TO STARRED AND UNSTARRED QUESTIONS TO BE PUT IN THE LEGISLATIVE ASSEMBLY.

406. *Mr. Vidya Sagar Pandya: (a) Has the attention of the Government been drawn to the inconvenience felt by Members of the Assembly in following the answers given orally to questions by the Government Members in varying degrees of audibility to the non-official Members in different parts of the House, and the great difficulty they experience in consequence in putting supplementary questions?

(b) Are Government aware of the practice of the Government of Madras in printing the oral answers beforehand and placing the same in the hands of Members half an hour beforehand on each day, so as to facilitate supplementary questions, and do the Government of India propose to adopt a similar procedure for the Assembly?

(c) When do Government propose to adopt the suggestion of Mr. C. S. Ranga Iyer to put this House in possession of answers to unstarred questions every day before the House commences business, and of which the Honourable the Home Member had taken note on the 4th September, 1928?

The Honourable Mr. J. Orerar: (a) I am not an authority on acoustics but I think the inconvenience of which the Honourable Member complains has some times been mutual.

(b) The answer to the first part is in the affirmative and to the second part in the negative.

(c) I would refer the Honourable Member to my reply to question No. 158 on the 29th January last.

Mr. Vidya Sagar Pandya: In view of the system having worked so well in the Madras Presidency—and it was in fact followed even in the Minto-Morley Reforms time,—will Government kindly consider the question again and, if not, why not?

The Honourable Mr. J. Orerar: The main reason why the suggestion made by the Honourable Member would be inconvenient to Government is that it is important, in replying to questions which are to be answered orally—and that applies also to unstarred questions—for the Government to be in a position to give the most recent information on the subject. If the questions were printed up beforehand, that would of course be impracticable.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the rule about printed answers is going to apply to starred questions that have become unstarred by reason of the absence of the Member putting the starred questions?

The Honourable Mr. J. Orerar: They are printed in due course.

Mr. A. Rangaswami Iyengar: Is there any objection to their being printed and made available to Members immediately after they are answered here?

The Honourable Mr. J. Orerar: They go into the proceedings of the House.

Mr. A. Rangaswami Iyengar: Yes, but what is the difficulty in supplying copies to Members of the answers which might otherwise have been orally delivered in the House?

The Honourable Mr. J. Orerar: I venture to suggest the most convenient solution of that particular difficulty would be that Honourable Members who have put down questions on the paper should be present in the House when they are answered.

Mr. A. Rangaswami Iyengar: I am asking why the oral answer should not be available to other Members besides the man who put the question, or why it should be available a fortnight thereafter.

The Honourable Mr. J. Orerar: I think that any Honourable Member who wishes to be placed in possession of answers to questions which have not received an oral reply, owing to the absence of the Honourable Member who has given notice of the questions will always be able to obtain them on application to the Assembly establishment.

Mr. Jamnadas M. Mehta: Is the Honourable Member aware that, in the Bombay Council, it is generally the practice that replies are also provided in advance to Honourable Members? Is there any objection to following it here?

The Honourable Mr. J. Orerar: I have no specific information on the point.

Mr. Jamnadas M. Mehta: If it is so, is there any objection to our copying it? It would really be to the advantage of Honourable Members.

ANNUAL ISSUE OF THE INCOME-TAX MANUAL.

407. ***Mr. Vidya Sagar Pandya:** (a) Are Government aware that the Income-tax Manual, Vol. I (bound in cardboard), was last published (2nd Edition) in 1925 at a price of Rs. 1-4-0 and no subsequent edition has been published, though 13 correction slips, at a price of As. 3 each, have been issued?

(b) Have Government noticed that the price of correction slips is almost double the price of the volume?

(c) What is the total number of amendments made in the Income-tax Rules, 1922, by the Central Board of Revenue in exercise of powers conferred by section 59 of the Indian Income-tax Act, 1922 (XI of 1922), since the Act was passed?

(d) In view of the numerous amendments made in the Income-tax Rules and the great demand for the Income-tax Manual, are Government prepared to order the issue of such books annually?

The Honourable Sir George Schuster: (a) Yes, except that the total number of correction slips subsequently published is 20 and not 13.

(b) Yes, except that the total price of correction slips is three times and not double the price.

(c) 58.

(d) It has already been decided to issue a reprint of the Manual in future annually, and the third edition is in the Press.

FLUCTUATIONS IN PRICE OF CERTAIN GOVERNMENT PUBLICATIONS.

408. ***Mr. Vidya Sagar Pandya:** (a) Have Government noticed that the prices of some of the Government publications under the heading "Trade, Commerce and Industries" fluctuate widely for the same book from year to year, as for instance the price of "Statistical Tables relating to Banks in India with an Introductory Memorandum", which have varied as under:

Issue.	Year.	Pages.	Price without postage.		
			Rs.	A.	P.
1st	1913-14	12	0	4	0
2nd	1915	19	0	4	0
3rd	1916	41 with map.	1	12	0
4th	1917	43	1	12	0
5th	1918	40	1	12	0
6th	1919	32 without map.	1	12	0
7th	1920	33	2	0	0
8th	1921	not known.	2	0	0
9th	1922	26 without map.	0	8	0
10th	1923	37	0	9	0
11th	1924	37	0	10	0
12th	1925	37	0	11	0
13th	1926	40	0	12	0

(b) Will the Government be pleased to state the reasons for such wide fluctuations?

(c) What steps do Government propose to take to steady the prices?

The Honourable Sir Bhupendra Nath Mitra: (a) to (c). The sale price of the publications of the Government of India is based on the actual cost of production, plus the overhead charges. The fluctuations in the price of a publication are due to the number of copies printed, which depends on the demand made by the public, the number of pages in the publication, and the time taken on author's corrections which naturally vary from year to year. Government do not consider it necessary to take any action to modify the principles which determine the sale price of their publications.

Mr. Vidya Sagar Pandya: Sir, if the Honourable Member goes through the list I have given he will see that, although there is not much fluctuation in the matter contained therein, these publications have varied in price from four annas to two rupees. How does the Honourable Member explain such a wide fluctuation when the matter practically remains the same.

The Honourable Sir Bhupendra Nath Mitra: That would mean my repeating the answer which I have already given to the question, and which I am sorry my Honourable friend had not listened to carefully.

Mr. Vidya Sagar Pandya: No, Sir, I have listened to the answer carefully, but applying the answer to the Statistical Tables relating to Banks according to the figures quoted by me the price of the publication has varied as much as from four annas to two rupees, going down to 12 annas.

The Honourable Sir Bhupendra Nath Mitra: I shall read, for the Honourable Member's information, the answer which I have already given him:

"The fluctuations in the price of a publication are due to the number of copies printed which depends on the demand made by the public, the number of pages in the publication and the time taken on author's corrections which naturally vary from year to year."

PRICE OF THE OFFICIAL REPORTS OF THE LEGISLATIVE ASSEMBLY DEBATES.

409. ***Mr. Vidya Sagar Pandya:** (a) Are Government aware that, while the official reports of the Legislative Assembly Debates are issued at As. 5 per copy, similar reports of the debates of the Madras Legislative Council are sold at only As. 2 per copy? Will the Government be pleased to explain why two and a half times as much is charged for the reports of the Assembly, while the amount of work involved is almost the same or even less?

(b) Are Government prepared to consider the question of reducing the price of the reports of the Assembly Debates?

The Honourable Sir Bhupendra Nath Mitra: I am making an enquiry into the matter and will communicate the result to the Honourable Member in due course.

Mr. Vidya Sagar Pandya: Regarding part (b) will the Honourable Member make also enquiries regarding the Reports of the Council of State?

The Honourable Sir Bhupendra Nath Mitra: I shall take note of that, Sir.

PROHIBITION BY THE GOVERNMENT OF INDIA OF THE IMPORT OF FURTHER COPIES OF THE BOOK "MOTHER INDIA".

410. ***Mr. Vidya Sagar Pandya:** (a) Is it a fact that some of the important book-sellers in India have been asked by the Government not to import any further copies of Miss Mayo's book "Mother India," and if any copies are left unsold by a certain date they will be taken possession of by the Government?

(b) When did the date of notice of taking charge of the copies expire and how many copies have thus been secured by the Government and how do they propose to dispose of them?

The Honourable Mr. J. Orerar: (a) No.

(b) Does not arise.

BOOK ENTITLED "POLITICS IN OIL" CONFISCATED BY THE GOVERNMENT OF INDIA.

411. ***Mr. Vidya Sagar Pandya:** With reference to the answers given by the Honourable the Home Member to starred question No. 368 on the 11th September, 1928, on the confiscation of the book entitled "Politics of Oil" will Government be pleased to place a copy of it in the Library of the Legislative Assembly?

The Honourable Mr. J. Orerar: My previous answer showed that, if any Honourable Member is interested in this book, there is nothing to prevent him from obtaining a copy. I may add for the information of the Honourable Member that the price is one shilling.

LOTTERIES SANCTIONED BY THE GOVERNMENT OF INDIA.

412. ***Mr. Vidya Sagar Pandya:** (a) Have Government granted permission for a lottery under the name of "The Golden Ballot" in aid of the Convent School (Imperial City, New Delhi)?

(b) Will Government please state how many lotteries have been sanctioned by the Government of India and the Local Governments in India during the last three years?

(c) Will Government kindly furnish a list showing in each case:

- (1) the names of the promoters,
- (2) the objects for which the lottery was promoted,
- (3) the amount of each lottery, and
- (4) the conditions on which the permission was granted?

The Honourable Mr. J. Orerar: (a) No.

(b) None, so far as the Government of India are concerned. I have no information whether Local Governments have sanctioned any lotteries, but I should regard it as extremely improbable. The policy of the Government of India and Local Governments has consistently been opposed to the encouragement and advertisement of lotteries.

(c) Does not arise.

Mr. Vidya Sagar Pandya: May I know from the Honourable Member how these lottery tickets have been issued and whether the lottery is authorised. I have got with me the tickets as well as the other literature. I would like to know whether it is unauthorised, and whether the Government will prosecute those who have issued the tickets without the permission of Government. If the Honourable Member wants them, I will pass on all these papers to him.

The Honourable Mr. J. Orerar: I understand the Honourable Member is referring to a lottery under the name of the Golden Ballot Lottery. The matter has been dealt with by the Local Government.

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a fact that what is known as the Golden Ballot does not come within the purview of the law as a lottery?

Mr. President: That is a hypothetical question.

Mr. Vidya Sagar Pandya: No, Sir. I am prepared to furnish evidence in case the Government is prepared to make the inquiries.

(1) REVIVAL OF THE RESERVE BANK BILL.

(2) TERMS OF RENEWED AGREEMENT WITH THE IMPERIAL BANK OF INDIA.

418. ***Mr. Vidya Sagar Pandya:** (a) Will Government be pleased to state whether they propose to bring any Reserve Bank Bill before the Legislature in the near future?

(b) In view of their agreement with the Imperial Bank of India terminating in a short period, will Government be pleased to state whether this House will be given an opportunity to discuss the terms of the renewed agreement with the Imperial Bank before the agreement is actually made?

The Honourable Sir George Schuster: (a) If I were to confine strictly to answering the question put, the reply would be that the Government has not at present any plan for bringing a Reserve Bank Bill before the Legislature in the near future. I think, however, that it might be more acceptable to this Assembly if I were to give a more informative reply, and with your permission, Sir, I propose to take this occasion to make a general statement as to the Government's position in this matter.

The Government remains convinced that the formation of a Central Bank, to perform the functions originally proposed, is a desirable object, in order that India may be equipped with a mechanism for the control of currency and credit on the lines approved by modern experience and worthy of India's place among the great civilisations of the world. At the same time the Government can only proceed, subject to its being satisfied as to two conditions: first, that the organisation of the Bank is to be securely settled on sound lines; secondly, that there is an adequate measure of general support among the representatives of public opinion for the proposals. I am hopeful that, within the not too distant future, both these conditions may be fulfilled. In the meanwhile we must not remain merely passive or idle. Full advantage ought to be taken of any interval which may occur until the time is ripe for reviving proposals for a Reserve Bank. It would indeed be an unfortunate result if, when that time arrived, we were to find ourselves no further advanced than the point at which the last discussions were broken off.

It is partly from this standpoint that I have approached the question of inaugurating an enquiry into the general Banking organisation of the country—a demand for which has already been pressed for some time from many quarters. The two subjects are indeed intimately connected; for a Central Bank is essentially the crown to the whole structure of banking in its widest sense, and, if it is to be well designed to meet the practical requirements of the country, it must be adapted to the foundation and lower storeys on which it rests. The more we know about the foundations and base of the structure and the more secure and well-designed they are, the better shall we be able to plan the crown of the building.

I think, Sir, that architectural similes may be expected to come home with special force to us who live in Delhi, and as we come daily to this great building in which we are at present sitting, we observe the unfortunate effect produced by the spectacle of a small dome surmounting a building to which it is not adapted.

I may, therefore, take the present occasion to inform this Assembly what I propose as regards the inauguration of a Banking Enquiry.

I have already discussed the matter in a provisional way at the annual meetings of the Federation of Indian Chambers of Commerce and of the Associated Chambers of Commerce, and I have arranged with my Honourable friend, Mr. Birla, on behalf of the former and with Sir George Godfrey on behalf of the latter to hold a joint meeting with the representatives of these two organisations in Delhi on February the 16th to discuss a plan of campaign for proceeding with the Enquiry. Further, before this meeting takes place, I have invited the leaders of the various political parties in this Assembly to confer with me, so that I may have the advantage of their opinions and be assured that the lines on which I propose to proceed meet with approval from all sides. As soon as a definite plan is prepared, I will take steps to see that this Assembly is informed.

I think that this enquiry, whatever practical measures may result from it, will at least be of great value in throwing light on the actual situation throughout the country and in instructing public opinion as to the main requirements. I regard it as a valuable, and I might almost say essential, preliminary to a renewal of the proposals for the formation of a Reserve Bank.

(b) As the present agreement with the Imperial Bank of India does not terminate until 1931, the Government have not yet begun seriously to consider the question of terms on which it would be renewed. If the Honourable Member will ask this question again this time next year I hope to be able to give him a more informative reply.

Mr. Vidya Sagar Pandya: In view of such long answers and statements being read out, will the Honourable the Home Member consider the desirability of printing such long answers and placing them on the table of the House half an hour before the meeting?

Mr. Jamnadas M. Mehta: Is that the considered judgment of the Government of India now, that the Reserve Bank is the crown and apex, and the banking inquiry an essential preliminary?

The Honourable Sir George Schuster: Sir, if the Honourable Member will, when the report of the proceedings is published, very carefully read what I have said, he will observe that I have been cautious in the choice of my words. I have not said that it is an essential preliminary to the revival of the Reserve Bank proposals.

Pandit Motilal Nehru: You did say that.

The Honourable Sir George Schuster: I said that in my own view it was "a valuable, I might almost say an essential, preliminary", but I have not said that the revival of the Reserve Bank proposals must await any particular event. I have tried, as far as possible, to express my own views on the question, which are that the two sides of the inquiry, I mean the two sides of banking organisation, are essentially parts of a single whole, and that it is hardly possible to design a Reserve Bank without its being adapted to the general structure of banking in the country. I think, therefore, that the more we know about the general structure, the better shall we be able to design a Central Bank fitted to the needs of this country.

Mr. A. Rangaswami Iyengar: Is that the Honourable Member's present view, and is it the view of the Government of India that they proceeded in wrong way in introducing the Reserve Bank Bill?

The Honourable Sir George Schuster: I am afraid I did not hear the question.

Mr. A. Rangaswami Iyengar: Is it then the considered judgment of the Honourable the Finance Member and of the Government of India that the Government of India did not do the right thing in introducing the Reserve Bank Bill?

The Honourable Sir George Schuster: I am not concerned with the past; I am looking to the future.

Mr. A. Rangaswami Iyengar: May I know, Sir, when this Banking Enquiry is likely to start its labours?

The Honourable Sir George Schuster: If the Honourable Member will ask that question after the 16th of February, I will answer him.

Mr. Jamnadas M. Mehta: The Honourable Member just said that he is not concerned with the past, but it is difficult to avoid the past, and it has been the considered judgment of the Government of India.

Mr. President: What is the Honourable Member's question?

Mr. Jamnadas M. Mehta: I am putting it, Sir. It has been the considered judgment of the Government of India that the Reserve Bank Bill was not merely the Crown, as the Honourable the Finance Member just stated, using an architectural similitude but a great step forward towards the goal. This is what Sir Basil Blackett said on the 25th of January 1927:

"That the establishment of a Reserve Bank for India will be an enormous step forward in the development of India's financial and monetary machinery and will, I think, assist that gradual and silent evolution of India's economic life which promises to bring higher opportunities of life and higher standards of living to India".

Sir, if that was the millennium, why is it now going to be relegated to the future. We are anxious to have a higher standard of living.

Mr. A. Rangaswami Iyengar: May I know, Sir,

Mr. President: One by one.

Mr. Jamnadas M. Mehta: Why should the millennium be delayed in the case of the people of this country, if they can now get a higher standard of living by the starting of a Reserve Bank?

The Honourable Sir George Schuster: I agree with all those sentiments. All that I have said is that, when we have more knowledge of the structure of banking, we may be better able to design a Central Bank. I think, Sir, that I have given Honourable Members very good value for their money and I do not propose to answer any further questions.

Mr. A. Rangaswami Iyengar: Is the Honourable the Finance Member aware that at the time when Mr. Haji moved a Resolution for a banking inquiry, the Government of India, through their Finance Member, said that the Reserve Bank Bill is a preliminary to the development of banking conditions, as was asked for in that inquiry?

Sir Victor Sassoon: Is the Government of India not allowed to advance or alter its opinion from time to time or from day to-day?

Mr. A. Rangaswami Iyengar: Let them say so.

Mr. Jamnadas M. Mehta: Will the Honourable the Finance Member tell us what he considers to be a sound Central Bank that he visualises in his answer?

Several Honourable Members: It is very unfair.

Mr. President: The Honourable Member must resume his seat if he wants an answer.

Mr. Jamnadas M. Mehta: As there is no answer from the Government, may I ask another question? Will there be a full opportunity given for discussion of the Imperial Bank affairs next year?

The Honourable Sir George Schuster: Sir, I have already answered that question.

IMPORT OF VEGETABLE GHEE.

419. ***Mr. Vidya Sagar Pandya:** In view of the replies given to questions Nos. 54 and 87 of Khan Bahadur Sarfaraz Hussain Khan on the 4th September last, will Government be pleased to lay on the table the views of the Local Governments on the import of vegetable ghee and the use of vegetable ghee to adulterate pure ghee, and will Government be pleased to make a statement as to what steps they propose to take in the matter?

The Honourable Sir George Rainy: The views of some Local Governments are still awaited.

EMPLOYMENT OF INDIANS IN COMPANIES GRANTED CONCESSIONS OR MONOPOLIES BY THE GOVERNMENT OF INDIA.

420. ***Mr. Vidya Sagar Pandya:** In view of the policy promulgated in answer to starred question No. 508 of Mr. Lalchand Navalrai, on the 12th September, 1928, will Government be pleased to:

- (a) furnish the House with a statement of grant of monopolies or concessions granted by Government to companies incorporated and registered in India,
- (b) state what is the rupee capital of such companies,
- (c) state what is the proportion of Indian Directors, and
- (d) state what facilities are afforded by them for training Indian apprentices by such companies, in each case?

The Honourable Sir Bhupendra Nath Mitra: The information desired by the Honourable Member is not readily available, but I shall endeavour to furnish him, as soon as possible, with such information as it may be possible for me to collect in regard to the monopolies or concessions granted by the Government of India to companies incorporated and registered in India.

REPRESENTATION OF STATE RAILWAYS ON EUROPEAN CHAMBER OF COMMERCE.

421. ***Mr. Vidya Sagar Pandya:** Will Government be pleased to state what conclusions they have arrived at in the matter of representation of State Railways on European Chambers of Commerce in view of the

assurance given by Mr. A. A. L. Parsons to consider the matter in answer to starred question No. 508 of Mr. K. C. Neogy, on the 12th September, 1928?

Mr. A. A. L. Parsons: The conclusions of Government were that it was desirable that the Agents of Railways, both in the interests of their railways and of trade generally, should be members of associations representing important interests in the commercial life of the country. The Indian Chamber of Commerce was informed that the Agents of the East Indian and Eastern Bengal Railways were members of the Bengal Chamber of Commerce by invitation, and that similar invitations from other representative associations of importance would always receive the cordial consideration of the Railway Board.

RENTS OF RESIDENCES OF GOVERNMENT OFFICIALS IN SIMLA.

422. ***Mr. Vidya Sagar Pandya:** Will Government be pleased to lay on the table the results of their examination of the question of rents of Government officials' residences in Simla, as promised in answer to question No. 395 of Mr. Gaya Prasad Singh, on the 18th September, 1928?

The Honourable Sir Bhupendra Nath Mitra: I lay on the table a statement giving the information desired by the Honourable Member.

As promised in reply to a question put by Mr. Gaya Prasad Singh in September last, Government have examined the classification and rents of Government officials' residences in Simla. As a result of this examination, they have come to the conclusion that no change is called for in the existing classification. They consider, however, that it is desirable that a revaluation of these houses should be made with a view to rents being reassessed and arrangements will be made for such a revaluation during the coming summer.

2. The present classification of residences was determined in 1925 when they were divided into six classes A to F, the proportion of residences to officers in each class being the same. From time to time slight modifications in classification have been found necessary as improvements have increased the value of different properties and have brought them into a higher class. The present position is that judged by values alone out of a total of 101 residences only 4 are out of class. Government are satisfied that the method of classification is the fairest possible, and as changing residences from one class to another may give rise to considerable inconvenience they do not propose at present to alter the classification of these four.

FREIGHT CHARGES ON CERTAIN ARTICLES.

423. ***Mr. Vidya Sagar Pandya:** Will Government be pleased to make a statement as to the result of their investigations into the examination of the complaints about the freight charges on certain articles, raised in the speech of Mr. Mukhtar Singh on the 27th February, 1927, and to which he had again drawn the attention of the Government in his starred question No. 737 of the 20th September, 1928?

The Honourable Sir George Rainy: A reply has been sent to Mr. Mukhtar Singh and I place a copy of the reply on the table.

FROM THE SECRETARY, RAILWAY BOARD, NO. 1403-T., DATED NEW DELHI, THE 5TH FEBRUARY, 1929, TO CHOWDHRY MUKHTAR SINGH, M.L.A.

Quotation of rates for development of indigenous industries.

The various points raised in the course of your remarks during the debates on the Railway Budget in February 1928 in connection with the policy followed by Railways towards the development of indigenous industries have been carefully examined by the Railway Board, and I am directed to communicate the following observations thereon.

2. *Rates for Shakker as compared with Sugar.*—In the Indian Railways General Classification of Goods, shakker is indexed as a sub-head of sugar and is charged at the rates applicable to sugar.

With regard to the suggestion that shakker should properly be charged as for jagree and not as sugar, the Board have ascertained that white shakker is the commonly accepted vernacular term for sugar, it is correct that in certain parts of the country, such as the western districts of the United Provinces, the word 'shakker' specifically denotes a preparation from jagree, and is in fact ground or powdered jagree prepared by a particular process.

As far as the Board have been able to ascertain, Railways have hitherto generally interpreted the term 'shakker' as the vernacular name for sugar in general, and not a specific product. In view of the facts that have now been brought to light, the Board agree that the claim that shakker proper should, for purposes of railway freight, be charged as jagree is a reasonable one. As the amendment of the classification to secure this result concerns all Railways, and must be dealt with in the first instance by the Indian Railway Conference Association, the Board will forward the correspondence and their views on this subject to that Association for action. In order to prevent any misunderstanding as to the actual meaning of the term 'shakker', it may of course, be necessary when effecting this revision to qualify the entry to read 'Shakker (ground or powdered jagree, not sugar)'. In the meantime, instructions are being issued to the East Indian and North Western Railways, over which it has been ascertained that shakker proper is regularly transported, to give effect to the revised basis of charge at the earliest possible date. The Board are, however, satisfied that there has been no intention on the part of Railways to penalise the production of shakker proper.

3. *Special rates for Carew & Co.'s Sugar.*—It is correct that Messrs. Carew & Co.'s sugar factory at Rosa had the benefit of reduced rates from the administration of the late Oudh & Rohilkhand Railway. These rates were, however, withdrawn by the East Indian Railway Administration in February, 1927, and since then Messrs. Carew & Co.'s sugar has been charged at 1st class rates, as applicable to other traffic.

4. *Rates for Jagree as compared with Sugar.*—It is correct that, prior to the introduction of the reduced rates for jagree, jagree and sugar were for many years charged on the principal Railways at the same rates, viz., 1st class at owner's risk. Last year, however, reduced charges for jagree were adopted on the State managed railways as well as on certain Company managed railways. These reductions cannot, the Board think, have been present to your mind at the time you spoke, for they are by no means insignificant. On the contrary, the estimated contraction in revenue consequent on the introduction of the reduced rates on the four State managed railways alone amounted to Rs. 10 lakhs, and to this must be added the amount involved on the Company managed lines that adopted the same basis of charge. Taking the East Indian Railway, the following examples will illustrate the extent of the reduction effected:

Miles.	Rates per maund for jagree.		
	Former.	Present.	Percentage reduction.
	Rs. a p.	Rs. a p.	
200	0 6 7	0 5 3	20 per cent.
300	0 9 9	0 7 1	27 "
400	0 12 11	0 8 2	37 "
500	1 0 1	0 9 3	42 "
600	1 3 3	0 10 4	46 "
700	1 6 5	0 11 3	50 "

5. *Sugar cane juice is classified 4th class as compared with Sugar 2nd class.*—The Railway Board are of opinion that had there been any demand on railways for the

movement of sugar cane juice (which you admit, however, is a commodity hardly likely to be transported), and if any scope existed for the development of such traffic by reductions in rates, action would have been taken.

The Indian Railway Conference Association will be requested, however, to review and, if necessary, to revise, the existing classification for sugar cane juice.

6. *Rates for sugar cane for sowing purposes.*—Prior to the recent revision in parcels rates, the rate for sugar cane by passenger train from Poona to Meerut (1,018 miles) was Rs. 8-13-0 per maund, at which rate the charge for a maund and a half of sugar cane cuttings would be Rs. 13-4-0. It is presumed, therefore, that the consignment of sugar cane cuttings referred to by you was booked by passenger train at full parcels rates.

In this connection, however, attention is invited to the following provision in the Indian Railways Coaching Tariff :

"Rule 135.—List of articles charged at quarter parcels rate at owner's risk; the charge must be prepaid.....
Perishable seeds (such as potato seeds), seedlings, sugar cane cuttings and plants booked by or for the Agricultural Department. A certificate, to the effect that the articles are intended for agricultural purposes only and not for consumption as food, signed by a Gazetted Officer of the Agricultural Department must be produced when a consignment is tendered for despatch."

Had this import of sugar cane cuttings been made under a certificate of the Agricultural Department in accordance with the above rule, the rate per maund from Poona to Meerut would have been Rs. 2-3-0 and the total charge on the consignment Rs. 3-5-0 only. Further, the charge for a maund and a half of sugar cane cuttings booked through the Agricultural Department from Poona to Meerut at the rate for parcels since introduced on Indian Railways is Rs. 2-14-0 only.

7. *Want of facilities for the movement of Fresh Fruit traffic. Refrigerated Transport.*—There is ample evidence to establish that wherever a demand for the movement of fresh fruit in appreciable quantities has arisen Railways have met this by the introduction of reduced rates as well as the provision of special facilities for transport. The East Indian Railway, for instance, has a large number of special rates for fresh fruit traffic the bulk of which consists of the mango traffic from North Bihar to Calcutta, via Mokameh Ghat.

The special rate from via Mokameh Ghat to Howrah is -/5/- per maund, owner's risk, as compared with the ordinary class rate of -/9/4 per maund, a reduction of 46 per cent., and in order to handle this heavy traffic during the season a special service of fast goods trains is maintained. All Railways have standing arrangements for the expeditious handling of fresh fruit and other perishable traffic, which in the matter of transport arrangements receive preferential treatment over other parcels and goods traffic.

In the case of passenger train transport fresh fruit is charged on all railways at half parcel rates.

In regard to the special question of facilities for refrigerated transport, I am directed to invite your attention to para. 314 on page 378 of the Report of the Royal Commission on Agriculture in India. For facility of reference, the paragraph is reproduced below :—

"The development of fruit and milk traffic.—It is further suggested that the railway authorities should take active steps to encourage the development of traffic in certain kinds of agricultural produce. Fruit and milk were the two products most prominently mentioned in this connection. It does not appear to us that the railways can justly be accused of any lack of enterprise in respect of either of these or of any unwillingness to meet their special transport requirements. Ice-cooled vans for the carriage of the more delicate kinds of fruits have already been brought into use, chiefly on the N. W. Railway. The extensive employment of refrigerator or cold-storage vans for this form of traffic must depend on the extent to which it develops and on the establishment of cold-storage depots at suitable centres. We trust that railway administrations will continue to pursue a liberal and progressive policy in providing the facilities required. In the initial stages of the development of industry such as fruit growing, the agricultural departments should interpret to the railway authorities the requirements of the growers in the matter of facilities on the railways, such as special vans, rapid transit, and accommodation at terminal points. When this is done, and provided it is:

clear that the venture offers firm prospects of profitable traffic within a reasonable period of time, we have no doubt that railway authorities will do their best to meet the needs of the industry".

It may be mentioned that more than ten years ago the E. I. Railway administration put into service six specially constructed refrigerator vans as an experimental measure. The scheme was given an extended trial, but had eventually to be abandoned owing to want of patronage on the part of the public. The vans were subsequently transferred to the N. W. Railway since when they have been in regular commission for the fresh fruit traffic from Quetta and other points, to Calcutta, Bombay, etc.

Provided evidence of the necessary private enterprise was forthcoming, the Railway Board would be fully prepared to re-open the question but you will readily appreciate that it would be inadvisable for Railways to undertake the great expenses of providing highly specialised equipment and facilities unless there were reasonable prospects of the venture being a success.

8. *Rates for Sulphuric Acid in connection with the manufacture of Sulphate of Ammonia.*—Some misunderstanding appears to have arisen in respect to the statement that the indigenous production of sulphate of ammonia in the coal fields has been retarded by the high rates charged on sulphuric acid. Sulphate of ammonia is manufactured as a bye-product in the coking plants at Tatanagar, Kulti, Barakar, Asansol, Baraee, Jherriah and Giridih, where the necessary sulphuric acid manufacturing plants have been installed. The raw material used for making sulphuric acid at these centres is imported sulphur, so that there cannot possibly be any question of the rates on sulphuric acid affecting the outturn of sulphate of ammonia.

The statement that "the railways have put up the rates on sulphuric acid while on the other hand they have reduced the rates on manure and sulphate of ammonia" is not in accordance with the Railway Board's information and they would be glad to be furnished with specific details relating to the alleged increase in the rates on sulphuric acid.

9. *Rates for Bone Meal.*—In regard to the question of bone meal, I am directed to draw your attention to para. 91 page 92 of the Report of the Royal Commission on Agriculture in India.

Bone Meal despatched in the form of superphosphate is automatically treated as manure, and gets the benefit of the special reduced scale of charges applicable to manures. Where *bond fide* demands for the consumption of Bone Meal as a manure exist, the concession rates for manure are applied, as for instance on the E. B. Railway in the case of bone meal for the tea gardens.

10. *Rates for Cigarettes, Bidi Leaves and Tobacco.*—The classification for these articles is as follows :—

	Railway risk.	Owner's risk.
Biddy leaves (small consignments).	6	—
Biddy leaves (wagon loads, subject to a minimum weight for charge of 100 maunds per wagon in bookings from stations on the broad gauge and of 81 maunds per wagon in bookings from stations on the metre or narrow gauge).	6	4
Tobacco, country, manufactured	6	4
Tobacco, country, unmanufactured (which includes biddy tobacco)	4	4
Cigarettes (small consignments).	6	4
Cigarettes (large consignments subject to a minimum weight for charge of 160 maunds per consignment and to a minimum distance for charge of 400 miles).	6	4

No special rates are quoted for imported cigarettes from the ports.

The railway risk classification for biddy leaves is higher than for country tobacco as biddy leaves give a very poor wagon load as compared with tobacco. It will be seen, however, from the details of the classification given above that when a certain minimum weight is paid for consignments of biddy leaves are charged at the same classified rate as applies for tobacco. Even under this arrangement the charge for biddy leaves is less than for tobacco when considered in relation to the wagon space occupied.

11. *Rates for Fresh Milk and Condensed milk.*—Fresh milk and condensed milk by goods train are classified the same, viz., 6th class at railway risk and 4th class at owner's risk, but as far as fresh milk is concerned the classification is virtually inoperative since this is not a class of traffic that moves by goods train. Fresh milk is handled by passenger trains, and on railways generally is charged at half parcels rates whereas condensed milk is charged at full parcels rates.

The East Indian Railway charge milk by passenger train at special reduced rates, and the following is a comparison of the rates for fresh and condensed milk by passenger train as also the rates for condensed milk by goods train on that railway.

Miles.	Fresh milk. (Passenger Train)	Condensed milk.	
	Rs. a. p.	Passenger. Rs. a. p.	Goods. Rs. a. p.
25	0 2 0	0 5 0	0 2 1
50	0 3 0	0 10 0	0 3 4
100	0 5 0	1 4 0	0 5 8
200	0 7 0	2 4 0	0 10 10
400	0 11 0	3 7 0	1 5 2
600	0 15 0	4 15 0	1 15 6
800	1 3 0	6 7 0	2 9 10

It will be observed that the rates for fresh milk are very substantially lower than the rates for condensed milk by both goods and passenger trains.

Moreover to facilitate the carriage of market produce, the East Indian and Eastern Bengal Railways also issue Market Vendor's Monthly tickets at specially reduced fares, also Market Vendor's return tickets, to cover the free conveyance by passenger train of 1½ maunds of fresh milk per ticket holder per trip, an unlimited number of journeys being allowed each day in the case of Market Vendor's Monthly tickets.

In view of these facts there is no justification for the allegation that Railways discriminate in favour of condensed milk to the prejudice of the dairy industry.

12. *Rates for Grain and Seeds.*—The Railway Board do not consider that any argument is necessary to establish that low rates for grain and seeds are an economic necessity in the mutual interests of the producers, the consuming public and the Railways. In so far as the export trade in particular is concerned, it is all to the advantage of the Indian producer that he should be enabled to sell his produce in the competitive markets of the world at favourable prices.

The Railway Board are similarly unable to agree with the view that the rates for grain and seeds are at an unremunerative level, and the following table comparing the receipts per ton mile for long distances with the average cost per ton per mile on the principal State managed railways speaks for itself.

Miles.	Average cost in pies per ton mile.			Rate in pies per ton mile.		
	E. I. R.	N. W. R.	G. I. P.	E. I. R.	N. W. R.	G. I. P.
600	2.50	4.12	3.78	4.72	5.90	7.49
800	2.50	4.12	3.78	4.22	5.21	6.40
1,000	2.50	4.12	3.78	3.92	4.79	5.68

13. *General.*—The Railway Board have dealt at length with the points made in your speech, and are of opinion that the policy of Indian Railways in regard to rates and fares stands clear of the charge made that they are indifferent or inimical to the interests and welfare of indigenous industries. The goods tariffs of the State Railways, in particular, which contain numerous special reduced rates quoted to encourage the development of Indian industries, fully support this contention.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE.

424. *Mr. Vidya Sagar Pandya: (a) Will Government be pleased to state what progress has been made in carrying into effect the Resolution of the Council of State, passed on the 17th September, 1928, on the Report of the Agricultural Commission?

(b) Will Government be pleased to state what definite steps have been taken by them to give effect to the recommendations contained in the Report of the Agricultural Commission?

Mr. G. S. Bajpai: (a) and (b). A copy of the debate on the Resolution was forwarded to all Local Governments and Administrations. The recommendations relating to Central Land Mortgage Banks were also discussed at a conference of Registrars of Co-operative Credit Societies which met in Simla last October and commended to the conference of representatives of Provincial Governments, at which the more important proposals made by the Royal Commission were discussed. The Government of India have since then been engaged principally in considering the very important recommendations which the Commission made as to the establishment of a Central organisation for research purposes. The action taken as regards this matter has already been announced by His Excellency the Viceroy in his address to the Assembly on the 28th January. Other recommendations which concern the Government of India, either exclusively or jointly with one or more Local Governments, are receiving attention now. It rests of course, with Local Governments to give effect to the recommendations which affect them primarily.

RECOMMENDATIONS OF THE CINEMA COMMITTEE.

425. *Mr. Vidya Sagar Pandya: (a) Will Government be pleased to lay on the table the views of the Local Governments on the recommendations of the Cinema Committee?

(b) Will Government state when they propose to take action on the recommendations of the Cinema Committee?

(c) Will Government be pleased to make a statement on the final conclusions arrived at on the proposals of the Cinema Committee?

The Honourable Mr. J. Orerar: The views of Local Governments have not as yet been secured on all the recommendations of the Committee, and the Government of India are therefore not at present in a position to reach final conclusions or to take action on the proposals.

ROYAL COMMISSIONS AND COMMITTEES APPOINTED SINCE 1921.

426. *Mr. Vidya Sagar Pandya: Will Government be pleased to lay on the table the information collected and supplied to Rai Bahadur Tarit Bhusan Roy, in reply to his starred question No. 331 on the 10th September, 1928, in the matter of Royal Commissions and Committees appointed since 1921?

The Honourable Mr. J. Orerar: I have laid on the table a list containing the information which was supplied to Rai Bahadur Tarit Bhusan Roy.

Statement showing the number of Commissions appointed since 1921, the personnel and cost of each such Commission.

Serial No.	Name of Commission.	Personnel.	Cost.	Remarks.
		<i>Chairman.</i>	Rs.	
1	Royal Commission on Superior Services in India.	Viscount Lee of Faraham	3,00,000	Approximate.
		<i>Members.</i> Sir Reginald Craddock. Sir Cyril Jackson. Sir Chaman Lal Hari Lal Setalvad. Sir Muhammad Habibullah. Rai Bahadur Hari Kishan Kaul. Mr. David Petrie. Mr. Bhupendra Nath Basu. Mr. R. Coupland. Mr. S. F. Stewart—Joint Secretary. Mr. A. W. Street—Joint Secretary. Mr. P. R. Rau—Assistant Secretary.		
		<i>Chairman.</i>		
2	Royal Commission on Indian Currency and Finance.	The Right Hon'ble E. Hilton Young, D.S.O.	2,87,000	Approximate.
		<i>Members.</i> Sir Rajendranath Mookerjee, K.C.I.E., K.C.V.O. Sir Narcot Hastings Yeeles Warren, K.C.I.E. Sir Reginald Arthur Mant, K.C.I.E., C.S.I. Sir Maneckji Byramji Dadabhai, K.C.I.E. Sir Henry Strekosh, K.B.E. Sir Alexander Robertson Murray, Kt., C.B.E. Sir Purshotamdas Thakurdas, Kt., C.I.E. Mr. Jehangir Cooverjee Cooverjee. Mr. William Edward Preston.		

Serial No.	Name of Commission.	Personnel.	Cost.	Remarks.
		<i>Secretaries.</i> Mr. G. H. Baxter. Mr. A. Ayangar.	Rs.	
		<i>Chairman.</i> Right Hon'ble Marquess of Linlithgow, D.L.		
		<i>Members.</i> Sir Henry Stanley Lawrence, K.C.S.I., I.C.S. Sir Thomas Middleton, K.B.E., C.B. Rai Bahadur Sir Ganga Ram, Kt., C.I.E., M.V.O. Sir James Mackenna, Kt., C.I.E., I.C.S. Mr. H. Calvert, C.I.E., I.C.S. Raja Sir Krishna Chandra Gajapathe Narayana Deo Garu, Raja of Parlakimedi. Mr. M. N. Gangulee, Professor of Agriculture and Rural Economy, Calcutta University. Dr. L. K. Hyder P.H.D. Professor of Economics, Aligarh University. Mr. Balkrishna Sitaram Rawat.	13,72,734	Approximate.
		<i>Chairman.</i> The Hon'ble Sir Ibrahim Rahimtoola, Kt., C.I.E., Member of Executive Council, Bombay.		
		<i>Vice-Chairman.</i> Mr. J. M. Keynes, M.A., C.B., Fellow of King's College, Cambridge.		
		<i>Members.</i> Mr. T. V. Seshagiri Ayyar, Member, Legislative Assembly. (Retired Judge, High Court, Madras.) Mr. Ghanshyam Das Birla, M.L.C., of Messrs. Birla Brothers, Ltd., Calcutta.		
4	Indian Fiscal Commission.	The Hon'ble Sir Ibrahim Rahimtoola, Kt., C.I.E., Member of Executive Council, Bombay.	3,47,803	Actual.

Serial No.	Name of Commission.	Personnel.	Cost.	Remarks.
		Mr. J. C. Coyjee, B.A., LL.B., Professor of Economics, Presidency College, Calcutta. The Hon'ble Sir Manekjee Byramji Dadabhoy, Kt., C.I.E., Bar-at-Law, Nagpur. Mr. Jamnadas Dwarkadas, M.L.A., Bombay. The Hon'ble Sir Edgar Holberton, Kt., C.B.E., Burma Chamber of Commerce. Mr R. A. Mant, C.S.I., I.C.S. Mr. Norottam Morarjee of Messrs. Morarjee Goculdas & Co., Bombay. Mr. C. W. Rhodes, C.B.E., M.L.A., of Messrs. Hoare Miller & Co., Ltd., Calcutta. Sir Montague Webb, Kt., C.I.E., C.B.E., M.L.A., of Messrs. Forbes, Forbes Campbell & Co., Ltd., Karachi. Mr. H. G. Haig, I.C.S., Secretary. Mr. E. F. Rogers, Assistant Secretary. Chairman.	Rs.	
5	Indian Statutory Commission.	The Right Hon'ble Sir John Simon, P.C., K.C.V.O., K.G.M.P. Members. Viscount Burnham, G.C.M.G., C.H. The Lord Strathcona and Mount Royal. The Hon'ble N. C. G. Cadogan, C.B., M.P. The Right Hon'ble Vernon Hartshorn, P.C., M.P. Colonel the Right Hon'ble G. R. Lane Fox, P.C., M.P. Major C. R. Attlee, M.P. Mr. J. W. Bhore, C.I.E., C.B.E., I.C.S., Secretary. Mr. S. F. Stewart, C.S.I., C.I.E., Secretary. Mr. R. H. A. Carter, Assistant Secretary. Mr. E. W. Perry, I.C.S., Assistant Secretary.	Not yet known.	

Mr. Vidya Sagar Pandya: Does that statement contain information also about Committees or does it only contain information relating to Royal Commissions, and will the Honourable Member kindly furnish that information, if he has not given the information about all the Committees appointed since 1921 up to date and their cost?

The Honourable Mr. J. Orerar: Yes, Sir, I will supply the Honourable Member with that information.

COMPLAINT AGAINST THE POST OFFICE FOR TAMPERING WITH LETTERS,
BY DR. ANNIE BESANT.

427. ***Mr. Vidya Sagar Pandya:** Has the attention of Government been drawn to the signed article in the *New India* by Dr. Annie Besant and reproduced in other papers such as the *Hindu* dated 19th December, 1928, reiterating her complaint against the Post Office in the method of tampering with private correspondence? Will Government make a full statement in the matter, taking into consideration the answers given by the Government to the unstarred questions—

(1) No. 2 of Mr. C. S. Ranga Iyer,

(2) No. 147 of Khan Bahadur Sarfaraz Hussain Khan,

and starred question No. 14 of the late Lala Lajpat Rai, on Tuesday, the 4th September, 1928?

and the charge subsequently repeated by Dr. Annie Besant in another signed article in the *New India* recently?

The Honourable Mr. J. Orerar: I have nothing to add to the answers to which the Honourable Member refers.

Mr. Vidya Sagar Pandya: In view of the serious allegations subsequently made by Dr. Besant, would it not be very scandalous for the Government not to make any enquiry into the matter?

The Honourable Mr. J. Orerar: The article to which the Honourable Member has drawn my attention refers specifically to a complaint which was made at the beginning of last year. The complaint was thoroughly enquired into before I gave my answer in the last session and it was found to be totally devoid of foundation. I therefore see no reason for instituting any further enquiry.

Mr. Vidya Sagar Pandya: Are Government aware of the fact that those charges were subsequently repeated by Dr. Besant in another signed article in *New India* recently, regarding monies sent to her from outside, which she pays to students, which she says do not reach her in proper time, and has her wakil given any notice or made any representation to the Government in the matter?

The Honourable Mr. J. Orerar: I have explained on a previous occasion that, neither the Government of Madras, nor any other Government, did in any way tamper with Mrs. Besant's correspondence or delay any remittances to her address.

Mr. A. Rangaswami Iyengar: Will Government take notice of the fact that Dr. Besant specifically complained that remittances sent to her were not received, and will they cause an enquiry to be made into it?

The Honourable Mr. J. Orerar: I have already explained in respect of the complaint specified in the article to which my attention has been drawn that a full enquiry was made and it was elicited that the complaint made by Mrs. Besant, no doubt under a misapprehension, was nevertheless entirely destitute of foundation so far as the action either of the Government of India or of the Government of Madras was concerned.

Mr. A. Rangaswami Iyengar: I am asking whether in respect of the fresh complaint that she has made, just referred to in Mr. Pandya's question, Government would cause an enquiry to be made.

The Honourable Mr. J. Orerar: I am not aware that any fresh complaint has been made. I am quite convinced that there is no cause for any complaint on the ground of delay or interference with her correspondence. Delays in the delivery of postal communications do occasionally arise, and in that case I suggest that the proper course is to make enquiries at the post office of delivery.

Mr. A. Rangaswami Iyengar: Is the Honourable Member aware that letters from abroad to Members of this House have been surreptitiously opened during transit?

Mr. President: The Revd. J. C. Chatterjee.

REPORTED MANUFACTURE AND EXPORT BY THE GOVERNMENT OPIUM FACTORY AT GHAZIPUR OF MORPHINE AND HEROIN.

428. ***The Revd. J. C. Chatterjee:** (a) Has the attention of Government been called to an article by Mr. C. F. Andrews in the *Manchester Guardian*, reproduced in a recent issue of the *Indian Daily Mail* of Bombay, stating, that the Government Opium Factory at Ghazipur is now manufacturing opium alkaloids such as morphine and heroin, and that they are exported to foreign countries?

(b) Will Government be pleased to state whether the statement is correct partially or substantially?

The Honourable Sir George Schuster: I think, Sir, it will be convenient if I answer questions 428 to 430 together. I am anxious to supply an explanation of the whole position and I have found that I could do this best by re-arranging the heads of the questions.

The Government have seen the article referred to and have already issued a Press communiqué on 29th January, on the subject.

No heroin has ever been manufactured at Ghazipur and the products which have to be considered in dealing with the points raised in the questions are pure morphine, crude morphine and medical opium.

Pure morphine has been produced in Ghazipur for many years and is a necessary and beneficial drug for medical purposes. Except for one consignment of 430 lbs., sent to the United Kingdom in 1923-24, it has never been exported, but has all been issued in India to medical storekeepers to Government, Government dispensaries and licensed druggists. The amounts manufactured have been as follows: (The year referred to

is the administrative year in the Opium Department which ended on October 31 up to 1926 and thereafter on September 30).

1920-21	..	..	..	..	None, owing to the existence of a sufficient supply at the beginning of the year.
1921-22	..	..	..	..	34 lbs.
1922-23	..	..	..	..	130 "
1923-24	..	..	..	..	425 "
1924-25	..	..	..	..	155 "
1925-26	..	..	..	..	158 "
1926-27	..	..	..	..	142 "
1927-28	..	..	..	..	165 "

Crude Morphine was first manufactured in 1923-24 and all that has been made has been exported to the United Kingdom, except a small quantity retained for refinement into pure morphine for issue in India. The figures for exports of this drug are as follows:—

1923-24	..	..	..	..	4,050 lbs.
1924-25	..	..	..	..	2,000 "
1925-26	..	..	..	..	5,240 "
1926-27	..	..	..	..	Nil.
1927-28	..	..	..	..	1,100 "

These figures do not exactly correspond with some of the figures taken from the statistics supplied to the League of Nations which, since 1926, have been made up for the calendar year.

The manufacture of crude morphine was originally started in order to use up accumulated stocks of contraband opium. The product was exported only to the United Kingdom to fill definite orders placed with the High Commissioner for India by persons authorised by the Home Office to import the drug. It is a necessary drug for medical purposes, and the experience of the Great War showed how important it was to have some reliable source of supply. The needs of the United Kingdom for medical purposes may be met either by the supply of crude morphine or by medical opium and therefore the supply of the two commodities must be, and has always been, correlated together.

I may state that, although the Government of India, owing to the procedure adopted, were satisfied that the crude morphine exported by them only went into proper hands, they have actually, since March, 1928, stopped its manufacture and are turning instead to the manufacture of codeine, a preparation which, although in its chemical analysis closely resembles morphine, is actually classified in technical language as a "harmless and non-habit-forming drug".

In order to complete the picture of what the Government of India is doing in this field, I may also give particulars of its business in medical opium. The whole of the exports from India in this case also have gone to the United Kingdom, with the exception of one small consignment, sent in 1924-25 to the United States of America under special circumstances of which the India Office was cognisant.

The exports of medical opium, which have all been made solely for medicinal purposes and under strict control have been:

1923-24	..	..	..	..	54,400 lbs.
1924-25	..	..	..	..	132,000 „
1925-26	..	..	..	..	96,000 „
1926-27	..	..	..	..	71,000 „
1927-28	..	..	..	..	76,800 „

I think that the information which I have given will make it clear that although the figures quoted in the articles referred to were substantially correct, the general inference drawn is not fair to the Government of India. The figures which I have now given show that it was an entirely exceptional occurrence that the exports of crude morphine from 1923 to 1926 went to so high a figure, that in the following years the figures were greatly reduced, and that the export has now ceased altogether. Further, not an ounce has ever been exported except for medical purposes under strict control.

The Government of India welcome the vigilant scrutiny which men like Mr. C. F. Andrews, the writer of the article, apply to this subject, and are in entire agreement with his object which is to stamp out the trade in noxious drugs. The Government of India, by deciding in 1926 in effect to eliminate its export trade in opium, except for medicinal purposes, voluntarily submitted to the financial sacrifice of several crores per annum of revenue. Having given a lead to the world in this way they certainly do not intend to go back upon it.

MANUFACTURE OF LARGE QUANTITIES OF MORPHINE IN INDIA.

†429. *The Revd. J. C. Chatterjee: (a) Is it a fact, as stated by Mr. C. F. Andrews, that whereas in 1921 there was no manufacture of opium alkaloids and in 1922 only 15 kilos were manufactured, in 1926 as many as 1,977 kilos, or in other words more than two tons of morphine, were manufactured at Ghazipur, and placed on the world market?

(b) In view of the above development, is it not a fact that India is becoming one of the principal suppliers of morphine for the world?

NAMES OF COUNTRIES TO WHICH MORPHINE HAS BEEN SUPPLIED FROM GHAZIPUR.

†430. *The Revd. J. C. Chatterjee: (a) Will Government be pleased to supply a statement showing names of countries to which morphine has been supplied from the Ghazipur factory and the amount supplied to each, from the year 1922 to 1927, inclusive?

(b) Will Government be pleased to state if this supply of morphine to those countries has been for purely medicinal purposes?

ADMISSION OF INDIANS TO THE CEYLON CIVIL SERVICE.

431. *The Revd. J. C. Chatterjee: (a) Will Government be pleased to state the numbers of Singhalese British subjects serving in the Indian Civil Service, and of Indian British subjects serving in the Ceylon Civil Service?

† For answer to this question, see answer to question No. 428.

(b) Is it a fact that, while Singhalese British subjects are eligible for entry into the Indian Civil Service, British Indian subjects are not eligible for the Ceylon Civil Service?

(c) If the answer to part (b) is in the affirmative, will Government be pleased to state if they would be prepared to either press for the opening of the Ceylon Civil Service to Indian British subjects, or to declare Singhalese candidates ineligible for the Indian Civil Service?

The Honourable Mr. J. O. Chatterjee: (a) Five Ceylonese British subjects are now serving in the Indian Civil Service. Government have no information as to the number of British Indian subjects serving in the Ceylon Civil Service.

(b) I would invite the Honourable Member's attention to the reply that I gave on the 21st September last, to Maulvi Sayyid Murtaza Sahib Bahadur's question No. 825.

(c) The matter has received Government's close attention on more than one occasion; but the conclusion reached was that, in present circumstances, there is no practical advantage to be gained from the action suggested.

MEDICAL INSPECTION OF SCHOOL GIRLS.

432. *The Revd. J. C. Chatterjee: (a) Will Government be pleased to state, what, if any portion of the grant made to the Delhi Administration for the medical inspection of school children was expended on the medical inspection of school girls?

(b) If no provision was made for the medical inspection of school girls in Delhi Province, do Government propose to direct that girl scholars should be given the benefit of medical inspection, equally with boy scholars?

Mr. G. S. Bajpai: (a) No portion of the grant was expended on the medical inspection of school girls.

(b) The question of extending medical inspection to school girls will be considered after some experience has been gained of the system of medical inspection of boys.

The Revd. J. C. Chatterjee: Are the Government aware that the Municipality of Delhi, finding that Government makes no provision for the medical inspection of girls, have introduced it, and if so, will Government watch that experiment and take early steps?

Mr. G. S. Bajpai: I shall certainly pass on the information furnished by the Honourable Member to the Chief Commissioner of Delhi, but I think he is equally in a position to do it direct.

The Revd. J. C. Chatterjee: If you will give the money.

Mr. G. S. Bajpai: For passing on the information?

MEDICAL TREATMENT OF SCHOOL CHILDREN AFTER INSPECTION.

433. *The Revd. J. C. Chatterjee: What provision is made to ensure that scholars found by medical inspectors to be in need of medical treatment receive the necessary treatment?

Mr. G. S. Bajpai: A slip giving the name of the disease, from which a school boy is suffering, is sent to his parent or guardian for information and action. The boy is entitled to treatment, free of charge, at any of the public hospitals or dispensaries in the Delhi Province.

The Revd. J. C. Chatterjee: Are Government aware that the condition of the parents is such that those slips are very seldom used at all?

Mr. G. S. Bajpai: I am quite prepared to take that from the Honourable Member.

The Revd. J. C. Chatterjee: Are Government prepared to consider the possibility of medical clinics for school children?

Mr. G. S. Bajpai: Does the Honourable Member suggest that the hospitals and dispensaries in the Delhi Province do not provide clinics for children?

The Revd. J. C. Chatterjee: I do not suggest that, but they are very inconvenient to get at. What I mean is that they should be more reachable than they are at present.

Mr. G. S. Bajpai: If the Honourable Member suggests that there should be special clinics, I am not prepared to give an answer off hand but I am quite prepared to ask the Chief Commissioner to consider the suggestion.

The Revd. J. C. Chatterjee: That will satisfy me.

EXTENSION OF DELHI PROVINCE.

484. ***The Revd. J. C. Chatterjee:** (a) Has the attention of Government been drawn to an address presented by the President and Municipal Commissioners of Delhi to the Honourable the Chief Commissioner of Delhi, in the course of which they represented to him the earnest wish of the people of Delhi and its environments for the extension of Delhi Province, and pointed out the handicaps suffered by the people of the Province owing to its 'microscopic' size?

(b) Has the attention of Government been further called to the Report prepared by a Committee of the Delhi residents on provincial redistribution, outlining a scheme for a much enlarged Province of Delhi, extracts from which scheme appeared in the *Hindustan Times* of January 6th, 1929?

(c) Will Government be pleased to state if they are considering the question of enlarging the Delhi Province?

(d) Will Government be pleased to state if they have submitted any proposals to the Indian Statutory Commission for the extension of Delhi Province?

The Honourable Mr. J. Orerar: (a) and (b). Government have seen newspaper accounts of the address to the Chief Commissioner referred in (a) and of the report referred to in (b).

(c) and (d). No.

The Revd. J. C. Chatterjee: May I ask whether Government are opposed to the proposal for the extension of the Delhi Province?

The Honourable Mr. J. Orerar: Government have not taken that question into consideration as yet.

The Revd. J. C. Chatterjee: May I ask if Government will be prepared to take this into consideration at an early date?

The Honourable Mr. J. Orerar: In due course, when the matter arises, Government will no doubt give very careful consideration to any proposals that may be made in that behalf.

COST OF MAINTENANCE OF THE WESTERN EXTENSION OF DELHI.

485. ***The Revd. J. C. Chatterjee:** (a) Is it a fact that the Delhi Municipality is allowed an annual grant of Rs. 25,000 only for maintenance of the Western Extension and other developed areas, whereas the Municipality has to spend considerably over a lakh per annum on the maintenance?

(b) If the answer to part (a) be in the affirmative, are Government prepared to consider the question of allotting the entire income of these areas to the Delhi Municipality for their maintenance?

Mr. G. S. Bajpai: (a) Information has been called for from the Chief Commissioner, Delhi, and will be supplied to the Honourable Member on receipt.

(b) The Government of India propose to await the Chief Commissioner's reply before considering the matter.

THE BEGGAR PROBLEM IN DELHI CITY.

486. ***The Revd. J. C. Chatterjee:** (a) Are Government aware that the streets and bazaars of Delhi City are infested with an army of beggars and mendicants, some of whom are suffering from disfiguring and infectious diseases?

(b) Are Government prepared to undertake legislation to deal with the beggar problem and as a first step towards its solution to assist the Delhi Municipality with financial aid for the provision of a suitable poor house?

Mr. G. S. Bajpai: (a) Government are aware that a number of beggars, some of whom correspond to the description given by the Honourable Member, are to be found in the streets of Delhi.

(b) Provision already exists in section 151 of the Punjab Municipal Act, which has been extended to the Delhi Province, to deal with importunate and none too beautiful mendicants. They have received no application from the Municipal Committee of Delhi for a grant towards the construction or maintenance of a poor house.

The Revd. J. C. Chatterjee: May I ask whether, if such an application is received, the Honourable the Education Secretary will be prepared to consider it favourably?

Mr. G. S. Bajpai: I am not prepared to say that I shall be able to consider it favourably, but I shall certainly consider it. The decision will depend upon the circumstances of the case.

APPOINTMENT OF A NON-OFFICIAL INDIAN TO AN ADDITIONAL POST OF MEMBER OF THE RAILWAY BOARD.

437. ***Pandit Hirday Nath Kunzru:** (a) Has the Secretary of State recently sanctioned the creation of an additional post of Member of the Railway Board?

(b) If so, what will be the duties of the new Member? Will he deal specially with labour questions?

(c) Do Government, in response to the demand repeatedly made by the Assembly for the appointment of an Indian to the Railway Board, propose to select a non-official Indian for the new post?

The Honourable Sir George Rainy: I am not at present in a position to make a statement, but I hope to be able to do so at a very early date.

Diwan Ohaman Lall: May I take it that the Honourable Member will take into consideration the desire of this House that there should be an Indian Member of the Railway Board?

The Honourable Sir George Rainy: The House may take it for granted that the frequently expressed desire in many quarters of this House is constantly present to the mind of the Government of India.

UNSTARRED QUESTIONS AND ANSWERS.

REPORTED SMUGGLING OF COCAINE INTO INDIA.

215. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the report published in the issue of the *Statesman* of January 22, 1929, page 12, under the heading "Cocaine menace in India—League Report—Drug smuggled from Far East"?

(b) If so, will they please state if the statement "Sir John Cabbell gave details of the considerable decrease in the culture of the poppy in 1926-27. He described cocaine as being still a more serious menace than opium, and said the quantity of cocaine smuggled into India was 41 times larger than the quantity legally permitted" is correct?

The Honourable Sir George Schuster: (a) Yes.

(b) Yes. The amount of cocaine imported into India in 1927 under license was 65 lbs. The seizures of contraband cocaine amounted to 265 lbs., and as the usual formula taken is that the seizures represent, approximately, one-tenth of the illicit traffic, the quantity of cocaine smuggled into India is calculated to have been 41 times the amount legally imported.

CONSTRUCTION OF A CULVERT AND OVERBRIDGE AT BARAUNI JUNCTION ON THE BENGAL AND NORTH WESTERN RAILWAY.

216. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Searchlight* of January 23, 1929, page 8, regarding the construction of a culvert and an overbridge at the Barauni Junction of the Bengal and North Western Railway Station?

(b) If so, do they propose to consider the desirability of the construction of a culvert and an overbridge and thus redress the grievances of the people of the locality as suggested in the letter?

Mr. A. A. L. Parsons: (a) Yes.

(b) I am sending a copy of the Honourable Member's question to the Agent of the Bengal and North Western Railway in order that he may consider whether any action is needed.

RECOGNITION OF THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

217. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the resolutions passed at the Joint Sessions of the 6th and 7th Annual Conferences of the Bengal and North Western Railwaymen's Association held on 22nd January, 1928, reported in the proceedings of the Conference for the years 1926 and 1927?

(b) Will the Government be pleased to state if it is a fact that the Bengal and North Western Railwaymen's Association was registered on the 30th of August, 1928, under the Trade Unions Act, XVI of 1926?

(c) If so, will Government please state if the Agent, Bengal and North Western Railway, was requested by the said Association to recognise it?

(d) If so, will they please state if the Association has since been recognised by the Agent?

Mr. A. A. L. Parsons: (a) Yes.

(b) It is understood that this Association has lately been registered under the Trade Unions Act of 1926.

(c) Yes.

(d) Government understand that the Agent of the Railway is making enquiries regarding the registration of this Association and its claims to represent railway workmen, and that, if these are found to be in order, he will be prepared to deal with it regarding such general matters as concern the welfare of the railway workmen.

DEPLORABLE CONDITION OF THE SUBORDINATE STAFF OF THE BENGAL AND NORTH WESTERN RAILWAY.

218. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that the Bengal and North Western Railwaymen's Association drew the attention of the Bengal and North Western Railway Home Board and the Railway Board to the deplorable conditions of the subordinate staff of the said Railway?

(b) If so, will Government please state what action has been taken to redress their grievances?

Mr. A. A. L. Parsons: (a) Government believe that this is so.

(b) The matters are within the competence of the Agent, but Government are making enquiries from him and will communicate with the Honourable Member in due course.

ELECTION OF A MEMBER TO THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

Mr. President: I have to inform Honourable Members that Mr. Shanmukham Chetty has been elected to represent the Assembly on the Council of the Indian Institute of Science, Bangalore.

ELECTION OF MEMBERS FOR THE COMMITTEE ON PUBLIC ACCOUNTS.

Mr. President: Non-official Members of the Assembly will now proceed to elect four members to serve on the Committee on Public Accounts in place of the four members, who have retired in accordance with sub-rule (4) of rule 51 of the Indian Legislative Rules. There are six candidates whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.)

THE PUBLIC SAFETY BILL--contd.

Mr. President: The House will now resume further debate on the Public Safety Bill.

Mr. M. Keane (United Provinces: Nominated Official): Mr. President, this is the first time I have heard these debates. I was not in the Assembly during the Simla Session, and I could only know by newspapers and by lobby conversations—dangerous conversations, those lobby conversations—the course that the debates took during the Simla Session. And I understood then from the newspapers and conversations that the debate at that time was rather of a bitter nature. The weather was distinctly squally, and eventually, as we know, the Government ship went down.

Any observer, I think, during the past two days would have noticed that the atmosphere now is very different. During these two days all has been calm and clear, and I have no reason to suppose that to-day will be any different.

The Honourable Diwan Chaman Lall, who is not present at the moment, being a man of very great earnestness, is occasionally inclined as earnest people are, to introduce a little disharmony; but even he did not disturb the general atmosphere, and all through we have had peace, almost repose, except perhaps for one brief moment, when Mr. Ranga Iyer, with the zeal and persistence, and possibly a little of the intolerance, of a convert! (Laughter.) turned and rent and trampled under foot our amiable friend, Mr. Gaya Prasad Singh. Mr. Gaya Prasad Singh introduced a simple little motion, by way of opening the proceedings, a motion for circulation, very innocent in itself. He travelled the well-worn paths that we had been accustomed to see him and others travel a thousand times, but for some reason or other it roused the wrath of Mr. Ranga Iyer. It reminded me of one occasion when I was lying quietly on the edge of a golf links in Dorset and I saw, as one does see in those sylvan places, a rabbit come out nibbling away and pleasantly strolling the paths he had always

followed. To my horror and his, a stoat suddenly appeared and death was at his throat before he knew it. That was what Mr. Gaya Prasad Singh must have felt. Apart from that little ripple, all has been very quiet. It has been pointed out already that, without exception, every single Member has condemned communism in the form in which it appears to-day. No Member wishes to see communism introduced into or obtain a hold in any part of India. One might suppose, in circumstances like that, with such initial agreement on a fundamental point, that that spirit might have taken the House a little further towards final agreement, but that has not been the case. Honourable Members opposite are held back by what I would characterise as a mental attitude. They are held back by the feeling which appears to be ever present to their minds, that repressive laws are the issue in question, and a repressive law is in itself damnable. It is a recreation with Honourable Members to search the judicial codes of half the world to discover laws or the absence of laws in those countries to support their own pleading. They come here after studying those laws.

12 Noon. and they produce those codes and say, here is China, here is England, here is Czecho-Slovakia, Peru and in none of these freedom-loving countries have they got a single law to correspond with the law that you seek to introduce now. My Honourable friend Mr. Cosgrave, unfortunately almost indelicately also entered into this field and he showed clearly that, as far as this particular case was concerned, this was not correct. He showed that the laws of other countries were on a par with the law that was now being introduced. This of course, as is usually the case, was followed by contradictions from the other side, especially from Diwan Chaman Lall, and I have no doubt that other lawyers when, they come to speak on the subject, will give us the benefit of a first class display of forensic fireworks to show that this is entirely wrong. Even my Honourable friend, Mr. Rangaswami Iyengar also entered into the field—I do not want to say very much about Mr. Iyengar's speech, because we on this side recognise Mr. Iyengar as one of the best brains in the Congress Party—and he did not do himself justice in that speech. We know the cause, and all sympathise with Mr. Rangaswami Iyengar. I'm sure, when he speaks again some other day, he will do himself more justice than he did yesterday. The point that I would like to make is this: this continuous searching throughout the countries of the world for laws to prove this and laws to prove that, is not really very relevant to the matter under consideration. We are not all lawyers; we are practical men, most of us, dealing with administration, and the point that seems to me we are liable to forget is that every country in these matters has its own conditions which are never really entirely paralleled by conditions in other countries. (Hear, hear.) It has got its own traditions which bind its present with its past and with its future. It has got its own problems to solve in its own way and we as legislators here and as practical men have to solve those problems. I would say to those who are lawyers, forget it and let us try to solve our problems. The problem that we have before us here is the problem of the maintenance of ordered Government. If there were a native Government here, as has been pointed out over and over again, they would take, I do not say the same measures, but they would take measures of some kind to meet what is admittedly a great menace; measures they must and would take. Every country in Europe, and most countries outside Europe, have taken similar measures. They are all perfectly alive to, perfectly aware of, the menace that is before them, and they have all taken adequate measures. And I say, if there

[Mr. M. Keane.]

were a strongly established responsible government in this country—and we ourselves are pledged, doubly, trebly pledged, pledged by every solemn assurance that we will do our very best to see established a responsible government in this country—if there were such a Government, they would have taken similar measures. When such a Government is established in this country, then I say that that Government will be bound to take measures to meet this menace. That is the right that we claim, the right that we ought to expect this House to give us as long as we are the Government responsible for the administration of the country. That is an elementary right and that right we claim. In my own personal opinion, I would add that we have all the more right to claim it in the peculiar circumstances of this country. I will not go as far as Diwan Chaman Lall went yesterday—though the Honourable Pandit Motilal Nehru did not contradict him, no doubt he will refer to it later on himself—I will not go so far as to say that the creed, the cardinal dogma of the creed of the Congress Party is to foment industrial dispute.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Who said that?

Mr. M. Keane: That is what I understood Diwan Chaman Lall to say. The published report of his speech will show if he said otherwise. He produced the Bill and read out the clause and said, "You can catch Pandit Motilal Nehru and his Party under this law for fomenting industrial disputes, if you want to. These are the very things they would do. This is part of their creed." At any rate that is what I understood Diwan Chaman Lall to say yesterday.

Pandit Motilal Nehru: He himself said that would be a false charge.

Mr. M. Keane: I would be very sorry to disagree with my Honourable friend Pandit Motilal Nehru. We are old friends and he and I ought not to quarrel now. I may say at once that if the Honourable Pandit definitely says that it is not the creed of the Congress—no one has a better claim to say what is the creed of the Congress—if the Pandit definitely says that that is not the creed of the Congress, I accept it. I understood from my socialist friend Diwan Chaman Lall that that was the creed of the Congress. I am sorry Diwan Chaman Lall is not here, but I remember he distinctly said that the Congress was out to foment industrial and agrarian disputes.

Honourable Members: No, no.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): What is the present form of Government in the country?

Mr. M. Keane: I will leave that point to the Honourable Pandit. At any rate my Honourable friend the Pandit will recall to his mind that period of peace and goodwill in Calcutta last Christmas when there were some very inharmonious discussions in his Party, and he will remember that it disclosed clearly the existence at least of one wing of his Party whose avowed aim is the overthrow and subversion of the present Government.

Honourable Members: No, no. Of the present system of Government.

Mr. M. Keane: All right; that at any rate shows that there is a portion of the Party holding those views. Now my point is this. It is my personal opinion, and we as Back Benchers have not got to concern ourselves primarily with the broad policies that the Government have to deal with, but within our own lines we can deal with these questions, my own personal opinion is this that the communist foreigner—I do not want for a moment to be misunderstood on this point—the doctrines and the methods, and the final aims of the communist Bolshevik party are as wide as the poles apart from the doctrines and methods, and final aims of the Independence party. My point is this. Any person, like our friend the Bolshevik from outside, with little knowledge of the realities of Indian politics, might very well be forgiven for thinking that there is already a party in India—since their immediate aim is the overthrow of the existing Government, and that too is his immediate aim—the communist might very well be forgiven for thinking that there is in India a party which is preparing the soil that he can later sow with red revolution. The foreign Bolshevik will say to himself, or might easily say to himself, this is good, there is a nest being prepared ready for me, and I will come and lay there the cuckoo's egg. The cuckoo will come and thank the kindly hedge sparrow for building him a nest and there he will plant his egg and he will watch complacently while the peaceful hedge sparrow hatches it out. And later on the hedge sparrow will be surprised to find that the voracious young cuckoo fledging has kicked his foster brothers out of the nest to die in the ditch, and it will rule the nest alone. That is what the result would be. If, therefore, these conditions prevail in India, it is my opinion at any rate that it is all the more essential that in this country, whatever the laws may be elsewhere, we should be in a position to meet that menace.

Honourable Members on this side are continually being faced with the bogey of repressive laws. It is a shibboleth that has done service in the past, is doing it in the present, and will not fail to do it in the future. I would say to all those Honourable Members who are at all disturbed by this bogey, this repressive law cry repeated again and again, that it is their duty to examine this question with the greatest possible care. I blame no Member for examining with the minutest care any law that seeks to introduce a procedure that is in any way abnormal; but members should decide for themselves: "Is it a repressive law? Is it what it is stated to be?" Over and over again, during the course of the debate in this House, it has been shown that, so far from being a repressive law in the ordinary sense of a repressive law, it is the reverse. It is not a law under which the Honourable the Home Member can sit in his place and write an order and have it issued on any man, and that man is taken away to a place where he will be heard of no more. That would be, no doubt a repressive law. And, mark you, Sir, what comparison is there between the power in this Bill and that power under which our admirable Soviet Government acted just now, a few days ago, towards the erstwhile Great Comrade Trotsky who was served with an order to remove himself, his family and his oxen and asses forthwith from the territory of Russia. He was served with such an order, without appeal, as is not the case here. It has been pointed out over and over again, and I will restate it again, that in this Bill which is before this House for consideration—and I would like Honourable Members from all parts of the House to remember this—there is an appeal to three Judges to consider the case of any man. This is not repression. The procedure alone is new, but the law is not a repressive law.

[Mr. M. Keane.]

It is a law which gives a man a perfect right to appear before three Judges, experienced Judges, before any arbitrary order can be carried into effect against him. And when the order is made, the removal will be postponed until after the appeal is considered; and the order will stand only in case the appeal is not allowed. That is all that the order means. And yet there is all this talk of repressive laws, all this comparison of the laws prevailing here, the laws prevailing there and the laws prevailing everywhere. We are told we must not have any law that is not in existence anywhere else. That surely means and shows the slavish mentality that Mr. Gandhi is continually trying to exorcise. Why must we not have a law here which is not in existence elsewhere? There is another thing, Sir. It is a peculiar, a very serious thing, one which is noticeable always, that it is only in the case of laws which allow the Government of the country to deal promptly, efficiently and effectively with an evil that this cry is raised. We have introduced laws in this country, in advance of the countries of Europe by half a century, laws which helped the agricultural part of the population, which gave them rights of occupancy in their land. So far back as 1859 we passed laws securing to the people of this country rights in their lands; laws which existed, as far as I know, in no European country at all. It was years before the first of a series of similar laws was introduced in Ireland. There was no cry then that we were introducing laws which no other country had introduced. England has always been known as the home of freedom, and America of course is peculiarly free, and they have no such laws. We have in this country had the railways nationalised; they belong to the State. No objection is raised that England has not nationalised her railways. It is only in the case of an act to make the Government of this country more effective, that an outcry is ever raised. This is the point I wanted to deal with, because, as far as I can see, it is the only one point that is being sought to be driven home. Mr. Birla, in his interesting speech yesterday, said his objection was to this repressive law. That was his point. He told us he objected to communism, that he disliked communism; but his mind was troubled, rightly troubled. But I want to say to him that his trouble has no real basis; his trouble need not be there.

The point which I want to emphasise is, I want all Honourable Members to see that, in order to meet a menace that has been recognised as a dangerous menace by every country in Europe, all we seek is that they give to the Government which is existing, rightly or wrongly—but existing, the power of exercising that responsibility which it holds, of maintaining the peace and prosperity of this country. This law enables that to be done, and it enables it to be done in a way that need offend the conscience of no Member who looks at it from the proper point of view and in the right spirit. I have done, Sir. (Applause.)

Mr. T. Gavin-Jones (United Provinces: European): Sir, when I spoke on the Public Safety Bill in the last Session, I expressed my surprise that this was considered to be a contentious Bill; and I am sure that it would not now be considered a contentious measure, if only Honourable Members who opposed the Bill in that Session would forget what they said then, and consider the question on its merits, without suspicion, and without the lure of using it as a stick to beat the Government, to use any stick without considering what the consequences are. First of all, I wish to offer some criticism of the Government. I agree entirely with Mr. Cooke and

Mr. Ranga Iyer in what they said, that they could not understand why the Bill was being sent to a Select Committee. It has already been before a Select Committee, and I fail to understand why it should be sent again. However, the Government in their wisdom, think that it is necessary, and I accept it. The Honourable the Home Member, in his speech, told us that he could not consider the question of dealing with the Indian communist at the moment, and he preferred the policy of "Wait and See". Now, Sir, this is not the time to wait and see, and I would press the Government to consider that side of the question now. We begged him in the last Session to consider it. If he had done so and stated clearly what he intended to do I feel sure that this Bill would have passed through without opposition.

The Honourable Diwan Chaman Lall, in his eloquent and clever speech, said a great deal about criminal law and why this trouble cannot be dealt with by the ordinary criminal law. Now, I am not a lawyer, but I understand that the criminal law cannot deal with a man unless it can prove him to be a criminal. This Bill is to deal with potential criminals. It is to deal with men who slip through the Immigration Law, which we are endeavouring to introduce. We do not want undesirable people to come to this country to stir up revolutionary trouble, for, however well you may handle your passports, they will slip through. This Bill is not to deal with the ordinary residents in the country. As the last speaker has pointed out, there is nothing for the ordinary resident in this country to fear. It is only to deal with those men who have slipped through and got into this country for evil purposes. Diwan Chaman Lall also quoted from a number of speeches that were made at the last Session, and he went through a list of the dreadful things that were prophesied, and he asked, have all these things happened? Has the country disintegrated? Has the fabric of society broken up? Now I ask Diwan Chaman Lall, is he going to wait till the fabric of society has broken up before he considers a law which is being enacted to deal with the difficulty? Surely he must know that the fabric of industry is breaking up and must be dealt with promptly. And this is what we on this side of the House are pressing the Government to do, and this measure has been placed before us as their idea of what ought to be done first. The difficulties and troubles are increasing. I have here a telegram which Sir Victor Sassoon has handed over to me. It is dated yesterday and reads:

"Pathan murders and disturbances still continue. Workers boasting victory for Red flag. Mill and railway workshops closed."

Since then Sir Victor Sassoon has received another telegram last night in which it is said that communal riots are feared and disturbances are increasing.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Communal? You mean communistic?

Mr. Jamnadas M. Mehta: What has that to do with the Bill?

Mr. T. Gavin-Jones: In this country Honourable Members know perfectly well that when trouble is stirred up, when riots occur, it is always turned into communal strife. That is the danger of playing with fire in this country. Now, Sir, a lot has been said about Bombay, but Bombay is not the only town in which there has been further trouble. In Bengal, in Calcutta, we have the Gloster Jute Mills which have been closed for six months and no one can find out what the trouble is.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Oh yes, you can.

Mr. T. Gavin-Jones: It is entirely worked up by agitation and it is one of the most flagrant cases of intimidation and at the back of it all is Mr. Spratt.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): What is the evidence?

Mr. T. Gavin-Jones: In Cawnpore only two or three days ago we had a lightning strike in which one of the mills closed down for two days. The men went out on a complete misunderstanding which had been aroused by agitators. They were so ashamed of it that they came back in two days.

An Honourable Member: There was no Spratt!

Mr. T. Gavin-Jones: There was no Spratt, but there was Bradley.

An Honourable Member: Still they came back.

Mr. T. Gavin-Jones: Last Session when I told you what was happening in Cawnpore, I was severely heckled during my speech for not saying what Europeans had to do with all that. I have since discovered that Mr. Bradley was actually in Cawnpore when this Bill was being discussed. Not only that. When the Bill was sent to Select Committee he thought his time was up and I am credibly informed he bid farewell to his associates and thought of clearing out of the country. After that the Bill was not passed, and he is still at large in the country.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Why do you not increase their pay?

Mr. T. Gavin-Jones: Sir, I will tell the Honourable Member in a minute why we do not pay higher wages.

Mr. K. Ahmed: He could not do so last time.

Mr. T. Gavin-Jones: I will come to that in one minute. Now, Sir, Mr. Kelkar seems to have a very benevolent attitude towards communist propaganda and has rather a soft corner in his heart for Mr. Bradley. He has even composed a piece of poetry about him. I have had a piece of poetry handed to me by a budding poet in this House who, I think, has made a better piece of poetry than the medley we heard. It is this:

"When Spratt & Bradley speak
You sometimes hear a squeak
That labour will fare better
If they threw off the fetter
Of the wicked employer
But those who know our Bradley
Can only view most sadly
The wicked doctrines preached
The wrong conclusions reached
By Bradley and by Spratt
Who do deserve the cat!"

Well let us get back to the more serious part of this subject. Mr. Bradley and Mr. Spratt are merely incidents and we are only quoting them as examples. They are not important people. This Bill has been brought in to deal with a matter which is increasing in importance daily and we must prevent more of such men coming in. Mr. Bradley and Mr. Spratt ought to go. Now, Sir, why have the Communists, the Third International, allotted a quarter of a million pounds sterling of capital for propaganda in this country? Because they feel that the soil is ripe for sowing their

poisonous seed and they are no mean judges. They have studied this subject all over the world. Trade in India is depressed, more depressed than I have ever known it. Money is tight, fearfully tight. I am told in our province, where they are having very hard times and where a crore of rupees has been distributed for *takavi*, the cultivators at the present time are actually paying 6½ per cent. per month for money to keep them alive until their crops can be harvested. That means 78 per cent. per annum. How can any industry live under such circumstances?

An Honourable Member: Is that due to Spratt?

Mr. T. Gavin-Jones: That is not due to Spratt: I am coming to that.

An Honourable Member: Indian money-lenders.

Another Honourable Member: Blackett.

Mr. T. Gavin-Jones: Yes, I quite agree with you—Blackett. I am in entire agreement with my friend, Mr. Birla, when he accuses Government because of their currency policy. That is why we all opposed it.

Mr. H. G. Cocke (Bombay: European): Not all.

Mr. T. Gavin-Jones: Not all, but those who knew anything about it at all. Sir, Mr. Birla's attitude towards this Bill is not logical. He says he objects to communist propaganda; he objects to the trouble and he could like to get over it; and all he suggests is that the currency policy of the Government has brought us to this difficulty and that if it is altered it will get us out of it. Well gentlemen—

Mr. President: The Honourable Member must address the Chair.

Mr. T. Gavin-Jones: Mr. Birla objects to communism, but he cannot support the Government because they have not brought in anything about Indian communists. These are his two points. Now, Sir, I would like to suggest that Sir Victor Sassoon's and my attitude are much more reasonable. We strongly opposed the Currency Bill to the bitter end; we have also insisted that government should do something about the Indian communists, but we support this Bill because it is a measure in the right direction. Is it not more reasonable to accept this Bill, which at any rate deals with British communists? Considering the serious situation, I hope that Honourable Members will support the Bill on that ground only.

Then my friend, Mr. Ranga Iyer, in his long speech, to which I listened with great care, in spite of the large vacuum in my inside, said a great deal, but the burden of his speech was this, that communism is no danger. Now, there is a great confusion of thought over communism. The preaching of the theory and practice of communism may not be any danger; there is nothing new in it; it has been in existence since the days of Plato; it has been tried by various communities in the history of the world and has always failed. The great experiment in Russia is the last effort; and as a matter of fact the practice of communism has actually failed in Russia. Lenin had to admit that himself; he could not bring round the peasants to be actual communists, and they are the bulk of the people in Russia. Now, if the theory of communism were preached and they tried to convert the public in India and the Government here by constitutional ways, there might be no harm in it; but the Third International are sending their emissaries into this country to subvert existing institutions and to create a revolution, and that is the danger. Now, Sir, in the speech made by the Honourable Home Member he mentioned that these agitators were sub-

[Mr. T. Gavin-Jones.]

verting existing organised Government and one Honourable Member on the Swarajist Benches said "That is all right", and certain Honourable Members on the Swarajist Benches rocked with laughter. Also when he said something about revolution, somebody over there said "Hear, hear". I am glad to see that Honourable Members sitting on my right and the Nationalists were not amused. Sir, this is no laughing matter. Honourable Members who deal with revolution and the subverting of organised government in so light a manner are like children playing with fire. Subverting organised government does not mean the Honourable Pandit crossing over the House and sitting on the Government Benches, because if he went over there with his colleagues, he would also have to utilise this same executive organised government to rule the country. Subverting organised government means creating revolution and upsetting law and order in this country. Now, Sir, I have been in communal riots and I have seen people of the middle and upper classes hide in their houses and fear to come out. I put it to Honourable Members over there, supposing revolution were fomented; supposing that the police were subverted and went in for looting; supposing that the Army was subverted; Honourable Members sitting over there would be cowering and trembling in their houses and saying "Why does not the Government do something?" It would be too late then; there would be no government. I beg of Honourable Members to treat this matter with seriousness and not to talk about revolution and subverting existing government in such a light manner. Sir, I hope that all Honourable Members will realise their responsibility and will vote for this Bill as a first step towards stopping this communist agitation and revolution in this country.

Pandit Motilal Nehru: Mr. President, if I am a few minutes late in replying to the affectionate appeal of my old friend, the Honourable Mr. Keane, it is not my fault, but it is my misfortune. I did rise immediately after he resumed his seat, but I was unfortunate enough not to catch your eye. I hope, therefore, my old friend will excuse me for the few minutes' delay. He has appealed to me as the official representative of the Congress, which honour has been conferred upon me by my countrymen, to tell him what is the creed of the Congress; and he took it upon himself to say that as far as he was able to understand, the creed of the Congress was to foment agrarian disturbances.

Mr. M. Keane: If I may explain, Sir, I understood Diwan Chaman Lall to say so: that is not my view of the Congress creed.

Pandit Motilal Nehru: That is, as far as he was able to understand my friend, Diwan Chaman Lall, the creed of the Congress was to foment agrarian disturbances. Now, Diwan Chaman Lall is here and I am perfectly certain that no member on this side of the House understood his remarks in that sense. It is impossible for Diwan Chaman Lall to have said anything so atrocious as that. But what Diwan Chaman Lall said was, from the point of view of the Treasury Benches, a much stronger thing. It was that the creed of the Congress is to subvert this Government, I mean the present system of Government. And as the President of the Congress, with all the responsibility attaching to that position, I now in this House openly and publicly declare that that is the creed of the Congress. ("Hear, Hear" from the Swarajists Benches). But as everybody knows it, it is no use seeking shelter under words, the Congress does not foment any kind of

violence. The Congress is for civil disobedience. Mahatma Gandhi has been proclaiming from housetops that we are all preparing for civil disobedience. And what is that civil disobedience for if it is not for subverting the present system of Government, because we do not like it, because it is not just, because it is oppressive. That is the creed of the Congress, and the Congress is working for it.

My Honourable friend Mr. Keane said that there were two wings of the Congress and that the methods of the two wings were different. That again is a grievous error. There is absolutely no difference between the objective and the methods. The difference is only in theory. One wing says, and truly says, that there is no hope from the present British Government for the establishment of Dominion Government in this country and it is useless to waste our time in trying to have such a Government established. The other wing says that although there is no such hope, yet in fact Dominion status is a form of Government which this country ought to be satisfied with and we shall therefore give the British Government one more chance to establish it. If it is not established, Mahatma Gandhi has said that on the 31st December 1930 he will wake up as an Independencewala. (Some Honourable Members: "1929"). I mean 1st January 1930. That may be right or that may be wrong. (An Honourable Member from the European Group: "That is wrong"). But it is not right to attribute things to the Congress or to the members of the Congress which they do not say and which they do not claim to be their views. Now, I hope I have made the position of the Congress perfectly clear.

Then my friend indulged in a metaphor. It was the metaphor of the cuckoo and the hedge sparrow. He forgot that we have got the hedge sparrow already in our midst, and we have had it for the last 150 years, and we are not able to lay our eggs at all. There is no question of hedging those cuckoos—(An Honourable Member: "Is the hedge sparrow a cuckoo?")—in comparison with the hedge sparrows that are around us. I simply take my friend's metaphor.

Then my friend has indulged in some wrong history and wrong law. He says that all the countries of Europe have similar legislation, but he did not take the trouble to show us the legislation of any particular country. He wants us to assume that all the countries of Europe have such legislation and because they have it we must also have it. But what of that? If some countries in Europe or the Dominions have some such legislation on their Statute Book, does it follow that it is sound legislation, does it follow that it is proper legislation? Are these Dominion Legislatures ideal law givers? On the last occasion, I took the opportunity to review the whole law on the subject in England. After all, we must take the pattern of England. I need not repeat what I said on the last occasion; it is too long a story, but I would refer Honourable Members who want to know what the law in England has been, and what it is to-day, I would refer them to what I said on that occasion, and they will find it stated in the debates for the last Session of this Assembly. But I may say that there is no such law in England, and there can be no such law in England as you wish to introduce in India.

I must confess that I do not know the laws of all the European countries and I cannot take upon myself to say what there is in those laws and what there is not in those laws, but so far as I am concerned,

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I am here to oppose this Bill on well understood principles or at least on principles which ought to be well understood by every Englishman, lawyer or no lawyer.

Then there was a very fine distinction made by my friend as to what is repressive legislation and what is not. His idea is that only that is repressive legislation which empowers the executive to catch hold of a man and consign him to oblivion at once; minor things do not matter. If you know where the man is, there is no repression. If he against his will is restrained from doing things which he has a perfect right to do, at the sweet will and pleasure of the executive it is not repressive action, according to my friend. Well, I cannot argue that point with him. According to my friend, the Bengal Ordinance is not repressive legislation, because we know where the men are. They have been caught hold of and they have been sent away, and sometimes we are able to communicate with them. But I do not rely, Sir, upon any particular description, and so far as I am concerned, I would rather not give any name to this particular Bill but expose it on its own merits.

There are one or two other special points made by my friend the Honourable Mr. Keane which I may deal with here. The points which are common to him and other speakers can be dealt with together. He attributed our opposition to slave mentality, and said that it was this slave mentality which Mahatma Gandhi has been trying to exorcise from our minds all these years. Well, it is a poor compliment to Mahatma Gandhi to say that the slave mentality that he was considering was the mentality which opposes this legislation. It is the slave mentality which concurs in this legislation that Mahatma Gandhi sought to exorcise and is trying to exorcise, and by the grace of God will succeed in exorcising in course of time. (Hear, hear). My Honourable friend refers to the case of Trotsky. How many Indian Trotskys have not been treated in the same way as one Trotsky by the Soviet Government? What was the Bengal Ordinance, what were the measures taken under Regulation III of 1818, if they were not something similar to what has been done to Trotsky? I do not know what my Honourable friend's impression is about the reasons for which Trotsky has had to suffer. They may be good reasons, or they may be bad reasons, we are not concerned with that. I hold no brief for the Soviet Government, and it is no business of mine to defend every order they pass. The Soviet Government is, after all, a very much human Government just as all other Governments are. It is human to err. They may make mistakes, but by such mistakes of a Government you cannot impugn the whole theory upon which the Government rests. I was glad to hear from my Honourable friend, Mr. Gavin-Jones, that, so far as the theory and practice of communism are concerned, he saw no fault in them. It will be clear from the views I have just placed before this House and from my other views with which the House is perfectly familiar, that I am not prepared to go so far as to say that there is no harm in the practices of Communism. The theory is all right

Mr. T. Gavin-Jones: I said preaching of the theory and practice of communism.

Pandit Motilal Nehru: But there are some of its practices which will not find favour even on this side of the House. However, these are the views which have come from the benches opposite, and, that being so

what right have they to say that the very name communism spells terror, destruction, subversion of all society and so on and so forth. It is the particular act done that must be taken into consideration, and if it is an act of a violent character, if it is an act which gives the law into the hands of the person who is acting, then it is for the Government to stand up and to suppress that act, to suppress that individual by all the legal and legitimate means at its disposal.

Mr. K. Ahmed: That is exactly before the House.

Pandit Motilal Nehru: I know no Government can suppress you. (Laughter.)

Lastly, my Honourable friend Mr. Keane paid a tribute to my Honourable friend, Mr. Birla, but he missed the whole point of the very able speech of my Honourable colleague. He showed conclusively that this law was not wanted by anybody. This law was not wanted by Labour, this law was not wanted by Indian Capital, this law is only wanted by a handful of those gentlemen who are there (turning to the European Group), who hope to carry it with the help of the solid phalanx of the Official Benches. The Honourable Mr. Birla showed us the telegrams that he had received, the resolutions that had been passed by capitalist associations and individuals who condemned this measure unreservedly. That was the point of his speech, and when he said that he did not agree with communism, my Honourable friend, Mr. Keane, thought he had a troubled mind and his trouble arose from the fact, he said it was quite natural, that these communists resort to undesirable methods. But why was he opposed to the Bill in spite of that? The reason was that he did not think that communism had anything to do with strikes, but that these strikes were due to economic causes. He also gave us the reason—one of the reasons, there may be others—and that was the appreciation of the rupee. It seems to be ridiculous for any reasonable man to think that a couple of individuals—they may be Bradleys or Spratts from across the seas—can come here and create all the labour trouble, all the agrarian trouble that we see in this country. I simply cannot conceive it. The true reason you will not look at, you will shut your eyes to it. It is the economic condition of the masses in this country. You like quacks, go about to treat this symptom or that symptom and will not like a scientific doctor attack the root cause of the disease. My Honourable friend the Home Member admitted: "We know that this is not a radical remedy for the disease, but it is better than doing nothing. Let us at least begin by cutting off these outside relations with India." Now, Sir, that lets the cat out of the bag. I take this Bill as a direct attack on Indian Nationalism, on the Indian National Congress. (Some Honourable Members: "No, no".) (Some Honourable Members: "Hear, hear".) And I will show from the provisions of this Bill that it is nothing else. Cutting off of India from outside countries—what does that mean? We are to remain as isolated as ever. The moment any other country takes an interest in India—there are so many organisations in all the countries of the world whose business it is to make this world fitter to live in than it is, and they naturally take an interest in all that is going on in all parts of the world. What is there to fear in that, unless you have something to conceal and avoid the effects of world opinion operating upon it? That, I tell you, is the honest opinion held by many people of my way of thinking. This we believe is the real object of the Bill, because it cannot be necessary, just for the

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sake of two men, whatever capacity they may have for mischief, or for the sake of another half a dozen men who may come. What will they do? They will simply give us their ideas. But can you stop those ideas coming to this country without these men? Can you erect barbed wire entanglements and artificial barriers to keep ideas out of India? Those times are gone when you could do it. Ideas will travel in spite of all precautions, and given the fact that ideas will travel, where is the harm in the person who has those ideas—it may be one, two, three or four—coming and giving those ideas through their word of mouth? What difference does it make? Yes, if you can prevent all communistic ideas from coming to India, if you can take some step in that direction, I can appreciate your action. But, as it is, you may as well pass a law to stop the cold wave that is passing through the country. You cannot do it.

Mr. K. Ahmed: How can you leave the head and catch hold of the tail? (Laughter.)

Pandit Motilal Nehru: The next Bill will be meant for you. (Laughter.) I may at once say, Sir, that I am not one of those who have never seen a communist or never met one nor am I one of those who tremble in their shoes at the very name of communism. I have met many of them and I have found most of them to be very estimable men, courageous men, men of character and men of ability. I do not of course know the men that my Honourable friend Sir Victor Sassoon has at his beck and call, whom he undertook to produce at a moment's notice to convince Mr. B. Das of the existence of such people. I cannot vouch for them, as I do not know what kind of people they are. But the men I have known are men of opinions, strong opinions no doubt but men with the courage of their convictions, men who have nothing to gain by holding those opinions and everything to lose by putting those opinions into practice. Such men whether you agree with them or not, must be entitled to the respect of every well balanced mind. I have also met men who differ from communists both in theory and practice and yet do not hesitate to co-operate with them, to meet them, to admit them in their own counsels, although of course they will not act with them if such action is inconsistent with their own principles. Now, the Honourable the Home Member mentioned prominently the League against Imperialism and he said that the Indian Trade Union was proposed to be affiliated to that League. They could not proceed against the men because the law under which they wanted to proceed was not applicable to them. I know something of the League and my own knowledge of it is first-hand. I was present at the meeting of the League against Imperialism, at Brussels, as representing the Indian National Congress. The President of that League was until recently Mr. George Lansbury, who is now the President of the great Labour Party of England. He resigned his office for reasons of want of time. His pre-occupations with the great Party, of which he was elected the Leader, did not leave him time to attend to the proceedings of the League against Imperialism. At least that was the reason which he gave, although it was suspected in the Press and elsewhere that some pressure had been brought to bear upon him. However I will not go into that question. The present President of the League is Mr. James Maxton who is the President of the Independent Labour Party in England. Neither Mr. George Lansbury nor Mr. James Maxton is a communist, and yet they

saw no objection in being Presidents of an association which admittedly consists of communists among others. The executive council of this League consists both of communists and non-communists, the majority being non-communists. There are socialists, there are nationalists, there are communists who are members of the League against Imperialism. What is the object of this League and why is it there? It is to secure freedom to the subject races of the world, to fight for freedom and to fight against imperialism. So far as that goes, socialism, nationalism and communism meet on a common platform and there is no objection in the minds of socialists or nationalists to meet and devise measures, consistent with their own principles, with the communists to fight a common evil. They do not fight shy simply of the name communism. When I attended that meeting I was called upon to speak. I must tell the House that I was assured before I attended the meeting that one need not be a communist to be a member of that League. Of course individuals are not members. Countries and Associations are members and individuals represent them. There were no less than 20 countries represented. I was called upon to speak and the first thing I did was to dissociate myself thoroughly, both with the theory and practice of communism, and to tell them that I was there to help them and myself in our common object but I was not there to be a member of their Communist Party, because I did not believe in it. More than a dozen representatives of other countries after me rose in their places and confirmed what I said and shared my views and they said they too were there for that purpose. Now, the Honourable the Home Member assumes that that League against Imperialism is a kind of association, communication with which, under this Bill when it is passed, would become an offence. That shows how much information and knowledge there is of the things that are happening under our very noses. These two men, Spratt and Bradley, are on the brain and they have twisted all intelligence, all idea of connecting cause with effect and of relevancy. Then again I may inform the Honourable Home Member and the House that it is not a mere question of a proposal to affiliate the Trades Union with the League against Imperialism. It is an accomplished fact. Not only the All-India Trades Union but the Indian National Congress are associated—not affiliated—bodies to the League against Imperialism, the distinction being this, that while they do not subscribe to the whole programme of the League, they sympathise with the objects and therefore they are not full Members of the League but only Associates.

I don't see my Honourable friend, Sir Denys Bray in his seat. I listened to him with the attention with which I always listen to him. It is a pleasure to hear him. I have always admired the grace of style, the rounded sentences which he delivers, but I have always felt after he has sat down—I have asked myself—what was the point he made? I have never been able to answer the question. (Laughter.)

Now, in his very able speech yesterday, a speech full of gems of literature, there was talk of deadly poisons and things of that character. Well, the only impression it left in my mind was that the Honourable Sir Denys Bray has a perpetual youth and that those dreams which he dreamt in his youth, and which he so graphically described as having affected his impressionable mind are still haunting him. I think that youth still continues with him and he is to-day as credulous as he was when a young man. That is the only inference that I can possibly draw from that intellectual treat that he gave us yesterday.

Mr. K. Ahmed: He did put a query and referred to the Hindu Youth Movement.

Pandit Motilal Nehru: I think it is time for you to join the Hindu Youth Movement. (Laughter.)

Then Sir Denys Bray talked about revolution. Now, Sir, however, much you may roll your "r" in pronouncing the word "revolution", it has no more than its dictionary meaning, and professedly we are all peaceful revolutionaries. No one conceals the fact. The only difference is we are pledged against all kinds of violence. In all other respects it has been said frankly times out of number that we are revolutionaries. We want a revolution, but not of the kind which has for its aid violence and things of that kind. We have told you—and it is not a thing you do not know—we have told you how we propose to accomplish that revolution. It is to be—at least on our side—a bloodless revolution. We wish to organise ourselves to disobey your unjust laws and to make it impossible for you to govern the country by those laws. That is the way which is ours. We may or may not succeed, it may be an idle dream, very difficult to realise, but that is the only thing left to us, and in that sense we certainly are revolutionaries.

Now, Sir, coming to the Bill, I submit that it is a more retrograde measure than the first Bill that was introduced, and the arguments in support of it, which have so far been advanced, are more feeble and less plausible. In the short interval which has passed since it was first introduced in September, all that has happened is that the Executive Government has developed a voracious appetite, a more voracious appetite than it did in September, for autocratic power. It will no longer be satisfied with attacking the liberty of the individual, the freedom of movement, but it must needs also put its hand in the pocket of all and sundry, not the man concerned alone but everybody, and take as much as it can, as I will show you when I come to consider the provisions of the Bill. Another improvement that has been made, thanks to the trenchant criticism of my friend Mr. Neogy on the last occasion, is that the short title has been changed. It used to be "The Public Safety (Removal from India) Bill", and so it was. It was a Bill for the removal of safety from India. It was my friend, Mr. Neogy, who drew attention to it on the first occasion, and we now find it called "The Safety Bill", the words "removal from India" being scored out. So that the only redeeming feature of the Bill has been expunged, which showed its real nature; and is now left to us is a mere hypocritical camouflage which conceals the real intention and does not touch even the fringe of the evil. If a name has to be given to the Bill, I am disposed to call it "The Slavery of India Bill". No. I, because I expect another one to follow, or "The Safety of the Bureaucracy Bill", if you like, or, as an Honourable Member suggests, "The Public Danger Bill". The provisions of the Bill were discussed threadbare in the Autumn Session, and there is not very much more over and above what was urged on either side to be urged now. I will therefore not detain the House long over the provisions of the Bill, but just submit a few observations which I have to make on the main features of the Bill. But before I do so I owe an explanation to the House of why I have not raised the point of order which I had raised on the first occasion when the Bill was introduced in Simla. The House will remember that in the first Bill as it was introduced, there was not provided even a semblance of a trial or hearing before any

judicial tribunal. When the Bill came out of the select committee, we found certain provisions inserted in it and the same provisions—perhaps improved I do not know—are to be found in the present Bill as it is introduced. There is a mention of some sort of trial and appeal, a farcical trial it may be; but so long as it cannot be said that you are dealing with a man without trying him—it may be that the trial or the hearing of the case as provided in the Bill is a mere camouflage—but so long as it is there, you have got to attack that and the purely legal question which I raised on the last occasion does not in my opinion arise. That is why I have not taken that point now. If you once assume that these provisions are there and that these provisions afford an opportunity to the person concerned to defend himself then on that assumption, although it may be a mere pretence of a trial, the purely legal question becomes a mixed question of law and fact and I cannot take upon myself to say however much I may believe in it, that the opinion of this House will be that the trial provided is, a mere farcical trial, a mere pretence of a trial and not a genuine trial. I would also like to clear the ground by trying to remove some common misapprehensions about communism, Bolshevism and nationalism. Now, the fact is that anything which militates against our pre-conceived notions of well ordered society is naturally unacceptable to us, but ever since the advent of communism and Bolshevism, every evil is invariably attributed to one of these. There is no doubt that communism contemplates a radical change in society, i.e., the existing society. So does socialism, but socialism has outlived the charge, but communism has not yet outlived it. Then again it must not be forgotten that there are various forms of communism and various grades of communism. For instance we talk here in this House of the theory and practice of Soviet government and the theory and practice of the propagandist communist associations as almost synonymous. These are entirely different things. There are forms of communism, which according to our present standards we call good and satisfactory forms of communism—and I suppose these were what my Honourable friend Mr. Gavin-Jones was referring to—and there are also bad forms of communism, which according to our present standards we consider not to be acceptable. On the last occasion, there were supporters found in some parts of the House for both these forms, good and bad, and there were also of course those who were opposed to both. In fact, I remember I myself took some pains to show that things were not so bad in Soviet Russia as they were supposed to be. But this question only arises by way of answer to the generalisations made from the other side of the House, but so far as this Bill is concerned, I submit, it is perfectly immaterial. I do not believe that there is a single Member in this House, most certainly I am not, who is for importing communist theories and practices in any form or shape into this country at the present stage of its history. It may be that at some future stage developments might occur, but I am clearly of opinion that communism is not necessary or desirable at the present stage. I have expressed this opinion from various platforms even from communist and the Bolshevik platforms. I am not for it in my country at the present time. That being so, why need we waste time over discussing the various forms or over painting the horrors of Bolshevism and communism when it is common ground that we must not import communist theories and principles into this country at least as we are situated now.

Mr. K. Ahmed: So why not allow the Bill to be passed now?

Pandit Motilal Nehru: What is the question that remains now? The question that remains is: Is there a real menace to the country? I will assume even that. I will assume that it is a real menace. I will assume also that it is a real menace to well ordered government, although the House knows what my own ideas are about the present Government. Let us assume all that, and then proceed to consider the Bill and the remedy it provides. The question is whether or not it is a Bill which instead of providing a remedy for the disease has a very suspicious look of aiming at a very different thing which is far from an evil and is one of the good things which we are still allowed to enjoy.

I would like to deal with the general remarks made by the Honourable the Home Member before I go to the provisions of the Bill.

Mr. President: The Honourable Member might like to continue after recess.

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.

Pandit Motilal Nehru: Sir, Honourable Members have been looking for the principle of this Bill in various clauses, and we have had various statements made as to what the principle of the Bill is. My submission is that the principle of the Bill is a very simple one, and it comes to this: "Where the courts will not convict, give us power to punish." That is the principle of the Bill. You may conceal it in any embellishments of style, but that is the thing to which it resolves itself. "We cannot prove in the ordinary way and therefore we must have extraordinary powers." Why can't you do it in the ordinary way? The Honourable the Home Member has told us that the Government have evidence in their possession. What the nature of that evidence is, has not been disclosed to us; but what was done was that a number of incidents has been relied on between the September Session and now, and we are asked to connect those incidents with communist activities. My answer is that it is not possible for us to do so, knowing as we do, that there are other causes for these disturbances, which are admitted by the Government themselves. Of course, if it was an emergency legislation of the nature contemplated by the laws of all countries, if it was a case of rebellion or something else of the same nature, one could understand that the Executive should be invested with greater powers than it could ordinarily have in normal circumstances.

Mr. K. Ahmed: There is the war in Afghanistan.

Pandit Motilal Nehru: The reason in that case is not lack of evidence. The reason is lack of opportunity to go through the usual forms of the law. Never has any legislation of this character arming the Executive with extraordinary powers been passed. But in India the land of Ordinances, this power is asked for simply because the prosecution are unable to adduce evidence. An instance of this, Sir, is the Bengal Ordinance. It

was stated—and instances were given in support—that witnesses would not come forward to give evidence in Court, because they were terrorised and coerced, and that there had actually been cases of murder—perhaps more than one—of those who gave evidence for the prosecution. There is no such case here. On the contrary, what do we find? We are assured by the Honourable the Home Member that, so far as Indian communists are concerned, the action taken has been invariably successful. And therefore it is that he gives us a guarantee that this principle of the Bill will not be extended to any measure affecting an Indian communist. Then, what is the other evidence which is in the possession of the Government? It was said by the Honourable the Home Member that the Youth movement was getting tainted by these ideas of communism. Now, Sir, the Youth movement is not confined to India. It is a universal movement all the world over, and it is a movement which all well-wishers of their country welcome; because it is, after all, the youth of the country with whom the future rests. (Applause.) As for their connection with communism, I, standing here on the floor of this House, deny that it has any connection whatever with communistic ideas or communistic associations. But it appears from what the Honourable Mr. Keane said that the cry of independence is taken in this House to proceed from communism. There is no doubt that there is a strong school who have independence for India as their goal among the young men of the country. This is very natural; but they are amenable to your laws which cannot touch them unless they transgress the laws. You are at liberty to proceed against them when they do so; but I say it is a false charge to accuse them of communism.

Then, Sir, it was stated by the Honourable the Home Member that the declaration of 1919 of the Third International, and M. N. Roy's manifesto following it, led to some communistic activities in this country. But the answer to that was given by my Honourable friend himself in the very next sentence. He says: "As a result, we instituted certain cases, the Cawnpore communist trial, and we secured a conviction." In other cases too, he has told us that there was success. Six years have since elapsed, and there has been no complaint made by any official Member that anything like what my Honourable friend Sir Victor Sassoon asserted has ever happened in the country, viz., that witnesses were terrorised and so on. When you can use the ordinary law, and that with unique success, I cannot conceive of any valid ground you can have for asking for extraordinary powers.

Then the riots of Bombay and the trouble at Calcutta have been relied upon. As to that, I submit that no satisfactory evidence has been adduced as to the complicity of the communists who had nothing to do with the originating causes of those disturbances. It is said that a man was murdered, I think, the Deputy President of the Millowners . . .

Sir Victor Sassoon (Bombay Millowners' Association: Indian Commerce): The weaving master.

Pandit Motilal Nehru: I beg your pardon, that the weaving master was murdered and that the Deputy President was threatened. The very fact that these people were chosen as victims shows that there was nothing in the nature of upsetting society and all the rest of it. On the very face of it, it appears that the motive was personal. May be, rightly or wrongly, these men believed that they had been ill-treated by their employers.

[Pandit Motilal Nehru.]

Then, Sir, my friend referred to a great procession of labour in Calcutta on the 19th January with flags inscribed "Long live the Soviet" and so on. Well, there has been a similar procession with a similar number of people before that, while the Congress was in session and another one after that. I am not sure whether this procession to which my Honourable friend referred was one of the processions which were organised against the Simon Commission, but one was organised about that date and among the flags "Long live the Soviet" I think the flags that were inscribed with "Go back Simon" were far more numerous than the others. As to the earlier procession I was an eye-witness of it. That was a procession, Sir, which also had some red flags and some inscriptions on them. It was made up of quite 25 to 30 thousand people. They assembled on the *maidan*. They were led by high police officials in charge; I think there was a Deputy Commissioner or some body of the same rank, and they were led into the Congress camp and there let loose upon us, the police withdrawing. Of course we did not want the police. What happened? We found them to be the mildest creatures on earth. They came in, they wanted to hold their meeting, and we welcomed them. We said by all means let them hold their meeting. All that was necessary was to adjourn the Congress meeting, which had not yet begun, for about an hour or so. They took permission to hold their meeting for an hour, and punctually at the stroke of the hour, they retired most peacefully and in a most orderly manner. In this interval I spoke to them. Many of my colleagues also spoke to them, and it was quite evident that all that these people wanted was kind words, kind treatment and help in their trouble. That was forthcoming and they made no more trouble but went away quietly.

Now the Honourable Mr. Crerar said that it had been decided to deal with Indian communists by the operation of the ordinary laws and he hoped to bring the dangerous movement under control by the operation of the ordinary laws.

The Honourable Mr. J. Crerar (Home Member): With the aid of this measure, if and when it is passed.

Pandit Motilal Nehru: You did not say that then.

The Honourable Mr. J. Crerar: I did, Sir, most expressly.

Pandit Motilal Nehru: Well, perhaps it was omitted from the summary that I have. But how is this measure going to help? The ordinary law ends in a conviction, in a sentence, and it is the deterrent effect of the conviction and the sentence which will influence the person who has these tendencies and these ideas; it is not the fact that you are proceeding unjustly and illegally against some other persons. That will simply put his back up. Then the Honourable Member put it to us pathetically "are we to sit idle and look on?" No I say "Don't sit idle and look on; you have evidence in your possession; bring it before a regularly constituted tribunal and take your chance as every other executive does". So far you have succeeded. Then he said: "Facts must be faced". Certainly I say face them by all means, but we refuse to face fancies. Facts we can face but not fancies. Then came the climax of the Honourable Member's speech. He said "We have acted on traditional British constitutional and legal practice". I didn't know where I was when I considered those words in

connection with the provisions of this Bill. Traditional British constitutional and legal practice on which the Government of Great Britain is based! I must say that the Honourable the Home Member has a very poor conception of the traditional British constitutional and legal practice; and I make bold to say in the presence of the Law Member that you cannot lay your hands upon anything in the British Statute law or constitutional practice which will lend colour to such extraordinary powers being left with the Executive in ordinary normal times.

Well, Sir, these were the general remarks made by the Honourable the Home Member, and I may as well dispose of one or two things which my Honourable friend Mr. Gavin-Jones tried to make out. First of all I was rather amused at his surprise that this Bill would be opposed. Well, I think that statement accounts for much of the fear of communists that he has. He relies upon the Pathan murders and workers' victory, and communal riots, and in the next breath he agreed that they were mostly the result of the appreciation of the rupee. The fact is, Sir, that these two men, Spratt and Bradley, are on the brain of every Member on the other side of the House. And yet the Honourable Mr. Gavin-Jones said "Oh they are not important people. The people that will come later on or may come, it is for them that we are trying to get this measure through". Well, what have these two men done? As we know, one was tried and acquitted. As for the other one, the charge against him is that he was actually present in Cawnpore, when the Eill was being discussed in Simla. Well, I was not aware that that was an offence. But what happened? There are other events connected with it. The moment the Bill was referred to Select Committee, Bradley bade a very pathetic farewell to the labourers and said "Now my work is done and I am going". Well, I have never seen Bradley, but if a hundredth part of what is stated about him is true, I would expect that he would not be the man who, simply because the Bill had been referred to Select Committee would say: "I now begin to shake and tremble and I must go away."

Then, Sir, a statement has been made not only by Mr. Jones but also from other parts of the House that a quarter of a million pounds has been set apart by the Soviet for propaganda in India. Now, Sir, what is the source of that? On the last occasion I read certain extracts to the House showing how the news of the Riga Correspondent of certain papers was manufactured and how news about the Russian Soviet was manufactured. There is an idle statement in a newspaper or in more than one newspaper that a quarter of a million pounds has been set apart for propaganda and that is readily swallowed by everybody who wants to support this Bill. Now, they say in one breath that Russia is tottering on its legs, that it is economically down and cannot survive more than a few years; and in the very next breath they say it can spend millions of pounds for its propaganda. I do not know how far human credulity can go.

The Honourable Mr. Gavin-Jones said, referring particularly to me and pointing to me "Suppose the British Government, this organised Government, is subverted, would I not find myself locked up in my own house, trembling and sitting in a corner of the house?" Well, I do not know what will happen when that contingency arises; but I can assure my friend of one thing that I shall not tremble so violently as he does at the mention of Spratt and Bradley.

[Pandit Motilal Nehru.]

Now, Sir, let me say a few words about this Bill. In the first place I draw attention to the fact which has already been noticed in the course of the debate, that there is no mention of communism here anywhere in the Bill; but of course it may be said that although communism is not mentioned by name, we have given the definition of it, we have given what constitutes communism. Very well. I will take it at that. The first provision of the Bill I would draw attention to is clause 2 (iii) (a): person to whom this Act applies means any person (not being an excepted person) who—

“(a) directly or indirectly advocates the overthrow by force or violence of the government established by law in British India or the unlawful destruction of property or the unlawful interference with the ownership of property.”

Well, what is unlawful interference with ownership of property? That would include a change in the economic system if one were to advocate it. We know that there have been such interferences with the ownership of private property in the past; they are going on now and may be continued in the future. There was a time when roads and bridges were private property and tolls were taken. What is nationalisation of railways and nationalisation of industries, which of course are advocated not only by socialists but also by those who do not profess socialism—what is it but interference with rights of property?

An Honourable Member: It is not unlawful.

Pandit Motilal Nehru: So far it is unlawful because there is no law to legalise it.

Then we come to sub-clause (b):

“seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India or with any object the attainment of which is intended to conduce to that result.”

It has been pointed out already and I fully agree with the Honourable Member who pointed it out, that this clause has nothing whatever to do with force or violence. Force is not mentioned. As for subverting the Government, I have already explained my position and the position of the Congress and of every Indian in the House. Unless it is subverting by force or violence, I submit it is not a crime at all under any law; and then not only that, but if we take the last part—“with any object which conduces to the said result”—I say that my friend, Diwan Chaman Lall was quite right when he said that every Congressman would come within it. Of course the Act will not apply to him because he is an Indian: but we have our affiliated Congress committees in many parts of the world; we have fraternal delegates from many countries and they can be laid hold of under this clause because they may not all of them be British subjects. Anyhow they are not Indians and there is no distinction made here. The Congress may advocate when the time comes non-payment of taxes. Is not that an object which conduces to the result mentioned in this section? It may be a good thing or it may be a bad thing for the Congress to advocate these things, but it is a fact that it does and therefore I say that no ingenuity can take out the Congress from this clause as it now stands. There is civil disobedience, there is passive resistance; all these things may conduce and are intended to conduce, to the result mentioned in this section.

Then sub-clause (c) says:

“is a member of, or is acting in association with, any society or organization, whether in British India or elsewhere which advocates or encourages, etc., etc.”

As I have already informed the House, there are Indian Trades Unions; which as a matter of fact are not only associated, but affiliated actually to the League Against Imperialism: The Indian National Congress is an Associate Member.

Next, Sir, we come to the order of removal, in clause 3. It says:

“If the Governor General in Council is satisfied”

How satisfied does not matter. Of course we know what the usual means of the satisfaction of the Governor General in Council are; they begin with a report from the lowest Criminal Intelligence Department officer and they end with a note by the Honourable the Home Member. It may be that a telegram comes from some distant part of the world from one of the agents of the British Government,—and it is well known throughout the world that the British system of espionage is the most perfect system in the world and that no other system comes near it,—a telegram comes that so and so has left for India and that he is a man of the kind contemplated in the Bill. Of course the Home Member is not going to disbelieve that telegram, is not going to take any steps to see whether it is true or not. There is a telegram from a representative of the British Government and he gives certain information. It is put up before His Excellency, and of course they know nothing about the man; but he is about to arrive, and as soon as he arrives he will be taken hold of. The most remarkable thing about that section is that it is not something done by that man which brings him under the purview of the law; it is the intention that that man is supposed to have. Then the Governor General is satisfied, and as soon as he is satisfied, there is no hope for the man.

Now, we come to clause 4, and that is the money clause, which, as I have said, gives power to the Executive to put their hands into the pockets of all and sundry and relieve them as much as they like of what they possess. Now, examine for a moment the language of that section. The first clause is supposed to deal with what is called ‘Red’ money received from outside. Now, we know there is our friend Mr. Joshi, who received money from outside. That money he spent for a very good purpose, namely, to save the women and children of the strikers from starvation. But our virtuous Government feel that a thing of that kind should not occur and decided that:

“any monies, securities, goods or credits have been or are about to be transmitted from any place outside British India to any place in British India by or on behalf of any such person as is described in sub-clause (a).”

and so on,—now, mark the language. The object here does not come in at all; it is the person. If the person is not an excepted person and if he sends any money—it may be for charity or it may be for anything,—that money you can seize at once.

Then comes sub-clause (b), which is even more monstrous. This sub-clause says that:

“any monies, securities, goods or credits, or the sale proceeds of any securities or goods, are intended to be applied in British India in accordance with any directions or instructions given from outside British India by any such person, society, or organization”, etc.

[Pandit Motilal Nehru.]

Now, Sir, that clause deals not with money which comes from outside, but with money which is in British India, and the one element which constitutes the whole offence is that it is to be applied in accordance with any directions or instructions given from outside British India by a person who is not an excepted person, that is to say, quite apart from what those instructions are, and quite apart from the fact whether the money was received from outside or whether the money is of India, the hard earned money of the man. Now, Sir, the League against Imperialism and various other nationalist and socialistic bodies in various parts of the world have recommended and advocated the boycott of the Simon Commission and things like that. Remember again, the nature of the instructions is not at all material. The moment the man says, "spend this money in charity; those are the instructions received from outside", he comes under this clause. All that is necessary is that the money is in British India and that it is to be applied under instructions from outside British India. What those instructions are is immaterial. They may have nothing to do whatever with anything of the nature contemplated in sub-clauses (a) and (b) of clause 2. Now, I would ask my friends of the European group if they have really considered this question carefully. What will it lead to? Let me put a case before them. There are tea merchants over there on those Benches. Who of them will not willingly and gladly welcome the restoration of trade with Russia if they find a market for tea there? As we all know there is. It has been in the past a very good market for Indian tea, and here are the people largely interested in that trade. Now, if an order comes from Russia for tea and the man who orders the tea opens a credit,—because that is the first essential,—I do not think any of my friends would be so careless as to send out tea or any other commodity without any guarantee for money. The usual practice will be followed, and the man dealing with them would open a credit with some bank. Now what happens? The money which is in the Bank has got to be spent under the instructions of the person who has sent it. Now, let us say the Soviet Government orders so many thousands of chests of tea and deposits a certain amount of money in the bank to cover the cost. That very moment the Executive can pounce upon that money. They might say two essentials constitute the offence, first money which is here in the bank, and second money which has to be spent under the instructions of a Soviet agent,—and the offence is complete. I don't think my friends could possibly have realised the far-reaching consequences of this clause. (*An Honourable Member from the Swarajist Benches*: "They are reading it".) It all depends upon the point of view from which you approach the consideration of this Bill. The point of view of my friends of the European Group is one, and the point of view of this side of the House is quite another. We, as is well known, take everything with a considerable amount of suspicion. We examine every word; we see how far the language can be stretched, and then we find out the hardships of the law. The point of view of my friends over there is safety; they are safe whatever the interpretation of the law is. They are the last persons who will be suspected of any dealing with communists and therefore they would be the last persons whose accounts would be examined in the bank or whose deposits would be forfeited. They know that they will not be touched and it does not matter if the law is so framed that it can touch

Mr. K. Ahmed: It is ill gotten money.

Pandit Motilal Nehru: But then what happens to the Congress, Khilafat and other funds, in fact to all public funds which receive any contribution from outside the country? They are at the mercy of the executive under these two clauses. I say if a man who comes under the definition—I shall not call him a communist—sends some money to Khilafat funds (*Mr. K. Ahmed*: "O, the Swaraj Party.") and earmarks it and says that that is to be spent for the building of a mosque, I challenge anybody to show that that will not come under this section.

Mr. K. Ahmed: It is for you to prove that you had spent the money on a mosque. Let Mr. Joshi say so and prove that he did so.

Pandit Motilal Nehru: You are not likely to get it. What is the use of it? (Laughter.) As I have said, look at the section, examine the thing. You may be very safe in your position, but you are not safe from the provisions of the Bill. Then comes forfeiture and so on. Again, you may enter upon, and search, for any monies, securities or goods in any premises where they or any of them may reasonably be suspected to be, and may seize the same wherever they may be found. Now, I ask, would a Congressman, would a member of the Khilafat, or a member of any public body which has to do with funds, be safe from that. We, who know the source of the information to the Governor General, and what poison has been instilled into his ears, we want safety in the law and not safety in your pious intention.

Now, we come to the very much boasted provisions which look like a judicial trial. The High Court is placed first as the dignity of that Court demands. What power has the poor High Court got? The High Court can only say this, that this man is an Indian, and this other man is not an Indian. That is all, and the jurisdiction ceases. It can only say that this man ordinarily resides in India, and the other man does not. Look at the section:

"The High Court may, on application made by or on behalf of any person in respect of whom a removal order has been made, set aside the order"—

On what ground?

—"on the ground that such person is an excepted person, and on no other ground." So that the High Court can only say, who is an excepted person—a British Indian, or a subject of the Indian States, or an Englishman who has been residing in this country for more than five years. Therefore, the poor High Court, with all the splendour and pomp surrounding it, is precluded from going into the act of the man, and seeing what wrong he has done. All that it will do will be to say: "Here is Pandit Motilal Nehru; well, I know he is an Indian. Here is James Watts or somebody, he is not an Indian." Need you trouble the High Court for that? Anybody can tell you—and the information of His Excellency the Governor General cannot be wrong at least on this particular point—whether a man is an Indian or is not an Indian. (Laughter.)

Mr. K. Ahmed: They are sympathetic all the same to an Indian.

Pandit Motilal Nehru: Yet the jurisdiction of the High Court is limited to that and to nothing else. And then what is to be done? This offence is put on the same level as an offence of murder. Seven days' time is

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allowed to a murderer for his appeal. We have got seven days time for the man to appeal. That is section 7. Within seven days he has got to appeal. On the eighth day he may be too late. Now, what happens after he appeals? Then comes the provision of law upon which my Honourable friend, Mr. Keane,—I am glad that he has been roused—very much relied. He said, three experienced Judges, and what more do you want? This man is to be brought up before three experienced Judges? I say that if this man were to be brought up before three angels, they would not be able to do anything for him. And why? Simply because, though the Judges are there, they are crippled, they cannot exercise their function.

Mr. K. Ahmed: Why?

Pandit Motilal Nehru: Because the evidence is one-sided, because they are told not to lay the whole of the evidence or the facts before the accused. What can a Judge do in those circumstances? How can he possibly expect the case against the accused to be disproved unless the accused knows what that case is? All that you give to the accused is a general statement. These three learned Judges sit there. The Counsel of the accused has no access to the documents, the confidential documents, documents which will be marked confidential, and the accused, poor man,—what can he do? So, the poison is there to taint the fountain of justice and the man is not made acquainted with the allegations and evidence against him. For the rest he is asked to show cause. My Honourable friend Sir Victor Sassoon laid great stress upon the fact that, while in Australia there is only a Board, here you have three experienced Sessions Judges of more than five years standing. But what are they to do? What can they do, unless they allow full scope to the accused person to prove his case.

Mr. K. Ahmed: Then go to the Select Committee and alter the position.

Pandit Motilal Nehru: I leave it to you. (Mr. K. Ahmed: "Why don't you go?") The whole point of the legislation is—and that is, I submit, the danger of laymen dealing with law—my Honourable friend, Sir Victor Sassoon, has from time to time admitted that he is a layman and that he is. . . .

Sir Victor Sassoon: Has always admitted it.

Pandit Motilal Nehru: But that is the danger. You should not have touched it. You say, here is a Board. What for is the Board constituted in those countries? If you look through the list of disqualifications, you imbecility, and so on. And when a man is brought before that Board, you will find they mostly consist of diseases, contagious diseases,—insanity, have only one Magistrate who is a Judge, and the others who are appointed upon the Board are most probably experts who have expert knowledge, and that is why the law provides for such a Board. Then, you must also understand that that law is not aimed solely at communists, although in one clause they are mentioned, but it is aimed really against the great mischief from which those countries suffer, and that is, by importing men who spread disease, men who are worthless, who are imbeciles, who are simply a drag on society, and they want to keep them out. Those are immigration laws. I say, "Please don't give me these three Judges; give me three men from

the street, produce all your evidence before those three men, (Hear, hear), and let me criticise and cross-examine that evidence, and then you can do what you like with me". There is no use giving three High Court Judges. You might give three Privy Councillors. With that restriction on their powers they cannot help the victim. Then we come to the appeals against the order of forfeiture or prohibition order. Here 15 days are generously allowed. Perhaps that is enough and the same type of bench will be constituted. Here we have the words "or are about to be transmitted or are intended to be applied in any manner". The intention to apply is an offence. And on what materials is the accused to be tried? Those materials are not open to his scrutiny. This is called justice. Can there be anything more barbarous than this? There is the same protection as regards the confidential character of the facts and circumstances. Then comes the requisition to go into any bank, call upon the bank to produce any account whatsoever. You have to do that if you want to trace the origin of the money or the purpose for which it is used. You can go through the pass books and cheque books. If the cheque has been issued to a well-known communist, it is clear what the intention was. I think no Indian bank is safe. I know that the Imperial Bank is safe. I am not pleading here for the Imperial Bank. Remember that you are asking us to believe in your appraisal of the evidence and therein, I say, lies the monstrosity and the barbarity of these provisions. Then comes the punishment for the man who disobeys the order. He is asked to go away. If he simply sits at home he is guilty and then he is put before a magistrate and punished. Then we come lastly to the *carte blanche*—indemnity to all executive officials:

"Save as expressly provided in this Act, no removal order, no order of forfeiture and no prohibition order shall be called in question in any court."

So, the right of *habeus corpus* goes and all and sundry who are entrusted with the carrying out of these orders are indemnified. There is no action against them. It is a very happy state of affairs for those who have the power, but consider those who have not and who do not believe that the language will not be stretched against them. My Honourable friends there (pointing to the European Group) sit there quite content and satisfied like the pigeons of Kaaba. My Honourable friend Nawab Sir Abdul Qaiyum knows it and I may remind him of what the poet says:

Tū ai kabūta-e bām-e Haram che meedani

Tapidan-e dil-e murghan-e rishta bar pā rū

meaning:

Thou, Oh pigeon of the roof of Haram
What dost thou know of the agonies of birds
With their feet tied.

That is the position. You are the pigeons on the roof of Haram. We are the pigeons with the string round our feet.

Sir, I am afraid I have trespassed too much on the patience of the House. There is one remark of my friend the Home Member which strikes me as giving some hope provided we are given the necessary instruments. What he said was—after deductions are made for adverse industrial and economic conditions, the originating cause has been found to be communism. I should like to know what those golden scales are which my Honourable friend has used, which enables him to say—after

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deducting so much from the general troubles, this much applies to economic causes and this much to the intrigues of communism. If he has invented any such instrument, we shall gladly co-operate with him and try to weigh these things in his instrument and find out the weight of each. Sir, in conclusion I will only say that communism or any other set of opinions and theories can only be fought in the open. You cannot forcibly put it down. You have to defeat it in argument. Whether you allow the men holding those opinions to come to this country or not, opinions will come and you cannot stop them. The business of every government and every executive is to step in the moment the law of the land is transgressed, the moment any violent activities are undertaken which are against the law. Here by this Act you are punishing intentions, the intentions of people across the seas. You are going to judge those intentions here and deprive people of their money and, if any of them happen to come, of his freedom of action.

I submit, Sir, that while much has been said in other speeches about the terrors of communism, and some of the speeches—notably the speech of the Honourable the Home Member and that of the Honourable Sir Denys Bray—are speeches which may well be read and admired for their literary merit, yet for reasoning you find there is nothing but assumption, one thing wholly unconnected with another. Whatever has happened in these four or five months, that is due to the fact that this Act was not passed in the last session.

Sir, I mean no offence when I say that platitudinous pomposity is not argument, much less is it good administration. The best description that can be given of the principle that is involved in this Bill was given somewhere—I read it a few days ago—that it was a piece of arbitrary absolutism. I think that is a very apt description.

Sir, I do hope that no Honourable Member, at least on this side of the House, will vote in favour of this motion. I do beg the Members of the European Group to consider the Bill on its own merits, on its own language, on its implications, and then come to a conclusion independently of the very safe position that they enjoy.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I think that most of the Members present here to-day were also present in the Assembly at Simla when the predecessor of this Bill was under discussion there, and consequently, we have all of us been over the same ground two, three or four times,—and it is very difficult not to bore the House by repeating what has already been said, perhaps better, by previous speakers. I think the Honourable Pandit was himself conscious of this difficulty, and I am certain that nothing but a stern sense of duty could have constrained him to discuss the somewhat arid details of a Bill of this kind, to the extent to which he has done. I say a sense of duty, because, seeing that the Honourable Pandit did not see his way on the previous occasion to become a member of the Select Committee which was appointed to consider the Bill in Simla it was extremely good of him on this occasion to place at the disposal of the Committee, through his speech to-day, so many suggestions arriving from his laborious examination of the provisions of the Bill. It would be a sufficient reply, I think, to most of what he urged in the latter part of his speech, that the points taken were really Select Committee points.

I am sorry, Mr. President, that the Honourable Pandit has felt compelled, no doubt by a sense of duty, to leave the House at this juncture. At the opening it seemed to me that he had, in a most satisfactory manner, cleared up the difficulties which some of us on this side had felt in understanding the precise attitude of the Swaraj Party to communism and the activities against which this Bill is directed. It seemed to us that Diwan Chaman Lall had rather confused the matter, and perhaps inadvertently stated the case in a way which did not commend itself to his Leader. At the opening of the Honourable Pandit's speech that was my impression. He quite clearly stated that, while it was the avowed object of the Congress Party to subvert the Government as now established by law, yet they were pledged to non-violent methods, and consequently quite clearly did not fall within the danger of clause 2 (iii) (a) of the present Bill. But later on it seemed to me that the Honourable Pandit—I don't quite know what was in his mind—but I wondered whether it was not, a feeling akin to, jealousy that Government had actually proposed a repressive measure which was apparently not directed against the Congress Party, of which he is so distinguished a representative. Therefore he set himself to scrutinise the provisions of the Bill in order to see whether he could not trace a Machiavellian design somewhere.

I hope I can reassure the Honourable Pandit, and, perhaps I might put it this way, that, although usually he is our nearest and dearest, he does not always occupy the first place in our hearts and in the case of this Bill he is not even an "also ran" compared with Mr. Spratt and Mr. Bradley. He exerted himself to find reasons why the House should think that, as he put it, it was against Indian Nationalism and the Indian National Congress that the Bill was mainly directed. Clearly clause 2 (iii) (a) will not do, because the Congress does not advocate the overthrow by force or violence.

Pandit Motilal Nehru: There is no "force or violence" there.

The Honourable Sir George Rainy: Clause 2 (iii) (a) says:

"directly or indirectly advocates the overthrow by force or violence of the government established by law in British India."

We did not think of the Congress in that clause, and it is clearly not directed against the Congress, because, so far as I know, the Congress does not advocate the unlawful destruction of property or unlawful interference with the ownership of property, unless indeed the non-payment of taxes might be described as unlawful interference with the ownership of property belonging to Government.

Are we perhaps then to find the veiled attack on the Congress in clause 2 (iii) (b):

"seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India."

It seemed to me that Diwan Chaman Lall yesterday very nearly reached the point of attributing that to the Congress as its avowed object. But if so, what a commentary on the Nehru Report. Was it really written to bring about the subversion of organised government?

Diwan Chaman Lall: The present Government in India.

The Honourable Sir George Rainy: I don't know what my Honourable friend's opinion may be, but I should have thought it obvious that the Nehru constitution was intended to set up an organised Government and in many respects it seemed to me a well and ably drawn scheme. The Honourable Pandit, however, seemed to think that the concluding words of clause 2 (iii) (b) might suffice to bring the Congress within the scope of the Bill because, as he said, non-payment of taxes, non-co-operation, civil disobedience and so on might be activities which were likely to conduce to the overthrow or the subversion of organised government.

Pandit Motilal Nehru: They are professedly that.

The Honourable Sir George Rainy: That may be so. But what does the clause say? The clause says:

"the attainment of which is intended to conduce to that result."

And unless the Honourable Pandit is prepared to assume on behalf of the Congress an intention to produce that result, I am afraid I cannot put any other construction.

Pandit Motilal Nehru: Professedly intended to produce that result. There is no concealment about it.

The Honourable Sir George Rainy: The clause says, "or with any object the attainment of which is intended to conduce to that result", namely, the subversion of organised government.

Diwan Chaman Lall: The overthrow of the present system of Government.

The Honourable Sir George Rainy: The Honourable Pandit has still one more string to his bow. The Bill must be directed against the Congress because there were a number of societies and associations in other countries, which felt sympathy for the cause of Indian nationalism and would wish to give it their support. That would become impossible, or might become impossible, under the operation of this Bill. I suppose he was thinking of clause 2 (iii) (c) which runs:

"is a member of, or is acting in association with, any society or organisation whether in British India or elsewhere, which advocates or encourages any such doctrine or activity as is described in sub-clause (a) or sub-clause (b) of this clause, or which is affiliated to, or connected with, any such society or organisation."

Here the question I should like to put to him is this. Are the only societies in other countries which are interested in the National Congress and the cause of Indian nationalism, those which advocate the overthrow of Government by force and violence?

Pandit Motilal Nehru: Are they not, some of them? Why only?

The Honourable Sir George Rainy: I bow to the superior knowledge of the Honourable Pandit. But surely if it be the case that societies of that character are those on which the Congress chiefly relies for support—well perhaps that might be a somewhat significant admission on the part of the Honourable Pandit. (Laughter.)

Now, Sir, to pass on, I do not wish to delay the House long. I know the House is already somewhat wearied with this debate, and I only want to deal with the most salient point in the case. Those who oppose the Bill have I think four possible lines on which they can attack it. One possible line is, to put it briefly, to deny or minimise the facts. It may be said, either that there is no real danger to India from foreign communism or that, whatever the danger may be, it has been overstated and exaggerated by those of us who sit on this side of the House. Here I must ask certain questions. Does anybody dispute that in Russia, which is the headquarters of the Communist Party, there is an organised party which aims directly at the abolition of private property, world revolution, and the dictatorship of the proletariat, and that, it avowedly sets itself to take measures to carry out those objects in every country of the world? I do not think that is in dispute.

In the second place, is it denied that there are at present in India non-Indians who are members of that Party? I do not think there is any doubt about that or about their sympathy with its ideals.

In the third place, is it not obvious to all of us who have been in touch with industrial disputes during the last year or eighteen months that, where they have come under the influence of the persons to whom I have referred, they have been embittered, exacerbated and prolonged to an extent which in previous years was unknown in India? Is it not a fact that in the case of these disputes, we have already had most widespread and rampant intimidation, we have had bloodshed, we have had hunger and suffering on the part of the labourers? Finally, in view of the association of these persons and the professed creed which they follow, is there not a real danger as to what might happen in India if Government stands by and does nothing? All I can say is that if people will only go to Bombay and Calcutta and see things for themselves, whatever views they may take about the remedies, I do not think they will really differ about the facts. (Hear. hear.)

Now, the second line which it is possible to take in resisting this Bill is to say that, although the facts may be so, the remedy is inadequate. Well, that is quite true. It was admitted by my Honourable colleague the Home Member, in his opening speech, that the Bill is not a radical remedy for the state of affairs which he deplored; and almost every one of us who has spoken on this side of the House admitted the same thing. Now, is that a reason, is that really a reason for saying that we will not accept the proposal because it does not do all that might be done. Does it not amount to this, that the patient ought to say to the doctor when he proposes a medicine which will do him some good but which will not cure him completely and at once, that the patient ought to say, "I will not have your medicine; I will only have one that will give me a complete cure". It may be a logical attitude, if you will, but is it a wise attitude, is it an attitude that is worthy of this House?

Then, there is another possible line of attack. There may be those who admit that the facts are as stated, and admit also that the remedy we propose will do something to improve matters, but that it is a remedy which only a Government fully responsible to the people of India has any right to apply. What does that attitude amount to? Does it not just amount to this that, although the action of the communist may result in very grave

[Sir George Rainy.]

injury to capital and to industry in India, and although it may result in inflicting severe suffering on the labouring classes, we will not take the measures which are necessary to prevent these evils because they cannot be taken by the right person? There again I would put the same question to the House, whether that be a logical attitude or not, is it a wise attitude? I do not think it is possible to give more than one answer to that question.

Now, Sir, I turn to the last line of attack which has been taken and which is open to the Members of the Opposition to take, namely, that whatever the facts may be, the remedy is one to which they object in principle and to which they cannot agree. Well, everybody understands that argument and everybody respects it. It is perfectly natural and I do not think that there is any one on this side of the House who does not understand the feelings on the other side of the House in this matter—and how difficult many of them must find it to associate themselves with any measure which has even the appearance of being a repressive measure. However, there is perhaps a little more to be said than that. I do not wish to revive the somewhat arid controversy which has already broken out as to what they do in Australia, or what they do in Canada or the United States of America; but practically the real point about it is this: I do not think there is any doubt that, since the War, practically every country in the civilised world has taken up the attitude as regards foreigners—I am dealing only with foreigners for the moment—that every country has taken up the attitude of saying to other countries: “You must consume your own smoke; we are not going to allow your citizens to enter our country in order to advocate revolution and upset our institutions.” In most of the Continental countries, so far as I know, the laws give peremptory powers to the Executive Government. And even in England, as regards aliens, the law gives very peremptory powers to the Home Secretary to deport without trial. My Honourable friend the Home Member, in his concluding speech on the second reading debate in Simla, made that very clear indeed. The difference between what we propose here and the position as it is in England today is that, whereas under this Bill powers will be given to the Executive Government to deport persons who are British subjects but are not Indians, so far as I know, under the English law, there is no power to deal with British subjects summarily without a trial in court and after conviction. That undoubtedly is a difference, but after all, it does not carry us very far. My Honourable friend Mr. Chaman Lal suggested that any Minister who proposed to take powers of this kind under a fully responsible constitution would have the fear of the electorate before him and would be slow to take action. Well, let us take the converse case. Suppose the British Government had reason to believe that in Great Britain Indian communists were giving a great deal of trouble, and that they were seriously apprehensive of the consequences that might follow, does the Honourable Member really think that there would be any particular difficulty in going to the constituencies in Great Britain with a proposal to confer on the executive Government a power to deport these Indian communists similar to the powers proposed in this Bill? I know Scotland better than England and I am prepared to say with regard to my own country that, if it were a question of deporting Irish communists, I know what the feeling would be, and I should be ready to face the verdict of any constituency.

Diwan Chaman Lal: May I ask the Honourable Member whether it is not a fact that there is a Communist Party in Great Britain, and whether any such laws have been demanded by any English politician against the Communist Party in Great Britain?

The Honourable Sir George Rainy: I am prepared to admit that I have never heard of any agitation for the removal of Indian communists from Great Britain. I understand there is one, but I suppose he can be regarded as completely immured within the walls of Parliament, and for that reason, as not an immediate danger.

However, Mr. President, I am not going to take any more time of the House—and I am afraid I have already taken up more than I meant to. I want, before sitting down, to add only one word. What is proposed in this Bill is this: that if British subjects, who are not Indians, come to India to stir up trouble and revolution, we want power to send them back to where they come from. Or, for the matter of that, if they send money to India to promote the same objects, we want to take power to get hold of that money and prevent its being used for those objects. The Honourable Pandit thinks it not right that we should have that power, and that everybody who is a communist should be allowed to come into the country and stay there and should not be expelled and that anybody who favours any cause of any kind should have power to send money into the country in order to support that cause. There is, however, one exception, as was evident from the debates of the last session. If a British subject wants to come in, to be a member of a managing agency or firm or as the director of a coastal shipping company, that is an improper thing, and the Honourable Pandit would not permit that. Or if he were to send any money to be invested in the shares of a coastal shipping company beyond the limit of 25 per cent., that is an improper object, and should not be allowed. (Laughter.)

In view of these facts, Sir, have not opposition speakers laid a good deal too much stress upon the constitutional privileges of “British subjects”? I am, Sir, for the fullest co-operation between different parts of the Empire, and I am against discrimination between the citizens of these parts. But in this particular matter, if British subjects from other parts of the Empire come to India to create mischief, and to take action which is likely to lead to violent and open revolution, then I would treat them exactly in the same way as if they were complete foreigners and aliens. (Applause.)

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I rise to take the same attitude towards this measure as I did in Simla last September. I need hardly say that I also oppose my friend Mr. Gaya Prasad Singh's motion regarding circulation.

Before I proceed further, Mr. President, with your permission, I wish to refer to one remark made by Mr. Ranga Iyer in connection with the compliment which he was good enough to pay me yesterday as his “Leader” (Laughter.) I wish that Members would, both for the sake of Mr. Ranga Iyer and for my sake, not treat the matter as lightly as they appear to do. Sir, a remark like that in this House is usually made by reference to the Leader of a Party to which one belongs. Mr. Ranga Iyer did apply for membership of this Party

Mr. President: Order, order. We have got a list from the Whip of the Party of which the Honourable Member is the Leader, which shows that Mr. Ranga Iyer belongs to that Party.

Sir Purshotamdas Thakurdas: I am just referring to that, Sir. He applied for membership to the acting Secretary, and as the Department required a list of members of the Party, the acting Secretary included Mr. Ranga Iyer's name in the list. When it was brought to my notice, I decided that until we had a full party meeting at which the application would be discussed, his membership should not be considered as complete. The question is to be decided as soon as Mr. Jinnah, the Leader of our Party, is here. Mr. Ranga Iyer knows this, and I think it is only fair to himself and to my Party that I should make this point clear.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): On a point of personal explanation, Sir. When I referred to Sir Purshotamdas Thakurdas as my leader I did not refer to him in any Party sense at all, for the very simple reason that he does not happen to be the Leader of the Independent Party. He is only the Deputy Leader, and I am generally accurate in my references. And for another reason, when I referred to him, I referred to him because of the influential position he occupies among a certain section in the country, and also for the very Oriental and unparliamentary tradition of referring to senior people as my leader. For, Sir, I have made previous references in this House, sitting on the Congress Benches, references to Pandit Madan Mohan Malaviya as my leader repeatedly, as any reference to previous reports will show, even though Pandit Madan Mohan Malaviya was opposed to me during the last General Election.

Mr. President: Order, order. Personal explanation cannot go further than that.

Mr. C. S. Ranga Iyer: Sir, one word about the application. I have not applied to the Independent Party for membership. The Secretary of the Party approached me and as I have not resigned my membership of my own Party, on whose Benches I could not sit for obvious reasons, I could not but for the Independent Party having the courtesy to offer me a seat on their Benches.

Mr. President: Order, order. The very fact that the Honourable Member sits on those Benches gives colour to the view that he belongs to the Party.

Mr. C. S. Ranga Iyer: Only temporarily. I am sitting on these Benches only temporarily.

Mr. President: Order, order. If these facts had been brought to the notice of the Chair, the Honourable Member would not have been allowed to sit on those Benches.

Sir Purshotamdas Thakurdas: I thank you for having given me permission to refer to this matter which I thought was necessary.

Sir, I do not think I need repeat to-day the main arguments on which I opposed the predecessor of this Bill at Simla. I wish only to refer, as shortly as I possibly can, to the reasons why, in spite of so much waste

having flowed under the bridge in the shape of disturbances in Bombay and elsewhere since last September, the Indian commercial community have thought it right to give it as their considered opinion that this Bill before the House should not be allowed to pass in the form in which it has been presented.

I agree with the Honourable Member from the United Provinces, Mr. Keane, that what happens in other countries and what regulations there are in other countries do not matter to us here. I said at Simla, and I think I can repeat it here, that in order to compare things you must compare things which are alike. What is the good of talking of Australia and Canada and America when you have not in India in the Government the main protection that the people in these other countries have, namely, a Government removable by and responsible to the Legislature? Such comparisons, if I may say so, may be very entertaining from the point of view of the acute lawyer, but for a practical business man, I consider them to be a comparative waste of time of this Assembly.

Sir, there have been many references in this debate to the Indian commercial community and their representatives in this House. Why do the Indian commercial community disapprove of this Bill? Why do the commercial bodies in Bombay think so in spite of the disturbances which have taken place in Bombay—the latest was the one of which we read in the papers this morning and of which Mr. Gavin-Jones gave us some details, very incomplete though they were? Sir, the Indian commercial community do not want disturbances. They are afraid of bloodshed, they are afraid of anything which may come in the way of their ordinary business from day to day. The latest telegram from Bombay, I understand, is that at least two of the important markets there have been closed since yesterday owing to the recent disturbances. And why is it, Sir, that at least three of the bodies from Bombay, which are affiliated to the Federation of Indian Chambers of Commerce, have wired to Mr. Birla, the President of that Federation, that they are not for supporting this Bill? Surely my Honourable friends representing the European interests in this House do not take that the Indian commercial community have lost all sense of what is in their interest? Both of us, the British commercial community and the Indian commercial community, have vested interests and if the Indians have not larger vested interests, they have equally large vested interests in the country. I have never been able to understand the way in which members on that side of the House have made light of the opinion of the Indian commercial community. The main reason, Sir, is that the Indian commercial community consider this measure to be more of a political measure than of one affording relief to the industries of this country. It is true that there is a little of that relief to the industries of this country, but at a good eight months have passed by. At least four months were wasted by the Government before they took the slightest action. If industries had been protected, if industries were not to be allowed to go to ruin, what would the Executive Government do for four or five months when a lakh, and more than a lakh, of workmen in Bombay were allowed to be misled by all sorts of propaganda? I have never been able to understand why my Honourable friend from Bombay, Sir Victor Sassoon, who represents the Bombay Millowners' Association here, has never asked that question of the Treasury Bench. Sir Victor Sassoon has been very eloquent here in his appeal to us to take a responsible view and to give a responsible

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vote. Heaven alone knows which of the two sides of the House can be said to have been more irresponsible, whether the Government or this side of the House in their vote and the views that they have expressed till now.

Mr. H. G. Cocke: Better late than never.

Sir Purshotamdas Thakurdas: Yes. I would even now say "Yes", if when Government start to move, you can convince the commercial community of their *bona fides*. Why this political mixture in this measure where Government say that they want to protect the industries of the country? Why not bring up the political part separately? If Government really are genuine about protecting the industries of the country, take just as much of it as is necessary for the protection of industries and I will to-day promise that I will vote for it. Communism, I am told, is habitually mixed up with politics. It is said to be a very clever mixture of politics and interference with industries. Take as much of politics therefore as is unavoidable, but why have your various clauses as wide as my Honourable friend Pandit Motilal Nehru so ably exposed them to be only a few minutes back? Is it Government's aim to go for the political worker in India in any way by this? If that is their idea, let me tell the House, the Indian commercial community will be prepared to undergo considerable suffering rather than allow the Executive Government, by their deliberate vote, to do anything of that nature.

The Honourable the Commerce Member said, one of the criticisms of this measure is that it is an incomplete measure. In fact he confessed it was an incomplete measure, but he asked: "Is this attitude of opposition, even to an incomplete measure, wise?" I propose, Sir, to reply to him. The incompleteness of the measure is just the part of the measure which exposes it to the largest amount of suspicion by the Indian public. What is the other half of the measure going to be? How are the Indians concerned in this movement going to be dealt with? Surely, neither the Commerce Member nor the Home Member wish to say that, as soon as these two precious men, Bradley and Spratt, are removed, the whole of this trouble will settle down? There are more Indians to-day actively at work in this nefarious business than Bradley and Spratt. How are you going to deal with these Indians? Are you simply going to wait till they are tired out? Are you going to wait as Sir Victor Sassoon and Mr. Cocke said, for them to say: "Now that our friends have been removed from India, let us take to some other means of livelihood"? What is the programme of Government regarding the Indian communist? I asked the question in Simla, and I paused for a reply. I have been asking the same question of various friends, who have been very kindly offering me advice to arrive at what they think is a reasonable decision in this matter, since I came up here. I have not yet come across any one who has been able to satisfy me on this score. I will repeat that question here and will pause for a reply.

An Honourable Member: The Home Member gave it.

Sir Purshotamdas Thakurdas: Did he? What did the Home Member say? The Home Member said "We propose to try them by the usual ordinary processes." That means that you think you can get at the Indian communist agitator by the ordinary processes. Is the reply yes? I take it for granted, because somebody over there says "yes". Then

why cannot you do the same with the Britisher? If you can get conviction against the Indian communist in the open Court by the ordinary procedure, why not do it for the Britisher? But I suspect that, under certain circumstances, you may not be able to get such mischief-mongers out of the way by the ordinary procedure. You therefore want some extraordinary powers. In fact, as Pandit Motilal Nehru said, you want to deal with people where the Court may not find them guilty. If that is so, then what do you propose to do with the Indian? Evidently you do not suppose to bring a measure before this House to deal with Indians—obviously not. Then the suspicion increases, how do you propose to handle the Indian communist? It is no use being blind to this main factor, which is really at the bottom of the opposition to this Bill. I personally have no sympathy with, or solicitude for, either Mr. Spratt or Mr. Bradley, or for any European who comes out here to preach communism. But here you have two men and you are making so much of it. The whole Bill seems to be based on getting these two Britishers out, and as somebody added, preventing a few more from coming in. As for preventing a few more from coming to India, unless your passport department is extraordinarily slack, you can guard against it. As regards getting these two men out, why not give a straightforward answer which will carry conviction to people who will not implicitly trust Government's discretion in the future? It is not a question of trusting either His Excellency Lord Irwin or the Honourable Mr. Crerar. It is a question of trusting the Governor General in Council whose past record in this matter does not inspire confidence. I therefore feel that when appeals are made of the nature of that of my Honourable friend from Assam, Mr. Cosgrave, or that of the Foreign Secretary, these friends of ours have got to tell us what they would do if they were in the same position as we are in to-day, namely, not being able to get exactly at what the programme of Government is and being put in this extraordinarily difficult and delicate position, namely, on the one side giving Government the widest powers possible, and on the other side seeing our industries, at any rate in Bombay—and I come from there—getting very very close to ruin.

Mr. K. Ahmed: That could be considered later on.

Sir Purshotamdas Thakurdas: Yes; if I have got to get it considered by my Honourable friend, I would have to wait for a very long time indeed. This, Sir, is the reason why the two wings of Indian commerce and industry differ so widely on this question. My friends Mr. Cocke and Sir Victor Sassoon, as well as Mr. Gavin-Jones from Cawnpore, have spoken correctly reflecting the opinion of their constituencies. On the other hand, my friend, Mr. Ghanshyam Das Birla has, in his very lucid speech yesterday, told the House what at least 22 or 23 members of the Federation of Indian Chambers of Commerce, whom he as President consulted, have wired to him. He read the telegrams from a few of these: two, or at the most, three, suggested to Mr. Birla that he might give conditional support to the Bill.

Mr. K. Ahmed: What about the Marwari community?

Sir Purshotamdas Thakurdas: The Honourable Member may wait until I develop it further. Sir, after the meeting yesterday I asked Mr. Birla if he would show me the telegrams. The conditional support is this: "We favour the principle of the Bill, but we do not like the arbitrary powers

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which are proposed to be vested in Government by the Bill. Please get them amended." Now, I wonder if the Honourable the Home Member will consider even these three as supporting his Bill, because the whole principle of his Bill is that arbitrary powers should be vested in the Government. I therefore have come to the conclusion that of the 22 or 24 telegrams which Mr. Birla has received, all are in opposition to the Bill.

Sir, my friend from Bombay, Mr. Cocke, showed very great solicitude for the masses in this country. He said "Here are these three hundred millions who are illiterate and thus exposed to all this mischievous propaganda of the communist. Think of them." Is it our fault that after say, 100 years of British rule (*An Honourable Member*: "150 years") there should be 300 millions of people illiterate here? You ask us therefore, as a price for their illiteracy, that we should add one more shackle and come in the way of the little political activity which is in the country at present.

Mr. H. G. Cocke: You are missing the point.

Sir Purshotamdas Thakurdas: I am not missing the point. I will give way if the Honourable Member wishes to interrupt me, because I think the question had better be thrashed out on the floor of the House. What is the point I am missing? I say you mentioned the root cause to be the illiteracy of the masses. Your group will not look at the problem . . .

Mr. President: Order, order.

Sir Purshotamdas Thakurdas: I am addressing you, Sir. (Laughter.) The root cause according to my Honourable friend, Mr. Cocke, is the illiteracy of the masses.

Mr. H. G. Cocke: No, no. I did not say that the root cause of the trouble was the illiteracy of the masses; the root cause is the communist doctrines that have been preached and I say they appeal to the masses and I say it is for the Members in this House to protect the masses.

Sir Purshotamdas Thakurdas: Exactly; why are they able to appeal to the masses in preference to others? Because of their illiteracy. And who is responsible for the illiteracy? The Opposition here?

Mr. H. G. Cocke: I did not go into the question of responsibility.

Sir Purshotamdas Thakurdas: That is the point: Mr. Cocke will not go as far as he should; he only goes half way and draws his inferences. My complaint is that the European Group will only go as far into a subject as suits them, and that is what I most strongly object to. I want them, in truth and in all sincerity, to go right up to the farthest point that an arguer may lead them to, and then come to a conclusion, and I guarantee my Honourable friend from Bombay that his conclusion and mine will not differ very widely.

Mr. H. G. Cocke: May I suggest that the Honourable Member should try, in Select Committee, to put some educational provisions into this Bill.

Sir Purshotamdas Thakurdas: Ah! If the Honourable the Home Member will say that, not only the educational handicaps, but the two or three others which Honourable Members on this side of the House mentioned

are going to be considered by the Select Committee and provided for in the Bill, I am certainly prepared to wire to my Chamber for their approval to my joining the Select Committee. Therefore, Sir, what I was pointing out was. . . .

Mr. K. Ahmed: What about your Party?

Mr. President: Order, order.

Sir Purshotamdas Thakurdas: My point is that the appeal is put forward for the masses. I wish those who make that appeal had also looked at the very *raison d'être* of their appeal.

The next appeal made was by my friend Mr. Gavin-Jones. He said that the fabric of Indian industry was breaking down. Now, Sir, if the fabric of Indian industry is breaking down, surely there are several important economic and other reasons for the deplorable condition. Can you afford to overlook these?

I cannot help feeling that what we really want is the confidence of the people in the measure which is before the House. I mean the confidence of the larger public outside, and you cannot have that confidence unless the Government care to look at facts as they are and not as they want them to be. The Government, as at present constituted, have not the confidence of the people at large; the people are not prepared to trust them; they are not prepared to vest anything in Government at their discretion. All that the people say is, if we cannot help things,—well, the Indian is a man who believes in *Kismet*,—all that the people will do is, they will sit down and say, "Let the worst happen; let the Government move at the time they want". But if anybody were to go round to convince the people about a measure like this, in which you have an upper layer with a little relief to the industries, mixed up with a substantial portion which may go against the political movement, a measure like that is not one which will appeal either to the people at large or to this side of the House. I therefore feel that what is required at this juncture, Sir, is not a Select Committee, but a conference between either the Honourable the Home Member, or if it so pleases the Government, His Excellency the Viceroy and some members on this side of the House. If the Government are prepared to modify this Bill to the extent of taking out of it all that part which threatens the political activity of the country, I mean the genuine political activity of the country, a measure like that alone, is what would commend itself to this part of the House.

While nobody like the Regulations or any of these repressive laws, even this Bill which is brought up here is not one which replaces any of the repressive laws. The Repressive Laws Committee said that the Regulations and other repressive laws should be replaced by regular enactments. This Bill, as far as I am aware, does not replace anything at all. It is an additional weapon to the existing Acts, which are already in the armoury of the Government. It is to replace nothing; all other repressive laws are to remain as they are. I personally feel that, as long as we have the present form of Government, we could only have a comparatively small say regarding these repressive measures. But if the Government want this House to pass any measure, which is a Regulation on a smaller scale, vesting the Government with wide discretionary powers, they can only do it by convincing the House that this replaces one of the older measures.

[Sir Purshotamdas Thakurdas.]

I therefore feel that, instead of a Select Committee, if a consultation conference can be arranged, and if the objections raised here can be met by Government, as far as my constituency is concerned, Sir, I have the authority for saying that they are quite prepared to welcome any special measure dealing comprehensively with fomentors of industrial disorder and providing reasonable safeguards against arbitrary curtailment of the liberty of the subject.

Mr. K. Ahmed: What about your Party? They do not agree with you

Mr. President: I think we might adjourn now unless Honourable Members would wish that I should continue.

(Several Honourable Members: "Go on, go on.")

The Honourable Mr. J. Orerar (Leader of the House): Unless there is a possibility of the debate finishing to-day, I think the House should adjourn.

Mr. President: When Pandit Madan Mohan Malaviya rises, we know what it means!

The Assembly then adjourned till Eleven of the Clock on Thursday, the 7th February, 1929.

LEGISLATIVE ASSEMBLY.

Thursday, 7th February, 1929.

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

STATEMENT OF BUSINESS.

The Honourable Mr. J. Orerar (Leader of the House): With your permission, Sir, I desire to make a statement as to the probable course of Government business in the ensuing week. The days available for Government business are Monday, the 11th, and Wednesday, the 13th. The House will also sit for non-official business on Tuesday, the 12th, and Friday, the 15th. The variation from the usual programme of sitting is due to the fact that Thursday, the 14th, is a Gazetted holiday. On Monday the 11th, motions will be made to elect a panel for the Committee to advise the Department of Education, Health and Lands, and to elect members of the Standing Finance Committee. A motion will be made to take into consideration the Bill to amend the Indian Limitation Act, 1908, as passed by the Council of State, and if that motion is carried, a further motion will be made to pass the Bill. Thereafter a motion will be made to refer to Select Committee the Patents and Designs (Amendment) Bill which was circulated by this Assembly in the last Simla session. Thereafter, a motion will be made to refer to Select Committee the Trade Disputes Bill which also was circulated by this Assembly at the last Simla session. It is expected that this business will occupy the Government time on Monday, the 11th, and Wednesday, the 13th.

ELECTION OF THE COMMITTEE ON PUBLIC ACCOUNTS.

Mr. President: I have to inform the Assembly that the following Members have been elected to serve on the Committee on Public Accounts:

Mr. S. C. Mitra,

Kumar Ganganand Sinha,

Mr. Abdul Matin Chaudhury, and

Mr. K. C. Neogy.

THE PUBLIC SAFETY BILL—contd.

Mr. President: The House will now resume further debate on the Public Safety Bill.

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Sir, I have heard with great attention the eloquent speech of Pandit Motilal Nehruji, the able President of the Congress, and the most popular Leader of the Swaraj Group in this House. The Honourable Pandit had told us that the Congress Group is pledged to subverting the present political Government of the country by all means, and that, if by the end of this year, Dominion Status is not granted, civil disobedience will be started. I remember, Sir, the Panditji making his great speech at Calcutta where he said that the devastating forces which were at work would "swallow" the forces of reason and restraint. Sir, I submit that the ultimatum will serve no useful purpose. As a matter of fact, the ultimatum which he has delivered on the floor of this House, if at all carried into effect, will lead to general unrest which the noble Panditji desires to avoid.

Sir, the situation is indeed very grave. There is no doubt that Bombay has suffered most. In that great city, as we all know, several cases of disorder, of violent disorder, have happened. We all know that murders have been committed, the police were forced to fire, and there is a wide-spread feeling that there is no security of life and property. I believe that the present appalling panic in that great city, in which 20 Pathans were killed and as many as 153 were wounded, is really an after-effect of the strike of last year and is the result of the constant and sedulous attempts which have been made to work labour up into a state of organized discontent. (*An Honourable Member:* "No, no. Question.") I think that the employment of Pathans by the millowners to guard the mills was disliked by the strikers, and therefore the Pathans most of whom really belong to the North West Frontier Province and Baluchistan were attacked and set upon by infuriated men who found strength and confidence in their numerical superiority.

Now, Sir, the eminent leaders of India regard the situation as indeed very grave. Sir Chimanlal Setalvad, the President of the Liberal Federation, has told us and has warned us that communism hangs high on the horizon of politics and that it will sooner or later "swallow" the parties and politics of a strictly constitutional character. Mr. Shiva Rao, the President of the Trade Union, admits that a lot of money has come into this country from abroad and that the South Indian Railway strikers were really in the hands of the Red agents. Sir, in these circumstances, the Government of India in charge of the teeming millions of this country. (Ironical cheers), cannot ignore the fact that the Red agents and their emissaries are carrying on a propaganda which is liable to incite the illiterate and ignorant masses to violent acts. I submit that the general strikes which are happening in this country are half revolutionary symptoms of an intensifying crisis, and incipient germs of the coming evil. I believe that these half-revolutionary strikes will be transformed into wholly revolutionary. These strikes will paralyse the existing political administration of the country, pending the revolution that will strike at the root of the whole economic, social and political structure of society in India. Well,

Sir, there may be legitimate grievances and a perfectly natural desire on the part of the labouring classes to better their lot and ameliorate their condition of living, but there is no manner of doubt that the propaganda carried on by the Red agents and other foreign emissaries here is anti-social and anti-political and aims at a physical force revolution, which, in my humble estimation, is the negation of all that conduces to order and well-being and is against the principle of a genuine democratic life and action.

Sir, these are the hard facts of the situation. Are we going to have communism in this country? I say, no. And yet, on the floor of this House, I am told by my Honourable and learned friend, Mr. Chaman Lall that he wants communism to spread in this country.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): How are you going to prevent the spread of communism by this Bill?

Mian Mohammad Shah Nawaz: Is my Honourable friend going to resort to the methods which were followed by the Russian revolutionaries? I tell you, Sir, point blank that the Russian revolutionaries achieved their object by a simple order of confiscation, by sending hundreds and thousands of thinking people of Russia to the gallows—

Diwan Chaman Lall: What do you know about it? (Laughter.)

Mian Mohammad Shah Nawaz: I know everything about it, more than you know (Cheers)—by sending thousands of people of the Russian intelligentsia to the gallows

An Honourable Member: They must be traitors.

Mian Mohammad Shah Nawaz: Traitors because they possessed brains and property. I say the Russian revolutionaries wanted to plunder the people. The Soviet does not bother about any adequate return on their outlay, because it paid nothing for its undertaking. And has communism succeeded in Russia? Certainly not. The fact is that the principal tenets of communism are not now accepted by the Russians themselves. Trotsky and Zinovieff have been banished. Bukharin, the President of Communist International, is about to be banished, and all are going to take refuge in the much-maligned country of the Turks. I am told by a distinguished Member of this House, Mr. Chaman Lall, that he wants communism to spread in this country, because then poverty will cease to exist. Does he mean to say that no poverty exists in Russia?

Diwan Chaman Lall: On a point of personal explanation, Sir. I never said that I wanted communism to spread in this country. The Honourable Member has no business to charge me with having made that statement. What I said was that socialism should spread in this country and that I stand for socialism.

Mian Mohammad Shah Nawaz: He wants socialism. I think he would have added to his reputation if he had said radical socialism. There is no distinction between radical socialism and communism as I understand it. You want lands to be nationalised, industries to be nationalised, and you want that ownership in private property should cease. Surely Mr. Chaman Lall is the only man in this House who stands for communism,

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pure and simple. I find that communism is condemned by the Honourable Pandit Motilalji and the Honourable Pandit Malaviyaji. Now what is the state of affairs in Russia? It was reported by the International Labour Office, an indisputably impartial body, that the number of unemployed in industry in Russia was two millions. Leaving aside the seasonal workers, the number of unemployed members exceeded a million, of whom 25 per cent. were skilled workers. These are striking figures when it is remembered that the total industrial population in Russia does not exceed eight millions. Fourteen thousand engineers were reported to be out of work. Moreover "unemployed intellectual workers and salaried employees were in a very difficult position, having little chance of finding employment on account of the demand for economy and rationalisation". Further the investigation of some exchanges brought to light "revolting scenes of drunkenness and debauchery on the premises". Women who entered the exchanges "were exposed to outrage and sometimes to violence". Mr. Schimidt, Peoples' Commissary for Labour and Mr. Buskhutor, his assistant, admit these facts, and yet my learned friend Diwan Chaman Lal wants communism or socialism in India. My friend is probably one of the very few persons in India who want this kind of socialism, as he calls it. It should be called Annihilationism.

I will now come to the arguments which have been addressed by the various speakers to this House, and I will deal first with the arguments urged with his usual warmth and vehemence and force by my esteemed friend Sir Purshotamdas Thakurdas, the officiating Leader of the Independent Party. What he said is this. Inasmuch as you can proceed against the Indian communist under the existing law, you can also proceed against the British communists. I agree with him that, under the Penal Code, which is a punitive measure, you can proceed against the Indian communist as well as the British Communist. Now, Sir, I am not enamoured of Bengal Regulation III of 1818. I think it should be abolished so far as Indians are concerned, but the fact remains that the Regulation applies to Northern India, and the British communist who is carrying on his pernicious and dangerous propaganda by inciting the masses to violence in the Presidency of Madras and the Presidency of Bombay cannot be deported like the Indian communist, as the Bombay Regulation and the Madras Regulation do not apply to the British communist. The present Bill will apply to the British communist as well as to foreigners and therefore existing law is insufficient to deal effectively with the Red agents and their friends. Again my friend, the distinguished representative of commercial interests in Bombay, says in effect: "Oh the present Government are irresponsible and we do not care a pin for any measure of legislation that emanates from such a Government." Are you going to establish another Government? Is there any likelihood of its being established within two or three years? I know the day will come—I wish that it would come soon—when we will be able to manage our affairs and attain Dominion Status within the Empire. But just at present we cannot carry on the administration of this country without the help of the Britishers. And it is equally true and undeniable that the Britishers cannot administer this country without the co-operation of the Indians. The Britishers may be a bit foolish sometimes, but they are the wisest people in action. They know that India has begun to move. They know

that 300 millions of God's people in India have begun to move in right earnest and they cannot be checked without disaster. The Britishers know perfectly well that they will have to give to Indians a very real and substantial measure of further reforms, including autonomy in the Provinces. I know that India's heart is sound and that of Great Britain is also good. Both of us must adopt a policy of reasonable give and take. We school our manners, act our parts but He who sees us through and through, knows that the bent of both of our hearts is to be gentle, tranquil and true.

Now, Sir, the foremost argument put forward by the opposition is that an offender should not be punished without being heard. In other words there should be a regular trial. In the first place I submit that there may be occasions in which the Executive Government may be compelled to arm themselves with additional powers when they know that they cannot deal effectively with the Red agents and other foreign emissaries from overseas. We know that, having regard to the geographical, political and social conditions of India, the Red agents have made India their special butt. It may fairly be assumed that the Government of India will apply the provisions of this Bill only in the interests of the safety of India and expel those persons, who are working for Moscow's cause of red ruin and the breaking up of law and order. Again it was pointed out by the Honourable the Home Member in the last session that the Secretary of State in England can pass a deportation order against an alien and his order cannot be challenged in any tribunal. He is not bound to hold an inquiry; he is not bound even to hear the accused; provided he says in his order that it is for the public good to make such an order. This is the law in England. No doubt it applies to the alien. But the present Bill is far better than the law applicable to the conditions in England, because the present Bill allows the accused person to appeal against the deportation order made by the Governor General in Council and to challenge it before a Bench of three Sessions Judges of experience. Again it is said that, the Australian law gives a trial to a person who is likely to be deported. It gives him a summary trial but after all it is a trial. I do not find anything at all in the Australian Act to the effect that the procedure as we have it in the Criminal Procedure Code, should be adopted. The speakers have missed the point. The procedure is laid down in the notice which is issued against the offender to show cause before a magistrate why he should not be deported. It is a summary trial, not a regular trial, which entitles an accused person to see the evidence and cross examine the witnesses. An analogous provision is also made in the present Bill. The procedure will be laid down by the Governor General in Council and the Bench of the three Judges is bound to follow it. The Australian law applies not only to aliens but to the Australians themselves. The present provisions of the Act do not apply to Indians. In fact the Honourable the Home Member in his very able and brilliant speech has told us quite clearly that there is no intention on the part of Government to extend the provisions of the present Bill—or of any Act that may be enacted in future, to Indian communists. In the face of that declaration, of that pledge, we are still harping on an imaginary fear that this Bill is a prelude to further repression. Further, I agree with Mr. Keane, who has really delivered a very able speech that we cannot go to see what the law is in England or in Australia or in the United States of America. We will have like practical men to see what laws should be applied, having regard to the present situation in India. We have got to see the geogra-

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phical, the political and the social conditions of the people of India and act accordingly. I submit that a regular trial by a competent court will unnecessarily create excitement and stultify the very object of the Bill.

Well, Sir, I have heard my learned friend, Pandit Motilal Nehru—he is not present—speak with regard to the principle of the Bill. The able and distinguished Leader of the Swaraj Party says that the principle of the Bill is that if an alleged offender cannot be punished by a Court, he should be punished by an executive order. I do not see that that is the principle of the Bill. It is a preventive measure; it is not a punitive measure like the Penal Code. The essence of the Bill is to deport the man to the place whence he came; to lay obstacles in his way and prevent him from committing further mischief. That is the object and principle of the Bill.

Well, Sir, then it is said, "Oh, the present Bill is absolutely unnecessary. There is no communism here, and there is no likelihood of communism being spread in this country. We are all very peaceful." All that is very well to say. We know the aim of the Russians is to Sovietize the whole world, to nationalise the land, to nationalise the industries, and we know the aim of the Russians is to strike at the very root of the whole structure of society. We know that nearly a lakh of rupees has passed into the city of Bombay, ostensibly to augment the strikers' fund in order to contest their case, but in reality to pay the professional agitators, to subsidise newspapers, and to carry on a propaganda of anti-social, anti-political revolution by physical force, which in my humble opinion is very harmful to the best interests of our country. This measure therefore is absolutely necessary and urgent.

I believe, Sir, that nationalism will suffer if we do not pass this important measure of legislation. I honestly believe that, in the interest of industrial development and the peaceful progress of this land of ancient civilization and ancient renown, this demon of communism should be nipped in the bud; should at any rate be checked without further delay. I honestly believe that if we do not pass this measure, communism will create unrest in this country. Communists will promote defiance of authority and lawlessness. I feel, Sir, that the action was long overdue. Close the door against thieves before the horse is stolen. I do hope, Sir, that the sense of responsibility of the majority of the Members of this House will permit the Bill to go before the Select Committee and eventually lead to its passage by a convincing majority.

Munshi Iswar Saran (Lucknow Division: Non-Muhammadian Rural): Sir, there are some speeches which are able or interesting, and there are some which are revealing in their character. The speech my Honourable friend, Mr. Cosgrave made the other day belongs to the latter category. Speeches like his give us a peep into the working of the official and the bureaucratic mind. Mr. Cosgrave, full of righteous indignation, referred to that despicable man, Diwan Chaman Lall for having gone to Canada at Government expense and for having travelled first class.

An Honourable Member: Did he travel first class?

Munshi Iswar Saran: Ask Mr. Cosgrave, if you please.

I hope, Sir, after that reference, Diwan Chaman Lall will be a humbler man and will try to follow the lead of Mr. Cosgrave and of his other colleagues, who are altruists of the first water. May I in all sincerity put

three questions to Mr. Cosgrave and to his other friends on that side of the House. When they come up to Delhi or Simla to attend the Assembly, do they charge Government their travelling expenses, or do they not?

An Honourable Member: We don't "charge," we receive.

Munshi Iswar Saran: The second question is, do they travel third class or first class? The third question is, do they, in addition to their salary, demand and receive the halting allowance of Rs. 20 a day or not? When these questions are satisfactorily answered and settled, I shall join my Honourable friend Mr. Cosgrave in expressing my deep abhorrence at the inequity of Diwan Chaman Lall.

Mr. Cosgrave also told us that the opposition should be responsible. Sir, if there are occasional lapses on this side of the House, I hope Mr. Cosgrave will forgive us because the irresponsibility of the Official Benches is contagious, and little wonder that it sometimes travels from that side to this. To ask the Opposition to be responsible when the bureaucratic Government here is utterly and wholly irresponsible is to ask for the impossible.

Sir Victor Sassoon (Bombay Millowners' Association: Indian Commerce): Why is it impossible?

Munshi Iswar Saran: My Honourable friend asks why it is impossible. It is very difficult for my Honourable friend, whose one object is to distribute fat dividends to the shareholders, to understand this deep political question. (Laughter.)

Then, my Honourable friend says that those who have a stake in the country will support this measure. This is an argument which we have heard *ad nauseum* and with your permission, Sir, I wish on the floor of this House, to make a few observations in regard to it. "Stake in the country", what does this expression mean? Is a big balance in the bank, is the possession of broad acres a *sine qua non* of your stake in the country? Or is not your burning love for your country, is not all that you hold dear and near to your heart, your stake in the country? Men with large acres but with a vacuum in their brain, men with big balances but with no moral backbone, men who are ever ready to carry out the behests of officials, men whose sole delight in life is dancing to the tune of officials, according to my Honourable friend Mr. Cosgrave and others of his way of thinking, have a stake in the country, and not we, Sir, who happen to be poor, to have no balance in the bank and to have no zamindari property, but whose every conceivable interest is bound with the future of this country. We live here, we shall die here, our children and children's children will be born in this country, will be bred up in this country and will die in this country. To suggest that such men have no stake in the country and to expect that this definition will be accepted by anybody is, I submit, to expect the impossible. My Honourable friend Mr. Cosgrave and others like him, what is their stake in the country? After they retire on their pensions, they go to the East India United Service Club in London and say: "Oh! India, what a delightful country! But for the pestilential agitators and the 'Monkey House', India would be a veritable paradise". When there is any calamity in India, they will only say: "Oh! it is a pity, oh! it is distressing. I liked India for the shooting that I had there and the opportunity for splendid shikar that it afforded me". These are the

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gentlemen, Sir, who want to tell us about our love for our country, about our having a stake or no stake in our country. According to them, the Country League has a big stake in the country and the Indian National Congress has none.

Mr. H. G. Cocks (Bombay: European): What about the Public Safety Bill?

Munshi Iswar Saran: These are the arguments which are advanced in favour of the motion which my Honourable friend apparently supports.

Then spoke my Honourable friend Sir Denys Bray (Hear, hear) whose diction and whose eloquence, if I may be permitted to say so, is the despair of most of us on this side of the House, and I hope on the other side as well (Hear, hear). Sir Denys Bray said: "Look, your religion is in danger, the youth of the country should not be allowed to be poisoned". Last time speaking on this motion he said:

"As I listened, I felt that it ill became an Englishman like myself, belonging to a race whose civilisation, however, fine, does not boast of such immemorial ancestry, it ill became an Englishman like myself to bring Hinduism lightly to my lips. And yet—is *Hinduism* to look on, hands folded, while *India* is subjected to an invasion of poisonous ideas infinitely more perilous than any invasion of force? Or am I wrong? Is there something after all in communism that can stir Islam or Hinduism to a new and a fuller life"?

Sir Victor Sassoon: Is there?

Munshi Iswar Saran: Well, Sir, if my Honourable friend had only taken the trouble, I hope he will forgive me for saying so, of carefully studying the Bill, he would have found that a man may come into this country, he may preach the most atrocious doctrines against Hinduism and against Muhammadanism and yet this Bill will not touch him.

Sir Victor Sassoon: All that is for the Select Committee to look into.

Munshi Iswar Saran: My Honourable friend has a childlike faith in the power and the efficiency of the Select Committee. I admire it. Now, if my Honourable friend Sir Denys Bray will pause and consider, he will find that there is not a provision, there is not a word in this Bill which can stop the evil against which he spoke so eloquently and might I say, Sir, so feelingly. But, the disease, Sir, let me tell my Honourable friend with all respect, will continue to grow even if you pass this Bill straight away. But I hope my Honourable friend Sir Denys Bray will pardon me and will not misunderstand me if I put a question to him. What did the Government, of which he is such an honoured and distinguished member do to express its abhorrence of that vile and wretched book, Miss Mayo's "Mother India"?

Sir Victor Sassoon: Ah!

Munshi Iswar Saran: My Honourable friend says, "Ah!" The entire Indian civilisation, the entire Indian culture and everything that Indians hold near and dear was maligned and condemned most shamelessly and I should like to know if the Government of which he is such a distinguished representative took some steps publicly to show that it disagreed with, it disapproved of and it condemned sentiments such as were contained in that book.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Half of what is said in that book at least is true.

Sir Victor Sassoon: You yourself confessed it.

Munshi Iswar Saran: My Honourable friend Mr. Kabiruddin Ahmed is happy that he has found pearls in a dung heap.

Then, Sir, my Honourable friend Mr. Cosgrave referred us to the Acts of Australia and America. I shall ask him to refer to those two Acts very carefully and I shall ask him to point out if there is one single provision either in those Acts or in the Act of Canada or the United States of America about the seizure of money and about forfeiture of funds. If my Honourable friend referred to those Acts, it was up to him to show that there were provisions in those Acts similar to the new provisions that Government has introduced in this Bill.

Then there is another matter. Will my Honourable friend tell us if there are in those Acts restrictions about evidence that has to be shown to the accused? You have it in this Bill here before you that a general statement will be supplied to the accused person and that the facts and the details of the facts and the circumstances will not be communicated to the accused. I challenge my Honourable friend there to point out any provision which in so many words lays down what this Bill intends to lay down. What then, Sir, is the good of referring to those Acts? I agree with my Honourable friend Sir Purshotamdas Thakurdas that it is not necessary to refer to those Acts, but we should consider the question on its own merits. But if you refer to them, it is only fair that it should be pointed out to you that your reference is only partial and incomplete.

My Honourable friend Mr. Keane said to us: "Give us as long as we are in authority, the same powers as you would give to your own Government". I shall ask my Honourable friend Mr. Keane to refer to the various stages of the Bill and to say if his appeal is justified. Look at the original Bill as it emanated from the bureaucratic workshop. What do you find? You will then have an indication of the way in which the official mind is working. They came to the Assembly with the original Bill and wanted it to be a permanent measure. It was only in the Select Committee that its life was limited to five years. Then, again, Sir, in the Bill as it was originally presented to this House, there was no right of appeal. Take that Bill in its original form and then you can understand what the Bureaucracy would have liked to have, had it not been for the Select Committee and for the changes that were introduced by them therein.

Mr. K. Ahmed: That is all the more reason why it should be referred to the Select Committee.

Munshi Iswar Saran: Are you in the Select Committee?

Mr. K. Ahmed: Well, you can come in, if that will satisfy you.

Munshi Iswar Saran: Sir, I submit that a comparison of the successive stages of the Bill is enough to convince anybody that Government is desirous of having arbitrary powers. In order to have a correct appreciation of their desire, you have to refer to the first Bill as it came before this House, and then you have to refer to the last one. The last one is even

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more dangerous than the first one. In the Statement of Objects and Reasons of the last Bill you find:

"There is also evidence to show that bodies under the control or influence of the Communist International have been remitting sums of money in aid of the various industrial disputes recently in progress in India, disputes which, whatever may be their economic basis, have undoubtedly been fomented by communist agents."

and so on. I shall ask the House to bear in mind that there was no such statement in the original Bill. After this House throws out the first Bill, when this Bill makes its appearance again it comes with added provisions and with added powers.

My Honourable friend Mr. Coatman, on whose speech I should like to congratulate him, told us that we were wrong in imagining that communism was an aid to nationalism. I entirely agree. No one in his senses imagines that communism in any shape or form, can be of any assistance to nationalism. But may I ask my Honourable friend Mr. Coatman—whom unfortunately I do not see in his place though he is in another place—what answer, what response has Government made to Indian nationalism? The response is the refusal to establish an Indian Sandhurst. Another instance. The response to Indian nationalism is the appointment of an insulting Commission. The response—let me tell Mr. Coatman—to Indian nationalism is the brutal assault by the police on Indian leaders. Let my Honourable friend Mr. Coatman and his friends think and pause before they begin to talk about Indian nationalism. The newspaper cuttings for which I am sure a grateful Government will duly reward him, do not come within the purview of this Bill. Even if you pass this Bill, how are you going to stop this newspaper propaganda in favour of communism? I shall assume, for the sake of argument, that the whole of the country is seething with communism to-day. Does this Bill help you in eradicating the evil? Does this Bill help you in combating successfully the danger which you say exists in the country to-day?

Mr. K. Ahmed: There will be another Bill following.

Munshi Iswar Saran: My friend unconsciously sometimes speaks sense.

My Honourable friend Sir George Rainy in a speech full of sweet reasonableness said: "Why should you have any objection to this Bill? It may not be a complete measure, it may not be a wholly satisfactory measure, but will the patient decline to take the medicine because it will not completely cure him"? May I say, with all respect to Sir George Rainy, that if I had a doctor who came to treat me, who knew my disease, who had a remedy which would permanently cure the disease but still gave me a recipe and told me that it would give me only partial relief and would leave at least a part of my agony unaffected, I should certainly say to that doctor "Out of my house you go because I do not trust you". What is the good of saying 'Accept this Bill'? On your own showing it does not fight communism, as it ought to. I ask Sir George Rainy and the Government of which he is a distinguished Member to bring before the House a complete and straightforward measure, to come out into the open with all that they wish to do in order to fight this evil. What is the good of giving us this medicine of repression in instalments? If they have to give it to us, let them give it to us all at once so that it may permanently and effectively cure the evil which they are out to fight.

The European group is frank because it does not possess the bureaucratic diplomacy and I appreciate this frankness. What they say is: "You pass this Bill and there is yet another Bill to follow". What that Bill will mean for Indians, I shudder to think of.

Let me say one word. Sir, this Bill is not going to end the trouble. It is futile to expect that this Bill will serve the purpose for which it is said it has been brought into this House. It will not. I am a humble man, Sir, and if I may be permitted to make a personal remark, I shall say, that I am not in favour of anarchy or of chaos or of communism. I am in favour of progress, ordered progress. But I say that the real remedy is different. It is seldom that I find myself in disagreement with my Honourable friend Sir Purshotamdas Thakurdas; but I do differ from him when he says, that the real remedy is that either His Excellency the Governor-General or the Honourable the Home Member should have a sort of Conference with some of the leading men on this side and should produce an agreed Bill. Sir, assuming that you produce an agreed Bill, even that Bill, I submit with all the emphasis at my command, will never be able to meet the situation. The real evil will be met when there is peace and contentment in the country, when there is the feeling that we can manage our own affairs, that we are at liberty to fight all these evil outside influences in our own way, and that we are free to administer our country in accordance with our own traditions and ideals. When we have that freedom it will not be difficult to fight communism or any other disease that may come into the country from outside.

My Honourable friends on the other side will be interested in knowing what an Englishman, not an Indian, has said about China. The author is Lieutenant-Colonel Etherton, and he says that:

"It is safe to predict that communism will obtain little hold on the mass of the Chinese people. Its principles interfere with private trade which is vital to the Chinese, whilst they strike at private liberty, and we see what a strong point that is in social life. To create a communistic spirit there must be certain elements with which to build up the fabric. A republican atmosphere is also difficult to introduce; the component parts are lacking in the national temperament."

I submit, Sir, what is true of China is still more true of India. The remedy lies, I submit, in India getting freedom. And when India is free I may tell my Honourable friends on the other side that Indians will not require a Bill like this but will be able, by other means, to fight communism and other obnoxious diseases which may be introduced into this country from outside.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadian Rural): Sir, I am very thankful to have this opportunity of expressing my views on the measure before the House. They are the views of a non-partisan Member, who is anxious to find out and to support whatever is best in the best interests of his country at large. A very critical friend of mine has been telling me that I should be glad of my independence; that if I have not the advantage of any party label, on the other hand I have not the disadvantage of a rigid party mandate which may override my personal convictions. But this is cold comfort to me. I am still a Swarajist of Swarajists, wherever I may sit, and I cannot help feeling sorry that to-day I am not standing and speaking behind my old and venerable leader there, to whom personally my homage is as sincere now as ever it was. But shouldering my burden manfully, I have been trying

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these last three days and more, as I have sat listening to the speeches delivered—some of them eloquent and all of them earnest—I have been trying to sift the logic from the rhetoric, trying to weigh the arguments dispassionately. Those arguments, I think, fall into two categories. There have been arguments based upon appeals to high ideals, high principles of political and legal philosophy; and, on the other side, arguments based on practical considerations and on the unfortunate needs of the hour. Sir, appeals were made by speakers to my right, eloquent appeals to our ideals of freedom, of equality and of democracy, and to our deep-rooted conviction that no human being, foreign or native, should be condemned unheard. Those appeals touched me deeply, very deeply indeed; but I recollected in a moment the very imperfect world in which we live; how in this bad world of ours practice and precept do not always go together; how in this bad world of ours great democrats were oft to tyranny near allied; how even in Parties pledged to equality and freedom, many a member is not only condemned unheard but maligned unseen. In the midst of these ironies of life it seems to me inevitable that a compromise has often to be found between high principles and stern realities, and that without detriment to our higher ideals. Very often, in other words, exceptional circumstances may need exceptional remedies. Only in some such way can any justification be found for a measure like this.

In other words, the moot question is: is there any real communist menace in India to-day? Sir, the gentlemen on my left emphatically and unitedly answer in the affirmative. Those on my right are not so united. Some think there is no menace, others that it is negligible, and others again that it is inevitable. I myself belong to the last group. I believe that for a hundred years India has been subjected to great changes due to outside influences. For the past hundred years and more there has been a great change coming over us in our everyday thought and life. May I ask how few English-educated Indians there are in India to-day who are wholly Indian in sentiment and speech; how many, on the other hand, who not only speak, but even think and feel, in a foreign language? One telling example should suffice. Here in this House we heard the other day the declaration that marriage is a social contract and has nothing to do with religion—a most startling statement to fall from any Hindu lips. The very term “social contract” cannot be translated into any idiomatic vernacular, and why? Because the concept is so utterly foreign to the genius of the race to which I belong, to whom religion is the very science and art of every-day life. There is nothing a true Hindu can do well and nobly without a touch of religion; without the feeling that he is always acting in the presence of an all-pervading Divinity. Therefore in India, at any rate, no problem, whether of capital or labour, whether of sociology or politics, can be discussed seriously without the religious element, coming in. And yet nowadays English-educated Indians wish to divorce religion from politics, from sociology from this and that other field of life, not knowing that religion is the very soul and heart of life and cannot be divorced from any serious thing a human being may do. This is what is coming on us owing to the influx of foreign influences, and communism is only the latest of these influences. Perhaps there is, in its theory, something akin to certain aspects of old Indian thought, which makes it therefore attractive to the unwary Indian; but certainly there is a great deal more of evil in it.

Apart from these general reflections, Sir, a bitter experience of my own has apprised me very vividly of this communist menace. Last year, before the South Indian Railway strike was declared, as one whose sympathy with the workmen was well known, I was anxious to find some way out of their immediate troubles. I wrote to the Agent and the Agent replied to me promptly welcoming my mediation. I wrote to the men communicating the Agent's letters duly; but the men, who at an earlier date sought my intervention, the same men did not reply to my letters. Something strange was coming over them; and within a week after my last letter to them the unfortunate strike was declared. Later I learnt from some of them that they had been given false hopes, that, if they went on strike, plenty of money would be coming from Russia to feed them all for six months or more even. Of course the money never came, and the men were soon in terrible straits. Now, Sir, if this is the way in which the men can be influenced, it is awful to think how these artless working men would be duped, if, besides promises of pecuniary help some foreign *topi-walla* also appeared in their midst to exploit their credulity. This was what weighed most in my mind last September, although I was not permitted to place this before my party then. This is what still weighs most in my mind, Sir, and leads me to think that every foreign communist must be kept out of India by every fair means.

12 NOON. Sir, the next question therefore is whether the Bill before us will accomplish this object. In this connection I find friends on this side raising the question whether similar laws or provisions do exist in other countries. I for one deeply resent such a question; I think it is an indication of our slave-mentality. Why, in the name of goodness, should we be obsessed by the example of other countries, or follow their lead blindly, in our social or economic or political or other problems? In fact that is my main objection to the recommendations of the Nehru Committee's Report. I decline to follow slavishly the example of any other countries; I want that India should solve her own problems, in her own way, and be a law unto herself, and a light unto all the world in the future, as I know she was in the past. That, Sir, is my ideal, and the question is idle to me whether similar provisions exist or not in other countries.

To conclude, Sir, I am not against some kind of legislation to check this communist menace; but I certainly do not think that all the details of the present Bill are satisfactory. I learn that the existing laws are enough to deal with Indian communists and non-British alien communists; and I certainly do not want that the Britisher should be allowed to escape scot-free. The present Bill however in my opinion deserves to be greatly amended. For example I would refer to sub-clause (6) of clause 5, which I would altogether delete. I would not pay a single pie for the holiday adventure of any British communist or of his dependents. Likewise, sub-clause (5) of clause 7 should be so amended as to afford all reasonable facility for the defence of any reasonably aggrieved person. Without these and other amendments, I for one will not accept the Bill; but I see no ground for circulating it for opinion. I see no need even to send this very small Bill to a Select Committee, especially to a Select Committee where there are to be so few lawyers. My considered opinion therefore is, Sir, that the Bill must simply be mended or ended once for all.

Mr. M. S. Aney (Berar Representative): Sir, we have had so much discussion and debate over this Bill, not only in this Session but in the last Session also, that it is now difficult for any man to add a new point to the debate. We have been told by the apologists for this Bill, who favour its immediate passage, that this Bill is the supreme necessity of the hour, and if this sort of weapon be not added to the armoury of the State, serious menace to the State and a still more serious danger to society is likely to overtake us. Now, to examine in detail all arguments advanced will now be needless in my opinion; inasmuch as much effective replies have already been given to them by the speakers who preceded me. A very plausible argument in favour of the Bill was, however, made by my friend Mr. Cosgrave: Mr. Cosgrave has been under fire for the last two days incessantly; unfortunately I have also to fire one more shot at him.

Mr. K. Ahmed: Do not be unkind.

Mr. M. S. Aney: Not an unkind shot. Mr. Cosgrave is a sportsman and I am sure he will receive it in the sportsmanlike spirit. The point which Mr. Cosgrave wanted to make out was to meet the criticism which had been made from this part of the House against the Bill, that this was a Bill the like of which was not to be found in the Statute Book of any civilised nation. To that point he wanted to give a reply and he ransacked the Library and got out all the volumes of Canadian, Australian and American legislation and drew our attention pointedly to certain sections of the Australian law on immigration, and triumphantly asserted "Here is a prototype, word for word the section in this Bill is copied out from that." He also pointed out some similar provisions from the Canadian law and the American law on immigration. That point has been very satisfactorily answered by Diwan Chaman Lall, and by Mr. A. Rangaswami Iyengar, and it was also exposed very fully yesterday by the Honourable Leader of the Opposition, Pandit Motilal Nehru. But there is one thing which my friend, Mr. Cosgrave, and all those who seemed to have made so much of that point, including my Honourable friend, Sir Victor Sassoon, missed altogether and it is this: this side has been objecting to the Bill not because it was opposed to the very idea that the State should have no power of deportation under any circumstances at all,—but because the particular manner, in which the State wanted to exercise that right under this Bill, was novel and arbitrary and foreign to any civilised jurisprudence: that is the point which Mr. Cosgrave ought to have understood and tried to have replied to.

There are three points in this Bill which at once show that this Bill is not only of a retrograde nature but one repugnant to the very fundamental notions of civilised jurisprudence. The first point is this: that the Government seeks to set up a tribunal which is to follow a procedure unknown anywhere. Mr. Cosgrave has not been able to show that the Australian law asks the special tribunal in trying the immigrants for the various offences under which they will be treated as prohibited immigrants, to follow the sort of procedure which is laid down in this Bill for the tribunal that is going to be set up. This is an arbitrary procedure in which they deny the accused the right of having access to the information and evidence on which they want to victimise him. That sort of procedure is not laid down

there. My Honourable friend Sir Victor Sassoon was certainly treading upon dangerous ground, of which he had presumably very little knowledge, if any, when he said "Well, there is nothing against it." That is I think the substance of what he said. My point is that he does not know the ordinary elementary principle of criminal jurisprudence, viz., if there is a tribunal set up and there is nothing in that law to show that the ordinary procedure is not to be followed, the presumption is that that tribunal has to follow the ordinary procedure in trying the case. Nothing that is not taken away of the ordinary privileges of citizens can be said to have been presumptively taken away merely by omission. What is given by the ordinary law has to be taken away by statute: if that is not taken away, it remains there and continues to be operative. I call upon my Honourable friend, Mr. Graham, or the Honourable the Law Member, to challenge this proposition; and if the Australian law or the Canadian law or the American law do not specifically lay down in so many words in their immigration laws that the procedure to be followed by their tribunals is different or something extraordinary from the ordinary procedure which the criminal courts of those countries have to follow, under the general law, then, the presumption, nay, the inevitable conclusion is that these courts have to follow the ordinary procedure laid down for trials. That is the only inference a lawyer can draw. A man who may be a very good industrialist but unknown to the science of law is certainly not entitled to give any opinion on this point

Sir Victor Sassoon: Why not ask Australia what they actually do?

Mr. M. S. Aney: Those who cannot understand what they ought to, would put that question: those who understand the implications of that law will never put that question. I regret to observe that my Honourable friend has recklessly rushed in where the angels deeply steeped in the study of jurisprudence might fear to tread. That is all that I can say on this question in reply to my Honourable friend, Sir Victor Sassoon.

Then the second point which is rather peculiar to this law is a contribution which the genius of the Indian Bureaucracy has made to the very section which seems to have been copied by them from the Australian and Canadian Statutes. It is certainly the original contribution of the Indian Bureaucracy. I do not say that they have not got in their library all the repressive laws of the world. I am sure they must have. They want to rule by repression in this country and they must have in their library all the laws properly collected for perusal and information or reference whenever they want. But whenever they get hold of a law like that, they have the genius to improve upon it and make it stiffer and more stringent and more stifling. That is exactly what they have done in this case. Even in that little section which they have imitated in this law they have added these beautifully vague words "unlawful interference with ownership of property." This is the original contribution of the Indian Bureaucracy, the precise meaning of which no man will be able to understand, and the precise depth of which no human intelligence will be able to fathom. "Unlawful interference with ownership of property" may cover anything and everything

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Human intelligence.

Mr. M. S. Aney: This is something strange for anybody properly to understand. Another important thing that is now added to the Bill is sub-clause (4) which deals with the right of confiscation of money, goods, securities or credits. That is another thing which is not to be found anywhere else. Now, Sir, I want to know what that clause really means. I really think that my friends on the European Benches over there have not up to this time seriously applied their minds to understand the analysis of that section which was made by the Honourable the Leader of the Opposition, Pandit Motilal Nehru, yesterday. If that section is properly understood, they will see that the money to be transmitted is forfeited, probably under circumstances in which neither the man who transmits that money nor the person who is to receive the same may ever know that it is forfeited. How is he then going to take advantage of the provisions for appeals and applications which are mentioned here, I really don't understand.

Mr. K. Ahmed: You understand it all right, because you receive the money from Moscow.

Mr. M. S. Aney: Here I should like to remind my Honourable friend of the very pertinent observation just made by my friend Munshi Iswar Saran. You seem to have tremendous faith in the Select Committee, and you think that any number of amendments can be made in the Select Committee and that the Bill can be changed there out of recognition. My point is this, that that section in this Bill, if properly read and understood, may even amount to a virtual declaration by the Government of India of cutting away, at any time they choose and in such manner as they like, even commercial relations with those countries where they suspect communists to exist.

An Honourable Member: It is a matter for the lawyers.

Mr. M. S. Aney: Yes, it is for the lawyers to understand and interpret the law and for ordinary people to pass it after properly understanding it. Now, if money is to come from those countries, and if it is to be forfeited here simply because the Government suspects that that money has something to do with some organization or with some man who comes under clause 3 of the Bill, then it is possible that all dealings with that nation may be brought to a standstill at the sweet will and pleasure of the Government of India. It will be impossible for anybody, in these circumstances, to feel any security or safety in having any commercial dealings where money transactions are absolutely necessary, with such a nation. I believe even England to-day has not cut off all her commercial relations with Russia. It may not do it; but probably under inspiration from Whitehall the Government of India is playing the role of a tool in their hands and attempting to do here what it does not directly want to do there. It may be an attempt on the part of England to cut away her commercial relations with those countries whenever they want to do it. Probably it is in their interests more than those of this country that the power is being claimed here in this Bill. I strongly suspect this in clause 4.

These are the three peculiar sections in this Bill which are fraught with serious consequences, the precise meaning and significance of which most people can not understand; and what is regrettable is that particularly those

who are the apologists of the Bill, do not even care to understand. They are prepared to vote for it, they are anxious that the Bill should be passed into law at once without even making an attempt to understand literally what the spirit and the letter of the law is. Now, Sir, these are the peculiarly objectionable features of this law.

Mr. K. Ahmed: There are Judges who can interpret the law correctly. . .

Mr. M. S. Aney: Then, Sir, I come to some of the general observations which have been made during the course of the debate. Some of the observations that were made yesterday, particularly by my friend Mr. Keane, deserve to be considered by this House. The Honourable Mr. Keane observed that the present law is not a repressive law. He propounded a thesis here to draw a distinction between the ordinary criminal law and the repressive law. The Honourable Pandit Motilal Nehru has given a very crushing reply to him, but I want to make a suggestion. . . .

Mr. K. Ahmed: What is the good? Better remain silent.

Mr. President: Order, order. The Honourable Member is overdoing it.

Mr. K. Ahmed: From both sides, Sir.

Mr. M. S. Aney: I want to make a suggestion. If his researches into or his addition or contribution to jurisprudence relating to the distinction between a repressive law of this kind and other repressive laws is altogether new, as I presume it is, and I request him to carry on his researches further before making any premature discovery, I would ask him to peruse the Rowlatt Committee's Report or the Repressive Laws Committee's Report as it was called, and he will find that laws which have provisions precisely similar to those in this law have been shown there under the category of repressive laws; and he will therefore find that the Criminal Law (Amendment) Act, as well as the other laws have been definitely mentioned under the category of repressive laws. Even the Repressive Laws Committee, which had on it very eminent lawyers and jurists, have held that laws, which deny the ordinary procedure of trial in penalising the conduct of persons under trial, are to be regarded as repressive laws. Now, if my friend would care to read through those laws, he would find that the present law can be brought under the category of repressive laws. His researches in that respect, therefore, are in my opinion considerably incomplete. He will have to establish his thesis, get it recognised as sound by eminent jurists somewhere in the International Conference held for the purpose before he should propound it as an established principle. Until then we cannot swallow the pill on a bare statement of his that the present law does not come under the category of repressive laws, and his earnest plea that the House should not stigmatise it as such, will be of no avail.

Then, Sir, there was another argument that he put forward, and it was this. He said that there may or may not be laws of that kind in the civilized world, but the Indian legislature has to consider the peculiar conditions of this country, and therefore it has to see that its laws even may be peculiar, unlike any other laws to be found anywhere else. He quoted certain instances also in support of his argument. He referred to the tenancy laws of India and said that, when these laws were made in this country, no laws of a similar character existed in England or elsewhere. That may be so. But my point is, in the first place, I deny the fact that

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the Rent Law of Bengal, which was referred to by my friend, was really made with a view to do full justice to those peasants in whose interest it purports to have been made. My friend seems to ignore that the peasants of this country were at one time the proprietors of the land, but their rights of ownership were taken away and conferred upon somebody else, and the Rent Law of 1845 was made with a view to rectify that mistake which the East India Company had in its greed for more money committed by confiscating the rights of ownership which existed in the cultivators in the old times. That mistake was attempted to be partially rectified by the belated measure I mean the Rent Act of 1845. The confiscation of the right of ownership is, I may also point out to the House, not very peculiar to the communist. The Government of India has virtually done it by creating all classes of middlemen and proprietors in India and by denying to the cultivators their rights of ownership which vested in them from times immemorial. The confiscation of the right of ownership in the property is not a doctrine that is preached by the communist for the first time, but it has already been and is being practised by the Government of India, by confiscating the right of ownership of the peasants and calling themselves landlords. Ancient Indian jurisprudence never recognised that the State was the landlord or the owner of the landed property under cultivation. Indian jurisprudence recognised that the cultivator, the man who cultivated the soil, was the owner of the property; but at a time when legislatures did not exist in India, and when the people had no voice in framing the laws, the Government of India passed orders and abrogated to themselves the ownership of the entire property and turned the owner into a tenant-at-will. That is what they have done. And if this sort of confiscation can be done by the Government in the name of law, where is the legitimate ground for them to be alarmed if some other people preach a doctrine like that. At any rate it does not lie in their mouths to tell them to "go back".

Then, Sir, I do not want to dilate on this point which is certainly extraneous to the purposes of the Bill before us; but I would convince anybody, that even attempts made by the people of this country to restore the ownership of those tenants in the soil, have been persistently opposed and resented by the Government of India. An attempt by the Berar Legislative Committee, which succeeded in making substantial amendments in the Berar Land Revenue Code to effect the transfer of ownership in the land from Government to the cultivator was thwarted by the Government of India by rejecting the report twice made by that Committee and again passing a law under executive orders that the cultivators are only tenants and not owners. They have done that quite recently. That is a point though somewhat foreign to the Bill before the House, which I thought it my duty to mention and emphasise by way of reply only, as my Honourable friend Mr. Keane categorically referred to land legislation in India to illustrate his untenable argument in support of the Bill.

Mr. K. Ahmed: What happened to the Bengal Tenancy Bill last session in Bengal? Who sided with the landlords?

Mr. M. S. Aney: Had I been a member of the Bengal Legislative Council, I would have given you a reply.

Mr. K. Ahmed: Ask the Swarnajists, your friends there.

Mr. M. S. Aney: Now, let me come to the speech of the Honourable Sir Denys Bray. This House has always paid a compliment to Sir Denys Bray for the intellectual speeches which he generally makes in this House. It is profusely punctuated, at every word he stops, and every word is so smoothly rounded as to elude the ordinary grasp of its significance by ordinary human intellect. That is the difficulty with all his speeches. Last time, when he rose to speak in this House, he characterised the speech of the late Lala Lajpat Rai as a mere cloak of words behind which to conceal the barrenness of arguments. I leave it to the House to say, after having heard his two intellectual speeches on this Bill in this House, whether it had been possible for any Member of the House to understand what Sir Denys Bray had to say, and whether his speech was not really a cloak of words behind which he wanted to screen the barrenness of his argument. While listening to the fascinating speech of Sir Denys Bray, I was reminded of the famous lines of Milton in his *Paradise Lost*:

"The great Serbonian bog
Where whole armies have sunk".

His speech looks to me like a Serbonian bog of words resounding with sonorous and melodious sound, in which the human intellect may sink further and further without ever feeling the bottom of solid sense or reason. That is the sort of speech we have listened to, and yet we cannot deny that it was an intellectual treat! In a speech like that it is difficult to get an argument which we can answer, because there is nothing which you can take hold of, nothing definite or tangible. Everything is vague, beautifully vague and intangible. Owing to this peculiar and, inimitably elusive style of the speeches he makes, when he sits down, he sits down in the midst of applause in token of a genuine delight from every Member on this side as well as on the other side of the House. There was one point, however, which it was expected of Sir Denys Bray to have answered or thrown some light upon. Last time, my Honourable friend Sir Abdul Qaiyum, when he spoke, gave some information, and when Sir Denys Bray got up, we, on this side of the House, expected that some light would be thrown upon it. I may remind the House of the particular point which Sir Abdul Qaiyum then made. He referred to the existence of a communist colony for some time in the Frontier Province in close and constant communication with the base of the communist activities in Siberia, and he also said that it had vanished. I do not now remember the name of the place which he mentioned then. I wanted to know from Sir Denys Bray what were the mysterious methods by which this colony has disappeared, whether the ordinary methods of the law were sufficient to destroy that colony, or whether the soil where the seed was being planted was an uncogent soil and the seed could not grow,—what were the reasons for the sudden disappearance of that colony. It was a point on which he was peculiarly qualified to give a reply, but in his zeal to give an intellectual treat, he forgot that point which was probably inconvenient to him to enlighten to us further. He did not make any attempt to give any explanation to this House how that colony of communists disappeared. The explanation can be one of two; either there were methods by which the Government of India could see that that colony did not prosper and therefore it had to disappear. And those methods were available in the existing

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armoury of the Government of India. The other is that the Indian soil has been found to be too uncogenial for the growth of that sort of propaganda. Take any one of these two explanations, and the justification for this Bill ceases to exist. The Honourable Sir Denys Bray did not throw any light on that point. That was really a point for him to explain. But he chose not to do that.

There is one more thing I wish to say. The Honourable the Home Member has heard from a number of Members on this side that they are not in sympathy with communism as such. Nobody is anxious to have it. An authoritative statement was made on that point by the Honourable Pandit Motilal Nehru, the Leader of the Opposition, and yet, it is a surprise to many that we are opposed to this Bill. What is the reason? We really do not believe that the Government are dealing in this Bill with the question of communism at all. That is the whole trouble of it. We do not believe that, because, according to us, if the Government really want to deal with this evil of communism, they have to go deep, have to trace the evil to its root, and to find out how communism grows anywhere and what are the reasons by which communism comes into existence at all. Now, I do not want to enter into details and take the house deeper into that question; I want to tell in one sentence how it comes. Communism is a reaction against Imperialism. Because Imperialism has concentrated wealth in certain hands, because Imperialism has given a sort of monopoly in property in the hands of certain persons, those through whose blood Imperialism has flourished, feel a sort of resentment and indignation against Imperialism, and communism has thus come into existence. I want to know from the Government of India whether they are prepared to fight the evil of communism at all. Is it prepared to join us in fighting out the British Imperialism in this country? If it joins hands with Members on this side, in spite of whatever British Imperialism may dictate, communism will be killed in this country in no time. The very fact that the Government of India and the people of India have joined hands to kill British Imperialism, will be enough to prevent communism from coming into this country. But, unfortunately, we know that the British Bureaucracy is the handmaid of that very British Imperialism against which communism is the greatest protest of the world. That is the difficulty. Therefore, those who are arrayed against the British Imperialism here in India even from purely patriotic motives are considered by the communists outside as their very natural allies. Therefore, if there is a genuine desire on the part of the Government of India to kill the evil of this communism, they should make an honest effort to join hands with Congressmen, and with nationalist Indians in general in stamping out British Imperialism altogether from this land. That is the only way to put an end to it. The proper way for them is to study the demands of the people of India and grant them in good grace without delay. There is no other way. Trying to bring up such a ponderous Bill as this to punish two insignificant and unknown Britishers is something which certainly looks very ludicrous. My Honourable friend, Mr. Kelkar, yesterday gave this House a very numerous simile, when he said that it looked like moving a tractor through the hair of a gipsy woman for the purpose of killing a few fleas in her head. I may give another simile on that point. There is a Mahratta proverb which, literally

translated, reads thus. There was an impulsive and irritable man. He was always angry, and for the sake of warding off the flies from his face, he used to take out his sword and flourish it in front of his face and strike the flies. The danger was whether the sword hit the flies or not, it was sure to cut the man's nose. I warn the Government of India that they are running madly and that they run the risk of cutting off their noses and getting the face of their Statute-Book permanently disfigured in the eyes of the world and becoming the object of ridicule, by insisting upon the passage of this Bill. Better drop it and do away with the whole affair and put an end to the trouble which has been unnecessarily agitating our minds for so many days. I strongly oppose the motion for reference to a Select Committee.

Sir Darcy Lindsay (Bengal; European): I am very sorry not to have been present at Simla at the full dress debate on a similar Bill to the present one. My Honourable friend Mr. Ranga Iyer, who I notice has joined the Government Benches, has explained to the House the reasons for my absence. Sir, I have been very much struck in this debate with what appears to me its hollowness. We do not appear to have our heart in trying to remedy the evil which all sides of the House admit there is among us. I think it is admitted by all parties. (*Honourable Members:* "No; we do not admit it.") I think it is admitted by all parties that the communist movement in India is a very grave evil that requires stamping out.

Honourable Members: No, no.

Sir Darcy Lindsay: I am very sorry to hear these interruptions and to think that there are people in this country who support or wish to support a movement that is doing incalculable harm to the working people. My friends in Bombay have put very plainly before me the miseries this movement is creating. My friends in Calcutta—Indian friends, I am not talking of my own countrymen—have brought home very forcibly the great miseries to the people—the poor ignorant working people. Sir Purshotamdas Thakurdas told us yesterday that it is the fault of the British Government in India that the people have remained ignorant people so long and unable to understand the poison that is handed out to them by these communists. Surely, Sir, in the interests of the working people of India, any attempt that can be made to stamp out this evil should be welcomed. I want to put before you how one industry is made to suffer by strikes in another industry. I quote for instance the strike at the Tata Steel Works. The Tata Steel Works were supplying steel to the tin plate factory which makes the tin plates for the kerosine tins. Now, the various oil companies, being unable to see before them the necessary supplies coming forward, had to place heavy orders out of India. Those orders have been executed. The goods have arrived in India and they have got to be got rid of. What is the result? —closing down for, I think, three days in the week of the tin plate factory.

An Honourable Member: Is that the result of communism?

Sir Darcy Lindsay: Yes. You bring these people out on strike and force them by intimidation to remain out.

An Honourable Member: How?

Sir Darcy Lindsay: It is all very well to say, "How". There is the actual fact; go to Calcutta and you will find the workers in the Gloucester Jute Mills called out on strike, intimidated, threatened with death.

Diwan Chaman Lall: What do you pay them?

Sir Darcy Lindsay: There is no question of what you pay them. What do you pay your servants?

(There were also other interruptions.)

Mr. President: Order, order. Sir Darcy Lindsay.

Sir Darcy Lindsay: Well, Sir, the point I wish to make is this, that it is bringing misery upon innocent people. (*Honourable Members:* "No".) I am pained to see that my friends in this House should resist any action on the part of Government that can remedy the position. It seems to me that the opposition is really a political opposition and against the Government because it is a Government measure.

An Honourable Member: It is a political measure.

Sir Darcy Lindsay: I deny it is a political measure. If there are any flaws in the Bill, go to the Select Committee and remedy those flaws. I quite recognise the strong point that has been made by the Congress Leader and others, that if they give their assent to this Bill it will mean they are in agreement with repressive measures. I am not in agreement with repressive measures, Sir, and I dislike Regulation III and similar measures as much as any on that side of the House. Here is a particular case that we have got to deal with that cannot be met by the laws of the land as at present in force, and therefore a special Act has to be brought in. It has been made as mild as it can possibly be made and I do think that it would be a more dignified action on the part of the Congress Party and the Nationalist Party to desist from active opposition to the Bill. Do not come and vote for the Bill, but abstain from voting against the measure. The Parties have thoroughly explained to the House their grave objections to the Bill as a repressive measure. Let it rest at that. (Laughter.) It is all very well to laugh. Have you put forward any proposals to meet the dangers that are before the country?

An Honourable Member: What are the dangers?

Sir Darcy Lindsay: It is only one or two Honourable Members who say there are no dangers. We have had speeches from responsible members who say the danger is there and communism must be stamped out, but Mr. Kelkar is about the only one who has put forward any concrete proposals to deal with this danger. He said, "pass an ordinance." I have not heard any other suggestion from others. Sir Purshotamdas Thakurdas certainly did put forward a suggestion that the Government, or the Governor General in Council, should invite some of the leaders in the House to consider as to what could best be done. That is a perfectly reasonable suggestion from my point of view and if it was acted upon I would be only too happy to give such assistance as I could. There is one point that I wish to make as regards other countries, as

for instance China and Japan. We have heard from Sir Victor Sassoon as to what has been done in China, while in Japan only a few days ago we read in the telegrams how 98 or 99 Japanese had been arrested (I do not know under what Regulation) and prosecuted for communism, and they have received very severe sentences. I am only trying to put before the House that other countries also are suffering from this evil that is coming into India.

An Honourable Member: Try the same remedies, prosecute.

Sir Darcy Lindsay: I am not arguing as to that. I am only putting before my friends, who are sympathisers with communism, the dangers in other countries. (*An Honourable Member:* "That won't frighten us!")

My friend, Munshi Iswar Saran, in his speech, in going over what various Members on the Government Benches had said, made one remark, Sir, that pained me, and that I had hoped you, Sir, would have drawn him up over. He referred to this Assembly as the "Monkey House". I strongly object to this House being referred to in those terms. I noticed in the Simla Session you reprimanded a Member for having made use of such a term. I would ask you to have that reference expunged from his speech. (*An Honourable Member:* "He was only quoting someone else.")

Sir Victor Sassoon has told the House of the dangers of allowing this communistic gospel to spread in India, and he has told us in very clear terms that, by next May, there is to be a general strike. If on the other hand measures are taken to remove the wire-pullers who are underground, Sir—they don't come out in the open, they are underground—if steps can be taken to remove these men from India, it will go a long way to scotch the movement. And, further, Sir, if it is known amongst the communists in England that there is a measure that can bring about their removal from the country, even though they may slip through the passport regulations, I very much doubt if we will see any more of them here. Sir, I support the Bill.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): Sir, I did not intend to take part in this debate, as I had already spoken on the subject in the Simla Session, but there are one or two points which I should like to bring to the notice of the House. These are of recent occurrence and that is my reason for bringing them before the House.

After the very eloquent speeches made by Members of this House, I feel very nervous to express my humble views, but one has to rough it out as best he can, and that will be my attempt. Sir, last time when this matter was discussed in this House, there were very few Members who really sympathised with communism or the communistic movement. It was only Mr. Prakasam, who had, in a straightforward way, expressed his views in favour of communism. But this time there is a little difference and we find many more Members who think that communism is not an evil and is not a danger, and that it is sure to come or creep into this country whatever measures we may take to stop it. Well, I am a man, Sir, who cannot make much difference between communism, socialism, nationalism, or anything of the sort (*An Honourable Member:* "What a happy man!"), which preaches the doctrine of going out of the ordinary way and adopting

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methods of moving things or of expressing views or of taking united actions in extraordinary ways. Anything which means the adoption of unconstitutional methods must, in my opinion, be considered dangerous and must be stopped. Well, I cannot say whether these strikes and these movements, which disturb the peaceful working of mills and other industrial activities in the country, are constitutional or unconstitutional, but I see that they are likely and have actually created trouble in the country, and a layman like myself must call them unconstitutional, whether they come within the purview of the law, of which my friends on the other side know so much more than I do, or not. If the ordinary law of the country can give a man redress for his grievance, whether it be the smallness of his wage, or whether it is his unemployment, or anything of the sort, he must have recourse to that method, for the redress of his grievance in the law courts. But if he joins hands with other men of his way of thinking, in large numbers, and goes out on strike and brings pressure to bear on his employer to raise his wages, I as a layman will call that unconstitutional. It will only be leading to trouble and disturbances, and I will call everything which is likely to create such trouble unconstitutional.

Well Sir, I have already said that I cannot see much difference between communism, nationalism, socialism or the notorious Bolshevism. All that I can see is the result of these things, and so far as I can make out, the result is almost the same, viz., disturbing the peace and harmony and the peaceful working of the various activities of life in the country. I have noticed that there is no strong opinion in favour of communism, although several of my friends over there have expressed their opinion that they have no objection to it. If communism, according to my understanding of the word, means the nationalization of the properties earned by individuals or partitioned by individuals—and mind partition has been going on since the days of Adam and we have been trying to partition common properties and common lands and trying to solve the question of private rights in these lands—if according to communism we are going to make all properties common again, then we shall be creating trouble again, because even Adam's sons fought over this question. I do not think any real and genuine interest in the management of properties will be felt if they are to be made common again.

Now, Sir, I see that communism does exist in this country, and that it has played havoc in the country in more than one centre. I will not go to Bombay, Calcutta or Kharagpur and describe what has happened there, because the Honourable the Leader of the Opposition has told us that what he saw at the Congress Pandal at Calcutta was not really communism and that the mistake was easily rectified by his advice, though I have not heard what effective steps were taken with regard to the troubles which arose in Kharagpur, or the troubles which are happening nowadays in Bombay. I should rather like to confine myself to the activities of the communists across the border and of those in Afghanistan. I am glad my Honourable friend Mr. Aney has given me the opportunity of referring to the story I narrated to the House last Session. I will continue that story. Mr. Aney said that I had mentioned the existence of a colony of communists on the border which had since disappeared, and that he would have liked to hear from Sir Denys Bray as to what measures were taken to effect the removal of that colony from the border. I will, in my own simple way, refer him to a law which exists on the Frontier. I will draw the

attention of my Honourable friend to the freer action that the authorities can take in that Province under that law, called the Frontier Crimes Regulation, in which there is a section, I believe it is section 36, under which you can not only expel a foreign communist, but also a landlord of the country, and expel him within a very short time. That is the law which has proved so effective in dealing with such things. I am sure the House will not like the extension of that law to the rest of India. But a law of that kind does exist on the frontier and action can be very easily taken under that law against such mischief-makers as the communists. In this connection the state of affairs in Afghanistan must also be borne in mind. According to the newspapers we are told that this revolution which has so suddenly taken place there as the result of certain extraordinary reforms, introduced into that country by the late ruler of the place. Perhaps there may be some truth in that, but to my mind it seems there is something beyond that. As I said last time, Bolshevism or communism existed on the frontier and so also in Afghanistan. The King of Afghanistan could not perceive it and could not make much difference between liberty of thought and action, and, with his broad-mindedness, was introducing all sorts of reforms into his country. But all this time this pernicious communism was acting quite imperceptibly, without his knowledge and without his knowing what was happening and was working at a very rapid pace too. There was liberty of conscience and liberty of action in the country and he was, with his usual broad-mindedness, giving reforms to his people and was adopting various other methods for improving the administration of his country. But, like our friends on the Opposition Benches, he did not perceive or realise at the time that, imperceptibly, this communism was going on in his country and of course it resulted in the overthrow of the settled government, of which he was so sure.

Mr. B. Das (Orissa Division: Non-Muhammadan): Was it communism or British diplomacy in Afghanistan that was responsible for the overthrow of the Amir?

Nawab Sir Sahibzada Abdul Qaiyum: Communism really works in different ways, and very few people can realise how subtly it works. Communism, wherever it finds a rich soil to work in, always exploits the situation. In Afghanistan it found the opposition to the introduction of reforms as the means by which it should work, just as the same communism finds labour troubles in Bombay to work through. And this very communism finds communalism in India to work through. It is the same communism which works in different shapes and different ways (Hear, hear). It is the same deity which shows its face in different garbs, and there can be no great secret about it that it harps on the tune which it thinks will appeal

to the people with whom it wishes to deal. So, whether it has exploited the introduction of reforms in Afghanistan, or whether it has exploited the labour troubles in Bombay, or similar troubles in Kharagpur, etc., it is the same communism—I must be very careful in using the word “communism” as against “communalism” which is at work throughout the country. For these reasons, I call it an evil. Any movement which will upset the slow but steady and methodical and regular progress of a nation from barbarism, or from its lower stage to the higher level of civilization such as that which we find in Europe at present, and to which we are aspiring, must be considered as the reaction of this communism. As I said, in Afghanistan, the poor King

Sir Denys Bray: On a point of order, Sir. Is it in order for the Honourable Member to talk of the state of affairs in Afghanistan or any other country?

Nawab Sir Sahibzada Abdul Qaiyum: Sir, I am not referring to the politics of that country, but simply to the poisonous effect of communism working in various shapes and forms in that country and that is all!

Coming now to Bombay, Sir, I think I must say a word about the poor Pathans who are being butchered there like so many dogs. They are really suffering for their opposition against communistic movements. They are generally watchmen and, as such, are protecting capitalists. The labourers do not want that they should be used in that way and are furious against them. The peasant labourers were at one time against them for having come to the assistance of Government and capitalists in the Bardoli land revenue troubles. I think it is that sin of theirs for which they are now suffering.

Sir, if we are really anxious to stop this evil,—at least I admit it to be an evil—then we should not grudge the Government a measure such as the one they have now introduced into this House. The measure is criticised and opposed on three grounds. The first is that there are already laws existing in this country which can be as effectively used; the second is that the Bill is very vague and comprehends a good many things which ought not to come within the scope of its provisions; and the third is, what may be called the political objection to it. As regards the existing laws, I am not a lawyer to say whether all the provisions made in this Bill can be found in other existing laws or not; but if there are certain things which can be met by the ordinary law of the country, that, along with the vagueness and indefinite wording of the Bill, if any, can be remedied by the Select Committee. As regards the political reasons, which means that there is something else behind the mind of the authorities in introducing it, I think the Benches opposite should not be afraid of that. We know of the activities of the present Government. This Government dare not apply even the existing laws in a good many places where they should apply them. They are over-cautious, if not timid. They have always proved themselves to be very weak in applying the ordinary laws to emergent cases. We know that they have issued warrants, summonses, etc., for the violation of their orders and their laws and then withdrawn them. They have convicted and sent people to jails, and for no reason then let them go out again—I mean without any reason at all. Similarly, various actions which they can take, they hesitate to take. They are over-cautious, or their civilization has reached such a stage that more for reasons of conscience than for anything else, they hesitate to apply some of their laws. Though they are too careful, they are not doing enough for the protection of the life and property of the people. Although they run the risk of getting a bad name from the people, they have never tried to make some of their laws more effective than at present, as they should. They are simply sharpening their weapons without meaning to use them!

Some Honourable Members of this House have referred to the crushing of the spirit of nationalism by the introduction of this law. I do not know if we should have such a low opinion of our national leaders in the country, as to think that they will be affected very much by this law. I believe they are very strong-willed people, and no measure of this kind can dishearten

them. As a matter of fact, they have often gone to jail for their views and convictions and I do not believe that they will be afraid of going on with their propaganda or with their activities for spreading nationalism, because of a small Bill like this. But if a layman of my humble capacities can advise them, I think it is the spirit that will create nationalism and not these strikes and demonstrations against the Royal Commission and various other activities that they are adopting for the exhibition of their nationalistic spirit. The chains of bondage, according to my mind, are threefold. The first is the political bondage, the second is the economic bondage, and the third, which is stronger and more effective, is the bondage of love or appreciation for a thing. The love of a thing is a more effective element to captivate a man or keep him in bondage. My remedy for the solution of this question of the establishment of Swaraj would be just the reverse of this order in which I have given the above list of the chains of bondage. I would not attach so much importance to freedom or emancipation from the political bondage or from the economic bondage; I would solely and entirely lay stress on doing away with this third bondage of the love of a certain civilisation. If with all our spirit of nationalism, India could not adopt *khaddar* and this is a very small and simple matter, why should they object to the passing of a measure like this? It won't do more than that. Did we agree to the adoption of *khaddar* as a whole? When I first came to this House, Sir, I saw nearly two-thirds of the people in that dress. I do not find very many of them now. Has that love for nationalism gone? That is quite a simple matter. A great friend of mine—he was sitting on this bench here but is now over there—has quite recently removed his long flowing beard which I remember seeing in the first Assembly. His *swaraj* dress has changed into a full dress! I am a greater nationalist than he because I have not changed my trousers. And yet, when he gets up and speaks, he seems to be the embodiment of nationality. There is also another gentleman of the type over there. If you love a thing, you cannot get rid of its clutches or its influence. If you don't love a civilization you do not need to change your dress. For instance, if I love to dress in *khaddar*, what economic pressure is there to prevent me from doing so? I am free. There is a Persian couplet which says:

“*Anchi mā darkār dārem aksare darkār nēst.*”

I wish the Pandit Sahib, Pandit Motilal Nehru, were here to translate that for the House. It means that there are many things which we use and still we do not need them. After all, if we can get along with a little *khaddar*, where is the necessity of buying these expensive clothes imported into the country, which my friends say they have not got the money to purchase? They do not require them. Well if there is no love for that civilisation, for that dress, then there is no room for the economic bondage. And if there is no economic bondage, if we are self-contained, and if we have no love for anything foreign, then whether British rule or whether Afghan or Mahratta rule, it will not matter to us. They will be only watchmen; they will be simply keeping watch at our gate. I may be mistaken, as I have said before it is only a layman's opinion, but that is exactly what Mahatma Gandhi has been telling you. Have you been able to adopt that very little and simple thing *khaddar*? You are always fighting and quarrelling for legislation, but it is in your power to adopt simple lives, simple dress and simple ways of living. You cannot do that.

Mr. President: Example is better than precept.

Nawab Sir Sahibzada Abdul Qaiyum: Quite so, Sir. That is why I find myself incapable of running *Swaraj* yet. There is one word more, Sir. I would like to say. We are always being told, in season and out of season, that we are not given responsibility and authority and that is why we are lacking in administrative capacity. Perhaps there may be something in it. If I were in the place of Government, I should have handed over a small Province like the Central Provinces to my friend Dr. Moonje to give us a model of *Swaraj*, where everything would be plentiful, with very few taxes, where there would be no riots and where everything would be happy and peaceful. I do not find myself capable of running a paradise like *Swaraj* and do not feel inclined to try the experiment or ask for *Swaraj* in the North-West Frontier Province.

I am afraid I have gone astray from my point. I would like to go back to my point, that this little measure of ours, if adopted, will not change the world very much, especially in the face of similar or even harder measures existing in several parts of India. If an improvement in the wording of the Bill is necessary, that to my mind can be done through the Select Committee; but I am afraid it will be rather giving the Government an excuse to say that they asked for certain measures and the House would not give them to them, and that is why they could not cope with the troubles arising every day. I would not like to give them that excuse. I would rather give them a free hand and say we want you to fire on the strikers who take the law into their own hands and kill people indiscriminately, although they have the laws of the country under which they can claim better wages, etc. If they collect in hundreds and thousands and rush against the capitalist or against their poor watchmen, they must be fired at and shot.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, after the very long debate that we have had on this question it is very necessary that we should be brief in the remarks that we have to make and this is all the more necessary in my case because I have to travel over a great deal of ground which has been travelled over again and again. For it seems to me that the question which is before the House still requires a great deal of calm consideration, firstly, on the side of the Government, and secondly on our side. The Government have based their whole case upon the existence of a great menace to public peace and tranquillity, to law and order. The Honourable the Home Member depicted that menace, the menace of communism, in very lurid colours,—the evils that communism has wrought, as he imagines, it, in this country,—and the greater evils which are likely to follow in its train, and he has asked the House to be unanimous in condemning it. Now, Sir, communism has two aspects; one aspect of it is the one in which it seeks to promote the good of the common people. The Government have circulated a pamphlet, which has been honoured by some by the name of a blue book, in which they have put in extracts which have helped us in understanding the mind of the Government a bit. One of these extracts is a report of a speech delivered by Mr. Saklatvala in Madras. In that speech Mr. Saklatvala said, expounding his theory of communism:

"The society should be so constructed that those who worked for it should be rewarded. That reward was living happily and comfortably. If the society took to distribute that reward equally to all and according to their needs, where was the necessity to keep bank accounts and accumulate wealth? All human beings were born

in the same way and all were subject to the same laws of growth and development. If all people were subjected to the same kind of education, the results produced would be similar, only the form and expression of it would distinguish one man from another. The communist idea of society was to reward its citizen by supplying him to the fullest all his needs so long as that individual was honestly doing that work to the society according to his qualifications."

With the exception of one clause in which the necessity of keeping banking accounts and accumulating wealth is questioned, I endorse every word of it, and I venture to say that the Honourable the Home Member also will endorse every word of it. Now, Sir, this aspect of communism is one which is entitled to the wholehearted support of every right-thinking man, and I venture to point out that this is a part of the ancient creed of this country. We have been taught to think that the ray divine shines equally in every man, however humble. We have been taught to regard all life as worthy of reverence, and every man's comfort as worthy of our earnest consideration. I will quote a *sloka* here which brings this out very fully:

*Ko nu sa sydupayotra ye naham dukkhitatmanam,
Antah pravishya bhootanam bhareyam dukkhabhaka soda*

The same idea is very closely embodied in a verse of Cowper:

"Still let my melting bosom cleave,
To sufferings not my own,
Still let my heart responsive heave,
Wherever is heard a groan."

That has been the creed of our ancient land, and that has been the creed of a considerable section of mankind in all countries. I submit, Sir, this aspect of communism is entitled to the support of every right-thinking man, and I hope that both sides of the House are unanimous in lending it their support.

But there is the other aspect of communism which objects to a man keeping accounts in banks and accumulating wealth, which desires that property should be evenly distributed and held in common not by a change in the opinions of men but by the pressure of force and violence. This aspect of communism is one to which many people in this country are opposed, and so far as this side of the House is concerned it is at one with the Government in being opposed to it. The Leader of the Opposition, Pandit Motilal Nehru, stated it in as clear terms as any man could use that he was opposed to this aspect of communism. Now, Sir, it is this aspect of communism which the Government say they want to deal with. I take it that no Honourable Member on the Government Benches desires to interfere in the least degree with activity of the first kind of communism. And we are at one with the Government in desiring that we should devise proper measures to keep out men who want to advocate the use of force or violence to promote certain objects which they have in view, however good those objects may be. I do not think I need say more than what Pandit Motilal Nehru has, expressing the best mind of India, said on the subject.

What then is our difference with the Government? We need not dwell on the lurid details of what has taken place nor draw exaggerated pictures

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of what is likely to happen in the future. We are opposed in principle to any man being disturbed in the enjoyment of property lawfully acquired except according to the provisions of law; we are opposed to any man being interfered with in the enjoyment of his ownership of property, except by proper legislation and by proper executive action, taken under the law. The whole difference between us and the Government is as to the method by which we should proceed to bring about the object about which we are agreed. The Government have brought before us, for the second time, a measure to achieve that end. Let us examine it carefully. The Bill says that the object is to deal with men who:

"directly or indirectly advocate the overthrow by force or violence of the government established by law in British India, or the unlawful destruction of property, or unlawful interference with the ownership of property, or seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India or with any object the attainment of which is intended to conduce to that result; or is a member of, or is acting in association with, any society, or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity as is described in sub-clause (a) or sub-clause (b) of this clause or which is affiliated to or connected with any such society or organisation."

That is the object of the Government, according to their profession, and according to the language of the Bill. And what is the measure they have proposed for the acceptance of this House? The measure that they have proposed is a measure by the authority of which the Executive Government will usurp the place of the Judiciary, condemn a man without trial and then give him the chance of a farce—as I submit with great respect—of an appeal before three Judges. That is the measure which the Government have put forward. And what is our objection to this measure? Our entire objection to it is that it substitutes executive power in place of judicial authority. We are therefore opposed to it, and I should have expected that every Englishman would be opposed to it. But I am surprised to find that so many of my esteemed friends on the other side of the House seem to have persuaded themselves that there is nothing wrong in urging or accepting a measure of this kind. I am surprised at it because they of all people know that in their own land, in their own free country, a measure like this has never been put on the Statute-Book. They know, not overlooking what the Honourable Sir George Rainy said in his excellent form and style, that there is no law in England by which a man can be condemned without a trial. It is, therefore, Sir, that I am surprised that any of my English friends should support this measure. No one can dispute that this measure is one which seeks to instal the Executive in the place of the Judiciary. The Bill makes it perfectly clear. On principle, therefore, in the best interests of justice, in the best interests of our country, we on this side are absolutely and entirely opposed to it.

An attempt was made to show that there was a precedent for this measure in the statutes of some other countries. One of the statutes to which reference was made was the Immigration Act of Australia. Let us see what is the precedent it furnishes. We must remember that the Bill before us seeks to condemn a man without trial. The Governor General in Council is given power under section 3, if he is satisfied that any person is a person to whom this Act applies, to direct, by order in writing, such person to remove himself from British India within such time and in such

manner as he may direct. The order is passed, the man is condemned as a man who comes within the provisions of this Act, behind his back. It is said that the man may appeal against that order within seven days. But what is the order that he is to appeal against? An appeal against an order which has not been judicially passed,—an order which has been passed by the Executive, the Governor General in Council, sitting in his office in Simla or Delhi. He is satisfied, on representations made to him, that a certain person comes under the category mentioned in clause 2, and he passes an order against him without intimating to the man what the charge against him is, and without giving him the least opportunity to prove that the charge is untrue. That is the kind of authority which the Government seek to obtain under this Bill. But, Sir, the very precedents the Government have relied upon show that the Government have gone beyond the limits which have been laid down for such cases in any country, and I submit, that there is no precedent to be found anywhere in support of the measure which this House is asked to assent to. Let me take the Australian Act. In the first place, it should be remembered that it is an Immigration Act, consolidating the Acts of 1901—1925. What does it say? This is what it lays down in section 8A:

"Where the Minister is satisfied that, within three years after the arrival in Australia of a person who was not born in Australia, that person"—

—here I omit clauses (a), (b) and (c)—

—"that person is a person who advocates the overthrow by force or violence of the established government of the Commonwealth or of any State, or of any other civilized country, or of all forms of law, or who advocates the abolition of organized government, or who advocates the assassination of public officials, or who advocates or teaches the unlawful destruction of property, or who is a member of, or affiliated with, any organization which teaches any of the doctrines and practices specified in this paragraph, he may, in the case of a person to whom he is satisfied that the provisions of paragraphs (a), (b), or (c) apply,—make an order for his deportation, and, in the case of a person to whom he is satisfied that the provisions of paragraph (d) apply, he may, by notice in writing, summon the person to appear before a Board at the time specified in the summons and in the manner prescribed, to show cause why he should not be deported from the Commonwealth."

Paragraphs (a), (b) and (c) apply to a person who has been convicted in Australia of a criminal offence punishable by imprisonment for one year, or who is living on the prostitution of others, or who has become an inmate of an insane asylum or public charitable institution. In such cases only the Minister can make an order for his deportation, and in the case of a person to whom he is satisfied that the provisions of paragraph (d) apply, namely:

"a person who advocates the overthrow by force or violence of the established government," etc. . . . "he may by notice in writing, summon the person to appear before a Board at the time specified in the summons and in the manner prescribed to show cause why he should not be deported from the Commonwealth."

The Act goes on to provide that:

"A Board appointed for the purposes of the last preceding sub-section shall consist of three members to be appointed by the Minister.

The Chairman shall be a person who holds or has held the office of Judge, or Police, or Stipendiary, or Special Magistrate.

If the person fails to appear at the time specified in the summons to show cause why he should not be deported or the Board recommends that he be deported from the Commonwealth, the Minister may make an order for his deportation."

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Now, you have got here the horse right before the cart. A man is first called on to show cause why he should not be deported from the State, and then an order is passed against him. But the Government have in the measure which is before us put the cart before the horse. The Governor General in Council passes in the first instance an order that a man has to remove himself from this country and then he is to be given an opportunity to appeal against the order to a Bench of three Judges. This is the very opposite of what the Minister does in Australia when he calls upon a man to show cause why he should not be deported from the Commonwealth before passing an order against him. And I submit, Sir, that that makes a tremendous difference between the procedure that is followed in Australia, which is a judicial procedure, and the procedure that is proposed to be followed here. The same is the case in Canada. Section 3 of the Immigration Act defines persons who are not allowed to enter the dominions. Among these clauses (n) and (o) include:

"(n) Persons who believe in, or advocate the overthrow by force or violence of the Government of Canada, or of constituted law and authority, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property—" and

"(o) Persons who are members of an affiliated organization entertaining or teaching disbelief in or opposition to an organized government, or advocating or teaching the duty, necessity or propriety of the unlawful assaulting or killing of any officer or officers either of specific individuals or officers generally, of the government of Canada, or of any other organized government, because of his or their official character, or advocating or teaching the unlawful destruction of property."

Then come sections 18 to 20. Now, what do these sections say? They lay down:

"13. The Minister may nominate at any port of entry any number of officers to act as Boards of Inquiry and any three officers so nominated shall constitute a Board of Inquiry.

14. A Board of Inquiry shall have authority to determine whether an immigrant, passenger or other person seeking to enter or land in Canada or detained for any cause under this Act, shall be allowed to enter, land or remain in Canada or shall be rejected and deported.

15. The hearing of all cases brought before a Board of Inquiry shall be separate and apart from the public, but in the presence of the immigrant, passenger or other person concerned whenever practicable, and such immigrant, passenger or other person shall have the right to be represented by counsel whenever any evidence or testimony touching the case is received by the Board, and a summary record of proceedings and of evidence and testimony taken shall be kept by the Board.

The Board, and any member thereof, may, at discretion, administer oaths and take evidence under oath or by affirmation in any form which they deem binding upon the person being examined.

16. In all such cases, a Board of Inquiry may at the hearing, receive and base its decision upon any evidence, considered credible or trustworthy by such Board in the circumstances of each case; and in all cases where the question of the right to enter or land in Canada under this Act is raised, the burden of proof shall rest upon the immigrant, passenger or other person claiming such right.

17. The Board of Inquiry shall appoint its own chairman and secretary to keep the record of its proceedings, and in all cases and questions before it, the decision, in writing, of a majority of the Board shall prevail.

18. There shall be no appeal from the decision of such Board of Inquiry as to the rejection and deportation of immigrants, passengers or other persons seeking to land in Canada, when such decision is based upon a certificate of the examining medical officer to the effect that such immigrants, passengers or other persons are afflicted with any loathsome disease, or with a disease which may become dangerous to the public health, or that they come within any of the following prohibited classes, namely,

idiots imbeciles, feeble-minded persons, epileptics, and insane persons: Provided always that Canadian citizens and persons who have Canadian domicile shall be permitted to land in Canada as a matter of right.

19. In all cases other than those provided for in the last preceding section an appeal may be taken to the Minister against the decision of any such Board of Inquiry or officer in charge by the immigrant, passenger or other person concerned in the case, if the appellant forthwith serves written notice of such appeal, (which notice may be in the form C in the schedule to this Act), upon the officer in charge or the officer in whose custody the appellant may be. . . . In case of the appeal being dismissed by the Minister, the appellant shall forthwith be deported.

20. Notice of appeal shall act as a stay of all proceedings until a final decision is rendered by the Minister

Mr. President: Perhaps it might suit the convenience of Honourable Members if we adjourn at this stage.

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.

Pandit Madan Mohan Malaviya: Sir, before we rose for Lunch, I drew attention to the provisions of the Australian Act which lay down that a man suspected of extreme communist views will, in the first instance, be called on to show cause why he should not be deported from Australia and will be permitted to be represented by Counsel and to examine the evidence tendered against him before an order will be passed against him; also to the provisions for an appeal against such an order. Entirely contrary to this and the Canadian Act, the Bill before us seeks to substitute executive authority in the place of judicial authority, and for an order without trial and without evidence tendered against a man being shown him. I submit that this is the principle of the Bill, that is to say, the condemnation of a man without trial, and it is this principle which we oppose. The provisions of the Bill make this quite clear. And what does it mean? It means a very serious curtailment of the right which every British subject coming into India has enjoyed up to this time. If this Bill is not passed, as the law stands at present, any British subject coming into India would be entitled, on a charge that he directly or indirectly advocates the overthrow by force or violence of the Government established by law in British India, to a proper judicial trial. He will be tried under section 124-A of the Indian Penal Code. The trial will be a Sessions trial, and every precaution, every safeguard which the Legislature has provided to see that no injustice is done to an accused person will be available to him. If this Bill becomes law, it will empower the Government to condemn a British subject coming into India of the gross crime of directly or indirectly advocating the overthrow by force or violence of the Government established by law in British India, by a mere order of the Governor General in Council. Without giving the accused person any opportunity to have his say in the matter, without giving him an opportunity to face his accusers, to examine the evidence upon which they want that he should be condemned—the Governor General

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in Council will condemn him as a man who directly or indirectly advocates the overthrow by force or violence of the Government established by law in British India! Where is the justification for depriving a British subject of the protection of law which he at present enjoys in our country and exposing him to this drastic executive action?

Sir, the second clause is not less important. It says: Any man who:

"seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India"

will be dealt with under this Bill. The man is charged with a gross crime. Here again he is not given an opportunity of defending himself before judgment is passed against him.

Sir, it was said that this Bill is intended to apply only to British subjects and that therefore we, Indians, ought not to be very particular if the method is somewhat drastic. I repudiate the suggestion that we should be less concerned about the liberty of a fellow British subject, or of any fellow man than we are of our own countrymen. International Law provides that we should deal with the people of other States on the same civilised footing on which we deal with our own people. Professor Oppenheim Whewell, Professor of International Law in the University of Cambridge, rightly says at page 494 of Volume I of his book on International Law:

"Although aliens fall at once under the territorial supremacy of the State they enter, they remain, nevertheless, under the protection of their home State. By a universally recognised customary rule of the Law of Nations every State holds a right of protection over its citizens abroad, to which corresponds the duty of every State to treat foreigners on its territory with a certain consideration which will be discussed below."

Then he says:

"In consequence of the right of protection over its subjects abroad which every State enjoys, and the corresponding duty of every State to treat aliens on its territory with a certain consideration, an alien, provided he owns some nationality, cannot be outlawed in foreign countries, but must be afforded protection for his person and property. The home State of the alien has, by its right of protection, a claim upon such State as allows him to enter its territory that such protection shall be afforded, and it is no excuse that such State does not provide any protection whatever for its own subjects. In consequence thereof, every State is by the Law of Nations compelled to grant to aliens at least equality before the law with its citizens, as far as safety of person and property is concerned. An alien must in particular not be wronged in person or property by the officials and courts of a State. Thus, the police must not arrest him without just cause, custom-house officials must treat him civilly, courts of justice must treat him justly, and in accordance with the law. Corrupt administration of the law against natives is no excuse for the same against aliens, and no Government can cloak itself with the judgment of corrupt judges."

So clear is the authority against the principle of special abnormal legislation against our British fellow subjects coming to our country which the Honourable the Home Member asks us to accept. I submit that it is wrong to urge that because the Bill is directed against British subjects therefore we should examine it less critically than we would examine it if it was directed against our own countrymen. We claim that we

should all be treated as equal fellow subjects. Our English fellow subjects have proclaimed times without number that we are equal fellow-subjects. Where does the equality of our fellow-subjectship come when you treat two Britishers who come to this country in the manner in which you propose to treat them? You do not treat them, you dare not treat them in that way in your own country. But you wish to treat them in that way when they come to this country, by creating a special law to deal with them. I submit you are entirely in the wrong.

The provisions relating to the confiscation or control of monies are not less revolutionary. Under the existing law in India you cannot touch any man's money, except in accordance with the provisions of the law. Section 523 of the Criminal Procedure Code is one such provision. Under the law, as it stands, unless there has been a money decree or order of court passed against a man, you cannot touch any money he may have in bank or any where else. But you cannot show any provision of law in any civilised country by which you would confiscate a man's money in the manner in which you propose to do it here and if there be any such country, I refuse to follow the precedent of such a country. What do you propose to do here? Section 4 (a) says: "any monies, securities, goods or credits which have been or are about to be transmitted from any place outside British India to any place in British India by or on behalf of any such person as is described in sub-clause (a), (b) or (c)", etc., etc., may be forfeited by order of the Governor General in Council. That does not take note of the purpose for which the money may be sent. If the man who sends it holds certain extreme views, that taints the money which he sends to this country, even for an unexceptionable object. I ask my Honourable friends on the opposite benches to consider how ludicrous would be the position if a man sends money to this country for a charitable purpose and that money is brought within the operation of the proposed law. The money becomes tainted by the mere fact that the sender holds some extreme views and on that ground alone it becomes liable to be confiscated. How utterly ridiculous this is. It is no answer to tell us, as the Honourable Sir George Rainy, in his own excellent way, told us "This is a matter for the Select Committee. These are Select Committee points". With great deference, I submit that this is not a Select Committee point. It is a matter of principle. This constitutes a part of the basis of the Bill. The principles of the Bill must be discussed here, and accepted or rejected before the Bill is allowed to proceed to the Select Committee. I submit there is no justification for taking this power of confiscation. Let us now look at the second clause. Suppose an organisation such as is mentioned in the Bill sends money here. There is a strike going on and that organisation sends money to prevent the women and children of the workmen from suffering, distinctly ear-marked for that purpose. Will the Government be justified in confiscating that money? Nobody can say that every strike is wrong from beginning to end. You have had in your own country numerous strikes, great strikes, which have sometimes shaken the foundations of your industrial society, or at least threatened to do so. How did you settle them? You did not settle them by legislation of the kind that you propose here. You settled them with the help of your great national leaders, leaders of parties, and you settled them to the satisfaction of your own people and to the admiration of the world outside. Why can you not be satisfied with adopting the very same methods here? Why do you

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want such drastic power in your hands for the purpose? How ridiculous will be the position of confiscating any money simply because the man who remits it holds extreme views, is made clear by the fact that the speech of Mr. Saklatvala, which I quoted, would bring him under the provisions of this Bill if it ever became an Act. Mr. Saklatvala is a free man in free England. But if he sent any money to help his countrymen who might be on a strike, or for any other purpose, the money would be regarded as tainted and confiscated. Mr. Saklatvala does hold extreme communistic opinions. He does not conceal them. The Communist Party in England do not conceal their opinions and you do not penalise them for holding those opinions in England. How absurd that you should penalise them the moment any of their members comes over here, or remits any money to India. It has been said that the situation here is different. I will deal with that later on, but I wish to point out that no argument has yet been advanced, either by the Honourable the Home Member or, by any other Member speaking in support of the Bill, to justify the action which the Government propose to take, that is to condemn a man without trial or to confiscate or control certain monies. They have spoken of the evil incidents which have occurred during the last twelve months. We must judge the value of these incidents at their proper worth. None of those incidents mentioned by the Honourable the Home Member or by other speakers would justify the infliction of a wrong upon a fellow-subject. I am glad to note that the *Pioneer* received to-day supports my view. It says:

"It is fundamentally unfair to condemn any man without making him fully aware of the charge he has to face. It is not British justice to deport even a notorious communist unless the charge can be proved and the man in question has the fullest opportunity of answering."

I think every Englishman who is not committed to a particular view, and who is not bound by the traditions of official etiquette not to speak out his mind, and who loves liberty, would endorse that sentiment. At any rate that is the sentiment which we cherish. That is the sentiment that we stand for here.

It has been said that we should not show such extreme distrust of the Government as we do. Are we wrong in showing distrust of the Government? Have we not abundant testimony in the history of our country during the last four decades of glaring mistakes Government have made in exercising their discretionary executive power, in the wrongs they have committed upon Indians as well as on some of their own countrymen? Let me remind Members on the other side of a few facts. Regulation III of 1818 still exists on the Indian Statute-Book. Some would say that it still disgraces the Indian Statute-Book, but I will content myself by saying it still exists on the Indian Statute-Book. Will anybody deny that that Regulation was meant for troublous times, when the British power had not been consolidated, when it was having wars with Indian Princes and States? But that Regulation passed in 1818 having been allowed to remain in the Indian Statute-Book, the Government deported the Nator brothers under that Regulation in 1897. Under that Regulation in 1907 the Government deported our lamented friend Lala Lajpat Rai, about that time. Under that same Regulation they deported Mr. Aswini Kumar Dutt, and a number of other prominent men in Bengal. Under that Regulation the Government interned Dr. Annie Besant.

An Honourable Member: It was under the Defence of India Act.

Pandit Madan Mohan Malaviya: I am sorry. The Defence of India Act happened to be handy at that time. But if it did not exist, I venture to say that Government would not have hesitated for half a moment to use the Madras Regulation against Dr. Besant. Now, I ask—is that record such as to lead us to trust the Government with more executive power? Take another enactment—Act XIV of 1908. It was passed when anarchism was rampant in certain parts of Bengal. The first part was repealed some years ago, but the second part was allowed to continue. The Government deprived a large number of men of their liberty, declared the Congress Committee and the Congress volunteers as members of an unlawful assembly and sent the late Deshabandhu Das and many others in Bengal, the Honourable Pandit Motilal Nehru, and many others in the United Provinces, the late Lala Lajpat Rai and altogether about twenty-five thousand of my countrymen to prison under the provisions of that Act. That was the result of trusting the Government with greater executive powers. The right of the instruments of evil has, in history, not unfrequently led to the evil being committed. If the Act did not exist, I do not think that Government would have thought of depriving so many of our innocent countrymen, the very best amongst us, of their liberty by the procedure which they allowed. They ask us to trust them with more power on this record, with his history of the Government of India and of Local Government, with the history of the detention of so many of our countrymen in Bengal, against which this Assembly passed its condemnation and protest? You ask us to trust the Executive Government with greater powers? Are you right in doing so? Are you justified in doing so? I submit not. And if we refuse to accede to your request, you tell us that we are acting as irresponsible persons. Does it lie in the mouth of such a Government to say that we are acting as irresponsible persons, if keenly realising our own responsibility we refuse to be a party to legislation which must be condemned by all right-minded men? Responsibility such as there exists in the Government of India to-day is divided between that side of the House and this side. I hope this will be conceded. When we were given power to put statutes on the Statute-Book by our votes, we were given the responsibility to try to prevent the Executive Government from falling into wrong courses. This responsibility we have exercised in the past, though unsuccessfully. This responsibility we propose to exercise today, and if we are still unsuccessful in doing it, if we still fail to save Government from adopting the perilous course which it proposes to adopt, surely the responsibility for it shall not be on our shoulders?

It has been said, if you admit that we should combat communist propaganda of the wrong kind, will you leave the Government helpless in the face of the trouble that has arisen? What is the remedy for it that you suggest? That was what Sir Darcy Lindsay asked. The remedy we have suggested. We have said repeatedly that the existing law is sufficient to deal with the case. And what does the sum total of our contention on this head come to? We have shown to you that you have made a mistake and have done a wrong to yourself and to this Assembly, in badly mangling the piece of legislation which you have copied from the Immigration Acts of Australia and Canada. You have not copied it entire. You have eliminated some parts. You have not copied the vital portion which gives the person accused or intended to be proceeded against an opportunity to defend

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himself. I say you have done an injustice to yourselves and a wrong to this Assembly in mangling the provisions of those statutes. Those statutes clearly lay down that a man shall in the first instance be called upon to show cause before a magistrate why he should not be ordered to leave a country. You have substituted for that an order in the first instance, of the Governor General in Council condemning the man without giving him any opportunity to show such cause. You have substituted for it a procedure which does not give him a trial, not even the mockery of a trial, because I consider that the provision of an appeal to the Governor General in Council is to be heard by a Bench of three Judges appointed by the Governor General in Council, after he, the highest authority in India, has considered the case of the man and has thought it fit to pass an order against him, i.e., to ask three Judges called by the Government of India, to give their verdict as to whether that Government has acted correctly or incorrectly, is worse than a mockery of a trial. I ask you to consider if you are fair even to the Judges in doing so. Why can you not put a clean slate before the Judges to write upon? Why should you not be content to place the evidence you find against the man before the Judges? I have shown that the statutes you have copied from provide that all the evidence shall be available to the man who is accused. There is no such reservation as you propose as to any part of the evidence being treated as confidential. There is provision that a summary of all the evidence which has been given shall be recorded, and that the order shall be in writing. When that first magisterial authority has adjudicated upon a man's case, then only the provision for an appeal comes into operation, which is consistent with reason and with law as we understand it. You have put it entirely topsy-turvy and you ask us to support it. We cannot do so.

I now come to the question whether there is, under the existing law, any provision by which you can deal with such cases, and if there is not, what is the additional provision of law needed to enable you to deal with them? It is not for me, it is for the Honourable the Law Member and other legal advisers of the Government to say whether the existing law is sufficient or not. If they told this House that the existing law is not sufficient, and if they satisfied this House, I venture to think the House would consider any reasonable measure, as my Honourable friend Mr. Birla said in his speech, which may be necessary. But I submit the existing law is sufficient. There is such a chapter as Chapter V in the Indian Penal Code. That chapter is a chapter of abetments. It deals with cases of abetment, and there is another chapter which is called the chapter of offences against property. Now in that chapter of offences against property there are provisions which will apply to a man who advocates the unlawful destruction of property, or unlawful interference with the ownership of property. I submit that those two chapters contain provisions under which an offender can be brought to book and punished. As for the first portion of clause (a), I have already submitted that section 124(a) of the Indian Penal Code is ample to enable you to deal with a man who is directly or indirectly advocating the subversion of organised government by the use of force or violence. You must of course make a distinction between such a case and an advocacy for a change in the system of government, for everybody is free to preach a change in the system of government, and we hope to preach it again and again until we see that change introduced and established. But if anyone advocates the

use of force or violence to obtain that object he verily brings himself under the provisions of the existing law, and I submit that the Government should be content to use those provisions and not seek this extra judicial power. I do not think it necessary to take the House through the details of these provisions. They are well known to lawyers, and I am glad many lawyers are to be seen in this Assembly. But, I submit that the said provisions of the law are quite sufficient except to meet one case and that is a case where you want to proceed against a man merely because he happens to be a member of a society which holds certain views.

An Honourable Member: You may declare that society unlawful.

Pandit Madan Mohan Malaviya: I do not think there is any provision in the existing law to this effect:

"Where a man is a member of, or is acting in association with, any society or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity as is described in sub-clause (a) or sub-clause (b) of this clause."

In my opinion no provision in the existing laws covers this, and I am glad it does not, because I submit with great respect that it is an outrageous thing to say that merely because a man is a member of or is acting in association with any society or organisation which advocates or encourages any such doctrine or activity as is described in clause 2, merely for the reason of his being a member that he should not be given an opportunity to defend himself or that justice should be denied to him. I ask Honourable Members, particularly the Honourable Member who interrupted me, to remember that I am not pleading here for any man who is found guilty of advocating the use of force or violence against established government or against life and property. I am not saying that such a man should be allowed to escape justice. All that I am pleading for is that he shall receive a trial and shall not be condemned without it. I submit therefore that the existing law is sufficient to deal with cases with which the Government may find it necessary to deal. Suppose a man does belong to one of these societies. These societies, as has already been pointed out by other speakers, preach many doctrines which have been preached from very ancient times. Unless a man does something which makes his action directly or indirectly illegal and unlawful, I submit he should be allowed to go on. The preaching of ordinary communistic doctrines, viz., the promotion of the welfare of the common man, is not actionable and is not condemnable. This pamphlet to which I have once referred before contains extracts which show that there is a great deal of legitimate criticism in the vernacular press which the Honourable gentleman in charge of the Publicity Bureau is alarmed at. But no man with sufficient sense and sobriety should be alarmed at it. There is nothing surprising when some of these papers say that the existing industrial system is very bad and that it ought to be changed, that the existing system works mainly to the benefit of capital and that labour has to sweat every day without getting sufficient return. There is nothing in all these doctrines which need alarm us.

And here, I wish to ask what is it that has led to the present situation, and what is the present situation? Do my friends opposite deny that the condition of the agriculturist in this country as a whole is most lamentable? Do they deny that the man who tills the soil, who labours in season and

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out of season, in cold and rain, that that man does not get enough to maintain himself and his family? Is not the condition of the agriculturist taken as a whole a matter for deep shame and pain, to all of us, officials and non-officials? Dare anybody deny that the condition of a large body of these agriculturists is such as to expose us to the condemnation of every civilised Government? After 165 years of British rule, go to the Gorakhpur district, go to the other eastern districts of my province, you will find a large number of persons shivering in the cold, little children going about naked with little to protect themselves from cold. Go to many other parts of the country, you will find that cold nights are passed by many of our poor fellowmen sitting up because they cannot get sleep, and that because they have not got enough of clothes to protect themselves from cold. (Shame.) They do not get enough to eat. Their physique has deteriorated. They supply the food that you, and I, we all of us enjoy, but alas they do not get enough of that food for themselves. They do not get enough to clothe themselves, they have nothing for medical relief, they have nothing for the education of their children. That is their condition, the condition of 80 per cent. or so of the population of this country.

You talk of the condition of the industrialists. You are surprised that there should be riots. I am surprised that there were not riots much earlier and much greater in number. Let anybody go to Bombay. I have been to Bombay and I have seen the *chawls* where these industrialists live. I have seen the conditions under which they live. I have seen other places too. Will anybody say that the conditions under which these poor men, these industrialists live are quite satisfactory, that they do not need improvement and that the treatment which has been extended to them has been quite fair? I know there are millowners who treat their workers with great consideration. I honour them for it. To condemn all millowners would be to condemn oneself; but who among my millowner friends themselves will deny that there are millowners who do not look with sympathy, with that amount of sympathy and considerateness towards their workmen which they are entitled to expect from their employers.

Nawab Sir Sahibzada Abdul Qaiyum: Then, why cannot they go to the capitalists themselves instead of their watchmen?

Pandit Madan Mohan Malaviya: The reason for that I will give. My Honourable friend knows that the Government, as it exists at present, has often blundered, and it blundered when it employed the poor Pathans who come here for trading purposes as watchmen. It has used the Pathans for purposes for which they should not have been used.

An Honourable Member: For terrorist purposes.

Another Honourable Member: I do not think the Government employs them at all.

Pandit Madan Mohan Malaviya: Who employed them in Bardoli? (Laughter.) It is not a pleasure to me. . . .

Nawab Sir Sahibzada Abdul Qaiyum: It is the Bombay millowners who employ the Pathans.

Pandit Madan Mohan Malaviya: It is not a pleasure to me to say that the Government committed this mistake. I mention it more in sorrow than in anger. It is a matter of pain to think that Government should ever have employed these Pathans and set an example to the millowners to employ them in their mills. (Hear, hear.) You, my English friends, have educated your own people. You started with the Education Act in 1870 in England and you have educated your masters. Here in India you have been all this time spending money like water on anything that you decided to do. But you have spent very little money in educating the workmen and the agriculturists. You have left them in ignorance and you have therefore left them exposed to the evils of ignorance, to sin, to crime, to misery and to destitution. On the top of it you all employ these men who come across the frontier, who are even less educated than my own countrymen generally here, and therefore who have not all the considerateness which a man would show against his own fellow countrymen. You employ them against your own fellow subjects, and when they resent it you express surprise at it. In this case I say it with regret that the Government statement itself says that the Pathans were in the wrong, that they put themselves in the wrong—and when the people resented it, it led naturally to a conflict, and to regrettable loss of life and injury.

Nawab Sir Sahibzada Abdul Qaiyum: To protect capital they were put in the wrong. It was only to protect capital and capitalists.

Pandit Madan Mohan Malaviya: But the last report that you have seen says that the Commissioner of Police argued with them, but that they would not listen. I am sorry to say they began the aggression in this case.

Nawab Sir Sahibzada Abdul Qaiyum: Still the Government did not open fire on the 5,000 strikers, while they did open fire on a few Musalmans who had sympathised with them.

Pandit Madan Mohan Malaviya: I do not stand here to apologise for the Government. (Hear, hear.) If the Government committed a wrong against a single fellow man, Pathan or no Pathan, the Government are to blame for it. (Hear, hear.) The fact of a man being a Pathan does not make him less human than anyone else.

Mian Mohammad Shah Nawaz: Do you know that those who live on the Frontier and in British Baluchistan are our fellow-subjects as well?

Pandit Madan Mohan Malaviya: That is what I have said. They are our fellow-subjects and what is more they are fellowmen. Any wrong done to them or to any other man which is not justified by law is a wrong and I condemn it. My regret is that these men should have been employed at all where they were. I submit that uneducated as the workmen are, it is not to be wondered at if, after eight months of the stress of strike, when their liberty of action was interfered with by those who had power to do so, some of them lost their heads and committed wrongs which we all deplore and condemn. But I submit that the responsibility for the present state of things lies mainly upon the Government. It rests upon the Government, for they have not spread education sufficiently in this country, have not promoted more diversity of employment among the people, have not secured to them those moral and material advantages of enlightenment which were promised to them in the Educational Despatch of 1854, and which are secured to the people for whose welfare they are responsible by every civilised

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Government in the world; in short, because the Government have failed to discharge one of their primary duties to the people of this country.

In addition to that general charge which I level against the Government with much regret, but in all seriousness, I submit the Government have been guilty of an atrocious wrong which is largely responsible for the situation. The Honourable the Home Member said: "Look at what has happened during the last few months; when you think of what has happened, how can anybody refuse to support the Government in its attempt to deal with the situation?" But who created the situation, Sir? I say, the Government. Two years ago. (Laughter from the Government Benches) Laugh you may, some of you, if that pleases you; but you will weep in sorrow if you understand what that laughter means. The Government is all powerful. It is not responsible to the people, it is not responsible to anybody. The Secretary of State sitting 6,000 miles away sends an order and the Governor General in Council acts upon it. That does not in practice make the Government responsible to anybody, not even to the British Government, much less to the people of India. This Government, in the teeth of the opposition of the elected representatives of the people in this Assembly, passed that wretched measure by which it placed the 1s. 6d. ratio on the Statute-Book. What has this meant, Sir? It had been predicted by Sir Purshotamdas Thakurdas in his minute of dissent that that measure would lead to disaster. In the evidence that had been given before the Royal Commission, it had been predicted that it would lead to strikes and that it would make the competition with foreign mills and manufacturers much more difficult. We here urged, Sir Purshotamdas Thakurdas urged and many others urged—and I am glad to think that among them were my Honourable friends Sir Victor Sassoon and Mr. Gavin-Jones—that the Government should not take that step. We pleaded in vain, all arguments were exhausted; but the obstinacy of the then Finance Member was not conquered. And what has happened? Everything has happened as it had been predicted. Sir Purshotamdas predicted that there would be strikes. He predicted that you would deplete your reserves and have to borrow on terms most unfavourable to India in order to prop up that ratio, and that it would most seriously injure Indian trade and industry. Has not all that happened? What is the result to-day? Yesterday my Honourable friend Mr. Gavin-Jones said that never in his life here in India had he known an year of greater depression in trade than the present one; and I am sure many Members of the European Group who are connected with business will endorse that statement of Mr. Gavin-Jones. Let me make another quotation from the *Pioneer*. This paper—you can not dismiss it as an irresponsible vernacular journal—under the heading "The 1s. 6d. rupee, and Sir George Schuster's Opportunity", which is an appeal to the new Finance Member to reconsider the question, says:

"As the result of the deliberate policy of his predecessor, Sir Basil Blackett, the peasantry of India are poorer to-day than they have ever been, the middle classes are groaning beneath increasing burdens and trade is hopelessly paralysed. When the other day we mentioned that this country was rendered poor by the British Government, we were further cogitating this matter. Since Sir Basil, by the help of spurious arguments, by enlisting the dubious aid of un-understanding supporters and by availing himself of methods of canvassing which would have disgraced Tammany Hall at its worst, established the one and six-penny rupee, economic conditions in this country have gone from bad to worse. To-day the scandal is so great and glaring that it behoves every friend of India to speak out."

In another part of the same article the writer says:

"Never for over a generation has there been such a bad year in business; and everywhere the reason given is the same—the people of India cannot afford to buy. Even in quarters where Sir Basil received support, there is now resentment and criticism and complaint. The Blackett ratio has been tried; and the result is disaster."

An Honourable Member: What connection has it with the present question?

Pandit Madan Mohan Malaviya: Now, let me show to you what direct connection this has with the question before you. Says the writer in the *Pioneer*:

"Not only has the agriculturists' debt and land tax been increased by twelve and a half per cent., but his savings, mainly in silver and ornaments, have depreciated by a similar amount. How could it be otherwise? India's internal trade has from ten to fifteen times the volume of her international trade. It is useless, foolish and callous to say that what the cultivator has lost as an exporter he has gained as an importer. It is doubtful whether seven per cent. of India's total imports are consumed by the masses. The argument has been proved by time, and there still remains the unalterable proposition that the cultivator is entitled to get the fullest value on the commodities he exports; and no Government on earth has the right to gild its budget at his expense."

But he does not get it, and his impoverishment has meant the impoverishment of the whole country. The markets are stocked with goods, but the people have lost the capacity to buy them. But I have yet to explain the full tragedy of it all. Faced with foreign competition, the millowners of Bombay came to the Government protesting against that iniquitous injustice of the cotton excise duty. The Government appointed a Tariff Board. The Tariff Board recommended relief, but at the same time recommended that the Bombay millowner should try to economise his methods of production. The Bombay millowner set about trying to economise the cost of production. He made certain cuts, asked the workmen to work for longer hours, to give more work for the same wages. In some cases, the workmen refused. They struck work, and they continued to keep the strike on for so many months. What was the direct contribution of the Government in this situation? It had passed a law by which it gave a bonus of 12½ per cent. to Japanese manufacturers and a benefit of 12½ per cent. to English manufacturers. It had placed the Bombay millowner at that serious disadvantage in competing with Japan and England. He found himself non-plussed and unable to fight his competitors. Government told him: "We have given you relief in the shape of the abolition of the cotton excise duty, but you have not managed your business properly; you must improve". He tried to improve. On the one side you gave his competitor an advantage of 12½ per cent. over him; on the other side he was faced with workmen who demanded more wages and better terms. He found himself between the devil and the deep sea. You condemn the Bombay millowners. There may be Bombay millowners who are heartless and callous. I don't know. But I know there are many among them who are very fine men with sympathetic hearts for the working man and who have been anxiously trying to improve his condition. But I also know there are among them men who wanted to take advantage of the strike to save themselves from loss. Why did they want to do so? Because, owing to the effect of your legislation, they found themselves in that predicament. They did not show, in the first instance, any eagerness to make a settlement

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with the strikers. I was in Bombay in June. I myself tried to bring about an agreement between the two parties. I got a list of their grievances from the workers and showed it to the Bombay millowners. I discussed the matter with them, but while some were willing that the matter should be taken up and decided as early as possible, there were others who frankly said it was not to their disadvantage that the strike should continue. The Government has placed us in such a position, they said, that it is an advantage to the industry that the strike should continue, because if they continued to produce all they could, they would be working at a loss. Is it not the saddest commentary on the evils of the 1/6d. rupee—that whilst the Bombay mills were closed for so many months, the production of the remaining mills in the country and the imports from abroad did not find a sufficient number of purchasers? Has there been any period in the history of this country for the last fifty years, except during times of widespread famine, when fewer purchasers were found for cloth both imported and produced in this country? That has been the saddest part of the business. You have helped Japan, you have helped foreign importers, but you have hit your own men, the Bombay millowner among them. It is human and not unbusinesslike that he should try to take advantage of the situation. Not all of them can be expected to be so generous that they should sacrifice their own interest to the interest of the workers. But I submit that the strike should have been settled long ago. If we had a national Government, a Government responsible to the people, we would not have allowed that Government to continue its business from day to day if it did not use all its power and influence to bring about an early settlement between millowners and workers. How long does it take you to settle your great national strikes? Take the Coal Strike. How long did you take to settle the strike of the miners? What is His Royal Highness the Prince of Wales busy about now? The Bombay Government did not contribute its quota for many months and the situation therefore continued to get from bad to worse. And yet I ask every Member of the House to think how during these eight months since the trouble began, the workmen of Bombay acted with restraint. Except during this one month or a little more than a month, these Bombay workmen acted with patience and with restraint, trying to make a settlement through the leaders whom they had elected, and we had no cases of any violence or use of force. But if you try the patience of any individual or group of individuals too long, should you be surprised if, being human as you and I are, and less capable of restraint than you and I are, they should give way to the feelings and passions which hunger and uncomfortable conditions of life excite? I submit therefore that the responsibility for the present situation lies mainly upon the Government, and you must seek to correct the situation from that point of view. You may deport these two Englishmen, fellow-subjects of your own without trial, though I hope you won't—at least we won't help you to do it; but you will not be able to root out the ideas which have taken root in the country. There are many men in the country now who hold communistic ideas. I am willing to think that some of these preachers of communism have tried to lead and mislead people in accordance with their own doctrines. I am not surprised at it. If I were one of these workmen living in the conditions they are living in, God knows, how long I would have been able to resist the preachings and the teachings of those who told me that there would be a very great change for the better in my condition in life

if I continued to abstain from work. Do unto others as you would others do unto you. Your own great poet has said:

“Take physic pomp,
Expose thyself to feel what wretches feel,
And show the heavens more just.”

Put yourself in their places. As Lord Morley once said, get into the skin of these men. He said that of us Indians. I ask you to put yourself into the skin of these workmen and to think what they think and try to understand what they feel.

Of course the situation requires to be cured. I am not for succumbing to it. I am not afraid that things will go half so wrong as the Honourable the Home Member is afraid they will. But the remedy lies in a different direction. The remedy lies in a direction of which nothing has been said from the Government Benches on this occasion. The present trouble in Bombay should be settled when the Fawcett Committee has reported. I have every hope that this present trouble will soon subside and that there will be a settlement which will endure for some time. It does not require any extraordinary legislation. The trouble in Calcutta also has subsided, and I hope there won't be a revival of it for some time. These, however, are symptoms. At the worst they are like carbuncles which occasionally appear in a man's constitution, but once they are cut out or subside, let us hope and pray there will be a flow of healthy blood and there will be peace and concord and goodwill all round. I do not apprehend that these troubles will spread and constitute a constant source of friction between labour and the millowners.

But these settlements will not improve the general situation. The general situation demands a different treatment. You have to deal with a larger problem there. Sir Denys Bray made a very friendly and kindly appeal to me to think of the interests of youth. Of course I am deeply interested in everything that concerns the youth of my country. I have tried to serve them in my own humble way for the last 50 years. But I wish to tell Sir Denys Bray and all other friends like him that the attitude of our youth towards the Government will depend not on the passing of this measure or its failure. It will depend on the measure of reforms which will be introduced in 1929 or 1930. And the reforms will not affect the minds of the youth alone. They will affect the minds of the general population of this country, of the peasants, of the agriculturists, of the labourers, of the workmen. You do not realise,—I am sorry to think my Honourable friends opposite do not realise—the depth of feeling which exists in the country now against the present system of government. Does anyone think it is a pleasure to us to be using our lungs constantly to condemn that system? It is not, but we feel it our duty to do so. And our regret is that in spite of all that we say, many of my Honourable friends on the opposite side do not yet take a correct view of the situation. The youth of the country have no faith left in the words of British statesmen. Their faith has been destroyed. Some of my friends here say “Nor have we”. That is unfortunately true. A large number of our people, and their number is growing, have lost faith in the sincerity of the words of British statesmen. They have lost faith because decade after decade has passed and we have not seen that betterment of the condition of the people which we had a right to expect. We find that when it was high time, for you to introduce full responsible government in this country, your Government contented itself with sending out a Commission the

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order may be passed against him. That is the main difference between the Government and many of us on this side. I submit, Sir, that it is a matter for deep regret that in this situation the Government should insist upon having the half pound of flesh and nothing less. I submit they passed one piece of legislation last year, the 1s. 6d. Ratio Bill, by means of which the *Pioneer* characterised in the strong words which I have already read. If they will attempt to pass this Bill by obtaining a majority of a few persons, I venture to say that they will not win; they will lose. They may place the Bill on the Statute-Book with the help of a few votes of persons who, when they accept a nomination or when they come here on the recommendation of a Local Government, feel that they are bound to vote with the Government but they have the solid phalanx of opinion of the popular parties against them. If in opposition to this opinion they will place this Bill on the Statute-Book, the responsibility will be theirs; the condemnation will not fall on our shoulders. They will be responsible before this country and before other civilized countries for having placed a piece of legislation on the Statute-Book against their own fellow subjects to prevent them from coming to India when they have not dared to pass any such legislation against them in their own country.

Mr. M. Webb (Bombay: Nominated Official): Sir, I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

The Honourable Mr. J. Orerar (Home Member): Mr. President, the main subject matter of this Bill was the subject of a prolonged and exhaustive debate in the last session. It has again been the subject of a prolonged and exhaustive debate, and I feel that I should be trespassing unduly upon the patience of the House if I attempted, at this stage, at this advanced hour of the day, to traverse in detail everything that has been argued or contended in the debate. The main question which was before the House last Session, and which I placed before the House in making the motion which initiated this debate, is still the main question before the House; that is to say, Sir, the question whether or not the Government and the country are confronted with a grave and serious situation in respect of which it is necessary that special, though I hope it is possible that they may be temporary and terminable, measures should be adopted.

Now, Sir, that a situation of that gravity exists was not, with few exceptions, challenged or contested in any part of the House,—with few exceptions, I say, and I propose to deal with them briefly later.

The Honourable and learned Pandit opposite, in his long and careful examination of the Bill, did not himself deny the major premise on which I based my arguments. Well, Sir, I say that that is on every ground, in every respect, by far the most important practical issue before the House; and the further question is in what manner does this House propose to deal with it. I said that if the House was prepared to confer upon Government the powers which are detailed in this Bill, that it was their hope that, combined with the use of the ordinary law, it would be possible, by this means, for this dangerous movement to be brought under control. I trust, Sir, that eventualities will enable that hope to be fulfilled, but it is of

course impossible for me to prophesy. I hope also,—and this is my present appeal to the House,—that it will do, on its part, that part which is necessary to enable that hope to have some prospects of fulfilment. I contend, Sir, that no serious attempt has been made (*Several Honourable Members from the Swarajist Benches*: “Question”), to challenge my statement that the Government and the country are confronted with a grave situation, (*Honourable Members from the Swarajist Benches*: “Question, question; nobody has admitted it”), which requires special measures to deal with it. (*An Honourable Member*: “You have not proved it.”) It is true that Diwan Chaman Lall’s is one of the dissentient voices. He upbraided me, as I understood him to say, for the fact that the prophecy which I was alleged to have made in the last session of the complete destruction of society had not yet eventuated. Now, Sir, apart from the fact that I never made any such prophecy,—I indicated to the House, I urged very strongly, that if a movement of that kind were allowed to continue, unchecked, those consequences might ultimately be entailed, but I did not prophesy it as a matter likely to happen in two or three months,—it would be no satisfaction to me, if I had been a witness of such a cataclysm, to be able to say to Diwan Chaman Lall, and his friends “I told you so”. In short, Sir, if this House were not prepared to accept any evidence except the accomplished fact, its purpose of its existence, the responsibility imposed upon it, would be completely frustrated.

I was told that communism after all was a perfectly harmless thing. The Honourable and learned Pandit, who has just resumed his seat, pointed out to us that there was one aspect of communism, which was harmless, but the whole point of my case was that Government did not propose themselves to proceed, they did not ask the House to proceed, against communism which was merely an opinion but against something very different,—against communism in action.

Pandit Madan Mohan Malaviya: That is not the Bill.

The Honourable Mr. J. Orerar: It was suggested to me that in England communism was regarded merely as a harmless and indeed perhaps a rather amusing aberration of some limited forms of public opinion and indeed that it forms a recognised branch of one of the great constitutional parties in England, the Labour Party. I very much doubt, Sir, whether that is an accurate statement of fact. Unless I am much mistaken, it was only last September, at a very important meeting of the British Trade Union Congress, a Resolution was passed by an overwhelming majority to the effect that trade unionism in England should be purged of communism. (Cheers.) And indeed, Sir, if the report which has recently appeared in the Press is true, the leader of the Labour Party in England has expressed himself quite recently in no uncertain terms. Writing in the British Labour organ, *Forward*, Mr. Ramsay MacDonald dealt at some length with the subject and he concluded apparently by saying, “Monkeying with revolution at a safe distance is not the sort of thing in which we should indulge. The Labour policy is altogether different.” (Cheers from Government Benches).

I maintain that the situation which the House has to deal with is an extremely grave one. The Honourable and learned Pandit, dealing with what perhaps was not an immediate issue, but nevertheless, a very important issue, spoke of the policy of the Congress Party. He said that the

[Mr. J. Crerar.]

policy of the Congress Party was to subvert the existing form of Government, but he added that that policy distinctly eschewed violence. He said, however, that it intended to resort to non-co-operation. I note that statement of the Honourable and learned Pandit and am prepared to accept it as on his part sincere, that the policy of his Party eschews violence. But when I recall, as I am sure the House will also recall, what were the violent consequences a few years ago of the adoption of non-co-operation, I regard the Honourable and learned Pandit's corollary to his main proposition as one by no means auspicious. (*An Honourable Member*: "To whom?")

Now, Sir, as regards what has fallen from the Honourable Pandit Madan Mohan Malaviya, it is impossible for me to follow his very extensive and very discursive argument with any particularity. He spoke at great length about the failure of the Government to adopt remedial measures. He said that that aspect of the question has been completely ignored by the Government in dealing with this measure. Sir, I venture to recall to Pandit Madan Mohan Malaviya's memory that I did not fail to deal with this important question in my initial speech. I recognised, as he himself now so strongly urged, that the radical and the permanent remedy of the kind of discontents on which communism finds an easy foundation to build is not, in point of fact, the remedy which this Bill purports to achieve. I pointed out then, and I venture to repeat it now, that the rectification of every abuse, of every form of grievance, must necessarily be the work of time. Nor indeed can it be solely—as the Honourable Pandit appeared to contend, and as I myself at an earlier stage pointed out was frequently the argument directed against the Government—it cannot be wholly and solely carried out by Government. It must be a great work carried out by the co-operation of Government, of the Legislature, of every authority in the land and of every grade of society. I pointed out that remedial measures were necessarily slow, but the evil against which this Bill is directed is rapid in operation and demands equally rapid measures to counteract it.

Now, Sir, it is impossible for me to deal in detail with the various criticisms which have been made upon the details of the Bill. Indeed, I doubt whether, moving the motion which I have moved, I should be in any way justified in doing so. But I venture to point out that, while most of the arguments object to this Bill as being in contravention of the normal principles of judicial procedure, that contention overlooks the fact that this is a measure intended to deal with a very particular emergency, and that it is hoped that it may be temporary in operation.

Reference has very frequently been made in the course of this debate to Regulation III and other Regulations. I fear that I should weary the House if I reiterated again the answer to that contention which I have had frequently to make. Regulation III does not allow Government, does not empower Government to do what is the express purpose of this Bill, namely, to get rid of external subversive elements. But, Sir, I am not entirely discontent that the question of those Regulations should have been raised, and that the former debates regarding them should have been recalled, and for this reason. On almost every occasion on which those and other special enactments have been referred to, Government have received the reply: "If you are confronted with any emergency, if you are confronted with any serious state of affairs which requires special powers, come to us and we will give them." Sir, I contend that I have established a

case of a very grave and very dangerous situation which demands special powers, and I urge Honourable Members who have previously indicated a willingness, in the circumstances, to grant us special powers to give effect to what they promised.

Mr. Jampadas M. Mehta (Bombay City: Non-Muhammadan Urban): That is not a fair construction to place on our promise.

The Honourable Mr. J. Crerar: That the present condition of affairs is grave, as I said, has not been seriously contended, and that it is deteriorating no one who has examined the reports of recent grave events in Bombay will be inclined to question. The reports which have appeared in the Press of a most serious and alarming state of affairs have unfortunately been confirmed in substance by the official telegrams which we have received.

An Honourable Member: What has that to do with this?

Nawab Sir Sahibzada Abdul Qaiyum: What is the use of sharpening the weapons when you cannot use them?

The Honourable Mr. J. Crerar: I say the situation which has been reported in the Press as existing in Bombay has unfortunately received only too much confirmation in our official telegrams on the subject.

Mr. T. C. Goswami (Calcutta Suburbs: Non-Muhammadan Urban): Is that due to communism?

The Honourable Mr. J. Crerar: Now, Sir, whether these unfortunate disturbances, which are still continuing were due merely to some temporary cause, such as an unreasoning panic—whether that was the true proximate cause of these disturbances or not, is a matter on which at the present moment, on my present information, I should not be prepared to hazard an opinion.

Mr. N. O. Chunder (Calcutta: Non-Muhammadan Urban): Did not a thing like this happen in Calcutta some years ago?

The Honourable Mr. J. Crerar: But that, Sir, is not the fundamentally important point. The situation which has developed in this alarming way is in my judgment due to the fact that, for all these months, the most sedulous attempts have been made to collect every conceivable source of grievance and to create an atmosphere which any single spark might light into conflagration. Sir, I venture to impress very strongly upon the attention of the House that, if these recent disturbances are due to a purely casual rumour, that circumstance in itself emphasises the extent and the gravity of the danger. For, if it is possible to create in the great industrial centres and elsewhere throughout India an atmosphere which is ready at any spark, on any occurrence, however fortuitous, to explode or become a conflagration, then, Sir, the danger is even greater than I have yet represented it. And surely the House would be well advised to take this into account. If the materials for disturbances of this character are effectively disseminated throughout India, it is far more probable that the ultimate conflagration will be caused by those who intentionally created them for their own ends. It is in the light of the grave and alarming intelligence which we have just received from Bombay and which emphasises in the most tragic manner the significance of other similar events, though on a smaller scale which have been repeatedly reported during the last two months, that I ask this House to give its judgment upon my motion.

Mr. President: The original motion was:

"That the Bill to check the dissemination in British India from other countries of certain forms of propaganda, be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Victor Sassoon, Nawab Sir Sahibzada Abdul Qaiyum, Rai Bahadur Tarit Bhusan Roy, Mr. K. C. Roy, Mr. Fazal Ibrahim Rahimtulla and the Mover, with instructions to report on or before the 28th February, 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Since which the following amendment has been moved:

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President: The question I have to put is:

"That the Bill to check the dissemination in British India from other countries of certain forms of propaganda, be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Victor Sassoon, Nawab Sir Sahibzada Abdul Qaiyum, Rai Bahadur Tarit Bhusan Roy, Mr. K. C. Roy, Mr. Fazal Ibrahim Rahimtulla and the Mover, with instructions to report on or before the 28th February, 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The Assembly divided.

AYES—61.

Abdoolah Haroon, Haji.
Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abdullah Haji Kasim, Khan Bahadur Haji.
Ahmed, Mr. K.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Graham, Mr. L.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Hyder, Dr. L. K.
Ismail Khan, Mr. Muhammad.
Jowahir Singh, Sardar Bahadur Sardar.

Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra Nath.
Mohammad Ismail Khan, Haji Chaudhury.
Moore, Mr. Arthur.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rafique, Mr. Muhammad.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rao, Mr. V. Panduranga.
Row, Mr. K. Sanjiva.
Roy, Mr. K. C.
Roy, Rai Bahadur Tarit Bhusan.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—50.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sessa.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Goswami, Mr. T. C.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Jayakar, Mr. M. R.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Purshotamdas Thakurdas, Sir.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Rao, Mr. G. Sarvotham.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Ranajaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar.

The motion was adopted.

(Cries of "Shame, shame" from Opposition Benches.)

The Assembly then adjourned till Eleven of the Clock on Monday, the 11th February, 1929.

LEGISLATIVE ASSEMBLY.

Monday, 11th February, 1929.

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

QUESTIONS AND ANSWERS.

REDUCTION OF FREIGHT CHARGES ON AGRICULTURAL IMPLEMENTS AND THEIR RAW MATERIAL.

438. *Mr. N. C. Kelkar: (a) Will Government be pleased to state whether they intend giving any facilities by way of reduction in the freight on agricultural implements and their raw material to the manufacturers of agricultural implements, as recommended by the Royal Commission on Agriculture?

(b) Will Government be pleased to state whether they intend giving a rebate of the protective duty collected on the raw materials used by manufacturers of agricultural implements?

The Honourable Sir George Rainy: (a) Action was taken in advance of the receipt of the report of the Royal Commission on Agriculture to reduce the rates on agricultural machinery. With effect from the 1st of February 1928, machinery used for agricultural purposes, not worked by its own power, has been classified in the lowest class, when packed and carried at railway risk, instead of in the 4th class. Such machinery is also now classified in the lowest class when carried unpacked at owner's risk, instead of in the 2nd class as previously. Agricultural implements are already in the lowest class.

The Royal Commission on Agriculture made no recommendation for the reduction of freight on the raw material used in the manufacture of agricultural machinery and implements. Their recommendation was that railway freight rates on agricultural machinery and implements should be re-examined, and, where possible, concessions should be given.

(b) No. I would point out, however, that in any case where there is a tariff inequality, it is open to the manufacturer to apply for its removal through the Tariff Board in accordance with the Commerce Department Resolution No. 38-T (2) dated the 28th March 1925, which was published in the Gazette of India of the same date.

RULES REGULATING RECRUITMENT TO PROVINCIAL SERVICES AND SPECIAL POSTS.

439. *Mr. A. Rangaswami Iyengar: Will Government be pleased to state what action has been taken by Provincial Governments in pursuance of the Civil Services Governors' Provinces Delegation Rules in the way of making rules regulating the method of recruitment to the provincial services and special posts?

The Honourable Mr. J. Crerar: The Government of India understand that Local Governments have, to a large extent, drafted rules to regulate recruitment to their provincial services and special posts, but that in the majority of cases the issue of the rules has been postponed pending the issue of the new Classification Rules.

Mr. A. Rangaswami Iyengar: May I know whether these rules are generally sent for the administrative approval of the Government of India?

The Honourable Mr. J. Crerar: No, Sir.

Mr. A. Rangaswami Iyengar: Then what steps do the Government of India take to see that the actual delegations are not exceeded?

The Honourable Mr. J. Crerar: I think that point will arise under the next question of the Honourable Member.

RULES FOR PROVINCIAL AND SUBORDINATE SERVICES MADE BY THE MADRAS GOVERNMENT.

440. ***Mr. A. Rangaswami Iyengar:** (a) Will Government be pleased to state whether any Local Government has been permitted to make rules, or enact legislation empowering the making of rules in regard to the Provincial or Subordinate Services, which is contrary to the proviso to Rule 4(1) of the Delegation Rules or which in any manner adversely affects any person who was a member of any provincial or subordinate service or was holding a special post on the 9th March, 1926?

(b) Are Government aware of the publication by the Madras Government of notifications under the Delegation Rules which have applied the communal principle to promotions in the Registration Department and have thereby adversely affected members of the Provincial and Subordinate Services of that Department?

(c) If so, what action do Government propose to take to see that the notifications and orders issued by the Madras Government are modified, and that steps are taken to correct the same, not only in respect of the said notification, but also in respect of notifications for other departments which are in contemplation?

The Honourable Mr. J. Crerar: (a) No.

(b) The Government of India have not seen the notifications referred to.

(c) I am prepared to forward a copy of the Honourable Member's question and this answer to the Government of Madras and invite their observations.

Mr. R. K. Shanmukham Chetty: Are the Government of India aware of the fact that the notification referred to relating to the recruitment in the Registration Department issued by the Government of Madras is very greatly appreciated by the Madras public?

The Honourable Mr. J. Crerar: I am glad to have the Honourable Member's assurance that this is the case.

Mr. A. Rangaswami Iyengar: May I give the Honourable Member the other assurance, namely, that it is not so?

Mr. R. K. Shanmukham Chetty: May I tell the Honourable Member that this notification was in pursuance of a Resolution passed by the Madras Legislative Council? (Hear, hear.)

The Honourable Mr. J. Crerar: I am afraid that I am not myself in a position to resolve what is apparently a difference of opinion between two Honourable Members from the Madras Presidency. ●

OPINION EXPRESSED BY SIR MICHAEL O'DWYER ON EX-KING AMANULLAH OF AFGHANISTAN.

441. ***Mr. Gaya Prasad Singh:** (a) Has the attention of Government been drawn to the following opinion expressed by Sir Michael O'Dwyer, and published in the *Statesman*, dated the 23rd January, 1929, regarding the ex-King Amanullah of Afghanistan?

"Firstly he usurped the Afghan throne; secondly, he made a most treacherous attack in April, 1919, on India, then in its weakest state owing to the absence of the best part of the British Indian Army."

(b) Do Government endorse that view? If not, what steps do they propose to take against Sir Michael O'Dwyer?

Sir Denys Bray: Yes, Sir. I am sure the Honourable Member will appreciate my inability to enter into a historical disquisition on such a matter at such a time.

Mr. Gaya Prasad Singh: Are Government aware that such writings are calculated to rouse the feelings of Hindus and Muslims, as well as jeopardise our relationship with Afghanistan?

CIRCULATION IN BRITISH INDIA OF LOTTERY TICKETS ISSUED IN INDIAN STATES.

442. ***Mr. Vidya Sagar Pandya:** (a) Are Government aware that lottery tickets issued in the Indian States are still circulated in British India?

(b) What steps have Government taken to check the circulation in British India of literature on such lotteries?

The Honourable Mr. J. Crerar: (a) Instances have come to the notice of the Government of India.

(b) Durbars are aware that the Government of India, discountenance circulation in British India of circulars or tickets relating to lotteries, and the transmission by post of such circulars has been prohibited.

Mr. Lalchand Navalrai: May I request your permission, Sir, to put this question (No. 443) which stands in the name of the Honourable Haji Abdoola Haroon?

Mr. President: Why should I give the permission?

Mr. Lalchand Navalrai: I request your permission under Standing Order 19 of the Legislative Assembly Standing Orders which runs thus:

"If on a question being called it is not put or the member in whose name it stands is absent, the President, at the request of any member, may direct that the answer to it be given."

I am submitting that I do not insist on asking this question on behalf of the Honourable Haji Abdoola Haroon, but I adopt it as my question and request your permission to put the same.

Mr. President: I refuse the permission.

CUSTOMS DUTY CHARGED ON FREE SAMPLES.

†443. ***Haji Abdoola Haroon:** (a) Will Government be pleased to state whether their attention has been drawn to an article under the caption of "Duty on Free Samples" published in the *Daily Gazette* of Karachi, in its issue dated 24th January, 1929, in connection with customs and postal duties charged on free samples?

(b) If the reply to part (a) is in the affirmative, will Government be pleased to state what steps they propose to take in the matter?

The Honourable Sir George Schuster: (a) Yes.

(b) The writer of the article criticizes the levy of a uniform postal fee on foreign postal articles, regardless of size or amount of duty involved, and makes two suggestions. Firstly, that the postal fee on articles on which the duty recoverable is less than Re. 1 should be waived and, secondly, that duty on postage on such articles should be remitted.

With regard to the first suggestion the work which the post office has to do in connection with articles conveyed by post into British India, and on which customs duty is charged, is substantial and is the same irrespective of the amount of duty recoverable. Government therefore consider that it is reasonable to levy a fee of annas 4 in all cases in which duty is actually charged and that there are no grounds for exempting articles on which the duty is less than Re. 1 from payment of the fee.

With regard to the second suggestion, the postage covering an article represents part of its value as defined in Section 30 of the Sea Customs Act and Government cannot agree that the value of any article assessable to duty *ad valorem* should be calculated in any other manner than that prescribed by the Act.

CUSTOMS DUTY CHARGED ON OLD CLOTHES IMPORTED INTO INDIA.

†444. ***Haji Abdoola Haroon:** (a) Are Government aware that, under the Indian Customs Tariff, Schedule II, Import Tariff, under Serial No. 59, and No. 85 in Statutory Schedule, the Customs authorities charge 15 per cent. *ad valorem* duty on old second-hand warm clothing which is imported from the United Kingdom and America?

(b) If the answer to part (a) is in the affirmative, what amount did Government realise as duty in the years 1924-25, 1925-26 and 1926-27?

(c) Are Government aware that the cost price of this second-hand warm clothing is from 3d. for waist-coats to about 3sh. for over-coats?

(d) Are Government aware that this second-hand clothing is worn in winter by the poor class of people—labourers and cultivators—in Sind, Punjab, and all over India, to protect themselves from the severe cold?

(e) Do Government propose to make this second-hand clothing free of duty in order to give relief to the poor people throughout India?

The Honourable Sir George Rainy: (a) Yes.

† This question was not put, owing to the absence of the questioner.

(b) The duty collected on old second-hand warm clothing imported from the United Kingdom and America is not separately recorded in the statistics.

(c) and (d). Government have no information.

(e) Government do not propose to remove the duty.

OPENING OF A BRANCH POST OFFICE AT SINDHRI IN KHIRPO TALUKA.

†445. ***Haji Abdoola Haroon:** (a) Will Government be pleased to state whether their attention has been drawn to a leading note under the caption "For Perusal of Deputy Post Master General, Sind and Baluchistan Circle" published in the *Al Ishlah* of Mirpurkhas in its issue, dated 17th January 1929, in which the attention of the authorities concerned is drawn to the need of opening a branch post office at Sindhri in Khirpo Taluka of the Thar and Parkar District?

(b) If the reply to part (a) is in the affirmative, what steps do Government propose to take in the matter?

Mr. H. A. Sams: (a) Government have not seen the paper to which the Honourable Member refers. They understand, however, that the local postal authorities have not been approached on the subject of opening a branch post office at Sindhri.

(b) The Director, Posts and Telegraphs, Karachi, will be asked to examine the necessity for opening an office, and if he is satisfied that a post office is actually required, it will be opened when this becomes possible.

EXTENSION TO BACKWARD CHRISTIAN CONVERTS OF EDUCATIONAL BENEFITS CONFERRED ON OTHER MEMBERS OF THE DEPRESSED CLASSES.

446. ***The Revd. J. C. Chatterjee:** (a) Has the attention of Government been called to a resolution passed unanimously at the annual session of the all-India Conference of Indian Christians held at Madras in December last as follows:

"This Conference requests the Central and the Provincial Governments that in their efforts for the amelioration of the social and economic condition of the backward and depressed classes, no discrimination be made between the Christian and non-Christian section of the backward and depressed classes?"

(b) Will Government be pleased to state if they are prepared to extend to Christian converts from the depressed classes, still in a backward condition, the special educational and other benefits extended to members of the depressed classes?

Mr. G. S. Bajpai: (a) Yes.

(b) The matter is primarily one for Local Governments and Administrations, to whom a copy of the question will be communicated. So far as the areas directly under the Government of India are concerned, the Honourable Member's suggestion will be considered.

COMMUNITIES DESCRIBED AS DEPRESSED CLASSES.

447. ***The Revd. J. C. Chatterjee:** Will Government be pleased to state what class and communities of persons are classed as the depressed classes?

The Honourable Mr. J. Ozerar: The Honourable Member is referred to the reply which I gave on the 4th September 1928 to the late Lala Lajpat Rai's question No. 1.

† This question was not put, owing to the absence of the questioner.

DEBARRING OF MEMBERS OF CERTAIN COMMUNITIES FROM EMPLOYMENT IN THE REGULAR POLICE FORCE.

448. ***The Revd. J. C. Chatterjee:** Will Government be pleased to state, members of certain communities are debarred from recruitment into the regular police force?

The Honourable Mr. J. Orerar: I assume that the Honourable Member refers to the police forces of the areas administered directly by the Government of India. The only persons who may not be recruited without special sanction are members of recognised mental or criminal classes.

EXCLUSION OF INDIAN CHRISTIANS FROM EMPLOYMENT AS CONSTABLES IN THE PUNJAB POLICE.

449. **The Revd. J. C. Chatterjee:** (a) Is it a fact that departmental rules exist prohibiting the recruitment as constables of Indian Christians into the regular police force in the Punjab?

(b) If the answer to the above question be in the affirmative, will Government be pleased to state their reasons for the exclusion of members of the Indian Christian community from the Punjab police force?

The Honourable Mr. J. Orerar: (a) The Government of India have no information to this effect.

(b) The composition of the subordinate ranks of the police forces is a matter for the decision of Local Governments.

The Revd. J. C. Chatterjee: If information can be furnished of the existence of this circular, am I to understand that the Government of India cannot interfere in a circular of this kind issued by the Provincial Government?

The Honourable Mr. J. Orerar: I am not aware of the circular which the Honourable Member refers to. But so far as recruitment to the subordinate ranks of provincial services is concerned, it is obvious that the discretion must rest with the Local Government concerned.

The Revd. J. C. Chatterjee: My question really is whether Local Governments are empowered to exclude any community from recruitment to the subordinate ranks of the police?

The Honourable Mr. J. Orerar: I am not aware that any discrimination of that kind except to the extent which I have mentioned is in point of fact practised.

ALLEGED DISCHARGE OF SEPOYS AND NON-COMMISSIONED OFFICERS OF INDIAN REGIMENTS CONVERTED TO CHRISTIANITY.

450. ***The Revd. J. C. Chatterjee:** Is it a fact that sepoys or non-commissioned officers in Indian regiments are discharged, if they become converts to Christianity?

Mr. G. M. Young: Serving soldiers are not, as a matter of rule, discharged if they change their religion. But, as the Honourable Member is no doubt aware, units or sub-units of the Indian Army consist of homogeneous classes of men, having a common religion. If a man is converted to a religion different from that of his unit, the question of his discharge or transfer is likely to arise, both in his own interests and in those of his

fellow soldiers. The decision would depend, among other things, upon the man's personality, his position in the unit, and the circumstances accompanying his change of faith.

The Revd. J. C. Chatterjee: May I ask the Honourable Member that if such a discharge is necessitated by a man's conversion to another religion, do Government endeavour to find a place for such a person, if he has been discharged for no fault of his own, into another regiment?

Mr. G. M. Young: I am afraid that that is a hypothetical question which I cannot answer.

RENEWAL OF THE POST OF TALLYMAN AT RAMKRISTOPUR GOLA SIDING ON THE EAST INDIAN RAILWAY.

451. ***Rai Bahadur Tarit Bhusan Roy:** 1. Are Government aware that the abolition of the post of a tallyman at Ramkristopur Gola Siding with the East Indian Railway:

- (i) has caused inconveniences to the rice merchants of Ramkristopur (Howrah);
- (ii) has been detrimental to the interest of the rice merchants of the locality: and
- (iii) has been a source of trouble, damage, pilfering, shortage and other sorts of business losses to the local rice merchants?

2. Are Government aware that prior to the abolition of the post of the tallyman, there was, normally speaking, no complaint of shortages and pilfering, etc., on the part of the rice traders of the locality?

3. Will Government be pleased to state:

- (i) when the tallyman was first appointed;
- (ii) what were the reasons that led to the abolition of the said appointment?

4. (a) Will Government be pleased to state whether any representation was made by the local merchants to the Government of Bengal for the renewal of the appointment?

(b) If so, have Government considered the matter and what is their decision?

(c) Are Government considering the desirability of creating the appointment?

(d) If the answer to part (c) is in the negative, are the Government considering the desirability of inquiring into the matter?

5. Are Government aware that the jute mill-owners at Ramkristopur are all along enjoying the services of a tallyman, and if so, what are the reasons for such differential treatment?

Mr. A. A. L. Parsons: I am sending the Honourable Member such information on this matter as is in the possession of Government. If the consignees have any complaint to make about the present arrangements, they should represent the matter to the Agent.

**APPOINTMENT OF FIVE QUALIFIED INDIAN OFFICERS TO THE BREEDING
BRANCH OF THE ARMY REMOUNT DEPARTMENT.**

452. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Is it a fact that five unqualified Indian officers are working in the Breeding Branch of the Army Remount Department (Meerut area, Montgomery area, Jhenab area, Shahpur area and Rawalpindi Circle)?

(b) If so, do Government propose to take up five qualified Indian officers from the Indian Army Veterinary Corps?

Mr. G. M. Young: (a) Indian officers employed in horse breeding areas of the Army Remount Department are generally recruited from Indian Cavalry Regiments and are not required to possess expert veterinary knowledge. The main requirement is a thorough knowledge of horse and mule stock from the Army point of view, and their main duties are to assist the Circle Remount Officer in his dealings with the horse-breeders. Separate veterinary officers are provided for the purely veterinary duties of the Department.

(b) For the reasons already given, the answer is in the negative.

**INCREASED EMPLOYMENT OF MUSLIMS IN THE RAILWAY MAIL SERVICE,
NORTHERN CIRCLE, AMBALA.**

453. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Is it a fact that the staff of the Northern Circle, Railway Mail Service, Ambala, with 4 Divisions consists of establishment as below?

	Total.	Hindus.	Muhammadans.
Superintendents	5	4	1
Inspectors	32	22	10
Upper selection grade (H. R. C.) (250—20—350)	4	4	..
Lower selection grade (160—10—250)	26	22	4
Nominated candidates for Inspector- ship selection grade examination to be held in March 1929	128	103	25

(b) If so, do Government propose to make up the deficiency of the number of Muslims in the Railway Mail Service, Northern Circle, Ambala, where they are poorly represented?

The Honourable Sir Bhupendra Nath Mitra: (a) The figures quoted by the Honourable Member are not altogether correct. Of the five Superintendents, two are Hindus, one is a Sikh, one a Muslim, and one an Anglo-Indian, while the correct total of the candidates nominated for the selection-grade examination is 112, of whom 85 are Hindus and 27 Muslims. I would add that the former examination for Inspectors and Superintendents' head clerks has been merged into the proposed new examination the details of which are under further consideration. The date of the examination has been postponed.

(b) No; the Honourable Member is referred to the reply given by the Honourable Mr. McWatters to Starred Questions Nos. 72, 73, 75, 78 and 201 on the 5th September, 1928, by Mr. Anwar-ul-Azim.

**EMPLOYMENT OF MUSLIMS AS INSPECTORS IN THE RAILWAY MAIL SERVICE,
NORTHERN CIRCLE, AMBALA.**

454. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** Is it a fact that the selection for the Inspector's examination has been made according to seniority, in terms of Director General's Circular No. 10, dated 24th May, 1928, by which the Hindus have been selected in great number, and the Muslims who were already on the list of selected candidates have been refused admission?

Mr. H. A. Sams: According to the Director-General's Circular there is no separate examination for Inspectors, whose appointments are open to all those who enter the lowest selection grade. Candidates to appear at the examination will be in order of seniority according as they are shown in the different Circle gradation lists. No communal discrimination is therefore likely to occur.

**EMPLOYMENT OF MUSLIMS AS SORTERS AND CLERKS IN THE RAILWAY MAIL
SERVICE, NORTHERN CIRCLE.**

455. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** Will Government please state how many applications of Muslim qualified candidates for the posts of sorters and clerks in the Railway Mail Service, Northern Circle, and Posts and Telegraph offices in the Punjab Circle were received during the year 1927 and 1928 and how many of them were accepted?

Mr. H. A. Sams: Government have no information nor would it be possible to supply it, as no record of rejected applications is ordinarily kept.

**EMPLOYMENT OF MUSLIMS AS INSPECTORS IN THE RAILWAY MAIL SERVICE,
NORTHERN CIRCLE.**

456. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah:** (a) Is it a fact that a list of candidates to appear at the Examination for Railway Mail Service, Inspectorship, Northern Circle, to be held on 18th and 19th February, 1929, was prepared, but subsequently the above examination was postponed to be held in March, 1929, while the names of the Muslim candidates entered in that list have not been included in the newly prepared list?

(b) Is it also a fact that plucked candidate Bal Kishan, clerk, Superintendent, Railway Mail Service, Lahore Division, has been promoted to the lower subordinate grade to work as head clerk in the same office, without appearing in any test required, while senior Muslim hands were available for the job.

Mr. H. A. Sams: (a) The examination to which the Honourable Member refers has, for the time being, been postponed and the conditions for the selection of candidates to appear in it are still under the consideration of Government, but there will be no difference between the treatment of Muslims and that of other candidates.

(b) I have no information. If any official considers that his claim for promotion has been improperly disregarded he can represent his case through the usual channel.

ADMISSION OF MUSLIMS TO THE EXAMINATION FOR INSPECTORS IN THE RAILWAY MAIL SERVICE, NORTHERN CIRCLE.

457. *Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: Does the Honourable Member in charge, who has on many an occasion given a promise to the Muslim Members on the floor of this House that undue preponderance of one community will not be tolerated, propose to look into the rights of the Muslims in the coming examination to be held in March, 1929, for selecting Inspectors?

The Honourable Sir Bhupendra Nath Mitra: I think the Honourable Member will find that any assurances given by me referred to the question of recruitment, and did not distinguish between the claims to consideration of Muslims and those of other minority communities. As was explained by Mr. McWatters in reply to a series of questions asked by Mr. Anwar-ul-Azim on the 5th September last, communal considerations do not come into operation when it is a question of making promotions. The question of the examination for the selection grade is still under consideration and it will not be held in March 1929. The examination is not being held specially for Inspectors.

NUMBER OF TOWNS AND VILLAGES IN BRITISH INDIA, WITH THEIR POPULATIONS.

458. *Mr. M. K. Acharya: Will Government be pleased to state the total number of towns and of villages in each Province of British India, together with the total urban and rural population in each Province, in 1911, and 1921?

The Honourable Mr. J. Crerar: The Honourable Member is referred to Table I in Part II of Volume I of the Census of India, 1911 and 1921. A copy of these Reports is in the Library of the Assembly.

DEVELOPMENT OF SELF-GOVERNING INSTITUTIONS IN RURAL AREAS.

459. *Mr. M. K. Acharya: Will Government be pleased to state:

(a) What general instructions, if any, have been issued to Provincial Governments regarding the development of Self-Governing institutions in rural areas?

(b) Whether any periodical reports have been received from Provincial Governments on the subject; and whether such reports are available to the Members of the Central Legislature?

Mr. G. S. Bajpai: (a) The Honourable Member is referred to the Government of India Department of Education Resolution Nos. 55—77, dated the 28th April 1915, and No. 41, dated the 16th May 1918, which were published in the Supplement to the Gazette of India dated the 1st May 1915 and 25th May 1918, respectively. For the convenience of Honourable Members I have had copies of these Resolutions placed in the Library of the House.

(b) The Government of India receive from Provincial Governments copies of their annual reports on the working of local bodies such as municipal committees, district boards, etc. In 1923, 1924 and 1927 they also received from Local Governments special reports on the working of the

Reformed Constitution, which contained some information about the working of local bodies. All these reports are priced publications and are available to Members of the Central Legislature.

REVENUE AND EXPENDITURE OF THE POSTAL AND TELEGRAPH DEPARTMENTS.

460. *Mr. M. K. Acharya: Will Government be pleased to state:

(a) The total revenue and expenditure during the past three years from the Postal and from the Telegraph departments respectively?

(b) The total number of (1) State, (2) Private, and (3) Press messages during the past three years; and the annual revenue from each class of message?

Mr. H. A. Sams: As the reply to the question consists of figures which could not be followed conveniently, if read out, a statement furnishing the required information will be furnished to the Honourable Member.

APPOINTMENT OF THE DISTRICT INSPECTOR OF SCHOOLS, DELHI, AS SECRETARY OF THE TEXT-BOOK COMMITTEE, DELHI.

461. *Lala Rang Behari Lal: (a) Is it a fact that a Text-Book Committee has been constituted in Delhi, with the District Inspector of Schools, Delhi, as its Secretary getting an allowance of Rs. 40 per month?

(b) Will Government kindly state from which date the Secretary has been drawing his allowance, and what is his staff, and what has been the monthly expenditure on the same?

(c) Will Government kindly state since when the Committee has been functioning and how many meetings of the General Committee have been held and when?

(d) Have any meetings of the Sub-Committees been held? If so, how many and when, and how many books have been considered by the sub-committees, and how many by the Text-Book Committee up till now?

(e) Is it a fact that a grant of Rs. 2,000 was sanctioned for a Text-Book Committee Library in the last financial year, but the same was allowed to lapse?

(f) Is it a fact that a non-official gentleman (retired Principal of an intermediate college) had offered to act as secretary on the same allowance, but was not taken and the District Inspector, an official, was appointed?

Mr. G. S. Bajpai: (a) Yes.

(b) From 25th November 1927. The staff consists of a part-time clerk and a daftri. The monthly expenditure on the staff amounts to Rs. 25 (excluding the Secretary's allowance).

(c) Since 21st May 1928. Only one meeting of the General Committee was held on 21st May 1928.

(d) Yes, seven meetings. Four on 8th November 1928 and three on 28th January 1929. Fifty books were considered by the Sub-Committees. The Text-Book Committee has not considered any of them up till now. They will be put before the Text-Book Committee at the end of the year.

(e) Yes.

(f) Yes.

RECRUITMENT OF SENIOR ACCOUNTANTS TO THE NEW ACCOUNTS OFFICE
OF THE NORTH WESTERN RAILWAY.

462. ***Lala Rang Behari Lal:** (a) Has the attention of Government been drawn to the *Hindustan Times*, page 2, dated the 6th January, 1929, in connection with the separation of Audit and Accounts on the North Western Railway?

(b) Will Government be pleased to state the policy it is pursuing in connection with the recruitment of the new accounts offices in regard to:

- (i) assistant accounts officers,
- (ii) senior accountants,
- (iii) junior accountants,
- (iv) assistant superintendents,
- (v) sub-heads,
- (vi) senior clerks, and
- (vii) junior clerks?

(c) Is it a fact that certain men have been appointed as senior accountants without their passing any railway accounts examination prescribed for either by Agent or Audit?

(d) Will Government be pleased to state:

- (i) what was their job prior to their appointment as senior accountants,
- (ii) what pay they were drawing before, and
- (iii) what has been allowed now?

Mr. A. A. L. Parsons: (a) Yes, by the Honourable Member's question.

(b) The policy is laid down in Annexure D of the Memorandum by the Financial Commissioner, Railways, on the proposal to adopt, as a permanent measure, the system of separation of Accounts from Audit on Indian Railways, which has been approved by the standing Finance Committee for Railways.

(c) and (d) None were appointed to any office where the passing of an examination before such appointment was required by rules or orders.

NOMINATION OF SUB-HEADS OF DIVISIONAL ACCOUNTS BRANCHES OF THE
NORTH WESTERN RAILWAY FOR TRAINING AT THE SCHOOL FOR
ACCOUNTANTS AT CALCUTTA.

463. ***Lala Rang Behari Lal:** Are Government aware that, in the old engineering districts of the North Western Railway, there used to be accounts clerks who were getting Rs. 20 as duty allowance (sanctioned by the Railway Board), in addition to their class pay, and that they are fully acquainted with the details of accounts work in divisions and are at present working as sub-heads in the existing Divisional Accounts Branch with more staff working under them, as compared with the sub-heads, assistant superintendents and junior accountants of the Audit offices? Will the Government be pleased to state the reasons for altogether ignoring these sub-heads and other capable clerks of the Divisional Accounts Branch for nomination to Calcutta Training School?

Mr. A. A. L. Parsons: With your permission, Sir, I propose to reply to questions Nos. 463, 464 and 466 together.

Candidates for the Training School for Accountants at Calcutta were selected from a list of employees nominated by heads of accounts offices as persons most likely to prove useful accountants. In making the selections, all classes of employees in railway accounts offices were considered, but preference was given to young men possessing high educational qualifications. The older man, who have experience, are to be permitted to appear for the examination prescribed for candidates of the Training School, provided the head of the office, in which each such an employee serves, considers that he has a reasonable chance of passing the examination.

SELECTION OF AUDIT CLERKS FOR TRAINING AT THE SCHOOL FOR
ACCOUNTANTS AT CALCUTTA.

†464. ***Lala Rang Behari Lal:** Are the Government aware that amongst the audit clerks so selected for training at Calcutta there are certain people who though M. A., etc., failed in the accounts examination, held by the Agent, North Western Railway, each year and that they have been selected in preference to Class II and III clerks of the Divisional Accounts Branch although the latter beat them in competition in the above Examination?

APPOINTMENT OF DIVISIONAL ACCOUNTANTS AND HEAD ACCOUNTS CLERKS
AS ASSISTANT ACCOUNTS OFFICER, ETC.

465. ***Lala Rang Behari Lal:** Will the Government be pleased to state if they will take steps to safeguard the interests of the divisional accountants or head accounts clerks and their sub-heads and other senior clerks employed in the Divisional Accounts Branches in making appointments for the posts of assistant accounts officer, senior accountants, assistant superintendents and sub-heads, which have so far been filled up by nomination from Audit Offices or Railway Board Offices only?

Mr. A. A. L. Parsons: The Honourable Member is referred to the answer to part (b) of his question No. 462. The interests of every class of employee of the Accounts Offices have received and will continue to receive proper consideration.

SELECTION OF CLERKS OF DIVISIONAL ACCOUNTS BRANCHES FOR TRAINING
AT CALCUTTA.

†466. ***Lala Rang Behari Lal:** Will the Government be pleased to state the reasons for a wholesale exclusion of the staff employed in the Divisional Accounts Branches? Is it a fact that the men who have been sent to Calcutta do not possess initial knowledge of executive accounts work as the Divisional Accounts Branch staff have?

THREATENED DEPORTATION OF COLOURED SEAMEN FROM CARDIFF.

467. ***Dr. B. S. Moonje:** (a) Has the attention of the Government been drawn to what has appeared in the *Hindustan Times* of Saturday, January 26th, 1929, page 12, under the heading "Racial prejudice at Cardiff: White men's agitation against coloured seamen and threat of deportation"?

† For answer to this question, see answer to question No. 463.

(b) If so, are Government prepared to make enquiries and state if there are Indians also amongst the coloured seamen?

(c) If it is a fact that the Home Office threatened to deport them, has the attention of Government been drawn to the following remark of the Chief Constable Wilson "we were crowded out by the coloured men. However we have made it so hot for them that they are leaving"?

(d) Will the Government be pleased to state the offence of the coloured seamen in detail which made them liable to the threat of deportation?

The Honourable Sir George Rainy: (a) The Government have seen the paragraph.

(b), (c) and (d). Government have no information, but enquiries are being made and the result will be communicated to the Honourable Member as soon as possible.

STRENGTH AND ANNUAL COST OF THE PERSONNEL OF TWO SQUADRONS OF THE ROYAL AIR FORCE RECENTLY SENT TO INDIA.

468. ***Dr. B. S. Moonje:** (a) Will the Government be pleased to state if the two squadrons of the Royal Air Force which were to be sent from England have arrived in India, and if so, of how many men each squadron is constituted?

(b) Of the men in each squadron, how many are officers, commissioned and non-commissioned, and how many rank and file?

(c) What is the total yearly cost to the Indian treasury of the individual officer and of the individual rank and file?

Mr. G. M. Young: (a) The two squadrons arrived in India on January 19th. The strength of each is 58.

(b) 12 officers, 15 warrant and non-commissioned officers and 31 other ranks.

(c) The average pay of an officer is Rs. 9,155 a year and that of an airman Rs. 2,141.

ADDITION OF AN AIR FORCE SECTION TO THE INDIAN TERRITORIAL FORCE.

469. ***Dr. B. S. Moonje:** Will the Government be pleased to state if it is proposed to raise air force sections of the Territorial Force organisation, so that India may not have to import such squadrons from England in future at a heavy cost?

Mr. G. M. Young: The answer is in the negative. My Honourable friend is aware that Government have taken all necessary steps to raise an Indian regular air squadron, and that it only remains for Indians to come forward and qualify as flying officers. Until this unit is in existence, or, in the alternative, until civil aviation in India has reached a more advanced stage, it would be, in the opinion of Government, a sheer waste of money to organise a territorial force air unit. Even if such units could be formed, they could not be substituted for regular units of the Royal Air Force.

Dr. B. S. Moonje: Why should not the Government be prepared to raise, when it feels the necessity, and train one air force squadron in India, especially when it is cheaper?

Mr. G. M. Young: The answer to that question is that a unit of the kind that my Honourable friend recommends would neither be cheap nor an accession of strength to the Royal Air Force.

Dr. B. S. Moonje: Does the Honourable Member know that we had proof during the last Budget debate that the cost of the Indian rank and file is cheaper than that of the British rank and file?

Mr. G. M. Young: That is, I think, a matter of opinion.

Dr. B. S. Moonje: It is a question of fact, Sir, which has been proved during the Budget debate in the last Session. Therefore, I say it is cheap. Why should not the Government go in for the cheaper things instead of for costly ones?

Mr. G. M. Young: I still think, Sir, that it is a matter of opinion whether while what my Honourable friend says is a matter of fact.

CIRCUMSTANCES OF BOMBING ACCIDENT NEAR PESHAWAR.

470. ***Dr. B. S. Moonje:** (a) Will the Government be pleased to state in detail the circumstances under which the 17th Poona Horse came to be bombed from a machine of the Royal Air Force, mentioning the exact number of casualties, both in killed and wounded, with their names and ranks?

(b) Will Government be pleased to state if it was merely an accident, or if it was due to any action deserving punishment under the Army Act, and if so, what punishment has been meted out and to how many, mentioning their names and ranks?

(c) Do Government propose to provide adequately for the families of the killed and the wounded, and if so, how?

Mr. G. M. Young: I have prepared a statement in answer to this question, Sir, and to question No. 498. It is very long, and I do not know if Honourable Members would prefer that I should lay it on the table or read it out to the House.

Mr. President: If it is very long, it may be placed on the table.

Dr. B. S. Moonje: I should prefer, Sir, to have it read; because we may then be better able to put supplementary questions based on the answer.

Mr. President: All right.

Mr. G. M. Young: With your permission, Sir, I propose to answer this question and question No. 498 together, and to take this opportunity of making a full statement to the House. His Excellency the Commander-in-Chief has received and considered the report of the Court of Inquiry appointed to investigate the terrible accident that occurred at Peshawar on the 23rd January. The story of the accident is as follows:

Bombing practice with live bombs is part of the normal training in units of the Royal Air Force, and is regularly carried out by them over areas of ground which are reserved as bombing ranges in the same way as artillery and rifle ranges are reserved for use by artillery and troops of the line. There is a bombing range in the neighbourhood of Jamrud which is used by the Royal Air Force stationed in Peshawar. It had been decided, by the local Air Force authorities, that bombing practice should be carried

out on this range on the 21st, 22nd, 23rd and 25th of January. On such occasions the Royal Air Force unit concerned is responsible for taking certain preliminary steps. It has to notify the District Magistrate and obtain from him a statement that there is no objection to bombing taking place on the range on the dates mentioned. It has further to notify the Superintendent of Police, the Tehsildar, and the local military headquarters, in order that human beings and cattle may be safely cleared off the ground before practice begins, and in order that both the civil and military authorities in the station may be made aware of the fact that bombing is to take place. All these precautions were duly complied with on January the 12th by the Officer Commanding, No. 20 Army Co-operation Squadron, the unit of the Royal Air Force concerned: and in addition a copy of the notice was sent direct to the Officer Commanding, Poona Horse, as that regiment would be required, in accordance with the usual procedure, to provide four troopers and a non-commissioned officer to help in clearing the danger area of human beings and cattle at the times and on the dates mentioned. Notice of the bombing practice appeared, in the ordinary course, in the local military Orders of the 16th January.

Some days later, it was decided, at short notice, by the local Armoured Car authorities, to repeat, for the benefit of an inspecting officer, a tactical exercise, which had been carried out by an armoured car company, over a large area, which included the Royal Air Force bombing range, on January the 11th. A feature of this exercise on both occasions was that a squadron of cavalry should enact the rôle of a party of raiders, supposed, for the purpose of the exercise, to be escaping from Peshawar over the border. It was the function of the armoured car company engaged in this exercise to cut off the supposed raiders before they could have made their way into tribal territory. Arrangements were accordingly made, by the officer commanding the armoured car company in Peshawar, through the authorities concerned, for the repetition of the tactical exercise which I have described, to take place on the 23rd January, which was the third of the dates already notified for bombing practice by the Royal Air Force on their bombing range. On the morning of the 23rd, the Safety Officer, that is, the officer of the Royal Air Force who was detailed to supervise the clearing of the bombing range for live bomb practice, went down early to the range, where he met the four sowars and the non-commissioned officer who had been sent to help him. It was raining, and the lorry which should have brought the Air Force personnel required for duties on the ground during bombing practice, as well as the signals which are used on such occasions, had not arrived. The Safety Officer thereupon went back to the aerodrome at Peshawar, a distance of four miles, on his bicycle. He found the delay to have been due to the fact that weather conditions were not very good, and that it had not yet been decided whether bombing practice would take place that morning or not. While he was there, a machine was sent up to test the weather. The Safety Officer was meanwhile told to return to the range and clear it, and, if no bombing had taken place by 10-30, to pack up and return. This was at about 9 o'clock. The Safety Officer accordingly returned to the bombing range, this time in a tender accompanied by two armourers and an Indian driver, taking with him the signals required on the range. He made his preparations for clearing the range, and sent out the sowars to remove any cattle and human beings that might be on the ground. At that moment "C" Squadron of the Poona Horse, which had been detailed for the tactical exercise, appeared, with two British officers,

neither of whom appears to have known that bombing practice was to take place that day. The party were anxious to get across to the other side of the bombing range in order to carry out their part in the exercise. After some colloquy, the Safety Officer agreed to the Squadron crossing the ground, as there was ample time for it to do this before the range was cleared. The squadron accordingly moved off, led by the two British officers, to cross the range. Meanwhile the Safety Officer proceeded to lay out upon the ground a signal, which would be read by any aeroplane coming over the bombing range, and which means—"await further signal: do not bomb." He had only just finished doing this when a bomb fell from an aeroplane on to the squadron, which was now some distance away, but still crossing the danger area. The officer who was piloting the aeroplane had arrived immediately before at a height of 4,000 feet over the bombing range, and had mistaken the signal to wait, for the signal which means—"All clear". This officer had, it would seem, good reason to suppose that the ground would have been cleared by the time that he arrived. The men of the squadron were dressed in khaki overcoats as it was raining, and wore white turbans. They were not seen by either of the two occupants of the aeroplane: and a very careful reconstruction of the accident convinced the Court of Inquiry that the squadron thus clad could not have been seen from that altitude in the conditions prevailing. Both the occupants had their eyes fixed on the target from which the squadron was then about 200 yards distant. The bomb overshot the target and falling as it did upon the squadron in close formation, caused fearful havoc. Three Indian officers and 10 non-commissioned officers and sowars were either killed on the spot or succumbed to their injuries the same day: 12 non-commissioned officers and sowars were injured, of whom 3 subsequently died in hospital. 16 horses were killed, 15 were injured, and had to be destroyed. Medical aid was rushed to the spot as quickly as possible, and everything that could be done for the injured was done. The next of kin of the deceased were informed without delay both by telegram and by letter, and shortly afterwards messages of sympathy from His Excellency the Viceroy, the Secretaries of State for India, War and Air, His Excellency the Commander-in-Chief, the General Officer Commanding-in-Chief, Northern Command, and the Air Officer Commanding, Royal Air Force in India, were received and conveyed to them. The Government of India considered immediately the question whether special compensation or gratuities should be paid to the heirs of those who were killed, and also to those who were permanently injured. Under the ordinary rules, both these categories are entitled to pensions on an adequate scale; and the pensions will be issued in the ordinary course. In addition, the Government of India have decided to grant to the heirs of the three Indian officers who have been killed gratuities on the same scale as are admissible when death is caused by active service, namely, Rs. 1,200 to the heirs of Risaldars, and Rs. 600 each to the heirs of Jemadars. They are also sanctioning gratuities of Rs. 200 each to the heirs of the non-commissioned officers and sowars. For such of the injured as may have to be discharged to pension, they are sanctioning disability pensions at a special rate, instead of the ordinary rate.

From the information at present before them, Government are provisionally of the opinion that the following were the principal contributory causes of the accident:

Firstly, the fact that certain authorities who had at different times received information both of the forthcoming bombing practice on the 23rd

January and of the intended tactical exercise which was to be held in the vicinity on the same day failed to connect these two events in their minds. It was this failure of memory and co-ordination that, in the first instance, apparently rendered the accident possible.

Secondly, the despatch of the bombing aeroplane over the range before there had been time to clear the range.

Thirdly, the mistaking of the warning signal for the signal that all was clear.

The Court of Inquiry has found certain officers to blame in connexion with the causes that I have mentioned. His Excellency the Commander-in-Chief has most carefully considered the proceedings of the Court of Inquiry and the opinions of the local commanders, and has decided that summaries of evidence should be prepared with a view to the trial of certain officers by court-martial. To some extent the disaster may be found attributable to a combination of mischances, against which no amount of forethought could have prevailed. On the other hand, it may be found due, also, to failure in judgment on the part of individuals, or, to some defect in the prescribed system of safeguards. I would ask Honourable Members of this House, and through them, the Press and the public, not to form too hasty conclusions, and, above all, not to express opinions or conjectures that might in any way prejudice the judicial proceedings.

I need hardly add, Sir, that the sympathies of the Government, and, I am sure, of the whole House, go out to the men who have been disabled, and to the widows and children of those who have perished so tragically and so suddenly, in the prime of their lives, and in the performance of their duty.

Dr. B. S. Moonje: Thank you.

Mr. President: Has the Honourable Member any supplementary questions to put?

Dr. B. S. Moonje: No, Sir. The Honourable Member has given a full report; that is why I thanked him.

ORGANISATION OF AN INDIAN BRANCH OF THE OLYMPIC GAMES.

471. *Dr. B. S. Moonje: (a) Have Government seen the report of Mr. Rosser on the achievements of the Indian Olympic hockey team and the review of his report as published in the papers on or about the 25th January, 1929?

(b) Are Government prepared to consider the question of organizing an Indian Branch of the Olympic Games as a part of the general scheme of physical training of Indian boys, and particularly with a view to secure recognition of the Indian Branch in the world organisation of the Olympic Games?

Mr. G. S. Bajpai: (a) Government have not seen the report of Mr. Rosser, but they have read a newspaper account of his review of the report.

(b) A body called the Indian Olympic Association already exists for the purpose of promoting public interest in Olympic Games, and for organising Indian teams to take part in these international competitions. Government have aided this Association financially on three occasions in the past that is to say, in 1920, in 1924 and in 1928. It is not understood

what particular form of recognition for this Association the Honourable Member desires to secure. By the fact of its participation in the last series of Olympic Games it already appears to have secured practical recognition for itself.

PROPORTION OF GENERAL SERVICE TELEGRAPHISTS TO STATION SERVICE TELEGRAPHISTS.

472. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state the proportion of the general service telegraphists to that of the station service telegraphists?

(b) Did the Ryan Committee recommend, as early as the year 1926, that the strength of the two services should be equal?

(c) If the present strength of the general service telegraphists be higher than that of station service telegraphists, what is the reason for not carrying out the recommendation of the Ryan Committee, and when do Government mean to carry out the proposal?

The Honourable Sir Bhupendra Nath Mitra: (a) On the 1st of January, 1929, there were in the service 4.2 general service telegraphists for every 1 station service telegraphist. If local service telegraphists (a vanishing class) are taken into account as station service telegraphists, the ratio was 3.7 to 1.

(b) The answer is in the affirmative.

(c) Government have accepted the recommendation of the Post and Telegraph Committee and this is being kept in view in regulating future recruitment. The Honourable Member will realize that it must take a considerable time before the results of a change in the methods of recruitment become apparent.

NUMBER OF SURPLUS TELEGRAPHISTS IN THE TELEGRAPH DEPARTMENT.

473. *Mr. Abdul Latif Sahib Farookhi: Will Government be pleased to state the present number of surplus telegraphists in the Telegraph Department, and when do Government expect them to be absorbed in the vacancies arising in the Department?

Mr. H. A. Sams: Eight on the 1st January, 1929.

It is expected that this small surplus will be absorbed in the immediate future.

RECOMMENDATIONS OF THE RYAN COMMITTEE TO REDUCE THE NUMBER OF NON-OPERATIVE TELEGRAPHISTS.

474. *Mr. Abdul Latif Sahib Farookhi: Will Government be pleased to state whether the recommendations of the Ryan Committee to reduce the number of non-operative telegraphists from 25 to 18 has since been carried out? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: The Ryan Committee recommended a reduction of 78 non-operative telegraphists. Government however found it necessary to retain telegraphists in certain of these posts and decided that only 55 should be brought under reduction. 35 appointments have accordingly been replaced by clerks and the remaining appointments will be reduced as the surplus staff of telegraphists is absorbed.

STANDARD OF OUTPUT OF TELEGRAPHISTS.

475. *Mr. Abdul Latif Sahib Farookhi: (a) What is the standard of output per day and per year for each telegraphist?

(b) Is the present establishment of the Telegraph Department fixed on the standard accepted by the Government on the recommendation of the Ryan Committee? If this is in excess, how many are in excess and what is the reason for it?

(c) Is it a fact that, on account of the varying conditions of the service, viz., pressure of work at certain portions of the day and less work during the rest of the day, the number of operations done by a telegraphist for four hours is taken as the basis for the sanction of a telegraphist? If the answer be in the negative, what is the basis for the sanction of a telegraphist?

The Honourable Sir Bhupendra Nath Mitra: (a) No fixed output of work is exacted from individual telegraphists, though the total strength of the telegraphists staff is determined on the basis described in reply to the following sections of this question.

(b) The Committee recommended the adoption of 47,000 signalling operations per telegraphist per annum as a standard for determining the total staff admissible in large offices. Government however, in consultation with the Director-General, decided to adopt a somewhat lower figure—45,000. It has not hitherto been possible to fix the actual strength of the department on this standard pending absorption on an excess number of telegraphists in the actual strength. On the 1st of January last there was an excess of only 8 signallers and this has probably disappeared since that date.

(c) The answer to the first part is in the negative. The admissible strength of the telegraphist staff is determined by dividing the total number of signalling operations in the preceding year by the standard figure—now 45,000—referred to above.

NUMBER OF DEPARTMENTAL TELEGRAPH OFFICES CONVERTED INTO COMBINED POSTS AND TELEGRAPH OFFICES.

476. *Mr. Abdul Latif Sahib Farookhi: Will Government be pleased to state, year by year, the number of departmental telegraph offices that have been converted into combined posts and telegraphs offices during the past three years, and whether there are any more departmental offices likely to be converted into combined offices?

Mr. H. A. Sams: The number of offices converted during the past three Calendar years is:

1926 ..	..	..	..	..	..	9
1927 ..	..	..	..	..	..	13
1928 ..	..	..	..	..	..	8

The reply to the second part of the question is in the affirmative.

EXEMPTION OF SENIOR POSTAL CLERKS FROM THE EXAMINATION FOR PROMOTION TO SELECTION GRADE POSTS.

477. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state the procedure that was followed for the promotion of the postal clerks to the selection grade posts before the introduction of the new examination system?

(b) Does the introduction of the new examination system involve a change of the procedure and of the conditions of service, and does it interfere with the rights and prospects of the men already in service for a number of years and are on the verge of retirement?

(c) Did Government give an assurance to the Indian Telegraph Association at Calcutta, in their communication dated the 11th November, 1925, in connection with the threatened strike of the telegraphists that the pay and prospects of the existing members of the staff would not be adversely affected by any recommendation of the Ryan Committee, and that they would be prepared to consider sympathetically measures to prevent any material hardship to the existing members of the staff?

(d) Are Government prepared to reconsider the question of the examination, and exempt all senior officials of over 40 years from the examination? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Until the examination is held, promotion is made by selection, except in the case of the special cadre of Inspectors and Head Clerks to Superintendents where a departmental examination is prescribed.

(b) The new system does not involve a change in the conditions of service or the rights of the staff. It introduces a new and more satisfactory procedure for making selection and does not affect the prospects of promotion of individuals for whom the selection grade posts are intended.

(c) Yes. Such an assurance was given with reference to the staff affected by the adoption by Government of recommendations of the Posts and Telegraphs Committee.

(d) The answer is in the negative.

COMPENSATORY ALLOWANCES TO NON-GAZETTED SUBORDINATES OF THE POSTS AND TELEGRAPHS DEPARTMENT.

478. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to lay on the table a report of the manner in which the sum of Rs. 1,00,000, proposed to be spent for compensatory allowances to non-Gazetted subordinates of the Indian Posts and Telegraphs Department in the budget estimate of 1928-29, has been utilised during the year 1928-29?

(b) Has the detailed scheme for the grant of compensatory allowance been worked out for all provinces, and if not, in how many provinces has it been worked out?

(c) Will the scheme be brought into force from the next official year in the provinces where it has been completed? If not, why not?

Mr. H. A. Sams: (a) A statement showing the manner in which the special provision for compensatory allowance has been utilised during 1928-29 is laid on the table.

(b) No. Only for the Burma Circle.

(c) The scheme has already been introduced in the Burma Circle. Detailed schemes for other provinces are being worked out and will be introduced as soon as the necessary investigations are completed and provision can be made in the budget estimates of the Indian Posts and Telegraphs Department.

Statement showing the manner in which the sum of Rs. 1,00,000 proposed to be spent for Compensatory Allowances to Non-Gazetted Subordinates of the Indian Posts and Telegraphs Department in the Budget Estimate of 1928-29 has been utilised this year.

	Rs.
1. For the grant of house rent allowance to runners with effect from 1st May 1928	7,000 (A)
2. For the grant of compensatory allowance in Burma with effect from 1st January 1929	11,000 (B)
3. Unspent balance of grant which went to reduce the general excess under working expenses	82,000
	<u>1,00,000</u>

(A) The effect of this sanction is an annual expenditure of Rs. 8,400.

(B) The effect of this sanction is an annual expenditure of Rs. 66,000.

CUSTOMS EXAMINATION DEPARTMENT OF THE GENERAL POST OFFICE, MADRAS.

479. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state when the Customs Examination Department was constituted in the Madras General Post Office as a temporary measure and what was the strength of the clerical staff sanctioned for the department at that time?

(b) Is it a fact that the strength of the clerical establishment was reduced when the Director-General, Posts and Telegraphs, accorded permanent sanction?

(c) Is it a fact that the work has now considerably increased from what was at the time it was constituted?

(d) Is it a fact that the Presidency Postmaster, Madras, sent a proposal early last year for the increase in the establishment of the Department and that the proposal was scrutinised and sent to the Director-General by the Postmaster-General, Madras, for sanction?

(e) Is it a fact that the proposal is lying in the office of the Director-General, Posts and Telegraphs, pending the fixation of a formula for fixing the establishment of the Department?

(f) Is it a fact that there is a similar department in the Bombay General Post Office, and the establishment of that department has been based on the recommendations of a committee presided over by Mr. Ambe, Deputy Postmaster-General, Bombay?

(g) Is it a fact that the conditions of work of the two departments in Bombay and Madras are the same? If the answer be in the negative, what is the difference in the nature of work of the two offices?

(h) Do Government expect to come to an early decision in strengthening the establishment of the Customs Examination Department, Madras General Post Office?

Mr. H. A. Sams: (a) On 19th December, 1924 with 1 head clerk and 6 clerks.

(b) Yes. The work justified a reduced staff.

(c) and (d). The Postmaster-General reported an increase of 23·2 per cent. and the staff was correspondingly increased.

(e) No.

(f) The reply to the first part is in the affirmative and to the second in the negative.

(g) The reply to the first part is in the affirmative. The second part does not arise.

(h) The question of fixing a standard is under consideration and I hope will soon be settled, after which the strength of the department in Madras will be examined.

RECOVERY OF A POSTAL FEE ON FOREIGN PARCELS ON WHICH CUSTOMS DUTY IS LEVIED.

480. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state whether it is a fact that a postal fee of four annas is recovered from each foreign parcel on which customs duty is levied?

(b) Is the fee intended for the purpose of meeting the cost of the services rendered by the Postal Department in attending to the various duties connected with such parcels and for the recovery of the customs duty due on them?

(c) Is any other amount, apart from the above postal fee, recovered from the Customs Department for postal services rendered? If so, how much?

(d) Have Government had investigations made to find out whether the cost of the postal services rendered is covered by the postal fee realised from the parcels which are assessed to customs duty? If so, what is the result of such investigations?

(e) What was the amount of customs duty realised by the Postal Department during the year 1927-28 and what is the amount of postal fee realised during the same period?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The fee covers only part of such cost.

(c) Yes. The Customs Department credits the Post Office with 1½ per cent. of the total customs duty realised through the intermediary of the Post Office.

(d) Yes. Such investigations were made in 1923. The fee recovered at that time was 2 annas per article. It was found that it did not suffice to cover the expenses of the department; even the 4 anna fee does not do this.

(e) The gross amount of duty, including refunds, realised for the Customs Department in 1927-28 was a little over Rs. 85 lakhs. The postal fees amounted to Rs. 1,51,000.

INTRODUCTION OF THE "SPLIT DUTY" SYSTEM IN THE GENERAL POST OFFICE, MADRAS.

481. *Mr. Abdul Latif Sahib Farookhi: Will the Government be pleased to state whether it is a fact that there is no split duty for the postal clerks in the Bombay General Post Office? If the reply be in the negative, what is the number of officials employed in the Bombay General Post Office and how many are doing split duty? If the reply be in the affirmative, why is a similar system not followed in the Madras General Post Office?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part is in the affirmative. The second part, therefore, does not arise. With regard to the third part, the position in Madras will be reviewed by the Director-General of Posts and Telegraphs.

PAY OF GRADUATES AND UNDER GRADUATES APPOINTED TO THE POSTAL DEPARTMENT.

482. *Mr. Abdul Latif Sahib Farookhi: (a) Will the Government be pleased to state whether the graduates and undergraduates entertained in the Postal Department were hitherto started on the 5th and 8th stages of the time scale of pay?

(b) Is it a fact that the above concession enjoyed by these classes of people for many years has been recently withdrawn and they are started now on the initial pay of the time scale and if so for what reason?

(c) Have Government received any memorials from the aggrieved officials and from the All-India Postal and Railway Mail Service Union in the matter, and do they propose to restore the concession? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Orders cancelling the concession were issued because it was represented to Government that it is no longer necessary to offer special terms to attract graduates and undergraduates to the service. These orders have however been held in abeyance to some extent pending further consideration.

(c) Representations have been received. Government also re-opened the question of their own motion and are re-examining it.

PAYMENT OF HOUSE-RENT ALLOWANCE TO EMPLOYEES OF THE POSTAL DEPARTMENT.

483. *Mr. Abdul Latif Sahib Farookhi: (a) Is it a fact that house-rent allowance is paid to all officials of the Telegraph Department from the officers of the Superior Traffic Branch down to the telegraphists and if so for what purpose is it paid?

(b) Is it a fact that, except in the case of postmasters who are provided with free quarters, and the deputy and assistant postmasters in some principal cities like Calcutta, Bombay and Madras, the rest of the postal officials do not get any house-rent allowance? If so, what is the reason for not paying house-rent allowance to all officials of the Postal Department as in the case of the Telegraph Department?

(c) Is the non-payment of house-rent allowance one of the un-redressed grievances of the All-India Postal and Railway Mail Service Union, and if so, when do Government propose to redress this grievance?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The fact, in each case, is not as stated: the second parts of these questions therefore do not arise. Generally speaking, house-rent allowance is not paid to officials recruited on local rates of pay for service in particular localities.

(c) Yes, but Government are not prepared to admit that this is a real grievance requiring redress.

PAYMENT OF HOUSE-RENT ALLOWANCE TO OFFICERS OF THE POSTAL DEPARTMENT WHEN ON LEAVE.

484. *Mr. Abdul Latif Sahib Farookhi: (a) Is it a fact that the house-rent allowance is paid to all officials of the Telegraph Department when they are on leave?

(b) Is it a fact that the house-rent allowance is denied to the postal officials when they go on leave, and if so, why is such a discrimination made between the officials of the Postal and Telegraph Department and do Government propose to remove the anomaly early?

Mr. H. A. Sams: (a) and (b). The facts are not as understood by the Honourable Member. Both telegraph and postal officials who receive house-rent allowance on duty are allowed to draw this also when on leave, under appropriate regulations and restrictions.

PAYMENT OF AN ALLOWANCE TO SPECIAL POSTMEN ATTACHED TO THE GENERAL POST OFFICE, MADRAS.

485. *Mr. Abdul Latif Sahib Farookhi: (a) Is it a fact that there are some postmen in the Madras General Post Office intended specially for delivery of higher value insured articles?

(b) When and why was this new arrangement introduced in the Madras General Post Office and has it proved a success?

(c) Are these postmen required to furnish enhanced security than other postmen and what is the amount of security?

(d) Were they paid any allowance for furnishing enhanced security and for shouldering heavier responsibility and if so, what was the amount of allowance paid to them?

(e) Is it a fact that the special allowance has since been withdrawn, and if so, from what date and for what reasons?

(f) Are there similar appointments in the Calcutta, Bombay and Rangoon General Post Offices, and if so, what is the amount of security furnished by them and what is the allowance paid to them? Has the allowance paid at the above places also since withdrawn?

(g) Do Government propose to restore the allowance to the special postmen at Madras with retrospective effect from the date on which it was withdrawn, or do they intend to abolish the new system and revert to the old method of delivery of above-value articles?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, for the delivery of all insured articles irrespective of higher or lower value in some selected areas.

(b) The system was introduced in 1927 to facilitate and expedite deliveries and has been working satisfactorily.

(c) Yes, at Rs. 2,000 each.

(d) Yes, at Rs. 10 each per mensem.

(e) The special pay has not been drawn since the 1st of May, 1928, as it was inadmissible under the revised scale of pay sanctioned by Government for postmen.

(f) The precise arrangements in force under the orders of the respective Postmasters-General in Calcutta, Bombay and Rangoon in respect of this matter are under enquiry; the Director-General proposes to re-examine the whole matter.

(g) Government do not propose to issue any orders pending discussion of the whole question with the Director-General after he has completed his investigation.

LEAVE AND PENSION TERMS FOR OFFICERS OF SUPERIOR AND SUBORDINATE SERVICES.

486. *Mr. Abdul Latif Sahib Farookhi: (a) Is it a fact that there is discrimination in favour of officials of the superior services regarding the privileges of leave and pension as compared with the men in subordinate services?

(b) Do Government propose to allow the men in the subordinate services to enjoy the same privilege regarding leave and pension as the men in superior services? If not, why not?

The Honourable Sir George Schuster: (a) I am not sure what the Honourable Member has in mind when he speaks of the superior services and the subordinate services. The only distinction to be found in the leave rules is the distinction between officers of Asiatic domicile and officers of non-Asiatic domicile: there is no discrimination in favour of the higher services as such, except that inferior servants, if there be no leave reserve in the establishment on which they are serving, have their leave allowances reduced if cost is incurred in arranging for the discharge of their duties during their absence. In most cases the reduction does not exceed one-half of the pay of the absentee.

In the matter of pensions, the main distinctions are as follows:

- (i) Members of the Superior Civil Services draw retiring pensions, subject to prescribed maxima, which are invariably less than half pay;
- (ii) all other pensionable Government servants, except inferior servants, draw retiring pensions equal to half pay; and
- (iii) inferior servants draw pensions which are, with extremely few exceptions, less than half pay.

(b) Certain proposals regarding the leave of inferior servants are being investigated with a view to ascertaining whether financial considerations would permit of their adoption, and a general proposal that a system should be adopted in which a provident fund would take the place of pensions in whole or in part is also under consideration.

SCHEME FOR FUTURE RECRUITMENT OF POSTAL CLERKS.

487. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state whether they have completed the examination of a general scheme for future recruitment of postal clerks, and if so, will they be pleased to lay on the table a copy of the orders issued on the subject?

(b) Do Government propose to restrict the employment of communities which are already over-represented and give facilities for the employment of the unrepresented communities?

(c) If the answer to the part (b) is in the affirmative, do Government propose to take necessary action to see that any orders passed by them on the above matter are faithfully carried out by their subordinate recruiting officers?

The Honourable Sir Bhupendra Nath Mitra: (a), (b) and (c). The case is still under consideration. I may however state in regard to (b) that Government are not prepared to go further than the general principle already laid down by them that in the recruitment of outsiders for the postal services one-third of the vacancies are to be reserved for the adjustment of communal inequalities.

REFUSAL OF DIVISIONAL OFFICERS TO ENTERTAIN THE SONS OF DEPARTMENTAL OFFICIALS IN THE POST OFFICE.

488. *Mr. Abdul Latif Sahib Farookhi: (a) Will the Government be pleased to state whether they are aware of the growing feeling of discontent caused to the postal officials by the refusal of the Divisional officers to entertain the sons of departmental officials in the Post office?

(b) Is it a fact that officials who prefer appeals to the Postmaster-General or the Director General for the entertainment of sons in the department are penalised by the Divisional officers who refused to entertain the appellants' sons in the departments?

(c) Is it a fact that appeals sent to the Director-General by the aggrieved officials are merely forwarded for disposal to the Postmaster-General who, in his turn, forwards it for disposal to the Divisional officers without any action being taken to see that all deserving cases are attended to by the Divisional officers?

(d) Have Government come to a decision about the reservation of a certain percentage of vacancies in the Postal Department for the sons of departmental officials, and if so, will they be pleased to lay on the table the orders passed on the subject? If not, why not?

(e) Are Government prepared to issue orders to ensure that the sons of departmental officers are given employment in the Postal Department?

The Honourable Sir Bhupendra Nath Mitra: (a), (b) and (c). Government have received no representations on the points in question and have no knowledge of the "growing feeling of discontent" to which the Honourable Member refers, or of the facts alleged in paragraphs (b) and (c) of his question.

(d) and (e). The question is still under consideration. When it is decided, such orders as may be necessary to give effect to the decision will be issued.

PROVISION OF ADDITIONAL SELECTION GRADE APPOINTMENTS IN THE TRAFFIC BRANCH OF THE TELEGRAPH DEPARTMENT AND IN THE POSTAL DEPARTMENT.

489. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to state the number of selection grade appointments in the Traffic Branch of the Telegraph Department and in the Postal Department?

(b) Is it a fact that the Accountant General has remarked as follows in his audit report on the accounts of the Posts and Telegraphs Department for the year 1923-24:

"In most cases, however, frauds are facilitated by carelessness and lack of supervision displayed by the supervising authorities."

(c) Have Government stated on the floor of this Assembly in 1926 in their reply to the grievances placed before the Government by the deputation of the All-India Postal and Railway Mail Service Union, that the question of additions to the posts to be provided for in the selection grades will be taken up after the necessary improvements have been made in the rates of pay and allowances of the lower paid staff?

(d) Do Government propose to give effect to the above proposal during the year 1929-30 since the improvements in pay mentioned therein have since been completed? If not, when do they intend to give effect to the proposal?

Mr. H. A. Sams: (a) Excluding gazetted staff, on the postal side of the Posts and Telegraphs Department, there were on 31st March, 1928, 1,356 selection grade appointments, including those of head and sub-postmasters in the selection grade, inspectors and head clerks of Superintendents' offices. On the Traffic side there were 27 selection grade clerical appointments and 353 Telegraph Masters' posts, the status of the latter corresponding to some of the posts mentioned on the postal side of the Department.

(b) Yes.

(c) The conclusions reached by Government were not exactly as stated. The attention of the Honourable Member is invited to page 2048 of Volume VII, Part III, of the Legislative Assembly Debates.

(d) Additional Selection Grade appointments have been sanctioned where justified.

CONVERSION INTO SELECTION GRADE POSTS OF CERTAIN APPOINTMENTS IN THE GENERAL POST OFFICE, MADRAS.

490. *Mr. Abdul Latif Sahib Farookhi: Is it a fact that there are many appointments of head clerks of departments in the Madras General Post Office, carrying heavy responsibility, that are held by time-scale clerks, while similar appointments are in the selection grade in the Calcutta and Bombay General Post Offices, and if so, when do Government propose to convert these appointments into selection grade posts, and if not, why not?

Mr. H. A. Sams: The number of appointments in the non-gazetted selection grades of Rs. 160—10—250 and Rs. 250—20—350 in each of the three General Post Offices is fixed with reference to the number of charges which justify a pay above the ordinary clerical time-scale. An enquiry will, however, be made with respect to the Madras General Post Office.

PAYMENT OF COMPENSATORY ALLOWANCES TO OFFICERS OF THE GENERAL POST OFFICE, MADRAS.

491. *Mr. Abdul Latif Sahib Farookhi: (a) Is it a fact that compensatory allowances are paid to officials of the Postal Department in Calcutta and Bombay?

(b) Is it a fact that similar allowances are not paid to the Postal officials in Madras City?

(c) Is it a fact that the officials of the Local Government of Madras stationed in Madras City drawing the same rates of pay as those in the mofussil, are getting compensatory allowance on account of the costliness of living in Madras City as compared with that in the mofussil?

(d) Is it a fact that Government have made the following observations in their proposal regarding compensatory allowance submitted to the Standing Finance Committee on 31st January, 1928?

"In view of the fact that the scales of pay of these subordinate Posts and Telegraphs officials had been fixed generally speaking with reference to the scales granted by Local Governments to their own officials of like status, due allowance being made for the larger hours of work and nature of duties of the former and it was difficult to justify this dissimilarity of treatment in the matter of local allowance."

(e) Do not the above remarks apply to the postal officials in the selection grade in the City of Madras and if so, why is not the compensatory allowance paid to them?

The Honourable Sir Bhupendra Nath Mitra: On the assumption that the Honourable Member refers to the non-gazetted staff the replies are:

(a) Yes, to the selection grade officials only.

(b), (c) and (d). Yes.

(e) The remarks quoted by the Honourable Member apply only to officials on the local time-scales whose rates of pay have been fixed, generally speaking, with reference to the scales granted by Local Governments. The second part of the question therefore does not arise.

RULES FOR THE ELIGIBILITY OF A COMBINED POST AND TELEGRAPH OFFICE FOR EARNING PIE-MONEY.

492. *Mr. Abdul Latif Sahib Farookhi: (a) Will Government be pleased to lay on the table the rules laid down by the Government for the eligibility of a combined post office for earning pie-money?

(b) Are there any such offices in India and if so, how many and in what postal circles?

Mr. H. A. Sams: (a) The only rule on the subject is that all proposals for the application of the pie-money system to combined office circuits are required to be referred to the Director-General, Posts and Telegraphs, for orders. Each case is decided on its merits.

(b) Only one office (Deolali), in the Bombay Circle, works on a circuit which has been declared a pie-money circuit.

INCREASE OF HOUSE-RENT ALLOWANCE TO CERTAIN SUB-POSTMASTERS
IN MADRAS CITY.

493. *Mr. Abdul Latif Sahib Farookhi: (a) Will the Government be pleased to state when the present house-rent to the sub-postmasters for the no-delivery town sub-offices in Madras City was fixed?

(b) Has not the house-rent considerably risen in Madras City since that time?

(c) Have Government received any representation from the postal officials of Madras City and from their Postal Union for the increase in the house-rent allowance?

(d) Do the Government propose increasing the house-rent at least from 1st April, 1929? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: (a) Chepauk Town Sub-office from 1st September, 1908.

High Court Buildings Town Sub-office from 1st December, 1913.

Ripon Buildings Town Sub-office from 1st May, 1918.

Spencer's Building Town Sub-office from 1st July, 1914.

(b) Government have no information on the subject.

(c) No representation has been received by Government.

(d) Does not arise.

ALLEGATIONS IN THE *PIONEER* OF THE REPRIMAND OF NOMINATED
MEMBER IN THE ASSEMBLY BY THE GOVERNMENT.

494. *Mr. Vidya Sagar Pandya: (1) Has the attention of the Government been drawn to the statements containing serious allegations against the Government in the *Pioneer*, dated 28th January, 1929, that:

(a) "on more than one occasion when nominated members have felt themselves unable conscientiously to support a particular Government measure and have acted according to their convictions, they have been afterwards sent for and reprimanded and told that a repetition of such conduct would mean that they would never receive a nomination again; and

(b) this attitude on the part of Government has naturally caused considerable dissatisfaction among nominated members"?

(2) If the *Pioneer's* statements are in any sense correct, will Government please state in detail (during the last three years):

(a) how many and what were the several occasions;

(b) what were the particular Government measures;

(c) who were the several Nominated Members (officials and non-officials) who—

(i) had felt themselves unable conscientiously to support the measures;

(ii) had acted according to their convictions;

(d) who, and representing what interests, were the several Nominated Members sent for either for:

(i) reprimand, or

(ii) being told that a repetition of such conduct would mean that they would never receive a nomination again, and

(e) who were the persons or Government officers through whom this displeasure of the Government with the conduct of the nominated Members (officials and non-officials) was communicated to them, and in what other manner, if any?

The Honourable Mr. J. Crerar: Government have seen the statement.

It must naturally be the hope of Government to obtain as much support as possible in all quarters of the House for their proposals, but the record of voting shows that nominated Non-Official Members do not feel themselves to be unduly restricted in this respect. Moreover nominated Members receive their nomination from the Governor General and should they have any grounds for complaint, they have access to the Governor General.

Mr. Vidya Sagar Pandya: Have Government called upon the journal either to substantiate the charges or to withdraw them and to make suitable amends within a reasonable time?

The Honourable Mr. J. Crerar: Government do not consider any such action necessary.

Mr. Vidya Sagar Pandya: Have Government considered the desirability of seeing that nominated Members in future at least shall have full freedom to cast their votes according to their convictions whenever they feel themselves unable conscientiously to support any particular measure of the Government and that they would not be reprimanded or otherwise threatened in the faithful discharge of their duty for which they take an oath before taking their seat in the Legislative Councils?

The Honourable Mr. J. Crerar: I think nominated Non-Official Members are quite capable of looking after their own interests and if they have any complaint to make I have indicated the remedy.

Pandit Hriday Nath Kunzru: May we have the testimony of the nominated Members themselves?

PAYMENT OF BRITISH INCOME-TAX ON STERLING SECURITIES OF THE
GOVERNMENT OF INDIA.

495. *Mr. Sarabhai Nemchand Haji: (a) Will Government be pleased to state whether the sterling securities held in the Gold Standard Reserve as well as in the Paper Currency Reserve of the Government of India are chargeable to British income-tax, and are in fact so charged?

(b) If the answer to (a) is in the affirmative, will Government be pleased to state at what rate the tax is charged, as also the amount paid up-to-date on the sterling securities so held in the Indian Currency Reserves ever since the inception of that policy?

(c) Will Government be pleased to state on what principle of municipal or international law or usage or convention the British Government is allowed to charge their local income-tax on the sterling securities belonging to the Government of India?

(d) Is it a fact that the Government of India do not levy Indian income-tax on the interest paid by India on the sterling debt of the Government of India?

(e) Will Government be pleased to state the practice in this behalf in the other Dominions, if any, holding any part of their Reserves in the Imperial sterling securities?

The Honourable Sir George Schuster: (a) Sterling securities held in the Gold Standard Reserve and the Paper Currency Reserve of the Government of India are the property of the Crown, and interest thereon is accordingly exempt from British Income-tax under the British Income-tax law.

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

(d) I deal with this in answering the first part of the Honourable Member's next question.

(e) The Government of India have no definite information on this point, but presume that the same considerations as stated in the reply to part (a) of the question would govern the case of sterling securities of the United Kingdom held by the Dominions or Colonies.

LEVY OF INDIAN INCOME-TAX IN CERTAIN CASES.

496. ***Mr. Sarabhai Nemchand Haji:** Will Government be pleased to state:

- if the interest on the sterling debt of the Government of India is chargeable to Indian income-tax or not; and, if not why not;
- if the leave and pensions allowances of the Indian public servants payable outside India are similarly chargeable to Indian income-tax; and, if not, why not;
- whether there are any other similar exemptions or escapements from Indian income-tax; and if so, what steps Government propose to take to prevent such exemptions; and
- the amount of loss incurred by the Government of India every year since 1920-21 due to these exemptions?

The Honourable Sir George Schuster: (a) The interest on the sterling debt of the Government of India is payable in the United Kingdom to the investors who hold the corresponding securities. It thus arises and accrues outside British India, and by far the greater part of it is payable to investors who have no connection with India. It can only become subject to Indian income-tax if the securities are held by persons liable to Indian Income-tax, and then only if the interest is *received* by them in British India. This is the position according to the present Indian Income-tax law.

(b) Leave allowances paid in the United Kingdom or drawn from a treasury in a Colony by officers of Government on leave in these countries and the pensions of officers of Government residing out of India which are paid in the United Kingdom or from a Colonial treasury have been exempted from Indian income-tax by notification under section 60 of the Income-tax Act. Indian income-tax has in fact never been charged in such cases and exemption from tax has come to be regarded as part of the arrangement between the Government and its servants.

(c) There are certain exemptions of a like nature in the case of leave allowances and pensions paid in the United Kingdom or in a Colony to officers of local authorities or to the employees of companies or of private employers. These also have been exempted from the payment of income-tax by notification under section 60 of the Income-tax Act, if the recipients

are on leave in those countries or, when in receipt of pension, reside out of India. This also represents a long established practice.

(d) I presume that this question refers to the exemptions referred to under parts (b) and (c) of this question, for part (a) raises a different issue. Precise figures are not available, but a rough estimate of the amount of what the tax on the exempted payments referred to under (b) and (c) would be is 20 to 25 lakhs of rupees per annum. I do not think it is strictly correct to describe this as a loss.

With reference to the general issue raised by these questions, as the Honourable Member is probably aware, there are various other ways in which individuals are at present escaping the incidence of income-tax. The Income-tax Bill at present being considered in Select Committee represents an attempt to close some of these ways.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the allowances of public servants in India during leave are similarly exempted from income-tax?

The Honourable Sir George Schuster: I am afraid I must ask for notice of that question.

SETTLEMENT OF OUTSTANDING FINANCIAL MATTERS IN DISPUTE BETWEEN THE BRITISH WAR OFFICE AND THE GOVERNMENT OF INDIA.

497. ***Mr. Sarabhai Nemchand Haji:** (a) Will Government be pleased to state if there are any outstanding financial matters in dispute between the British War Office and the Government of India regarding certain pensions charges and other items?

(b) If satisfactory conclusions have been arrived at in regard to them, what are the terms of the settlement, and what is the benefit received or the loss sustained by India?

The Honourable Sir George Schuster: The Honourable Member is referred to the reply already given by me on the 29th January last to a similar question, (starred question No. 169) by my Honourable friend Diwan Chaman Lall.

BOMBING TRAGEDY NEAR PESHAWAR.

†498. ***Sardar Gulab Singh:** (a) Is it a fact that *khaki* is invariably the colour adopted for military uniform all over India?

(b) If so, will the Government please state the reason why the 17th Poona Horse posted at Peshawar was dressed in white on the 23rd January, the date of the gruesome bomb tragedy?

(c) Will Government please place on the table the findings of the Court of Enquiry arising from the bombing tragedy?

(d) Will Government please state if the question of compensation gratuity to the bereaved families of the victims is under consideration?

PLATFORM TICKETS FOR MEMBERS OF LEGISLATURES.

499. ***Sardar Gulab Singh:** (a) Will Government please state if Government officials of the rank of tehsildar upwards are exempt from holding platform tickets on all State-managed railways?

† For answer to this question, see answer to question No. 470.

(b) Will Government please state if they are aware of the fact that Members of the Legislative Assembly and Members of Legislative Councils do not enjoy this privilege and if so, why not?

(c) Is there any circular or regulation on the subject?

Mr. A. A. L. Parsons: (a) No.

(b) Yes. Railway officials could not be expected to recognise all Members of the various Legislatures.

(c) Government know of no such circulars or regulations.

ATTENDANCE AT OFFICE OF GOVERNMENT EMPLOYEES ON GAZETTED HOLIDAYS

500. ***Sardar Gulab Singh:** (a) Is it a fact that the Government offices are not entirely closed on Gazetted holidays?

(b) Is it a fact that duty staff is always requisitioned on all such occasions, irrespective of the fact whether the work of the different sections is in arrears or not?

(c) Is it a fact that no regard is shown to the religious susceptibilities of the staff and they are made to attend office on all religious holidays?

(d) If so, will Government please state whether, in lieu thereof, they are allowed any compensatory leave?

The Honourable Mr. J. Crerar: (a) On the assumption that the Honourable Member is referring to holidays in offices under the Government of India, I would refer him to the orders contained in Home Department Office Memorandum No. 4562-Public, of 20th October, 1923, a copy of which will be found in the Library of the House.

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

(d) Does not arise.

PROMOTION OF PROVINCIAL SERVICE OFFICERS TO CERTAIN DEPARTMENTS ON STATE RAILWAYS.

501. ***Mr. K. C. Neogy:** (a) Is it a fact that, before the existing rules relating to the recruitment to the (i) Indian Railway Service of Engineers, (ii) Transportation (Traffic) and Commercial Departments of State Railways and (iii) Transportation (Power) and Mechanical Engineering Departments of State Railways were brought into force, the Government of India, in consultation with the Central Advisory Council for Railways, decided that of the 75 per cent. to be recruited in India, one-fifth or 20 per cent. only should be filled by the promotion of local or provincial service officers and specially qualified subordinates?

(b) Is it a fact that in the Government of India, Railway Department Resolution No. 370-E./21, dated the 31st August, 1921, announcing, with the approval of the Secretary of State, the formation of the Provincial Traffic and Engineering Services for each of the State Railways, it was clearly and definitely laid down that 20 per cent. of the number of vacancies in the India-recruited branch would be reserved for promotion from the provincial services and also that such promotions should be given at an early period of the service?

(c) Is it a fact that Mr. Parsons, in reply to starred question No. 156 in the February, 1928, Session of the Assembly, as also in replying to Pandit Hirday Nath Kunzru's motion for a reduction of the Demand under the head "Railway Board" by Rs. 1,000 in connection with the Local Traffic Service in the same session, stated unequivocally that in the new regulations for recruitment, provision had been made for 20 per cent. of recruits to the superior services to be taken from provincial or local service officers and qualified subordinates?

(d) Is it a fact that the Railway Board have very recently notified the promotion of:

(i) six provincial service engineers to the Indian Railway Service of Engineers,

(ii) four officers of the local and subordinate traffic services to the Transportation (Traffic) and Commercial Departments of State Railways, and of

(iii) three subordinates of the Mechanical Engineering Department to the Transportation (Power) and Mechanical Engineering Departments of State Railways?

(e) Is it a fact that in each case the total number considerably exceeds the proportion of 20 per cent. referred to in parts (a), (b) and (c) above?

Mr. A. A. L. Parsons: (a) Yes.

(b) The Resolution to which the Honourable Member refers related to the constitution of the Local Traffic Services on the North Western, Eastern Bengal, and Oudh and Rohilkhand Railways, and stated that selected members of these services would be eligible for advancement to the superior traffic service, and that 20 per cent. of the number of superior posts open to the India-recruited branch of the superior traffic service would be allotted for this purpose. It also stated that, while no restrictions would be laid down regarding the age at which officers in the local services might be promoted to the superior traffic service, ordinarily such promotions would have effect at an early period of their service.

(c) Yes.

(d) Yes.

(e) The proportion of 20 per cent. has been exceeded this year, in order to make good shortages in 1926-27 and 1927-28.

PROMOTION OF EUROPEANS AND ANGLO-INDIANS TO SUPERIOR RAILWAY SERVICES IN PREFERENCE TO INDIANS.

502. ***Mr. K. C. Neogy:** (a) What was the total number of vacancies to be filled in India this year in each of the three services mentioned in part (a) of my preceding question, and what proportion does the number of men promoted from the provincial or local and subordinate services bear to the same in each case? [*vide* part (d) of my immediately preceding question]?

(b) Will Government be pleased to furnish similar information for each of the three preceding years in respect of each of those services?

(c) Was the proportion of 20 per cent. increased? If so, when? Will Government be pleased to quote the Resolution under which this was done?

(d) Was the Central Advisory Council consulted before the modification was made, and if not, why not?

(e) With reference respectively to clauses (i), (ii) and (iii) of part (d) of my immediately preceding question, is it a fact that:

(i) four out of the six promoted men,

(ii) three out of the four promoted men, and

(iii) three out of three promoted men

are Europeans and Anglo-Indians?

(f) Is it a fact that of the promoted officers Messrs. Titus, Chapman, Legat, Brookes, Brown, and Condon are respectively 54, 46, 45, 49, 49 and 48 years of age?

(g) What were the reasons for departing from the principle that promotions from the lower services should be given at an early period of the service?

(h) Is it a fact that between August and October, 1927, eight men were confirmed in the local traffic services and that they are all Europeans and Anglo-Indians?

(i) Why were permanent appointments made to the Local Traffic Services in spite of Government's repeated statements in the Assembly to the effect that the future of the local traffic service was under consideration and that no fresh recruitments were being made?

(j) Is it a fact that the Railway Board, in asking the Agents of State Railways to send up names of provincial or local service officers and subordinates for promotion to the superior services this year, gave confidential directions that as many Europeans and Anglo-Indians as possible should be nominated?

(k) Is it a fact that many young Indian officers in the provincial or local services, some with high university qualifications and others with requisite training in the United Kingdom, have been passed over in favour of the Europeans and Anglo-Indians referred to in part (d) of my immediately preceding question?

Mr. A. A. L. Parsons: I lay on the table a statement giving the information required by the Honourable Member.

Statement.	
(a) Indian Railway Service of Engineers	16
Transportation (Traffic) and Commercial Departments	13
Transportation (Power) and Mechanical Engineering Departments	7
The proportions which the number of men promoted from the provincial or local and subordinate services bears to the total number are as follows:	
Indian Railway Service of Engineers	37½ per cent.
Transportation (Traffic) and Commercial Departments	33½ per cent.
Transportation (Power) and Mechanical Engineering Departments	57 per cent.

(b) In 1925-26 the total number of vacancies for Indian recruitment were 3 in each department. The promotion percentages were Nil, 33½, and Nil respectively. In 1926-27 the total number of vacancies for Indian recruitment were:

Indian Railway Service of Engineers	10
Transportation (Traffic) and Commercial Departments	5
Transportation (Power) and Mechanical Engineering Departments	Nil.

No promotions were made from the local and subordinate services.

In 1927-28 the total number of vacancies for Indian recruitment were:

Indian Railway Service of Engineers	15
Transportation (Traffic) and Commercial Departments	11
Transportation (Power) and Mechanical Engineering Departments	9

The promotion percentages were 13½ per cent., 18 per cent., and 44½ per cent. respectively.

(c) and (d). The proportion of 20 per cent. was increased in 1928-29 solely in order to remedy shortages in the two previous years. There is no intention of altering the rule as a permanent measure, and no necessity therefore arises for consulting the Central Advisory Council for Railways.

(e) Yes.

(f) Yes.

(g) The Resolution referred to the Local Traffic Service. Of the men referred to in part (f) of the Honourable Member's question, Mr. Browne is the only man promoted from the Local Traffic Service to which he had been promoted from the subordinate ranks in January, 1922.

(h) Between August and October, 1927, seven persons were confirmed in the Local Traffic Service who were either Europeans or Anglo-Indians.

(i) No appointments from outside have been made to the Local Traffic Service. The men referred to in my answer to (h) who were confirmed in this service had been officiating in it for many years.

(j) No.

(k) There has been no racial discrimination. Promotion has been based entirely on the recommendations of Agents and the confidential reports of the officers concerned. Before such appointments are made, the approval of the Public Service Commission is obtained and they examine the reports not only of the men who are recommended, but also of men who are senior to them who are not recommended.

ADMISSION TO THE INDIAN AUDIT AND ACCOUNTS SERVICE OF MEN WITH DEFECTIVE EYESIGHT.

503. *Mr. K. O. Neogy: (a) Is it a fact that several candidates have been debarred in recent years from appearing for the competitive examinations held for the superior services, merely owing to their shortness of vision, even though the defect can be rectified by the use of suitable glasses, and though there is no other organic defect in the eye, and the candidate is, in other respects, fully qualified?

(b) Is it a fact that candidates are so debarred merely for the above reason, even in regard to the examinations for services like the Indian Audit and Accounts Service?

(c) Is it a fact that the vision test was not so stringently applied in the past prior to the constitution of the Public Service Commission?

(d) Are Government prepared to consider the desirability of relaxing the stringency of the present rules in regard to the vision test, so as to allow candidates with mere short-sight, which can be remedied by the use of suitable glasses, and with no other organic defect in the eye, to appear for the competitive examinations, at least in the case of services such as the Indian Audit and Accounts Service which involve only office work?

The Honourable Mr. J. Crerar: (a) and (b). The Government of India have no information to this effect. On the contrary, the standard laid down for the guidance of the Medical Officers allows the admission of officers whose vision can be brought with the aid of glasses to a reasonable degree of normality.

(c) The Government of India have no reason to suppose that the matter has been affected by the constitution of the Commission who have in no way interfered with the discretions of the Medical Officers.

(d) In view of my answer to parts (a) and (b) of the question, this does not arise.

RECOMMENDATIONS OF THE TRADE UNION CONGRESS AT JHARIA REGARDING
ELECTION OF ADVISERS TO THE INTERNATIONAL LABOUR CONFERENCE
AT GENEVA.

504. ***Pandit Nilakantha Das:** Has the attention of the Government been drawn to an article, in the *Forward* of the 19th January and the *Amrita Bazar Patrika* of the 16th January about the proceedings of the Jharia Trade Union Congress regarding election of advisers to the International Labour Conference at Geneva, written by Mr. Ram Pershad, Member of the Executive Council of the All-India Trade Union Congress? If so, do the Government propose to make an enquiry into the regularity or otherwise of the recommendations, before considering the same?

The Honourable Sir Bhupendra Nath Mitra: The Government of India have seen a letter by Mr. Ram Pershad published in the papers referred to by the Honourable Member. The answer to the second part of the Honourable Member's question is in the negative.

ALLEGATIONS AGAINST MR. ANWAR HOSSAIN, ASSISTANT CREW OFFICER,
EASTERN BENGAL RAILWAY.

505. ***Mr. V. V. Jogiah:** (a) Are the Government aware of the allegations, reported in the November, 1928, issue of the Eastern Bengal Railway Labour Review, page 20, under the heading "A Conscientious Crew Officer" against Mr. Anwar Hossain, the assistant crew officer, Eastern Bengal Railway?

(b) If so, will Government be pleased to state what action has been taken by the Agent, Eastern Bengal Railway, in the matter?

(c) If no action has been taken by the Agent, do Government propose to request the Agent, Eastern Bengal Railway, to enquire into the matter and to report the result of his enquiry for such action as the Government deems fit to take in the matter?

Mr. A. A. L. Parsons: Government have seen the article mentioned. They will draw the attention of the Agent of the Eastern Bengal Railway to it; he is competent to deal with the allegations made in it.

PAY OF ASSISTANT STATION MASTERS AT SEALDAH, NORTH STATION,
EASTERN BENGAL RAILWAY.

506. ***Mr. V. V. Jogiah:** Will Government be pleased to state:

(a) if it is a fact that the number of passenger trains and passengers, now being dealt with at Sealdah, North Station, Eastern Bengal Railway, is more than what these were in the year 1920, and

(b) if it is also a fact that the pay of the assistant station masters, who used previously to be posted there, and who had to deal with a far less number of trains and passengers, was higher than the pay of the assistant station masters now posted at this station?

(c) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state the reason for granting smaller pay to the assistant station masters who are now posted there, though they have to do a larger volume of work?

Mr. A. A. L. Parsons: With your permission, Sir, I propose to reply to questions Nos. 506 to 513 together. Enquiries are being made from the Agent of the Eastern Bengal Railway, and I will communicate with the Honourable Member when his reply is received.

PAY OF ASSISTANT STATION MASTERS AT SEALDAH, NORTH STATION,
EASTERN BENGAL RAILWAY.

†507. ***Mr. V. V. Jogiah:** (1) Will Government be pleased to state:

(a) whether the number of trains and passengers, handled at Sealdah, South Station, Eastern Bengal Railway, is the same as that of Sealdah, North Station: and

(b) whether the assistant station masters posted at the South Station are getting higher pay than the assistant station masters posted at the North Station?

(2) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state the reasons for such an anomalous state of affairs?

DISCRIMINATION IN PAY OF ANGLO-INDIAN AND INDIAN ASSISTANT STATION
MASTERS AT SEALDAH.

†508. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether the Indian assistant station masters at Sealdah, North and South Stations, Eastern Bengal Railway, are getting much smaller pay than the Anglo-Indian assistant station masters at these stations, performing the same work?

(b) If the reply be in the affirmative, will Government be pleased to state what is the reason which led the railway authorities to fix different rates of pay for the employees of different communities performing the same work, and whether the Anglo-Indian assistant station masters are superior in technical qualifications to the Indians, or whether racial discrimination was the only reason therefor?

† For answer to this question, see answer to question No. 506.

DISCRIMINATION IN PAY OF ANGLO-INDIANS AND INDIANS IN SUBORDINATE SERVICES ON THE EASTERN BENGAL RAILWAY.

†509. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state if it is a fact that the average pay of Anglo-Indians and Europeans in the subordinate service of the Eastern Bengal Railway is much higher than the Indians performing the same duties?

(b) If so, will the Government be pleased to state the reason for such differential treatment and what is the standard of qualifications, either educational or technical, on which such higher pay has been fixed?

APPOINTMENT OF ANGLO-INDIANS AS "CREW" OFFICERS ON THE EASTERN BENGAL RAILWAY.

†510. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state if it is a fact that the Traffic Manager, Eastern Bengal Railway, has issued orders that 20 per cent Anglo-Indians should be recruited as crews irrespective of their educational qualifications; etc.?

(b) If so, will Government be pleased to state the reason for such orders?

PAY OF MINISTERIAL OFFICERS OF THE EASTERN BENGAL RAILWAY.

†511. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether it is a fact that ministerial officers of the Eastern Bengal Railway were brought under the grade system of pay in 1920?

(b) Is it a fact that the senior posts created at the time under the grade system were so few that a large number of junior ministerial officers, having reached the top of their respective grades, have been detained there for several years for want of vacancies in the higher grade?

(c) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state if they propose to take any action in the matter to relieve the situation? If not, why not?

ECONOMIC DISTRESS OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY.

†512. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether, out of about 17,000 permanent employees, (pensionable and non-pensionable), of the Eastern Bengal Railway who are eligible to become members of the Eastern Bengal Railway Co-operative Credit Society in accordance with the bye-laws of that Society, about 10,000 are members of the Society?

(b) If it is a fact that out of 10,000 members, over 9,000 members are borrowers from the Society, and over 50 per cent. of these borrowers are always renewing their loan applications as soon as half of the previous loan is repaid and thus are perpetually in debt?

(c) If the replies to parts (a) and (b) above are in the affirmative, will Government be pleased to state whether Government propose to take steps to alleviate or minimise this acute economic distress?

† For answer to this question, see answer to question No. 506.

INDEBTEDNESS OF THE STAFF OF THE EASTERN BENGAL RAILWAY.

†513. ***Mr. V. V. Jogiah:** (a) Referring to the Railway Board's reply in their letter No. 7001-E., dated the 6th October, 1928, to Mr. Amar Nath Dutt, to his question No. 249, dated the 4th September, 1928, will Government be pleased to state how the indebtedness of only two per cent of the staff on the Eastern Bengal Railway to the provident fund was arrived at? Does this percentage work out on the total number of staff employed or on the total number of staff eligible to subscribe to the provident fund?

SUPPLY OF WATER FOR SWIMMING BATHS FOR EUROPEANS AND ANGLO-INDIANS AT PAKSEY AND SAIDPUR ON THE EASTERN BENGAL RAILWAY.

514. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether the two existing swimming baths, one at Paksey and the other at Saidpur which are used by European and Anglo-Indian employees only of the Eastern Bengal Railway get their supply of water free of cost from the Railway, in preference to a large number of low paid Indian staff, in whose case the supply of water for domestic purposes is very restricted and controlled by scoops?

(b) If the reply to the above be in the affirmative, will Government be pleased to state under what rule water is supplied free and why a few Europeans and Anglo-Indians are given such amenities in preference to the urgent need of a large number of low paid Indian employees?

Mr. A. A. L. Parsons: I am making enquiries from the Agent of the Eastern Bengal Railway, and will let the Honourable Member know the result.

APPOINTMENT OF MR. WILLIARD AS DRAWING OFFICE SUPERINTENDENT, CHIEF ENGINEER'S OFFICE, EASTERN BENGAL RAILWAY.

515. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether one Mr. Williard has been appointed as Drawing Office Superintendent, Chief Engineer's Office, Eastern Bengal Railway, about two years back and is now drawing Rs. 700 per mensem?

(b) Is it also a fact that the post of Drawing Office Superintendent in the Chief Engineer's Office is one which requires high technical qualifications?

(c) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state (i) what is the technical qualification and previous practical training of Mr. Williard before his appointment in the Eastern Bengal Railway and (ii) whether the post was advertised to secure the best candidate? If not, why not?

(d) Will Government be pleased also to state whether the railway authorities, in appointing Mr. Williard, did or did not overlook the claim of Mr. B. N. Gupta, Chief Draughtsman? Is it a fact that the latter's high technical qualifications and thorough mastery of details of work were very highly spoken of by successive Chief Engineers?

Mr. A. A. L. Parsons: (a) Yes. His present pay is Rs. 680 per mensem.

(b) The post requires sound engineering knowledge and experience in engineering designs and draughtsmanship.

† For answer to this question, see answer to question No. 506.

(c) (i) Government have no detailed information regarding the technical qualifications and training of Mr. Williard who is a temporary engineer.

(ii) The post which is a temporary one was not advertised as it is ordinarily filled by an engineer officer already in railway employment.

(d) It is within the competence of the Agent to appoint the man he considers most suitable.

APPOINTMENT OF MR. SAVEDRA AS A CHIEF PASSENGER SUPERINTENDENT
ON THE EASTERN BENGAL RAILWAY.

516. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state whether the Traffic Manager, Eastern Bengal Railway, issued instructions to all District Traffic Superintendents that candidates for Passenger Superintendentship should be selected from men who have direct dealings with passengers, such as station masters, assistant station masters, guards, etc.?

(b) If it is also a fact that one Mr. Savedra, an Anglo-Indian, who was formerly an Inspector of the Watch and Ward Department, was selected as one of the two Chief Passenger Superintendents?

(c) If the replies to parts (a) and (b) are in the affirmative, will Government be pleased to state, in what capacities Mr. Savedra served the Eastern Bengal Railway prior to his appointment as Chief Passenger Superintendent and if he had any direct dealings with passengers?

Mr. A. A. L. Parsons: Government have no information and regret that they cannot undertake to make enquiries. They can trust the Agent of the Eastern Bengal Railway, with whom the selection for posts of Chief Passenger Superintendents rests, to appoint the most suitable man available.

SERVICE WITH THE ROYAL CALCUTTA TURF CLUB ON RACE DAYS OF
CERTAIN EMPLOYEES OF STATE RAILWAYS.

517. ***Mr. V. V. Jogiah:** (a) Are the Government of India in the Railway Department aware that there are certain members of the permanent staff employed in State Railways who have taken up service with the Royal Calcutta Turf Club on racing days for a certain remuneration?

(b) If so, will Government be pleased to state whether this privilege is permissible under the Government Servant's Conduct Rules and whether the employees' absence from their legitimate railway duties at 1 P.M. on Saturdays and week days entails loss of work to Government?

(c) If the answer to the above is in the affirmative, will Government be pleased to state what steps they propose to take to stop this practice?

Mr. A. A. L. Parsons: (a) and (b). Enquiries made in 1927 show that two employees of the Eastern Bengal Railway then worked as totalizers for the Royal Calcutta Turf Club for remuneration. This is permissible provided the conditions of Rule 15 of the Government Servants' Conduct Rules are fulfilled; and the sanction required by that rule is not given if the private employment interferes with their railway work.

(c) Government do not propose to take any action.

ALLEGED RACIAL DISCRIMINATION IN THE APPOINTMENT OF DEPUTY SUPER-
INTENDENTS OF TELEGRAPHS ON THE EASTERN BENGAL RAILWAY.

518. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state, whether it is the practice in the Eastern Bengal Railway to appoint retired Anglo-Indians or Europeans from the Government Telegraph Department as Deputy Superintendent of Telegraphs, in preference to the claims of senior-most signallers-in-charge?

(b) If the reply be in the affirmative, will Government be pleased to state the reason of such racial discrimination, and whether Government propose to do away with such racial discrimination in future and to appoint deserving Indians to the post?

Mr. A. A. L. Parsons: (a) The post of Deputy Superintendent of Telegraphs on the Eastern Bengal Railway is ordinarily filled by an official of the Government Telegraph Department who is recommended by the Director-General of Posts and Telegraphs. The reason for making the appointment in this way is to ensure that the supervision of the working of the Railway Telegraph Department will be under an expert official.

(b) There is no question of racial discrimination. The Director-General of Posts and Telegraphs nominates the man whom he thinks to be most suitable.

PROVISION OF QUARTERS FOR THE MENIAL STAFF ON THE EASTERN BENGAL
RAILWAY.

519. ***Mr. V. V. Jogiah:** (a) Are Government aware that the principle of allowing free occupation of railway quarters by menial staff, embodied in the memorandum by the Financial Commissioner of Railways on the policy to be adopted in regard to the provision of quarters for Railway staff and approved by the Standing Finance Committee for Railways in its meeting of the 15th June, 1926, has not yet been given effect to by the administration of the Eastern Bengal Railway?

(b) If the reply be in the affirmative, do Government propose to fix a date for adoption of the principle in respect of the menial staff?

(c) If the reply be in the negative, will Government be pleased to state the reason for not giving effect to the recommendations?

Mr. A. A. L. Parsons: The question is under correspondence with the Agent, Eastern Bengal Railway, and a reply will be sent to the Honourable Member later.

ORDERS REGARDING COUNTERSIGNATURE OF MEDICAL CERTIFICATES FOR
SICKNESS OF EMPLOYEES OF THE EASTERN BENGAL RAILWAY.

520. ***Mr. V. V. Jogiah:** (a) Will Government be pleased to state if it is a fact that medical certificates granted to the employees of the Eastern Bengal Railway in cases of sickness by outside qualified doctors or by doctors holding Government appointments or by civil surgeons, are often wholly or partly ignored by the Railway Chief Medical Officer or district medical officers by refusing to countersign such certificates?

(b) If so, will Government be pleased to state whether there is any specific order issued by the Railway Board on the subject?

(c) If so, will Government be pleased to lay on the table a copy thereof?

Mr. A. A. L. Parsons: (a) I am sending the Honourable Member a copy of the rules regarding medical certificates at present in force on the Eastern Bengal Railway. The Honourable Member will see that, in certain circumstances, medical or fit certificates must be submitted to the Chief Medical Officer for countersignature.

(b) and (c). I am also sending the Honourable Member an extract relating to medical certificates from the rules for medical attendance on State Railway employees issued by the Government of India, Public Works Department, in 1892. I should explain that classes I and II referred to in these rules relate to officers and to subordinates drawing Rs. 325 and upwards, and Classes III and IV to persons drawing less than Rs. 325. The Honourable Member will see that under these rules it is the duty of the chief railway medical officer to make enquiries and to countersign or not, as the case may demand, medical certificates which may be submitted to him. I should add that these rules are shortly going to be revised.

PROVISION OF QUARTERS FOR INDIAN GUARDS AT OR NEAR SEALDAH.

521. ***Mr. V. V. Jogiah:** (a) With reference to the reply given by the Government to question No. 235 of the last September Session of the Assembly, will Government be pleased to state whether it is a fact that 52 per cent of the Anglo-Indian guards have been provided with quarters at Sealdah, against 9 per cent of the Indian guards?

(b) If the reply be in the affirmative, will Government be pleased to state why in the past such racial discrimination was made and whether Government propose to provide quarters at or near Sealdah for the Indian guards in the near future?

Mr. A. A. L. Parsons: (a) Quarters have been provided for 9 per cent. of the Eastern Bengal Railway's Indian guards who are stationed in Calcutta. I am ascertaining from the Agent of the Railway what proportion of Anglo-Indian guards are provided with quarters, and will let the Honourable Member know.

(b) I am also enquiring from the Agent whether he considers the construction of further quarters for Indian guards stationed at Calcutta necessary. He informed the Railway Board a short time ago that housing accommodation for this particular class of staff was more adequately provided by private enterprise in Calcutta than at many other points on the line.

PAY AND PROSPECTS OF MINISTERIAL OFFICERS OF THE EASTERN BENGAL RAILWAY.

522. ***Mr. V. V. Jogiah:** With reference to the Government's reply to question No. 244 of the last September Session, will Government be pleased to state:

(a) whether it is a fact that the Agent, Eastern Bengal Railway, has so far taken no action on the Report on the pay and prospects of the ministerial officers submitted to him on the 29th November, 1927, by the Eastern Bengal Railway Indian Employees' Association?

(b) whether it is also a fact that reminder after reminder on the above subject from the Employees Association has up till now elicited no reply from that officer?

(c) whether the last letter from the Association, in November last, praying for a deputation, has shared the same fate as the previous ones?

(d) If the replies to parts (a), (b) and (c) are in the affirmative, will Government be pleased to state if they propose to take any action in the matter? And if not, why not? And whether there is any intention on the part of Government to revise the pay and prospects of ministerial officers of the Eastern Bengal Railway in the near future?

Mr. A. A. L. Parsons: I am ascertaining the position from the Agent of the Eastern Bengal Railway and will communicate with the Honourable Member when his reply is received.

ADMISSION OF EUROPEANS RESIDENT IN INDIA TO THE ROYAL MILITARY COLLEGE AT SANDHURST.

523. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that the Army Council have empowered the Government of India to recommend a limited number "of European British subjects who are the sons of parents resident in India, and of pure European descent", for admission to the Royal Military College, Sandhurst, to the extent of four annually? Since how long have such selections been made?

(b) How many Indians are at present taken annually for admission to Sandhurst; and why this discrimination in favour of "European British subjects, who are the sons of parents resident in India, and of pure European descent"?

Mr. G. M. Young: The Honourable Member's attention is invited to the answer given to Dr. Moonje's starred question No. 85 on the 28th January, and to the Press communiqué from which he quotes in part (a) of this question.

PROVISION OF FANS IN SECOND CLASS COMPARTMENTS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

524. ***Mr. Gaya Prasad Singh:** Are Government aware that on the metre gauge of the Bombay, Baroda and Central India Railway, there are still many second class compartments without fans, even in hot weather? Do Government propose to take necessary steps to have fans provided in them before the next hot weather?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the reply I gave to Mr. Ghuznavi's question No. 23 on the 4th September, 1928. The Agent of the Bombay, Baroda and Central India Railway reported that, on the metre gauge system, the more important services over sections of the line where high climatic temperatures are experienced, are provided with fans in second class compartments; but that there are still services not yet so equipped, and that he was considering the provision of fans in such coaches in 1929-30.

APPOINTMENTS TO LISTED POSTS OF THE INDIAN CIVIL SERVICE IN BIHAR AND ORISSA.

525. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that the total number of "listed posts" in the Indian Civil Service which are reserved for members of the Provincial Civil Service, sanctioned for Bihar and Orissa is 18, out of which only 8 (including a Bar appointment) are filled up, excluding a few temporary appointments very seldom exceeding six months? If the answer is in the negative, what is the number of "listed posts" sanctioned for this Province?

(b) What is the number of "listed posts" permanently held by members of the Provincial Civil Service in Bihar and Orissa, and was the desire of the Government of India that acting appointments for short periods should also be set off against the sanctioned number of listed posts?

(c) Is it a fact that the Lee Commission recommended 20 per cent of such appointments?

(d) What is the date on which the Government of India sanctioned the number of "listed posts" for Bihar and Orissa, and why has the sanctioned number of such posts not yet been filled up?

(e) Was it the direction of the Government of India that appointments from the Bar should also be included in the number of "listed posts" sanctioned for Bihar and Orissa?

(f) Are Government aware that among members of the Provincial Civil Service in Bihar and Orissa, who are fully qualified to hold "listed" appointments, there is considerable dissatisfaction by reason of their being excluded from them? By what time do Government propose to fill up the sanctioned number of "listed posts" in Bihar and Orissa?

The Honourable Mr. J. Crerar: (a) The number of listed posts at present sanctioned is 8 (including a Bar appointment), and these posts have been substantively filled. Sanction has also been accorded to the listing of a ninth post on the occurrence of a vacancy which is expected to arise within a few months. The figure 18 mentioned by the Honourable Member represents the number of posts that it is intended to reserve for the Provincial Civil Service and Bar ultimately, i.e., within five years from the 1st April, 1924.

(b) The number of listed posts held permanently by members of the Provincial Civil Service in Bihar and Orissa is 7. Acting appointments are not taken into consideration.

(c) Yes. This is the figure to be worked up to.

(d) The sanction of the Secretary of State to the gradual increase of the proportion of listed posts to 20 per cent was communicated to Local Government in November, 1925. Each addition to the number is, however, sanctioned separately.

(e) This arrangement has been sanctioned by the Secretary of State and is in force in all provinces.

(f) The Government of India have no information. It is proposed, as has been said, to list the full 20 per cent of superior posts by 1939.

PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

526. ***Mr. Jamnadas M. Mehta** (on behalf of Rai Sahib Harbilas Sarda): With reference to the Honourable Sir Denys Bray's reply to my questions Nos. 382 and 383 (*vide* Legislative Assembly Debates, Vol. III, No. 6, page 493) admitting that though the sub-assistant surgeons of Rajputana were employed on the understanding that their pay would be regulated by the United Provinces scale, yet, as a matter of fact, their initial pay has not been fixed after taking into consideration their past permanent services, as has been done in the United Provinces, what action do Government propose to take to carry out the understanding with the sub-assistant surgeons, and are Government prepared to reconsider the matter?

Sir Denys Bray: The understanding that the pay of the Sub-Assistant Surgeons in Rajputana would be regulated according to the United Provinces scale does not imply that whenever a revised scale is introduced in Rajputana as a consequence of a change in the United Provinces scale, Government are bound to suspend the operation of the ordinary rules for regulating pay on a change of scale just because the United Provinces Government choose to do so. The initial pay of the Sub-Assistant Surgeons in Rajputana on the revised scale has been determined in accordance with the ordinary rules, to wit Fundamental Rules 22 and 23. But as already stated, Government are prepared to consider any proposals which the Local Administration may make in respect of individual officers with good records in whose cases the application of these rules has in its opinion resulted in undue hardship.

RACIAL DISCRIMINATION IN THE GRANT OF OVERSEAS ALLOWANCE TO EMPLOYEES OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

527. ***Mr. Jamnadas M. Mehta** (on behalf of Rai Sahib Harbilas Sarda): (a) Are Government aware of the racial discrimination against the Indian officers of the Bombay, Baroda and Central India Railway in the matter of overseas allowance and furlough?

(b) Is it or is it not a fact that all Anglo-Indian officers of Indian domicile who were in service on the 1st October, 1920, are in receipt of the overseas allowance or its equivalent?

(c) Will Government state on what grounds the Indian officers who were in service on the same date have been deprived of the same concession?

(d) Was it not a condition of reforms based on the Montagu-Chelmsford Report, that all racial discrimination against the Indians was to be removed, and also that officers already in service were not to be prejudiced in any way by the introduction of this new principle?

(e) Do Government propose to take steps to bring to an end this racial discrimination against Indians?

(f) Is it or is it not a fact that Indian officers on other Railways, like the East Indian Railway, Great Indian Peninsula Railway, Bengal-Nagpur Railway, who were in service prior to the introduction of this principle, are in receipt of this allowance or its equivalent?

(g) Is it or is it not a fact that Indian officers of the Revenue Establishment of the State Railways, who were in service prior to the introduction of this principle, are also in receipt of this allowance?

benefits of furlough regulations in force on the Bombay, Baroda and Central India Railway?

(b) Is it or is it not a fact that some European and Anglo-Indian subordinates even enjoy these privileges of leave in full, as enjoyed by the European and Anglo-Indian officers, but that they are denied to the few Indian officers?

(c) Will Government submit a statement showing the following:

1. The number of European officers on the permanent scale enjoying these privileges of leave (furlough) in full;
2. The number of Anglo-Indian officers on the permanent scale enjoying these privileges of leave (furlough) in full; and
3. The number of European and Anglo-Indian subordinates on the permanent scale enjoying these privileges of leave (furlough) in full?

(d) Will Government give the number of permanent Indian officers on the Bombay, Baroda and Central India Railway, who are denied these privileges of leave in full, which are enjoyed even by their European and Anglo-Indian subordinates?

(e) Will Government state if there is any other railway in India, State or company-managed, which makes such racial distinctions between their Indian and Anglo-Indian officers of the same domicile in the matter of leave?

Mr. A. A. L. Parsons: (a), (b) and (e). Company-managed Railways may frame or modify rules to govern the grant of leave to their servants within the limits of certain Fundamental Rules which were laid down by Government in 1901. A copy of these Fundamental Rules is in the Library. The Honourable Member will see that under them furlough is permissible only to employees who may be classed as Europeans, and that the classification of employees under Europeans and non-Europeans for the purpose of leave rules is a matter which is left to the discretion of the Companies. The position on the Bombay, Baroda and Central India Railway is that, prior to the 1st of October, 1920, it was customary to classify Anglo-Indians as Europeans for the purpose of leave, but since that date only Anglo-Indians who can prove non-Asiatic domicile have been so classified.

(c) and (d). The information is being called for and when received will be supplied to the Honourable Member.

UNSTARRED QUESTIONS AND ANSWERS.

RESULTS OF THE EXAMINATION FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE, ETC., HELD IN DECEMBER 1927.

219. **Mr. N. O. Kelkar:** Will Government be pleased to state:

- (a) how many persons were selected for the Indian Audit and Accounts Service, the Imperial Customs Service, and the Military Accounts Department, by the competitive examination held in December 1927?

(b) how many appeared for the examination from the Bombay Presidency?

(c) how many of these were able to get themselves selected?

(d) whether Government are aware that during recent years very few persons from the Bombay Presidency have been successful in getting a selection?

(e) whether the posts reserved to be filled by nomination are utilised for adjusting the balance between different communities only, or, are used also for redressing the inequalities as between the different Provinces?

The Honourable Sir George Schuster: (a) 10.

(b) 21.

(c) None.

(d) Yes.

(e) The posts reserved to be filled by nomination are utilised only for the purpose of increasing the representation of minority communities in the services in question.

GRIEVANCES OF POSTAL EMPLOYEES OF THE PATNA DIVISION, BIHAR AND ORISSA.

220. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government be pleased to state if their attention has been drawn to the following Resolutions of the postal employees of the Patna Division (Bihar and Orissa) which appeared on page 5 of the paper *Postal Vision*, Volume VII, Nos. IV—IX, for the months of April to September, 1928?

(i) That the scale of pay sanctioned for Allahabad Town be introduced in Patna Town which is as dear as Allahabad.

(ii) That the house-rent of the Post Office Quarters at Patna be recovered at 5 per cent. instead of 10 per cent.

(iii) That the procedure recommended by the Postal Enquiry Committee be not altered.

(b) If the answer to part (b) is in the affirmative, will they please state what steps have been taken, or are proposed to be taken, to redress the grievances referred to?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Government have not seen the paper referred to by the Honourable Member, but they understand that the subject matter of the Resolutions is under correspondence between the Director-General, Posts and Telegraphs and the Postmaster-General, Bihar and Orissa.

With respect to Resolution II referred to by the Honourable Member, however, it may be mentioned that the Government have under their consideration a representation from the clerks attached to the Postmaster-General's office at Patna about the recovery from them of rent for quarters

at 10 per cent. instead of the lower rate of 5 per cent. of pay formerly in force.

With respect to Resolution III, the procedure recommended by the Postal Enquiry Committee has ordinarily been followed, though in the recent increases of pay the Government of India have, in a few instances, thought fit to modify that procedure according to the merits of each case.

PROHIBITION OF THE USE OF INDIAN-MADE TILES FOR MILITARY BUILDINGS.

221. **Seth Jamnadas:** (a) Is it a fact that Government have issued orders to military stations in the country to the effect that, in the construction of military buildings, imported asbestos sheeting, instead of Indian-made tiles, should be used for roofing purposes?

(b) If the answer to (a) be in the affirmative, are Government prepared to enquire and state the respective cost of 100 sq. feet of foreign asbestos sheeting and Indian-made roofing tiles at current market rates at (1) Bombay and (2) Jubbulpore?

(c) Do Government propose to enquire and state if at places like Jubbulpore, where roofing tiles are locally manufactured, the using of roofing tiles is found to be more economical and less costly than the asbestos sheeting imported from foreign countries?

(d) If the answer to (a) be in the affirmative, do Government propose to cancel the order or orders issued in the past prohibiting or restricting the use of Indian-made roofing tiles for military buildings?

(e) Are Government aware that there is widespread discontent amongst manufacturers of pottery wares in India consequent upon the military stations not using Indian roofing tiles for their buildings?

(f) Are Government prepared to institute an inquiry to know as to which military stations are using foreign asbestos sheeting instead of Indian-made tiles for roofing their buildings, and in what quantity and of what value these articles were used, or for which indents have already been placed by them since January 1928 up to date? Will Government be further pleased to lay the result of the enquiry on the table of the Legislative Assembly?

Mr. G. M. Young: (a) No, Sir.

(b) Does not arise, but in any case the information could be obtained from trade journals, catalogues and other such publications.

(c) Government do not propose to make such an enquiry. At places like Jubbulpore, where tiles are manufactured, they are probably cheaper per square foot than asbestos sheeting; but tiles require heavier roof timbers and their upkeep is more costly. They are more liable to damage in storms, and are not as waterproof as asbestos sheeting.

(d) Does not arise.

(e) and (f). The answer is in the negative.

ELECTION OF A PANEL FOR THE STANDING ADVISORY COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS TO ADVISE ON SUBJECTS OTHER THAN INDIAN OVERSEAS AND EMIGRATION.

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

"That this Assembly do proceed to elect, in the manner prescribed in the rules published in the Home Department Notification, No. F. 49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D-794-C, dated the 30th January, 1924, a panel consisting of 9 members from which the members of the Standing Advisory Committee to advise on subjects, other than Indian Overseas and Emigration, dealt with in the Department of Education, Health and Lands, will be nominated."

The *raison d'être* of the motion is that the term of office of the existing Committee is due to expire at the end of the present financial year and we want another Committee.

The motion was adopted.

ELECTION OF THE STANDING FINANCE COMMITTEE.

The Honourable Sir George Schuster (Finance Member): I beg to move:

"That this Assembly do proceed to the election, for the financial year 1929-30, 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 a member of the Assembly to be nominated by the Governor General. The member so nominated shall be the Chairman of the Committee."

The motion was adopted.

THE INDIAN LIMITATION (AMENDMENT) BILL.

The Honourable Mr. J. Orerar (Home Member): Sir, I move:

"That the Bill further to amend the Indian Limitation Act, 1908, as passed by the Council of State, be taken into consideration."

As the matters arising out of this motion are of a somewhat technical character, I propose to leave a more detailed explanation of them in the expert hands of my Honourable colleague, the Law Member.

The Honourable Sir Brojendra Mitter (Law Member): Sir, this Bill was introduced in the Council of State in pursuance of certain recommendations of the Civil Justice Committee over which the present Chief Justice of Bengal presided. The recommendations were made in order to minimise delays in litigation, and also in order to clear up certain doubts which had arisen as a result of conflict of decisions in different Courts.

[Sir Brojendra Mitter.]

There are two parts in this Bill. The first part deals with section 10 of the Indian Limitation Act. Sir, as Honourable Members, certainly the lawyer Members, of the Assembly are aware, section 10 deals with suits against trustees of express trusts, and the policy of the Limitation Act is that there should be no period of limitation for such suits. So far, therefore, as the grievances of beneficiaries against express trustees are concerned, suits can be brought at any time. A question arose whether such suits could be brought against *shebaita* or managers of religious endowments, or *mutwallis*. There was considerable doubt in this matter till it was finally decided by the Privy Council that managers of religious endowments, whether Hindu or Muhammadan, did not come within the category of express trustees, that they were merely managers, and therefore section 10 had no application. As Honourable Members are aware, these religious endowments, both Hindu and Moslem, are very much mismanaged all over the country and special legislation for their protection has been passed in some provinces. It is unfortunate that, if the manager of a religious endowment makes an unauthorised or illegal alienation, suits against him should be barred, in the case of immoveable property after 12 years, or in the case of moveable property, after three years. The first object of this Bill is to bring the managers of religious and charitable endowments within the category of express trustees. That is the first part, and that was necessitated by the decision of the Privy Council that they are not express trustees.

The second part of the Bill also deals with religious and charitable endowments and unauthorised or illegal alienations of properties appertaining to such endowments. There has been a great deal of difference of opinion in the different High Courts with regard to the interpretation of Articles 133 and 134. I will just indicate the nature of the difference. The starting point of limitation under both these Articles is the date of the purchase. Article 133 says that to recover moveable property conveyed or bequeathed in trust from the trustee, the period of limitation is 12 years from the date of the purchase. Article 134 says that to recover possession of immoveable property conveyed or bequeathed in trust by the trustee for a valuable consideration, the period of limitation is 12 years and the starting point of limitation is the date of the transfer. Some High Courts hold that the date of the transfer means the date of the transfer—there is no doubt about that. Other High Courts have held, no, the date of the transfer means the date when possession is given under the transaction, under the transfer. The second part of the Bill is intended to lay at rest this conflict of decisions, whether time should begin to run from the date which the document bears or from the date when possession is given or any other date. While this matter was being considered, it was discovered that no provision had been made in the Limitation Act, as it stands, with regard to religious endowments. What I mean is this, that if a manager of a religious endowment, illegally or without authority, transfers property appertaining to that endowment, what should be the period of limitation? There is no specific provision in the Limitation Act with regard to such cases. Therefore, the Bill, in the second part, deals with unauthorised transfers of endowed property by the manager. In that connection, a question arose as to who is to seek remedy with regard to such unauthorised transfers. The Bill has provided

for two sets of circumstances, one set being, when the persons interested in the religious endowments seek redress in a Court of Law. The second set of circumstances is when the succeeding manager seeks the redress in a Court of Law. Now, persons interested are those who would be beneficiaries if it were a private or non-charitable trust. In the case of a religious trust, it has been said that the beneficiary really is the deity and the person who manages the endowment is not a trustee but is merely a manager. Having regard to all these considerations, the Bill provides that in the case of persons interested, if they want to bring suits for the recovery of property alienated without authority or illegally, limitation should run from the date of their knowledge, because Honourable Members will realise that a fraudulent manager, in collusion with a transferee, may transfer endowed property without anybody coming to know of it. An obvious example arises, for instance, when endowed property is let out on lease, and if the manager executes an out and out conveyance in favour of the lessee, there is no apparent circumstance from which any person interested would come to know that an unauthorised alienation has been made. In order to meet such cases, the Bill provides that when a person interested is the plaintiff, limitation should begin to run from the date of his knowledge; and in the case of a succeeding manager the Bill provides that limitation should begin to run from the removal either by death or resignation or otherwise of the defaulting trustee. Twelve years limitation has been provided for such cases, that is to say, the manager gets 12 years time within which to make inquiries, to find out what the properties belonging to the endowments are and to bring suits, if necessary, for recovering possession of property alienated without authority. These are, Sir, the main provisions of the Bill. The first part deals with section 10. Managers are to be deemed trustees within the meaning of section 10, that is to say, there should be no period of limitation. If a suit has to be brought against a manager who, without authority or illegally, transfers endowed property, there is to be no period of limitation. In so far as the transferee is concerned, the period of limitation provided is 12 years in the case of persons interested—12 years from the date of the knowledge of the transaction—and in the case of the succeeding manager, 12 years from the date of his coming into office. These, Sir, are the provisions of the Bill. Now, this Bill had a somewhat chequered career in the Council of State. It was introduced and was referred to a Select Committee. The Select Committee made a report which materially altered the nature of the Bill. So the Bill was circulated for opinion, and after opinion was collected, it was referred to a Select Committee for the second time. This second Select Committee made a report and the Bill was passed by the Council of State without any amendment and that is the Bill which is now before the Assembly.

Mr. President: The question is:

"That the Bill further to amend the Indian Limitation Act, 1908, as passed by the Council of State, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I beg to move the amendment that stands in my name.

Mr. President: What amendment?

Mr. Lalchand Navalrai: My amendment is that:

"In clause 3 (d) in the entry in column 3 against the proposed article 134B, after the word 'transferor' the words 'or when the transfer becomes known to the manager' be added."

The second part is that:

"In clause 3 (d) in the entry in column 3 against the proposed article 134C, after the word 'seller' the words 'or when the sale becomes known to the manager' be added."

Now, Sir, my amendment aims. . . .

Mr. President: Is it one amendment?

Mr. Lalchand Navalrai: There are two amendments. Both amendments are similar and both aim at providing for a case where the manager of a religious or charitable endowment has sold away property and the succeeding manager has not come to know of those properties. In such a case no provision is made from what time the limitation will begin to run. Now, Sir, the object of this Bill is that the trust property should not be wasted, but it should be safeguarded and protected. To achieve that end the endowments pertaining to charitable and religious institutions are sought by this Bill to be included in the scope of section 10 of the Limitation Act. It will also be found that in article 134 of the Limitation Act the starting point of limitation is from the date of the transfer, but the present Bill makes the time to run from the date the transfer becomes known to the plaintiff. Similarly, a manager having no knowledge of the transfer should be allowed to sue within twelve years, from the time the transfer becomes known to him. I have therefore added the words "when the transfer becomes known to the manager" in article 134B of the Bill. Now, take article 134A of the Bill, viz.:

"To set aside a transfer of immoveable property comprised in a Hindu, Muhammadan or Buddhist religious or charitable endowment made by a manager thereof for a valuable consideration."

This article also provides the period of 12 years to begin from the date the transfer becomes known to the plaintiff. It will thus be an anomaly if a third person who is interested in a charitable institution is allowed, under article 134A, time from the date when the transfer comes to his knowledge, but the manager who succeeds another manager is refused, under article 134B, the same privilege. Sir, it might be urged that the new succeeding manager will, within 12 years, come to know of what properties have been disposed of by his predecessor, but I submit that there will be cases where many of the managers would not come to know of the properties sold. In such cases the property will have gone away from the endowment. Under these circumstances I request that the case should be provided for in which the manager could also sue within 12 years from the time when the transfer becomes known to him. I will illustrate my view point. A manager succeeds another. The succeeding manager, when he takes hold of the endowment, finds that there are no inventories, no accounts and no registers to show which property of the endowment has been sold off. He, however, comes to know 12 years after his assumption of office, that there were certain properties of a very valuable character which had been wrongfully disposed of by the former manager.

He then tries to come into Court but finds himself out of time under the proposed article 134B.

If the object of this Bill is to protect and safeguard the religious and charitable properties, I submit there ought to be time given to the manager to sue when he comes to know of the transfer. It may be no fault of his at all, the property sold may be at a distance, and he may not come to know of it for a long time. When he does come to know and comes into Court, why should he be barred by limitation in taking action? I submit, therefore, that my amendment will be consistent with the very principle of the Bill itself. Why should there be a difference between the manager and other persons interested in the transfer. Some managers may come to know of such transfer of properties, but there will be instances when others may not come to know of them. Under these circumstances I submit that this amendment is a reasonable one and I hope that the House will accept it.

Mr. President: I take it that the Honourable Member has moved his first amendment?

Mr. Lalchand Navalrai: With regard to the second amendment. . . .

Mr. President: The Honourable Member will have an opportunity of moving his second amendment later.

The Honourable Sir Brojendra Mitter: Sir, I am afraid this amendment is not acceptable to Government. As I explained a few minutes ago, the period of limitation has been dealt with under this Bill under two different categories, that is to say, so far as the Manager is concerned he gets 12 years from the moment he assumes charge. Twelve years is long enough time for any Manager to know the assets of that endowment. At any rate his business is to know that. All the papers and documents are available to him. From the papers if he finds any property has been alienated, he gets enough time to seek redress in a Court of Law. But it is not so in the case of a person interested, to whom the papers and documents belonging to the endowment are not available. Therefore in such a case limitation begins to run from the moment of his knowledge, but for a Manager to have a further period from the date of his knowledge would throw the door wide open to perjured evidence. When a Manager comes into office, he has got twelve years to find out what the properties are that belong to the endowment. If during the twelve years he is not in a position to find out, he has no business to be a Manager, as that is long enough time. But if you accept the amendment, and give him a further period of twelve years from the date of his knowledge, then he may sit quietly for thirty years without discharging his duties, and then go to Court and say I came to know it only recently. In that case there would be no security of title to the transferee for an indefinite period, which would be an unfortunate state of things. The alienation may be good or bad. The Manager may have alienated for the benefit of the endowment or from necessity. Mr. Jayakar may perhaps demur to the expression "benefit". I will then say for legal necessity. Alienation may be made for necessity, or it may be made without legal necessity. In the first case, where alienation is made for legal necessity, the transferee ought to have a good title, and he ought to know, after a reasonable lapse of time, that his title is lawful, and is not liable to the risk

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of attack. He should be given twelve years for that, so far as the Manager is concerned, but so far as the person interested is concerned, he not having any means of knowing what has been going on in the course of the management, greater latitude must be given. It is unfortunate, but must be provided for. The Manager has been given less latitude, but I think that sufficiently long time has been given to the Manager who has access to all the materials to find out how the properties of the endowment stand. Therefore I submit, Sir, that the provision of the Bill is quite reasonable. Distinction has been drawn between a suit by a Manager and a suit by a party interested, other than a Manager. In the case of the Manager, he gets twelve years, in the case of the person interested who is not a Manager, he gets twelve years from the date of his knowledge. For these reasons I oppose this amendment.

Mr. M. B. Jayakar (Bombay City: Non-Muhammadan Urban): Sir, I congratulate the Honourable the Law Member on the very clear and lucid interpretation he has given of the law, and I hope that, whenever he is pleased to come to this House, his contributions to the debates will be equally lucid, clear and liberal.

I oppose the amendment on the grounds stated by the Honourable the Law Member, with which I entirely agree. The object of the Limitation Act is to give reasonable protection and not to encourage dilatoriness. I therefore submit, on the grounds stated by the Honourable the Law Member, that twelve years running from the time when the new Manager comes into office, are quite enough protection. I agree that we need not do anything to give increased time.

The other two articles to which reference has been made stand entirely on a different footing. They affect a stranger who might require more time to find out the facts.

Articles 134E and 134C, however, refer to the Manager himself, and I think, that twelve years, commencing from the time when the new man comes into office, are quite sufficient for the purpose.

Mr. Lalchand Navalrai: After hearing the Honourable the Law Member

Mr. President: I understand what the Honourable Member wants. Is it the pleasure of the House to allow Mr. Lalchand Navalrai to withdraw his amendment?

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

Mr. President: The Honourable Member does not move his second amendment?

(Mr. Lalchand Navalrai signified that he did not.)

Clauses 3 and 1 were added to the Bill. The Title and Preamble were added to the Bill.

The Honourable Mr. J. G. G. (Home Member): I move:

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

The motion was adopted.

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): I beg to move:

"That the Bill further to amend the Indian Patents and Designs Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Purshotamdas Thakurdas, Mr. W. Alexander, Mr. Anwar-ul-Azim, Mr. Lalchand Navalrai, Kumar Ganganand Sinha, Mr. S. Lall, Mr. L. Graham, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, I need say only a very few words in connection with this motion as the Bill is of a technical character and contains nothing which in my opinion we can profitably discuss at this stage on the floor of the House. As the Honourable Mr. McWatters explained to the House last September when he moved for its circulation, the Bill represents a complete revision of the Indian Patents Law, based to a large extent upon the revision of the English law undertaken in 1917, though we have not blindly followed the provisions of the English law in all cases and the recommendations of the British Empire Patents Conference of 1922. We have also included in the Bill certain amendments which were suggested by the experience gained from the working of the present Indian Patents and Designs Act during the last seventeen years. The main principles of the Bill have, I am glad to say, been generally accepted by the Local Governments and other bodies who have expressed any opinion on the Bill. It is not necessary for me to attempt to indicate or discuss at this stage the detailed criticisms which have been made on the Bill. This will be examined fully and with due care by the Select Committee which will re-examine the Bill in the light of the opinions received.

Sir, I move.

Mr. President: The question is:

"That the Bill further to amend the Indian Patents and Designs Act, 1911, for certain purposes, be referred to a Select Committee consisting of Sir Purshotamdas Thakurdas, Mr. W. Alexander, Mr. Anwar-ul-Azim, Mr. Lalchand Navalrai, Kumar Ganganand Sinha, Mr. S. Lall, Mr. L. Graham, 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 TRADE DISPUTES BILL.

The Honourable Sir Bhupendra Nath Mitra (Member for Industries and Labour): Sir, I beg to move:

"That the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes be referred to a select committee consisting of Sir Darcy Lindsay, Sir Purshotamdas Thakurdas, Sir Victor Sassoon, Mr. Ghanabham Das Birla, Mr. Muhammad Ismail Khan, Mr. Anwar-ul-Azim, Pandit Hirdaynath Kunzru, Mr. N. M. Joshi, Diwan Chaman Lall, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Mr. V. V. Jogiah, Mr. M. S. Seshu Ayyangar, Mr. K. C. Roy, Mr. M. K. Acharya, Rai Bahadur Tarit Bhushan Roy, Mr. Fazal Ibrahim Rahimtulla, Mian Mohammad Shah Nawaz, Mr. S. Lall, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

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Here, too, I propose to be as brief as possible and not open prematurely the floodgates of eloquence in this House, for I feel that a full discussion of the provisions of the Bill must await the deliberations of the Select Committee which I have tried to make as representative in character as possible. I do not overlook the fact that the Bill which was circulated in accordance with the motion adopted in this House in September last has been the subject of keen controversy and discussion throughout the country. Nevertheless I am glad to find that the opinions received do not attempt seriously to controvert the fundamental proposition underlying the whole Bill, namely, that disputes between employers and workmen do not concern employers and workmen only, but that they concern the community as a whole and involve an obligation on the Government. Indeed the experience of the past year is sufficient to bring home to every one of us the gravity of the situation arising out of industrial disputes in India and in this connection I draw attention to the speech delivered by His Excellency the Viceroy in Calcutta before the Federation of Indian Chambers of Commerce. When I say that the recent Bombay mill strike involved the loss of over 21 million working days and nearly 3½ crores of rupees in wages alone, it requires no argument on my part to prove that the waste occasioned by industrial disputes in India is now assuming alarming proportions. The Honourable Mr. McWatters, in moving for circulation, rightly pointed out that the Bill was not going to put an end to industrial troubles. No legislation can do that. But the experience of other countries has shown that measures of the kind now proposed have made a significant contribution to the movement for industrial peace and it has been the object of Government, in framing this Bill, to make use of the experience of other countries to set up a suitable machinery for the investigation and the settlement of trade disputes. In the first part of the Bill it is proposed to set up two types of machinery, namely, Boards of Conciliation and Courts of Enquiry. The former is intended to secure compulsory conciliation and the latter, compulsory investigation; but the object of both is to mobilise public opinion in order to prevent and shorten industrial disputes. We have avoided any suggestion of compulsory arbitration, and Honourable Members will observe from the provisions of the Bill that the findings of the Boards of Conciliation and Courts of Enquiry are not binding on the parties. So far therefore I may legitimately claim that the Bill is essentially a democratic measure, as its successful working depends not on the power of the Government but on the force of public opinion of the community as a whole. If however the workman must rely on the good-will of the community for the amelioration of his conditions, it follows that he must regulate the methods by which he tries to secure such redress, so as not to impose an inconvenience to the community of a serious character, and he must not adopt methods which must inevitably lead to violent and revolutionary outbreaks which most of us here deplore and condemn. The proposition has been elaborated in a recent speech of Mr. Tairsee, President of the Indian Merchants' Chamber, Bombay, at the annual meeting of the Chamber held on 26th January last, and as I understand that copies of this speech have been circulated to Members of this House, I do not propose to take up its time by reading quotations from it. Moreover the truth of the proposition is so obvious that it requires no great elaboration, and it is this proposition which forms the link between the first part of the Bill now before the House and

its second and third parts. Indeed the fundamental object of these two parts is to restrain the workman from taking any hasty action which may alienate from him the sympathies of a substantial part of the community and may thus impede the achievement of his goal in the matter of improvement of his conditions of living and work. It would be an affectation on my part to ignore the fact that our proposals in the second part of the Bill, which deals with public utility services, have been subjected to severe criticism from workers' organizations in the country. It has been stated in some quarters that we are here interfering with the right to strike of certain classes of workers, many of whom may be the employees of Government. I take this opportunity of asserting with all the emphasis at my command, that it is not in the least the intention of Government to take advantage of the provisions of this Bill to strengthen its hands against its own employees or any employees at all. The principle underlying this part of the Bill is a simple one; viz., that the public utility services are in a category by themselves, because any dislocation of them instantaneously inflicts great inconvenience and hardship upon the whole community. The workers in these industries are in a particularly strong strategic position by reason of the essential services which they perform, and there is therefore no injustice in curtailing, to a limited extent, their right to strike. This principle has been recognised in the legislation of many countries. In India also, it is found in the Post Office Act and in every single Municipal Act. I can therefore assure the House that the basic principle of this part of the Bill, viz., that persons whose work is vital to the welfare of the community, should not be entitled to enter into a strike before some time has been given to permit of an examination of the merits of their grievances and to explore the possibilities of arriving at a possible settlement, is by no means an innovation on the part of the Government of India.

The provisions of the third part of the Bill, which relates to illegal strikes and lock-outs, have also been subjected to severe criticism; but I may say that most of the criticisms are due to a misapprehension as to the scope of our proposals. It has been stated that Government are attempting to make sympathetic strikes illegal, to prevent outsiders from taking a part in the trade union movement of the country, and to encourage black legs. I maintain that the Bill does nothing of the sort. The strikes and lock-outs which are declared illegal must satisfy both of two conditions. First of all, the strike must be one which is not purely industrial; secondly, it must be one intended or calculated to coerce the Government or to intimidate the community or a substantial part thereof, instead of being directed against individual employers. A sympathetic strike does not, therefore, come within the scope of the Bill so long as the strike is directed against the employer and not directed against the Government or the community.

I may be asked why Government have thought it necessary to incorporate the provisions of the legislation enacted in Great Britain to meet a particular contingency, viz., a general strike, when such a contingency has not arisen in India. I would, in reply, say that there is sufficient evidence to show that the extremist wing of the Labour Party in India is already preparing the ground for a general strike. (Hear, hear.) Such a strike had very serious consequences in England, and it is doubtful whether the struggling industries of India would be in a position to survive the shock of such a great upheaval in the labour world of this country. I have no doubt that all those who have the interests of the country at heart will

[Sir Bhupendra Nath Mitra.]

join in condemning a general strike in the same way as it has been condemned in England. It is no use waiting till it actually occurs in India, because then it would be too late to protect ourselves from the disaster which must inevitably follow.

Whatever may be the difference of opinion on the provisions of this Bill, that a Bill of this kind is most essential will, I am sure, be recognised by every Member of this House. I do not maintain that the proposals of Government are incapable of improvement, but I submit they deserve to be considered very carefully and dispassionately by this House.

Sir, I move.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): Sir, in supporting the motion of my Honourable friend, I have to do so with considerable caution and with a good deal of reservation. In the first place, I have got a complaint to make. This Bill was ordered to be circulated for the purpose of eliciting public opinion thereon in the last Simla Session of this House, and a few opinions have been placed in our hands by the department in charge of the Honourable Member, or perhaps by the department of the Legislative Assembly. And when I went through those records to find out what exactly has been the nature of the public opinion expressed, I was greatly enlightened by the opinions expressed by the North-West Frontier Province, Coorg, Ajmere-Merwara, and Baluchistan; but when I wanted to find out what industrial centres like Bombay and Calcutta had to say on this Bill, I found, Sir, to my utter disappointment, that there was nothing contained in these opinions, from these two industrial centres. I do not know whether the opinions from Bombay and Calcutta have not yet been received by the office of the Legislative Assembly. In any case, the fact that this House has not had the advantage of knowing what is the opinion expressed by these two industrial centres, must be a serious handicap in the discussion at this stage of the Bill. I hope that the Select Committee will have the benefit of these opinions before the actual work of the Committee begins on this Bill.

Sir, I started by saying that in supporting the motion of my Honourable friend, I have to do so with considerable caution; and my reason for so stating my position is this: that in the single Bill that is now before the House, my Honourable friend has thought fit to include matters on which there may be general agreement of opinion on all sides and matters on which there is likely to be considerable controversy in the country. I do not see what necessity there was for my Honourable friend to include Parts II and III in the Bill that has now been presented. So far as I have been able to look into the legislation passed in the United Kingdom on these subjects, the subject-matter treated in Part I of this Bill is treated in the British Industrial Courts Act, and the subject-matter of Part III in the British Trade Disputes and Trade Union Act of 1927. It is the mixing up of these various matters in this one Bill that makes our position rather difficult.

Sir, at this stage, we are entitled to say what exactly is the principle of the Bill to which we subscribe. My Honourable friend, in his opening speech, attempted to give an indication as to what he considered to be the principle of the Bill and he stated it somewhat in these words, that trade

disputes are not merely the concern of employers and workmen but are the concern of the State and the community at large, for which the State ought to make provision. But in applying that principle, unobjectionable in itself, to the special provisions of the Bill before us, I am afraid I cannot agree with my Honourable friend that Parts 2 and 3 of this Bill are a necessary corollary to the principle to which we on this side of the House will subscribe. My position and the position of those who sit on this side of the House with regard to this is that so far as the principle embodied in sections 1 to 14 of this Bill are concerned, we accord our general support, subject to modifications—it may be considerable modifications—that will have to be made in the detailed provisions of these clauses. We accept the general principle that the State ought to set up a machinery for bringing about arbitration or conciliation in matters of industrial disputes and also set up Courts of Inquiry in certain cases. But we are not prepared to say at this stage that we will agree to the provisions contained in clause 15 and in part 3 of the Bill. Even in part 1 of the Bill, as I said, considerable modifications will have to be made in Select Committee. In the Statement of Objects and Reasons it is stated that this part of the Bill is based generally on the British Industrial Courts Act of 1919; but I would like to draw the attention of this House to the fact that Government have made considerable modifications in the provisions contained in the corresponding British Act. Boards of Conciliation and Courts of Inquiry are sought to be set up in certain cases. In the corresponding British Act I find that a necessary preliminary to the setting up of a Board of Conciliation is that the dispute must, in the first instance, be reported to the Minister by either of the parties to the dispute; but I find that by the provisions of the Bill that is now before us, even without such a report by either of the parties to the dispute, Government is given the liberty and the option of setting up a Board of Conciliation. Another very important safeguard which I find in the corresponding British Act is that both the parties must consent to the arbitration, and I find no such corresponding provision in the Bill. Sir, it will be for the Select Committee to consider carefully whether it would be necessary that we should incorporate in this Bill these two provisions which are contained in the corresponding British Act.

Mr. President: Order, order. The Honourable Member must know by this time that if he accepts the motion for Select Committee, he accepts the main principles underlying all the parts of this Bill.

Mr. R. K. Shanmukham Chetty: Yes, Sir, but I am at liberty to interpret what I consider to be the principle underlying the Bill.

Mr. President: It is for the Chair to say what the principle of the Bill is.

Mr. R. K. Shanmukham Chetty: What I meant to suggest was this. My Honourable friend took it upon himself to state in very broad words what he considered to be the principle of this Bill. I do not accept his interpretation, the interpretation that he has placed on it. Of course when the matter comes to the Select Committee, it will be for the person who presides over the Select Committee to decide what exactly is the principle of the Bill and then to decide whether any amendment proposed in Select Committee is consistent with the principle that has been accepted. That, so far as I have understood, is the procedure.

Another very important safeguard which I find in the corresponding British Act is that, where arrangements already exist in any particular

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trade or industry for the settlement of disputes in that particular trade or industry, that source of conciliation and arbitration must be exhausted before reference to this special Board of Arbitration. It will be a point for the Select Committee to consider whether this also ought to be incorporated in this Bill.

Sir, subject to these remarks I said I accept the general principle embodied in clauses 1 to 14; but I maintain that, for the purpose of giving effect to the principle, underlying this Bill, it is not necessary for us to incorporate section 15 and the sections relating to strikes and lock-outs.

Mr. President: Order, order. Does the Honourable Member accept the principles contained in parts II and III of the Bill?

Mr. R. K. Shanmukham Chetty: I accept the principles contained in this Bill in the light in which I have tried to understand them.

Mr. President: I should like to know from the Honourable Member whether he accepts the principles contained in parts II and III of the Bill.

Mr. R. K. Shanmukham Chetty: I maintain, Sir, that for the carrying out of the principle of the Bill, it is not necessary to have parts II and III.

Mr. President: The Honourable Member is evading the question. I should like to know whether the Honourable Member accepts the principles contained in parts II and III of the Bill?

Mr. R. K. Shanmukham Chetty: Sir, it is difficult to say whether a particular section is necessary or not for giving effect to the principles of a Bill. It may be that we accept the general principles embodied in this Bill, but are of opinion that particular sections are not necessary or are going beyond the principles embodied in that Bill.

Mr. President: I understood the Honourable Member to say just a few moments ago that he accepted the principle contained in part I of the Bill, but he did not accept the principles contained in parts II and III of the Bill. That was the statement he made sometime ago. Therefore I would like to know specifically from him whether he accepts the principles contained in parts II and III.

Mr. R. K. Shanmukham Chetty: What I meant to say—probably I said it in rather clumsy words—was that part I of the Bill carries out the main principle of this Bill as I understand it, but that in carrying out the main principle, it is not necessary to have parts II and III of the Bill,—that parts II and III in my opinion seek to embody a principle altogether different from the main principle of the Bill and Government ought to bring in a separate measure.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan): If I may say so, Sir, there is no such thing as part I and parts II and III of the Bill. It is only a practical and convenient way of describing the Bill. The whole Bill is one and we are at liberty to support the whole Bill.

Mr. President: The Honourable Members are opposed to parts II and III, and yet they want to send the whole Bill to Select Committee. Is that the position?

Mr. Jamnadas M. Mehta: There are no parts II and III. There is nothing in the Bill to show there are any parts.

Mr. R. K. Shanmukham Chetty: Sir, as my friend Mr. Jamnadas Mehta has pointed out, there is no such thing as part I or parts II and III in the Bill. My Honourable friend in his opening speech used these expressions for the purpose of convenience. I followed what my Honourable friend had done and I criticised the Bill in the light of what my Honourable friend said. If you look at the Bill, Sir, there is no such thing as part I or part II or part III of the Bill.

Mr. President: Those were the words of the Honourable Member himself.

Mr. R. K. Shanmukham Chetty: We used it for the purpose of convenience since my Honourable friend himself started by saying parts I, II and III of the Bill.

Mr. President: I should like to know from the Government what they consider to be the principles of this Bill.

The Honourable Sir Bhupendra Nath Mitra: I have already explained, Sir, in my opening speech that the fundamental principle which runs through the whole Bill is the introduction of certain arrangements for securing the settlement or avoidance of trade disputes. (*Some Honourable Members:* "Quite right".) But I also explained how the provisions with regard to public utility services and illegal strikes fit in with those arrangements. That, Sir, is the precise position. So far as Government is concerned, they hold that all the provisions of the Bill will be required if we are to achieve the object which the Bill is intended to secure.

Mr. President: That is quite clear.

The Honourable Sir Bhupendra Nath Mitra: At the same time I am quite willing that the whole thing should be discussed in Select Committee and I have no doubt that I shall be able to persuade my friends opposite that all the provisions are required for that purpose.

Mr. President: That means that the Government attaches particular importance to the methods proposed by them for achieving the object of the Bill.

The Honourable Sir Bhupendra Nath Mitra: That is perfectly correct, Sir. As I have said they do not form part of the complete picture, but I am quite willing to have the provisions discussed in the Select Committee.

Mr. President: Are Government prepared to have alternative methods adopted by the Select Committee?

The Honourable Sir Bhupendra Nath Mitra: Government, Sir, will not object to alternative methods being proposed in Select Committee, and the Select Committee can express their views throughout; but without knowing anything of what those views would be, it is obvious that it is not possible to commit Government with regard to those alternatives in any way.

Mr. President: I take it that even if the methods proposed by Government are not adopted by the majority of the Select Committee, the Government would bring this Bill up for consideration before the House?

The Honourable Sir Bhupendra Nath Mitra: What will happen, Sir, will depend upon the report of the Select Committee.

Mr. President: I have got to consider what is really the fundamental principle of the Bill and therefore it is necessary that I should know these things.

The Honourable Sir Bhupendra Nath Mitra: I have tried my best, Sir, to make clear what Government consider to be the principle of the Bill; and I have already stated that, if in Select Committee other alternative proposals are devised and accepted by the majority of the Select Committee, they will become the proposals of the Select Committee, and in that form they will come before the House. But they will not necessarily commit the Government to the acceptance of those proposals.

Mr. President: The Honourable Member is not quite clear whether the Government will proceed with this Bill if their proposals, contained in parts II and III of the Bill, are not accepted by the Select Committee.

The Honourable Sir Bhupendra Nath Mitra: I cannot possibly commit Government in regard to that matter.

Mr. President: Do Government consider that to be the principle of the Bill?

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): I have nothing more to say, Sir. I think the point has been cleared and we should proceed with the discussion of the Bill.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I beg to submit that it is perfectly immaterial as to what the Government consider or do not consider to be the principle of the Bill. As you were pleased to remark at the very outset, when this question was raised, it is for the Chair to give a ruling upon the point as to what is the principle of the Bill. It has been pointed out by my Honourable friend, Mr. Chetty, what the usual practice in the Select Committee is: he says it is for the Chairman of the Select Committee, when any point is raised before the Committee, to say whether it fits in with the principle of the Bill or not. If in his opinion it does not, he allows discussion; if it does, he stops discussion. I take it that that is the accepted practice of Select Committees, because I have not had the good fortune of serving on many of them and have no personal knowledge. So far as the question of principle is concerned, it can hardly be said that any clause or section of the Bill is devoid of principle: everything must be based upon some principle, and each section, while it is based upon some principle of its own, is governed by the general principle which pervades the whole Act. The question for you, Sir, to decide is what is that general principle, in the carrying out of which the various subordinate principles have been invoked in the various sections. If that general principle is intact and is, as has been put by my Honourable friend, Sir Bhupendra Nath Mitra, then we are quite content to accept it and to go to Select Committee and there make our suggestions as to what the various means are to be in order to carry out that principle of the whole of the Bill. But, I submit, it is a very very large order to say that every method suggested is also a question of principle, and that the principle involved in every section is the general principle of the Bill. I do not understand my friend to mean that: he has quite clearly stated that, whatever proposals are to be made by the Select

Committee, they will come before this House for consideration. Now, it is for the Government to accept them or not to accept them—in fact there will be suggestions, I suppose, from both sides, and it is not compulsory upon either side, simply because the suggestion has been adopted by the majority of the Select Committee, to accept it. In the open House I take it that either party is at liberty to say "We do not accept this or that proposal of the Select Committee" and to take the verdict of the whole House upon it. So I submit, Sir, there seems to be really no difficulty about the matter. We are agreed that the real principle, if I may again repeat it with the permission of the Chair, is the settlement of trade disputes . . .

Sir Victor Sassoon (Bombay Millowners' Association: Indian Commerce): And certain other proposals.

Pandit Motilal Nehru: And as ancillary to that, there are all these other provisions which of course are based upon principles also.

Mr. President: My only difficulty is this: supposing this House decides to refer this Bill to the Select Committee and accepts its principle, which the Honourable Member has just described; supposing also that the Select Committee deletes altogether parts II and III of the Bill and Government refuse to make any further motion in this House on the Bill, as reported by the Select Committee, holding that the provisions of parts II and III were vital to the Bill, what would be the position? Government should not ask the House to refer this Bill to the Select Committee by saying that parts II and III are not fundamental, and then refuse to proceed further with the Bill when they find that the Select Committee has rejected parts II and III. I therefore want to know exactly what Government's position is.

***Mr. M. A. Jinnah** (Bombay City: Muhammadan Urban): Sir, may I submit most respectfully that it is not either for the Government or for this side of the House to say individually or collectively as to what the principle of the Bill or principles are. The principle or principles are embodied in the Bill itself which is now before the House. I for one would decline to take any statement from any Honourable Member, including the Honourable Member in charge of this Bill, stating on the floor of this House—it may be *ex cathedra*—that this is the principle of the Bill. I have got the Bill before me and I can perhaps find out what is the principle or principles of the Bill. Now it is quite obvious that the first principle underlying this Bill is covered by clauses 1 to 14 and the principle underlying those clauses is the investigation and settlement of trade disputes. That is the first principle underlying this Bill. The second principle of the Bill is divided into two parts. The second part of the Bill, if you can call it a part, commences with clause 15; and that clause, as you will see, lays down the question which affects sudden strikes in utility services, and the law which will regulate, if this clause is passed, sudden strikes in utility services. Then, the third part of the Bill commences from clause 16 and it deals with strikes and lock-outs which are illegal. Therefore, you have got a very

clear-cut principle or principles underlying this Bill. Now, Sir, 1 P.M. the moment we agree that this Bill be referred to a Select Committee, we agree to the principles underlying the Bill—(**An Honourable Member:** "All of them?")—all of them certainly, and it may be that the Select Committee may go wrong and destroy some of the principles underlying this Bill. A majority of the members may go wrong,—it can certainly go mad (Laughter),—the majority may or may not approve

* Speech not corrected by the Honourable Member.

[Mr. M. A. Jinnah.]

of all the principles of this Bill. But personally, Sir, if I were to give my vote in favour of this Bill, I should be accepting all the principles underlying this Bill, and therefore it is quite clear that you may make alterations or changes in the Select Committee with regard to the details of the Bill, but certainly not with regard to the principles underlying the Bill. That seems to me, Sir, to be the very clear position, and therefore I really do not see what the confusion is.

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.

Mr. President: I am sorry that Honourable Members on the Treasury Benches are absent.

(Honourable Members entered the Chamber immediately thereafter).

Mr. President: I should like to know exactly what the position of the Government in regard to this Bill is. The direct question that I should like the Government to answer is this, whether they consider the provisions contained in clauses 15 to 19 so vital to the Bill that, if the Select Committee deletes those clauses or makes material modifications in them, they will not make any further motion in regard to the Bill?

The Honourable Sir Bhupendra Nath Mitra: Sir, I submit that that is an awkward question to ask me, because it deals with a hypothetical matter. I hold that I shall be able to persuade the Select Committee to accept all the provisions more or less in the form in which they are in the Bill. But without in any way committing the Government to any principles of procedure raised on hypothetical issues, I am prepared to say this much, that, so far as this particular Bill goes, Government will, in all probability, proceed with the report of the Select Committee in this House, but they will reserve to themselves the fullest liberty of bringing before the House any amendments to the Bill, as reported on by the Select Committee, which Government may consider necessary, and that they will have absolutely free discretion in regard to the course of action about the third reading.

Mr. R. K. Shanmukham Chetty: In answer to a specific question that you addressed to the Honourable Member in charge of the Bill, before we adjourned for Lunch, as to what Government considered to be the principle underlying this Bill

Mr. President: I think that chapter is closed now. Government have clearly made their statement that even if all the clauses Nos. 15 to 19 are omitted or materially modified, they will bring in a motion for taking the Bill as reported by the Select Committee into consideration.

Mr. R. K. Shanmukham Chetty: What I meant to say was that in answer to your question the Honourable Member in charge said that the underlying principle of this Bill is to provide for certain arrangements . . .

The Honourable Sir Bhupendra Nath Mitra: Fundamental principles.

Mr. R. K. Shanmukham Chetty: To make certain arrangements for settling trade disputes. Well, Sir, I, speaking for myself and for those who sit on this side of the House, can say that we subscribe to that principle of the Bill. But, as I was pointing out, the special provision, as it is called in the headline to clause 15—"Special provision regarding Public Utility Services"—is a provision which is not essential for settling trade disputes in any manner whatsoever, and we reserve to ourselves the fullest liberty either radically to alter the provisions contained in clause 15, or to omit it altogether, in the Select Committee if we were advised that that was the proper course to follow.

Sir, clause 15 is supposed to make special provision regarding Public Utility Services. Now, if the object of the Government is to make provision for the prevention of lightning strikes, then I might say that there can be no difference of opinion on that point. I am sure even those who represent trade union organisations do not approve of lightning strikes causing grave inconvenience to the public and to the community at large if they can avoid it. Apart from that, I maintain that clause 15, as it is drafted, does not refer merely to strikes contemplated but even to the ordinary withdrawal of service by a workman engaged in a Public Utility Service. I am sure it is not the intention of the Government to penalise a workman or a group of workmen who may withdraw their services for reasons absolutely unconnected with a strike. I am sure that that is not the intention of the Government, but unfortunately, as the clause is worded at present, it will cover the case of even an individual workman who withdraws from his work for reasons unconnected with a strike. I am sure that this point will be carefully examined by the Select Committee and suitable alterations made.

Sir, I do not want to say at this stage anything about the special provisions made in clauses 16 to 20 with regard to illegal strikes and lock-outs. As has been pointed out in the Statement of Objects and Reasons, these provisions are taken mainly from the British Trade Disputes and Trade Unions Act of 1927, and as my Honourable friend the Mover of the Bill himself pointed out, the British Act that was passed in 1927, was enacted as a result of the general strike in England in 1926. Whether it is advisable in the present stage of trade union development in this country to make such drastic provisions for illegal strikes and lock-outs is a matter on which there is considerable difference of opinion. Sir, Indians, whether they are employers or workmen, are genuinely interested in seeing that the trade union movement in this country develops along right lines. I am sure that my Honourable friends here, who represent Indian commerce and industry, will agree with me when I say that it is to the benefit of the employer to have trade unions properly organised and developed. The real danger to the community at large and to the employer in particular is not from organised trade unions, but from the disorganisation that exists in the trade union movement, and I might assure my Honourable friend that we, on this side of the House, will certainly co-operate with him in making suitable provision for the healthy development of trade unionism in India. At the same time, it would be our duty in the Select Committee to see that, by any fresh enactments that we make, we do not unduly hamper the growth of trade unionism in India, much less to curtail the legitimate privileges of workers.

With these safeguards and with these reservations I support the motion of my Honourable friend, Sir Bhupendra Nath Mitra.

Mr. Arthur Moore (Bengal: European): Sir, the other day we listened to a good deal of opposition to the Public Safety Bill on the ground, as I understand, that it was an unprincipled Bill. To-day it appears that the Government have brought in a Bill with too many principles, and we are told that it is suffering from a plethora of principles. But, although it is stated in paragraph 3 of the Statement of Objects and Reasons that, "the main part of the Bill falls into three parts",—I think the Honourable Sir Bhupendra Nath Mitra might reasonably say like, Athanasius, *contra mundum*, "yet there are not three principles but one principle," because we are told in paragraph 2 that the object of the Bill is "to enable the investigation and settlement of trade disputes." I think that sufficiently indicates that the prevention of trade disputes is also one of the objects, and therefore, not only the first fourteen clauses, but the subsequent clauses also, could be brought under the sheltering umbrella of a single principle, which is the promotion of industrial peace. Now, Sir, I am glad indeed to hear the speech of my friend Mr. Shanmukham Chetty, and to gather that the Government may look forward, subject no doubt to helpful criticism in regard to details, to a reasonable measure of support for this Bill. One of the arguments brought against the Government the other day in connection with the Public Safety Bill was that the proper way to deal with these troubles was by remedial measures; and an attempt was made to isolate the Public Safety Bill in a single compartment, and to suggest that the Government was doing nothing apart from bringing forward proposals for the deportation of two or three Englishmen. That would be a fair criticism if it corresponded to the facts. But I think we must be prepared to judge what is being done as a whole,—to link up these various proposals, and then consider whether we are entitled to support them or not. Here we have a further proposal, which I think can fairly be described as a remedial measure; and thirdly, as an interdependent part of the plan we have the pronouncement made by His Excellency the Viceroy at the opening of the Session, that it is proposed to have a Royal Commission on Labour with, as its Chairman, the ex-Speaker of the House of Commons, who is known for his definite part in promoting industrial peace. Therefore I say that here we have a programme that we can take up together.

And let us make no mistake about it. It is not enough, as was truly said, to deport people. We are faced with a danger and a difficulty entirely apart from the undoubted fact that there are people, chiefly foreigners, who are anxious to promote industrial unrest for reasons which are not economic. Their object is to produce revolution and strife, and not to promote the welfare of the workers. Rule out those people and consider them as a problem which has to be dealt with on certain lines—but let us not delude ourselves. When we have dealt with them, I hope successfully, there remains another problem. Undoubtedly we are in for a very long and dangerous and difficult period of adjustment. In this House we are all agreed that we wish to promote and develop Indian industries. We wish to see India a manufacturing country. Now, that in itself produces a difficult situation. One of our advantages in manufacture in this country is a lower rate of wages and a lower standard of living than that of the workmen in Europe. That is an advantage which in itself constitutes, for the infant industries of this country, a measure of protection. It is therefore something which we cannot afford

to throw away at the very outset, but we have got to remember that the rest of the world is against us on this point. We have got to remember that the European workman and the European capitalist alike are agreed in their desire to see the Indian workman get higher wages and have a higher standard of living. They regard the coming competition of the East as unfair competition. This is something entirely apart from Bolshevism, entirely apart from any desire to promote industrial unrest. The workmen of Europe and the employers of Europe are alike insisting that the standard of wages of the Indian workman must go up. Among Europeans in this country there is naturally a certain conflict of interest as between the importer who imports goods from Europe and sells them here, and the increasing number of Europeans who are promoting industries in India. Yet, although it has been the fashion to represent Europeans as blood-suckers and exploiters, I think it can fairly be said that the European has always been the cause of a raising of the standard of living in this country.

Mr. Jamnadas M. Mehta: In Assam, for instance. Five rupees a month.

Mr. Arthur Moore: Yes, in Assam for instance. I have recently been visiting tea gardens in Assam, and, speaking from my own impressions, I think it is decidedly true that the persons directing those industries have raised the standard of living. I think it is undoubtedly true to say that the European in India has in the past been the cause of a rising standard of wages. He recognises that that has got to continue; but he no more than the Indian manufacturer believes that the East can straightaway throw away whatever manufacturing advantage she has to set off against the drawback that she is creating infant industries and has yet to teach generations of workmen to become skilled. He does not believe that the East can throw away that advantage at once and compete with the Western standard of living. Yet we do sympathise with the desire for a rising standard. Europeans after all are Europeans, and we are bound to believe in our own civilization. Greatly as we respect Mr. Gandhi, our own outlook and view of life is in many ways opposed to his. We do not believe that you can isolate spiritual evolution and say that it is possible for a country to progress in that way and to leave material evolution behind. We believe in a material evolution of this country to keep pace with a spiritual evolution, in the direction of making us all conscious of each other's needs. Therefore we stand for a rising standard. This rising standard of the East is after all an inevitable step in the modern world, with its rapid communication and quick transport. The world is undoubtedly becoming one, and it is impossible to have some countries pouring out their manufactures into its markets while paying their workers on a far lower scale than the rest of the world. If that happened, it would in the end bring down the West to that lower level of wages. It would in the end prove the ruin of modern civilization. What has got to happen, what will happen, what we already see beginning to happen through the committees and councils that sit at Geneva, is a gradual raising of the standard. In the raising of that standard we have before us a long and difficult period. We shall have troubles for years to come. Now are we to follow the bad old way, the way of the nineteenth century and of the first part of the twentieth century in the West; are

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we, in facing those troubles, to proceed step by step by a series of violent jerks, strikes and lock-outs? If there is any meaning in the history of the nineteenth century and the first part of this, it surely is that we should come to see that that is the wrong way. The path to be followed is the path of conference and of goodwill; and therefore I think we should welcome this Bill, because it does give us some machinery of conference. There are details in the Bill which various Members of this Group will wish to raise later on. We are not, for instance, quite certain that it is a good thing that, not only in the case of Courts of Inquiry, as to which we should all be agreed, but that also in the case of Boards of Conciliation, Government will have the right to interfere, even if neither party asks for it to do so. We are inclined to think that, if you hold your Court of Inquiry, and a case for a Board of Conciliation is proved, then there will be no difficulty in getting an invitation from one side or the other. But these are details. The main point is that we welcome the creation of machinery that will be there to function in the interests of goodwill and of both parties,—because fundamentally it is beyond all question that the interests of both parties are the same. We do not believe in victories for employers or employees. All those victories leave consequences and lead to fresh strikes. We think the only real victory is to find a true solution which will enable production to go on to the satisfaction of both sides and conduce to a gradual raising of the standard of living in this country.

Maulvi Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I rise not to give a qualified support to the Bill as my friend Mr. Chetty did, but to oppose it. I consider this Bill to be one of the most repressive and retrograde measures ever introduced in this House. I consider it to be more repressive than even the Public Safety Bill, because the Public Safety Bill restricts the freedom of movement of a few foreigners, but this Bill restrains the liberty of action of thousands of Indian workers. A parallel for such legislation can only be found in Fascist Italy, and this House, I am sure, is not going to tolerate Fascist methods of dealing with strikes in this country. If, Sir, this Bill is passed into law, it will sound the death-knell of the nascent trade movement in this country, at least so far as the Public Utility Services are concerned, and I am sure Honourable Members in this House, who are interested in the cause of labour, will oppose this Bill most strenuously.

Sir, I recognise the necessity of having a Board of Conciliation or a Court of Inquiry as machinery for the settlement of trade disputes, but the machinery suggested in this Bill will prove to be an ineffective instrument, and I don't believe that much good will come out of it. I find the evils of the Bill far outweigh the good that is in it. This Bill declares strikes in Public Utility Services without one month's notice to be a criminal offence. The right to strike is everywhere recognised as the only weapon of defence for the poor resourceless workers. If you take away that right, you reduce them to the position of serfs and slaves. It will put them absolutely at the mercy of employers. The Indian workers, with large families to maintain, do not go on strike for the mere fun of it. When conditions of service become intolerable, when the choice lies between continuing in that condition, or of making further

sacrifices to improve their lot, they sometimes, in their desperation, go in for strikes. There is not one instance in which Indian strikers went into strikes for political purposes, for establishing a dictatorship of the proletariat

Mr. H. G. Cocke (Bombay: European): Does the Honourable Member suggest that the strike at Jamshedpur was due to the terrible conditions of the workers?

Maulvi Abdul Matin Chaudhury: I suggest that that strike was not for establishing the dictatorship of the proletariat. Whenever they go on strike, it is for the betterment of their own conditions and to obtain living wages. If these strikes were due entirely to labour agitators, why is it that the strikes in public utility services, such as the post office are so few, and strikes on railways are so frequent? While talking of the

S.P.M. postal service, I would like to pay a well deserved compliment to the Honourable Sir Bhupendra Nath Mitra for all that he has been doing for the postal workers. By this I do not mean to suggest that the Honourable Sir George Rainy is less sympathetic towards labour than his Honourable colleague. (Hear, hear.) We know that when he was called upon to interfere in the Kharagpur strike, he showed tact, he showed sympathy and he showed statesmanship. The workers were satisfied and they went back to their work immediately. But that action of Sir George Rainy brought upon him the condemnation of the Anglo-Indian Press in Calcutta for espousing the cause of labour and letting down the autocratic Agent. Since then, most unfortunately, the very humane side of his character, which Sir George Rainy showed in the Kharagpur strike, he is trying to suppress.

Then, Sir, a strike occurred at Lilooah. The matter was left entirely within the discretion of the Agent, and the strike continued for four months and ultimately it collapsed and the workers went back to their workshop. But they did not go to the workshop contented and satisfied like the workers of Kharagpur; they went back dissatisfied, defeated and humbled and the defeat is still rankling in their heart. It may have been a triumph for the Agent temporarily, but ultimately the Government will find that it will have the most disastrous consequences to the Government. It was these Lilooah strikers who led that most effective demonstration to the Congress pandal during the Congress week. They are all biding their time, and the Government will find that the repressive policy of dealing with labour does not ultimately pay in the long run. My own impression is that strikes in the railway are due more to the haughtiness, arrogance and unsympathetic attitude of railway officials than to the activities of men like Mr. Spratt or Mr. Bradley. If the communists find a very fertile field for their propaganda among the railway workers, it is because the field is well manured with the iniquities and injustices of railway officials. You remove those grievances and they will turn a deaf ear to the communists and turn them out of the field. But the Government will not tread the path of conciliation. They have patented two remedies for all the ills that India is heir to; for all political distemper they have got repression, and for industrial unrest they have got one remedy, that is starvation. The Government starve the workers into submission. But finding that sometimes, even the prospect of starvation does not deter the workers from going on strike

[Maulvi Abdul Matin Chaudhury.]

when they reach the limit of their endurance, the Government are now forging this new fetter to suppress the trade union movement.

I should now like to deal with this Bill from another point of view. His Excellency the Viceroy, in his inaugural address, has announced the appointment of a Commission to enquire into the labour grievances and to devise means for their removal. Though the terms of reference have not been announced, His Excellency has made it clear that the terms will be very wide and that the personnel will be strong and representative. And the importance that the Government attach to this Commission can be gathered from this fact, that they have secured the services of Mr. J. Whitley, lately Speaker of the House of Commons, to preside over the deliberations of that Commission. Now, if that Commission is to fulfil the functions for which it is appointed, it will naturally enquire into the grievances of the workmen and will devise some machinery for the settlement of trade disputes. In view, Sir, of this impending appointment of this Commission, is it necessary to rush through this legislation, this crude piece of legislation which is opposed by the trade union movement so strongly? When specialists have been engaged from London to diagnose and prescribe for the labour distemper, I do not think it is very wise to force upon the patient the prescription of the quacks of the Government of India.

An Honourable Member: Official quacks.

Maulvi Abdul Matin Chaudhury: There is no particular hurry for this Bill. The Government has been incubating over it for a very long time past and I do not think much harm would be done if this legislation were to wait for a year or two more. My Honourable friend Sir Victor Sassoon talks of general strikes in next May. If, Sir, the general strikes are being engineered by the communists, there is already one Bill on the legislative anvil to deal with these communists.

Sir Victor Sassoon (Bombay Millowners' Association: Indian Commerce): No, no.

Maulvi Abdul Matin Chaudhury: I do not see the necessity of having a double barrelled gun to be levelled at the labourers.

An Honourable Member: It is not law yet.

Maulvi Abdul Matin Chaudhury: It will be law soon with your help.

An Honourable Member: I hope not.

Maulvi Abdul Matin Chaudhury: Then all the measures that the Government are adopting to deal with labour unrest are taking the form of attacking labour organisations, but not one measure is proposed for the amelioration of the conditions of labour. I would suggest that instead of trying to thrust this Bill down the throat of unwilling workers, the Government ought to wait for the recommendation of the Labour Commission and try to sugar-coat the Bill with the recommendations of the Commission about improvement of labour conditions. In that case they will find the House in a readier mood to consider this Bill.

Pandit Hirday Nath Kunzru (Agra Division: Non-Muhammadian Rural): Sir, I should like to say a few words in regard to the principle of this Bill before it is sent to the Select Committee. The Bill may, as the Honourable Member in charge of it has said, be divided for the sake of convenience into three parts. The first deals with the machinery for settlement and investigation of trade disputes. The second deals with strikes in public utility services; and the third with strikes the object of which is to coerce Government. At one time, as you know, Sir, there was some doubt in the beginning with regard to the principle of this Bill, but although Government have now agreed that it would be within the purview of the Select Committee to consider the Bill in all its aspects and make such changes as it thinks proper, nevertheless, I think it would be useful to discuss what is the link which connects all these three parts of the Bill. So far as the machinery for the settlement and investigation of trade disputes is concerned, everybody will welcome it, though I find in the opinions that have been received in regard to the Bill that some of the employers' organisations have raised a feeble objection to it on the ground that there should be no State interference, compulsory State interference either in regard to enquiry or in regard to conciliation. However as the House already knows opinions differ with regard to second and third parts of the Bill.

The Honourable Member in charge of the Bill said that the object of the Bill being to diminish strikes and to promote concord between workers and employers, it was very desirable that the provisions contained in clauses 15 and 16 of the Bill should be accepted by the House. I personally can see no organic connection between the first part and the second and third parts of the Bill and in order to elucidate my point of view, I would place my case before the House in this manner. It was possible for Government to bring forward a Bill dealing with the investigation and settlement of trade disputes by itself. Such a Bill would have been considered desirable by every section of the House and would have provided its own justification. But let us now suppose that this Bill is shorn of its first part. Would Government then at this stage bring in a Bill dealing with strikes in Public Utility Services or strikes which it is pleased to regard as having for their object the coercion of Government? I venture to think that whatsoever the opinion of my Honourable friend Sir Bhupendra Nath Mitra might be with regard to the urgency of clauses 15 and 16 of the Bill, he should have thought not once or twice but ten or possibly a hundred times before bringing in a Bill at this stage embodying provisions dealing only with the matters referred to in clauses 15 and 16. If these things could not really be dealt with separately at this stage, and Government feel that it would not be expedient to bring these matters before the House in the present circumstances the objection to them does not lose in force, because these two parts are included in a Bill which also contains another part which might be regarded as non-controversial by the House. It is somewhat difficult to avoid the inference that it was proposed to smuggle through clauses 15 and 16 with the aid of another part of the Bill which might be regarded as desirable by all sections of opinion here.

Now, Sir, I will not go into the various clauses or suggest, even in regard to the first part, the modifications that ought to be made therein.

[Pandit Hirday Nath Kunzru.]

in order to make the Bill fully deserving of the support of this House. As I am dealing only with the principle underlying this Bill, I should like to examine somewhat closely the object underlying clauses 15 and 16. The Honourable Member in charge of the Bill who referred to the opinions received in regard to it, must have noticed that one of the objections to clause 15 is that all the labour which is employed in public utility services is not employed on monthly contracts. There is an appreciable amount of labour which is paid daily or in accordance with some other system. He did not deal with the objections raised by those who thought that unless this clause was so drafted as to cover all kinds of labour, it would be ineffective. I do not know whether he left this point for the consideration of the Select Committee or whether the intention of Government is that clause 15 should be altered so as to apply to all workers, whether they are daily workers or whether in accordance with their contracts of service they have to give a month's notice before they can withdraw from their duties. If it applies only to the case of those who in accordance with their terms of service have to give a month's notice of withdrawal, it is clear that they would expose themselves to a civil liability should they violate the terms of their contract. It is difficult to understand why in the present disorganized condition of labour it is sought to impose another and a penal liability on them. I remember, Sir, that at an earlier stage when this Bill was before the House, one of the objects of this clause, i.e., clause 15, was said to be—and this was repeated by the Honourable Member in charge of the Bill to-day—that it would give an opportunity for setting in motion the machinery for enquiry or conciliation; and the Canadian Act was also referred to, if not to-day at least in September last. If on the lines of the Canadian law there had been any provision in this Bill for compelling the parties concerned in any trade dispute to refrain from going on a strike or from resorting to a lock-out till the cause of the dispute had been enquired into or till a board of conciliation had been appointed, and had given its verdict, there would have been justification for having a clause like this. Had even a general liability been laid on employees and workers in all trades as in Canada that previous notice of a month or so should be given of all changes in the conditions of work or other things which relate to employment, even then there might have been some justification for this provision. But this Bill does not prevent people engaged in services other than Public Utility Services from going on strike before there has been an enquiry or before a board of conciliation has been appointed and has reported. We have, therefore, to take this clause by itself under which a special disability is sought to be imposed on workers engaged in a particular class of work, which might be under the control of Government themselves, e.g., railway service.

The Honourable Member in charge of the Bill in order to reconcile as to the provisions of this clause, said that the principle underlying it was already embodied in several Acts passed either by the Central Legislature or by the Local Legislatures, and he instanced the Post Office Act and the Municipal Acts of the various provinces. Now, Sir, the Honourable Member I hope knows—if he is in touch at all with the Provincial Legislatures—that the desirability of imposing special disabilities on scavengers has been questioned on more than one occasion. But while non-official opinion might, on this point, be at a discount with

him and the other Honourable Members on that side, I am sure they will attach more weight to official opinion. I refer, Sir, to the opinion of the Government of Burma which is presided over by Sir Charles Innes who is well-known to this House. The Burma Government says:

"Clause 15 is more doubtful. It is correct in theory and there are precedents for it. But the value of the clause lies in its moral effect. It is impossible to conceive that wholesale prosecutions should follow a strike even in a public utility service. The object is to declare it an offence against the Community and the law of the land for the employees of a public utility service to strike without notice * * * Even in the Postal Service in India, a clause of this kind has not prevented strikes. Still less has it prevented them among municipal scavenging services. The clause may be useful as containing a sound principle. Whether it will really operate to prevent strikes in public utility services is more doubtful, and the Local Government thinks it might be left to the Select Committee to decide whether the clause should stand."

I believe, Sir that this opinion of the Government of Burma greatly reinforces the case of those who are against this clause 15, at least in the present circumstances. It is important to consider that if you have not been able so far to start criminal prosecutions in services which have already been referred to, whether you have any hope that in times of excitement or after the excitement has subsided you will be able to resort to such a course hereafter? Sir, I find that in all strikes one of the main points of a settlement is whether the wages for the period of strike are to be paid or not; and I believe it has been generally conceded in the past for the sake of reconciling workers and employers that either wages should be allowed for the period of strike or that some provision should be made which would not leave the workers in a state of destitution. Now if in regard to these things, to wages themselves, you find that this difficulty arises, do you not think that the difficulty will become tenfold if the workers are threatened with criminal prosecution. I do not think that it will be at all practicable to institute prosecutions on a large scale, but if a rumour is set afloat that Government wish to use the penal provisions of the law against strikers such a suspicion instead of putting an end to the strike might increase the difficulties of all those concerned and might unnecessarily prolong the strike. In any case no arguments have been adduced to justify an increase in the number of services where workers will be under special restrictions or limit the freedom of workers without imposing obligations on employers which would afford protection to labour against unjust treatment. We have to be particularly careful in this matter as Government themselves are big employers of labour.

I will now, Sir, come to the third part of the Bill. Clause 16, Sir, deals with a strike which has for its object the coercion of Government either directly or indirectly. Two conditions have to be fulfilled before a strike can come under this category—that is, can be regarded as having been started for the purpose of bringing undue pressure to bear upon Government. We have been told that this is a measure which is embodied in an English statute, that the provisions have been taken from English law and that there need therefore be no serious objection to their being embodied in the law of this country also.

Now, Sir, I took the trouble of going through the English law and familiarising myself with the debates that took place on the Trade Disputes and Trade Unions Bill in the House of Commons and in the House

[Pandit Hirday Nath Kunzru.]

of Lords. After criticising the provisions of the English Bill Mr. Clynes, on behalf of the Opposition, said:

"I have said therefore that this is not the end but the beginning of the struggle into which the Government have chosen to enter, and it will be the duty of the Opposition later when in the natural order of things it becomes a Government, no matter in what form this Bill may pass, to repeal the Act, and we make that declaration now because such an Act would not only be unfair but be a malignant endeavour on the part of Government to back up organised capital in the struggle with organised labour and it is because we regard this Bill as totally opposed to the universally accepted principles of British justice that now we declare what our intentions are when empowered in due time by the country to undertake the government of this land."

This, Sir, was the strong view taken of the English law by a representative Labour and Trade Union Leader. A General Election is to take place soon in England. Who knows what will happen as the result of the election? A Labour Government may come into power, and if that Labour Government repeals the English law where shall we be? Is it possible that a law of this character should remain on our Statute-Book after it has been repealed in England. If this country were self-governing it would be different, but situated as it is I doubt, Sir, whether, after the repeal of the English law, a law of this character could be maintained on the Indian Statute-Book. The Government might be convinced not merely of the utility but of the necessity for such a provision, but, from their own point of view, I maintain that it would have been desirable had they waited till the elections were over, put through that part of the Bill which dealt with enquiry and conciliation, and brought the other proposals forward in a separate Bill. But this is not the only aspect, Sir, of clause 16 which deserves our serious consideration. When its prototype, the English Bill, was before the House of Commons and the House of Lords a great deal of criticism was directed to the language of the Bill even after the amendment that it underwent in both Houses. On this point, Sir, I can fortunately quote the opinion not merely of a Labour leader but of a sober and cautious statesman—one who was for five years Viceroy of India. Lord Reading in the course of the debate in the House of Lords, said:

"When I take the Bill as a whole and look through it, as I have, with great care, considering it clause by clause, I say without hesitation that it is a Bill which in the language it uses is more vague, more indefinite, more lacking in precision in respect of the crimes which it enacts and the penalties which follow upon them, than any Bill which I have ever seen or any Act of Parliament that I have ever had to consider either as a Law Officer or as a Judge. I think that is a lamentable state of things."

And he stuck to this opinion even during the third reading of the Bill in the House of Lords.

Let us consider, Sir, for a moment what the effect of clause 16 may be if it is accepted by the House. I do not doubt, Sir, the good intentions of the Honourable Member in charge. I do not say, Sir, that he is actuated by any Machiavellian design of putting down Indian labour and strengthening Indian capital. I know, Sir, that his sympathies are with Indian labour. But in a Bill like this we are concerned not with his intentions, not even with the intentions of the whole Government, but with the language of the Bill, with the manner in which it might be construed; and a perusal of the debates that took place in Parliament shows that the danger of the law being misapplied is not an imaginary but a serious danger. And here

I will give an instance or two relating to Indian conditions which I hope will not be regarded as fanciful. I will leave aside the difficulties with regard to the definition of a trade or industry as a unit, or what constitutes coercion. I will admit for the moment that these things can be defined with substantial accuracy for practical purposes. But there may be cases for which these practical definitions will not serve. Suppose, Sir, the workers in coal mines go on a strike. They ask that the law with regard to the hours of labour in coal mines should be changed. Now, that is not within the power of the employers. The State which passed the law on the subject is the only authority which can change it. Now, suppose that the workers unable to get redress appeal to other workers in the country and that they are able to gain the sympathy of the railway workers. How would Government regard such a strike? The railway strikers would not evidently be engaged in a strike concerned with their own trade or industry. They would be engaged in a sympathetic strike; the object of the strike would be to bring about a change in a piece of legislation passed by this House. Now, would this dispute be regarded as a legitimate trade dispute or would it be regarded as a means, direct or indirect, of coercing the State to comply with the demands of the workers in coal mines? Such a case, Sir, was considered in the House of Lords, and the Lord Chancellor was asked what his interpretation would be. His answer will be found illuminating by the House. He said:

"If they, (that is, the workers in coal mines,) struck for a seven hour day, I do not think that falls within the Bill; that would be a strike in furtherance of a trade dispute within the mining industry and therefore would not fulfil the first condition in the Bill. If they said that they were not out for a seven hour day in their own mine but were out to make the Government legislate for a seven hour day, I am disposed to think that that would be an object other than the furtherance of a trade dispute and if the strike was designed or calculated to coerce the Government or the Parliament, it would fall within the Bill. That is the view we have always taken."

The comment of Lord Reading on this interpretation of the Lord Chancellor was:

"If the coal miners struck against particular employer for the purpose of working only seven hours a day, then it is perfectly lawful, and nothing short of violence or something quite outside the case we are now discussing would in such a strike make any action of theirs illegal. But with the eight hours Act in existence, if their purpose is to get rid of that Act and try to get a seven hour day, the strike is illegal. That seems to me to be the oddest thing in the world."

I shall take another instance. There is unfortunately such a railway in India as the Bengal and North-Western Railway. I have not yet, Sir, during the course of my public life, met anybody who had to say a good word for this line. The time is fast approaching when Government will have to consider with regard to this railway whether company management should continue or whether the line should be taken over by Government. Now, suppose the workers on this particular railway line, considering their wretched condition, considering the disadvantages at which they are, compared to workers in other Government lines, bring their grievances to the notice of Government and even combine to withdraw themselves from their duties, in order that the Railway may be taken over by Government in the hope that their conditions of work would thereby be improved, would such conduct on their part come within the Bill or not? Of course the object of the strike would be to improve their own condition. But since that improvement could, in their opinion, be brought about only by bringing

[Pandit Hirday Nath Kunzru.]

pressure to bear upon the State and by making the State take over the management of the railway, would this strike cease to be an industrial dispute and become a political dispute? A clear answer on these points is needed. If Government answer the questions that I have put in the affirmative, that is, if they come to the view that the cases I have discussed really are cases of political disputes, I doubt whether there is anybody on this side of the House who would be prepared for a moment to assent to to the provisions of clause 16.

Sir, among the opinions that have been received by Government, the Bihar and Burma Governments have referred to the provisions of clauses 16 to 20. The Bihar Government in particular discusses the possible objections to these provisions and says:

"It may be quite true that labour is at the moment insufficiently organized to undertake a general strike. But it is equally true that in India labour is more gullible than in more advanced countries, and there is little doubt that early efforts would be made to organize it for political, if not for industrial strikes. Communist leaders and extremist political leaders have recently talked openly of paralysing the Government by a succession of strikes. His Excellency in Council considers that this portion of the Bill is in no sense premature and that the Government of India should arm itself with the powers necessary to deal with general strikes without further delay."

The Burma Government has generally speaking expressed the same opinion. The Honourable Member in charge of the Bill also said something of the same kind. The position, then, is this: these provisions, i.e., the provisions which I have referred to, are not needed immediately; but as communist agitators are on the brain of Government, they think they should arm themselves as early as possible with all weapons that they can think of, in order to meet all possible exigencies that might be created by these agitators. In other words, Sir, the principle underlying the Bill is, it seems, the same as that of the Public Safety Bill: in fact this might be regarded in some sense as complementary to the Public Safety Bill. If that is the impression that gains ground in this House, the Honourable Member can well understand what opinion regarding it would be. It would be opposed as strongly and as determinedly as the Public Safety Bill has been opposed in this House. I should have thought, Sir, from the point of view of Government themselves that it would be desirable that such an impression should not be created and that even though in their opinion the various provisions of the Bill hang together, they would, rather than create suspicions of any kind, howsoever unfounded, in the minds of members of this House, be content with placing before it the first part in the hope that when a good beginning had been made, opportunities might be found thereafter of persuading the House to their view.

But, Sir, even a wider principle is involved in the consideration of clause 16 and the subsequent clauses. If the principle embodied here is sound, whether it be made legally applicable to other spheres or not, there can be no logical objection to its application to other relations of human life. We have heard a great deal in the past, Sir, of the peaceful and constitutional means of carrying on agitation in order to make the Government respond to the wishes of the people. Among the methods that have been suggested are that our countrymen should be persuaded not to accept service under Government and that those who are in service should be asked, as far as possible, to dissociate themselves from Government and take up national work. That may not be practicable.

We may even disapprove of it, but if this Bill is passed, will not Government be entitled to come before the House and say, "we want to make all appeals to Government servants to give up Government service penal, because the principle underlying such a provision has already been accepted by the Assembly". If the matter, Sir, is considered in this light, I doubt, whether even those who would on other grounds be with the Government would be inclined to support this clause. I will give, Sir, a concrete illustration. Suppose as a result of the agitation carried on for winning our constitutional rights, Government servants are so affected that some of them even in security services say that they would give up their employment rather than continue their connection with Government.

~~An Honourable Member:~~ Give one month's notice.

~~Pandit Hirday Nath Kunzru:~~ That may not be enough. If such a thing is done, at present they can give a month's notice. I am not a lawyer and cannot say whether this Bill would apply to ordinary Government servants or not,—it would not,—their case would be considered independently of this Bill. ~~(An Honourable Member:~~ "It does apply.") In any case my argument remains unaffected. Suppose, some men in a Government service which is regarded as a pivotal service, withdraw. Government may come forward and say, 'now we shall make withdrawal from this service penal' or 'we shall make appeals to men in particular branches of Government service to give up service penal.' I want to know if there is any section of the House which would be disposed to give power to Government to do such things. I do not say that this Bill does anything of the kind. But the principle underlying the Bill is of such wide application that if we accept it as it is we might be confronted by a sort of accomplished fact, a very undesirable precedent. We might be told that having once accepted the principle we could not reasonably refuse to extend it to other spheres which vitally concerned the Government or the nation.

I hope, Sir, I have said enough to impress upon the House the possible dangers of parts 2 and 3 of the Bill both from their own point of view and from the public point of view. I submit that in their present form at least they are highly undesirable. In giving my vote for the reference of this Bill to the Select Committee, I must be understood, in view of what I have said, to have given it only qualified support. The Honourable Member in charge of the Bill hopes that he will be able to convince us in the Select Committee of the soundness of the provisions that I have objected to. We on our part entertain the hope that he will keep an open mind and be prepared to delete these provisions altogether if we succeed in convincing him of their utter undesirability.

Mr. Jannadas M. Mehta: Sir, the observations which my Honourable friend Mr. Abdul Matin Chaudhury made about the support which these benches have given, or are supposed to have given, to this motion, make it necessary that I should clearly explain what exactly is the attitude of the Congress Party on this question. Sir, it may be briefly stated that this Bill has much that is good, and much more that is dangerous and risky, and that the more you read the Bill, the more you become conscious of its dangers. It is a case of the half being better than the whole. This side of the House is certainly of the opinion that all trade disputes should be settled and investigated, if it is possible to do so, by conciliation and

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[Mr. Jamnadas M. Mehta.]

inquiries, and to that extent, so far as clauses 1 to 14 are concerned, whatever it may be necessary to do in order to improve the Bill in detail, we are prepared to do in the Select Committee.

As regards clause 15, Sir, as has been said already, no one is in favour of lightning strikes. I do not think it can be alleged against workers or trade unions or labour unions, or against the labour leaders, that they have ever advocated lightning strikes.

Sir Victor Sassoon: Question.

Mr. Jamnadas M. Mehta: I do not think that any of them have ever advocated lightning strikes, particularly in public utility services. (*An Honourable Member*: Question.) And you will cease to question when you realise that public utility services for the purposes of a penal clause should not be what you or the officials choose to make. Public utility services, for the purposes of the Bill can and ought to mean such services in the absence of which the normal life of the community will be paralysed; and only when a particular service stands that, can you call it a public utility service.

Sir Victor Sassoon: What about railways?

Mr. Jamnadas M. Mehta: I say, Sir, that the definition of public utility services and the power which the Government propose to take under this Bill for defining them are most reactionary and dangerous. I shall take my Honourable friend, Sir Victor Sassoon, into this definition if he will bear with me.

Sir Victor Sassoon: Will you include railways?

Mr. Jamnadas M. Mehta: I shall tell you now. The definition of a public utility service is in sub-clause (f) of clause 2. Not only does it take under its wing postal, telegraph or telephone services, or any railway service which the Governor General in Council may, by notification in the *Gazette of India*, declare to be a public utility service, or any system of public conservancy or sanitation, but it includes:

"any other industry, business or undertaking which the Governor General in Council may, after giving by notification in the *Gazette of India* not less than three months' notice of his intention to do, by a like notification declare to be a public utility service for the purposes of this Act."

Now, Sir, the Honourable and the gallant Baronet will, no doubt, point out in his own observations when he follows me.

Sir Victor Sassoon: No, I won't.

Mr. Jamnadas M. Mehta: What possibility there is for any service to escape from this broad and almost comprehensive definition that is given in this Bill.

Sir Victor Sassoon: I will deal with it in the Select Committee.

Mr. Jamnadas M. Mehta: I say, Sir, the only test whether a service is a public utility service, is that it should so affect the life of the community that a strike in that particular service will paralyse its normal life, and certainly no one will contend that, if there was no railway, the life of the community would be paralysed.

Sir Victor Sassoon: Oh!

Mr. Jamnadas M. Mehta: No doubt there will be great and serious inconvenience but I cannot agree that, if there is a strike of scavengers, or in sanitation works, the community would be paralysed. I cannot agree that, even if telegrams are not sent for a few days, there is any paralysis of the life of the community.

Sir Victor Sassoon: You would if you were on the Government Benches.

Mr. Jamnadas M. Mehta: Happily I am not.

Sir Victor Sassoon: That is why.

Mr. Jamnadas M. Mehta: Therefore, Sir, unless you define your public utility service in a manner that will make it possible to restrict the definition to such services as are absolutely essential you will not get my support. For instance, water supply—I say it is a public utility service, you cannot do without water; again I say, a man must have light, otherwise he will not be able to carry on his existence.

Sir Victor Sassoon: Why?

Mr. Jamnadas M. Mehta: You cannot carry on in darkness.

Sir Victor Sassoon: You can have electric lights.

Mr. Jamnadas M. Mehta: That is also light.

Sir Victor Sassoon: Have *batties*.

Mr. Jamnadas M. Mehta: For illustration purposes I have given two cases of a public utility service where the community will be paralysed if there was any strike in them—viz., water and light.

An Honourable Member: What about legislation?

Mr. Jamnadas M. Mehta: Legislation can take its own course. It is neither a public utility service nor an industry.

An Honourable Member: Nor a business.

Sir Victor Sassoon: Won't you allow transport?

Mr. Jamnadas M. Mehta: You can go in a bullock cart. You can travel on horse back or in a tonga, or on the back of a camel.

Several Honourable Members: Go on, go on.

Mr. Jamnadas M. Mehta: Sir, the Honourable and gallant Baronet seems to think that, because a certain service is useful, therefore it is essential for the existence of the community.

Sir Victor Sassoon: Oh, dear me, no.

Mr. Jamnadas M. Mehta: A wide gulf exists between a useful and an essential service and that is what my Honourable friend and the Government have failed to notice. The most extraordinary provision is that the Governor General in Council may give notice of three months in the *Gazette* declaring that a certain service is a public utility service, and then it becomes one. Thus he can declare any industry, business or undertaking to be a public utility service. Sir, I am sure it is not the intention of

[Mr. Jamnadas M. Mehta.]

the Congress representatives to allow so wide a power to Government in order to define a public utility service and my Honourable friend, Mr. Abdul Matin Chaudhury, may rest assured that the qualified support of the Congress Benches to the motion before the House does not extend to so drastic and revolutionary a definition of a public utility service. That is not a thing to which we shall ever agree, even in the Select Committee. If you have a reasonable and proper definition of a public utility service—a service which is essential to the very existence of society—and if you do not take unduly harsh measures in connection with lightning strikes with regard thereto, then certainly, in the Select Committee, we shall consider all proper ways or means to prevent them. Such strikes are not to the benefit of any body; the workers do not want them; they have not advocated them, they are the people who are most hurt by them; and therefore it is a question on which there is a fair possibility of discussion and negotiation. It is in that sense that we go to the Select Committee on the question of lightning strikes.

As regards the general strike, the conditions under which it is proposed to make them illegal are such that we are opposed to them out and out without any qualification. The only purpose for which we go to the Select Committee on this matter is this: without arguing the question of principle we can request the Honourable Member to regard the question as premature and to delete this question from this Bill altogether. We won't argue the question of principle. We shall say, to Sir Bhupendra Nath Mitra, whether your principle is correct or ours; the provision in the Bill is, at any rate, premature and let us drop it; Sir, the discretion that is given in clause 16 to declare a strike illegal on the ground that it is general is even more sweeping than the discretion given to the Governor General in Council as regards the declaration of public utility services and lightning strikes.

An Honourable Member: Would you not allow him to persuade you?

Mr. Jamnadas M. Mehta: This is a question on which no compromise is possible.

Mr. President: The Honourable Member says that the principle is sound, but its application is premature.

Mr. Jamnadas M. Mehta: I won't say it is sound at all. I declare that it is altogether unsound. We shall not discuss it, but we shall request him to regard it as premature and thus drop it. In that sense we shall go to the Select Committee. Congressmen are not in the habit of concealing their mind. They know what they want and what they do not want. My Honourable friend, Mr. Abdul Matin Chaudhury need have no apprehension that anything that is intended either to harm the trade union movement or take advantage of the workers' disorganised condition will have our support, at any rate, not so long as the Congress remains what it is to-day.

Sir, there is another aspect of this third part of the Bill, as it is called for convenience sake, beginning with clause 16. I was in England in the year 1927 when the Trade Disputes Bill was being discussed in both Houses of Parliament, and I may inform Honourable Members that the whole Labour Party was opposed to it. Why? Not because it favoured general strikes. Government have forgotten that people may not favour a general strike

and yet they may be opposed to legislation of this kind, and that is exactly what happened in England. In 1927, when the Trade Disputes Bill was being discussed in the House of Commons, the Labour Members opposed it tooth and nail, inch by inch, clause by clause, up and down. They fought it from beginning to end and refused to be reconciled to it although, as I have said, they themselves were opposed to the general strike in 1926. Why? They thought that no Government could be trusted with powers that were proposed to be taken in the Trade Disputes Bill. It was clearly an attempt to put in the whole might of law behind the employers and thereby limit the freedom of the workers. That was the view taken by the Front Opposition Benches in England in 1927. As I have said, the whole Labour Party, both inside and outside the Houses of Parliament, held huge demonstrations. Government had no end of shame cried on them as each clause was being put on the Statute Book on account of the mechanical majority which the Tory Government possesses to-day. The whole country was aflame. Demonstrations were held all over the country, and I myself had the opportunity of witnessing thousands and thousands of workmen getting together and demonstrating against the Bill; although, as I said, the whole of the Labour Party was opposed to a general strike. Well, Sir, if that was the state of affairs even in England where the Labour Party is opposed to a general strike, certainly we in this country, where there is no Government, where the Government is composed entirely of aliens or such Indian gentlemen as choose to associate with them. . . .

An Honourable Member: Is there no Government?

Mr. Jamnadas M. Mehta: It is really no Government of the people. Surely for us in this country, who do not enjoy any responsible government, even a semblance of it, it will be highly improper to associate ourselves with the drastic discretionary powers that are sought to be taken under this Bill so far as clause 16 and the following clauses are concerned. Therefore I say that the object with which we go to the Select Committee is clearly plain to the House. My friend Sir James Simpson and my friend Mr. Lamb are on the Reservation of Coastal Traffic Bill Select Committee. As they are there, we shall go to this Committee. . . .

Mr. President: Why did not you go on the Public Safety Bill Select Committee? (Laughter.)

Mr. Jamnadas M. Mehta: Because the Public Safety Bill is a Bill to associate with which is to surrender our birthright. This is a Bill which we can improve. The Public Safety Bill is past redemption, is past all hope. Therefore it is not a thing with which we can associate. I have made it clear we are going into this Committee in the same way that Sir James Simpson and Mr. Lamb are justified in going on the Select Committee on the Coastal Reservation Bill.

Mr. M. S. Sotha Ayyangar (Madura and Ramnad *cum* Tinneyelly Non-Muhammadian Rural): I share the views of my Honourable friends Pandit Kunzru and Mr. Chetty, in that we are placed in a rather awkward predicament. The two or three principles, as they are called, have been mixed up in this Bill. I take it, however, that the object of the Bill

[Mr. M. S. Sessa Ayyangar.]

is to minimise labour disputes and also to minimise, if possible, friction between capital and labour, or employers and employed. If that is the object of the Bill, I take it, that the provisions ought to be such as can be worked out successfully; that is to say, there ought to be no provisions which are against labour. We must conciliate labour as far as we can. We must also see that the work of the capitalist is not hampered. Unless we take this medium course, it will be impossible to conciliate both the parties. Now, so far as opinions received on this Bill are concerned, they range from one extreme to the other. I must start with the opinion of the Punjab Labour Board. They say that, in its present form, this Bill is absolutely unacceptable to the labourers and workmen of that province because they think that it is manifestly and most unjustly one sided and is certainly a capitalistic measure. They go further and say that the Bill is anti-labour in reality and that it is meant to stifle the labour movement and crush the spirit of the poor workers. They say also that it is quite patent on its very face. That is the view held by the Labour Board of Lahore; and then on the other hand we find an opinion recorded from Bihar and Orissa. One of the Commissioners of that province has written that even from the employers' standpoint, the first part is objectionable because he scents danger even in the first part of the Bill. We on this side of the House take a medium course and want to conciliate labour and to change the provisions of the first part so as to make it acceptable to both labour and capital. It is in that view that we have consented to be on the Select Committee, i.e., with a view to effect certain improvements or amendments in the Bill which would not give away the cause of labour when the provisions are sought to be worked out after the Bill passes into law. With this end in view, we have to clarify certain provisions in the Bill in the Select Committee. These are Select Committee points. The definitions given in the Bill are very important. In this particular Bill, as I see it, there are at least two or three definitions which require clarification, the definition of employer, the definition of workman and the definition of public utility service. In clause 2 (c) "employer" is so described that it is made to apply only to the departments of the Government, but the other provisions of the Bill make it clearly applicable to all concerns, whether Government owned or private. That position has to be cleared up in the Select Committee. So far as the definition of workman in clause 2 (j) is concerned, it does not include the clerical staff, but clause 15 of the Bill is made to apply to the clerical staff also. The extension of the ambit of this Bill to make it include the clerical staff is a thing that has got to be cleared up. With regard to the public utility services, my Honourable friend Pandit Kunzru took some pains to explain the position; but I refuse to go into that matter further because I confess that, however much I strove during the last one or two days really to effect some improvements of clauses from 14 to 18, I found it next to impossible to improve them. Therefore to make them really acceptable from the labour standpoint, my endeavour on the Select Committee will be to fight for the complete elimination of these clauses, and not to try to effect any improvement by way of suggesting any amendment to these provisions. As regards the first part to which we on this side of the House give qualified assent, I would

also suggest to the Select Committee that the very Act from which that has been copied out does not provide for two Courts at all—I mean the British Industrial Courts Act. There is only one Court of Inquiry, and though no doubt a special plea is made in paragraph 3 of the Statement of Objects and Reasons, I feel quite unconvinced by the special plea that is raised, and I find it rather difficult to maintain that there is really any case made out by the Government for the provision of two separate Courts; and if I caught the Honourable Mover of this motion aright, I took him to mean that the functions of these two Courts do, at least on certain occasions, overlap. If that is so, I would ask legitimately what is the need for the creation of these two Courts. That is a matter which the Select Committee might consider. Then, as regards clause 15, I find it provides for lightning strikes, so to say, but here again, as the Punjab Labour Board legitimately maintains, the provisions of the Bill are one-sided. There is absolutely no provision made against an employer trying to send away an employee without any notice whatsoever. That was legitimate ground for complaint against the nature of the provisions of this Bill. There will be scope for partiality in the tribunal you are setting up, and no room whatsoever is given for the settlement of labour disputes by means of strikes. In this connection I would like to refer to the statement made by Mr. Moore. He said that this Bill also endeavours to prevent labour disputes. There must be some remedial measures provided by which they can seek redress; but clauses 14 to 19 have a definite tendency to prevent this. These are not provisions with which you should try to obviate labour troubles. You must endeavour to obviate them, not by taking extreme measures of killing labour. Such provisions are repressive in the minds of labourers. So far as clauses 16 and onwards are concerned, a strike is made *ipso facto* an offence. I do not know if, in any country, a strike is not recognised as a legitimate weapon of redress. It is only at the last moment when all other measures fail and all avenues for settlement are closed, that resort is had to a strike as the last remedy. So that in all countries a strike is considered a legitimate weapon against employers in order to find a remedy for their grievance. If that is so, I do not know how this House can really give sanction to such provisions which strike at the root of a recognised remedy for labour troubles. If a strike is recognised in other countries as a legitimate weapon to be resorted to at the last moment, this House must oppose this part of the Bill which regards strikes as illegal.

In regard to sympathetic strikes, they are certainly justifiable. As my Honourable friend, Pandit Hirday Nath Kunzru said, that is also a weapon by which we can make the employers come to terms more easily and more quickly and it is a more reasonable method of settlement. I therefore submit to the House that any provision which is directed against strikes declaring them illegal and penalising them, is absolutely repressive. Those interested in labour hold that clauses 15 to 19 are unnecessary and unjustifiable, and oppressive; and labour opinion is vehement in denouncing them; and it is on these grounds that I propose to vote for the complete deletion of clauses 15 to 19; but if it is agreeable to the House or to the members of the Select Committee to improve the first part of the Bill in such a way as to inspire confidence in labour and to make the provisions more just from their standpoint, I shall support the motion for reference to Select Committee.

[Sir Bhupendra Nath Mitra.]

utility services and they had the support of various bodies, even though they were more drastic than what we have now got in the Bill. Pandit Hirday Nath Kunzru wanted me to adopt some provisions similar to those contained in the new Act of Canada. Has my Honourable friend tried to consider seriously what the effect of the incorporation of those provisions would have been? Provisions like those might have prevented a workman in a public utility service from going on strike until the dispute had been taken up for consideration and settled, and this might have meant indefinite delay. I see my Honourable friend Pandit Hirday Nath Kunzru shakes his head. I fail to see what other effect it could have.

Pandit Hirday Nath Kunzru: Not indefinitely.

The Honourable Sir Bhupendra Nath Mitra: Certainly beyond the period of a month. Now, Sir, here we simply want an employee in a public utility service to suspend his right of striking for a single month, and we have provided that that restriction will apply only to people on monthly rates of pay because, as things are in India, it is lightning strikes among that class of employees in public utility services which are likely to lead to serious inconvenience to the community as a whole.

I wish to make it clear that in this Bill I have not attempted to copy blindly from the English law or any other law. I have tried, according to my lights, to include provisions which seem to the Government to be necessary in the present conditions of labour in India and which are best likely to secure friendly relations between the workmen and their employers.

Mr. President: The question is:

"That the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, be referred to a Select Committee consisting of Sir Darcy Lindsay, Sir Purshotamdas Thakurdas, Sir Victor Sassoon, Mr. Ghanshyam Das Birla, Mr. Mohammad Ismail Khan, Mr. Anwar-ul-Azim, Pandit Hirday Nath Kunzru, Mr. N. M. Joshi, Diwan Chaman Lall, Mr. Jamnadas M. Mehta, Mr. S. C. Mitra, Mr. V. V. Jogiah, Mr. M. S. Seshu Ayyangar, Mr. K. C. Roy, Mr. M. K. Acharya, Rai Bahadur Tarit Bhusan Roy, Mr. Fazal Ibrahim Rahimtulla, Mian Mohammad Shah Nawaz, Mr. S. Lall, Mr. M. A. Jinnah, and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

ELECTION OF MEMBERS TO THE STANDING ADVISORY COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS AND THE STANDING FINANCE COMMITTEE.

Mr. President: I may inform the Assembly that for the purpose of election of members to the Standing Advisory Committee for the Department of Education, Health and Lands and the Standing Finance Committee, the Assembly Office will be open to receive nominations up to twelve noon on Wednesday the 13th February, 1929. The election for the Standing Advisory Committee for the Department of Education, Health and Lands, if necessary, will take place in this Chamber on Monday the 18th February, 1929, while the election for the Standing Finance Committee, if necessary, will be held on Tuesday the 19th February, 1929. The elections will be held in accordance with the principle of proportional representation by means of the single transferrable vote.

AMENDMENT OF STANDING ORDERS.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan, Rural): Sir, before the House rises, may I ask the Leader of the House, as the Government business has finished to-day, whether he will give Wednesday for the discussion of the adjourned debate on amendment of Standing Orders?

Mr. President: If the Honourable Member had only waited. Honourable Mr. Crerar.

The Honourable Mr. J. Crerar (Leader of the House): Sir, I should like to make a brief statement on that point. The motion is down on the list of business for to-morrow, and in the event of its not being reached or finished to-morrow, I am quite willing that it should be put on the list of business for Wednesday the 18th.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 12th February, 1929.

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Tuesday, 12th February, 1929.

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

QUESTIONS AND ANSWERS.

PROMOTION OF SUBORDINATES TO THE SUPERIOR TRAFFIC SERVICE ON STATE RAILWAYS.

529. ***Pandit Hirday Nath Kunzru:** (a) Is it a fact that the rules issued for the recruitment of the Local Traffic Service in 1922 laid down that "selected members of the Local Traffic Service will be eligible for advancement to the Superior Traffic Service, and 20 per cent. of the number of superior posts open to the India-recruited branch of the Superior Traffic Service will be allotted for this purpose from time to time"?

(b) Were these rules changed in 1926 so as to allow the promotion of subordinates also to the Superior Traffic Service? If so, how do Government propose to compensate the officers who were in the Local Traffic Service since 1926 for the injustice done to them?

(c) What other services are there in which subordinates are promoted over the heads of superior officers?

Mr. A. A. L. Parsons: (a) Yes.

(b) The answer to the first part of the question is in the affirmative, but no subordinates on the North Western, Eastern Bengal, and East Indian Railways, which alone have Local Traffic Services, have been promoted direct to the Transportation (Traffic) and Commercial Departments of the superior revenue establishment of State Railways. Direct promotions have been confined to subordinates of the Great Indian Peninsula Railway, which has no Local Traffic Service, and such subordinates have only been promoted to fill vacancies occurring on that railway. In these circumstances it does not appear to Government that the Local Traffic Service men have been prejudiced by the alteration of the rules. But in order to accelerate the promotion of those officers in that service, who are fit to be promoted to the superior revenue establishment, they have decided to utilise at least 20 per cent. of the vacancies on the Great Indian Peninsula, as well as the North Western, Eastern Bengal and East Indian Railways for Indian recruits in each year for the promotion of such men.

(c) This is liable to occur in any service when promotion is made by selection.

Pandit Hirday Nath Kunzru: May I ask whether, when the rules relating to the recruitment of the Local Traffic Service were promulgated, it was laid down that members of the Local Traffic Service would not be eligible for Superior Traffic Service posts in the Great Indian Peninsula Railway?

Mr. A. A. L. Parsons: I have not got the rules with me, but I will let the Honourable Member know what the reply to his question is as soon as I can.

Pandit Hirday Nath Kunzru: With regard to part (c), may I know whether the Honourable Member can give me an instance of a department where members of subordinate services are promoted over the heads of superior officers?

Mr. A. A. L. Parsons: I believe it sometimes happens in the Indian Audit and Accounts Service.

Pandit Hirday Nath Kunzru: May I know what happens in the Indian Audit and Accounts Service? Are members of the subordinate service regularly promoted to the Imperial service over the heads of superior officers?

Mr. A. A. L. Parsons: In my recollection some years back there were such cases occasionally. I have been aware of cases where superintendents have been promoted to the Indian Audit and Accounts Service and have therefore gone over the head of Assistant Accounts Officers. But I am afraid if the Honourable Member wants details I must obtain them from other departments: they are not departments with which I am concerned.

PROMOTION OF SUBORDINATES TO THE SUPERIOR TRAFFIC SERVICE ON STATE RAILWAYS.

530. ***Pandit Hirday Nath Kunzru:** (a) How many Local Traffic Service men and subordinates have been promoted to the Superior Traffic Service since January, 1928? Will Government state the names of the promoted subordinates and the positions they were holding before promotion?

(b) Have any Indian subordinates been promoted direct to the superior service? If so, how many?

Mr. A. A. L. Parsons: (a) Five. Three were in the Local Traffic Service before promotion, and the remaining two were Transportation Inspectors on the Great Indian Peninsula Railway, who had officiated in the superior service previously, and were promoted in vacancies on that railway.

(b) The two promoted subordinates on the Great Indian Peninsula Railway were, I believe, both Statutory Indians, but I am making enquiries, and will let the Honourable Member know.

Pandit Hirday Nath Kunzru: May I know the names of the three men who were in the Local Traffic Service and were promoted to the Superior Service? So far as I can see from the figures supplied by the Honourable Member and the Government Gazette, only two men were promoted.

Mr. A. A. L. Parsons: I will give the Honourable Member the information afterwards. I do not think it is generally desirable to give names of junior officers on the floor of the House.

Pandit Hirday Nath Kunzru: Does the Honourable Member realise that I am asking this question in order to check the statement made by the Honourable Member?

Mr. A. A. L. Parsons: That is why I said, Sir, that I would give him the information.

ISSUE BY STATE RAILWAYS OF CLASSIFIED LISTS OF EMPLOYEES IN EACH BRANCH OF THE SERVICE.

531. ***Pandit Hirday Nath Kunzru:** (a) Do the Eastern Bengal Railway issue an alphabetical list of subordinates drawing Rs. 250 per mensem and over or on scales rising to Rs. 250 and over?

(b) Is it a fact that the Great Indian Peninsula Railway issue an alphabetical list of such subordinates under the headings Agency, Engineering, Transportation, Commercial, Mechanical, Medical and Stores?

(c) Do Government propose to instruct these railways to issue classified lists, similar to that issued by the East Indian Railway, showing separately the names of the employees in each branch of service and in each grade?

Mr. A. A. L. Parsons: (a) Yes.

(b) Yes.

(c) The Railway Board have already instructed other State-managed railway administrations to follow the arrangement adopted on the East Indian Railway in future issues of the lists of subordinate staff, drawing Rs. 250 and over, or on scales rising to Rs. 250 and over, prepared by them.

NUMBER OF TROOP-CARRYING AEROPLANES IN INDIA.

532. ***Colonel J. D. Crawford:** (a) Will Government please say whether it is a fact that aeroplanes had to be secured from the Royal Air Force in Mesopotamia for the operations in connection with the withdrawal of women and children from various Legations in Kabul?

(b) If the answer to part (a) is in the affirmative, will Government please state the sanctioned strength of troop-carrying aeroplanes in the Royal Air Force in India?

Mr. G. M. Young: (a) Yes.

(b) Two.

Colonel J. D. Crawford: Might I ask whether the military authorities consider the use of these troop-carrying planes useful in increasing mobility for internal security purposes.

Mr. G. M. Young: Government have considered, Sir, the possibilities of troop-carrying machines for military purposes generally, and they have sanctioned these two aeroplanes accordingly as an experimental measure.

Colonel J. D. Crawford: Is it not a fact that the use of these planes has been of exceptional advantage both in Mesopotamia and also for relief operations in Kabul? Is any further experiment necessary?

Mr. G. M. Young: The relief operations to which my Honourable friend refers were not military operations at all. Government consider that experiments are necessary, with a view to local conditions and requirements.

STRENGTH OF UNIVERSITY TRAINING CORPS AND THE INDIAN TERRITORIAL FORCE.

533. ***Dr. B. S. Moonje:** Will Government be pleased to supply information on the following points?—

(a) Which of the several University Training Corps and which of the several provincial units of the Indian Territorial Force is the largest?

- (b) What is the total strength in officers and men of each?
- (c) What is the pattern of the rifles supplied and at what price were they purchased?
- (d) What is the number of rifles that suffice for training of each?
- (e) What is the total amount of ammunition that is required per year per boy for his training and its total cost and the rate of price at which it is purchased?
- (f) What arrangements are made for the custody of rifles required for the training and what amount does it cost per year say in Jhelum, Campbellpur and Nowshera on the one side and in Poona, Belgaum, Allahabad and Delhi on the other?

Mr. G. M. Young: The information asked for is being collected, and will be communicated to the Honourable Member when received.

Mr. President: Mr. Jamnadas Mehta.

(The Honourable Member was not in his seat.)

Mr. President: It is really a matter of regret that Honourable Members should put down such important Short Notice questions* and not be in their seats when the questions are called.

THE HINDU LAW OF INHERITANCE (AMENDMENT) BILL.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I beg to move that the amendments made by the Council of State in the Bill to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate, be taken into consideration.

I am aware of the fact, Sir, that in making this motion I might be precluded under the Standing Orders and Rules from going into the merits of the Bill as such, for the scope of the motion that I have made is very limited in its nature; but in order to refresh the memories of Honourable Members in this House, I would give a very brief account of the genesis and the objects of this Bill. Honourable Members might recollect that, in the first Legislative Assembly, the late Mr. T. V. Seshagiri Ayyar introduced a Bill very similar to the one which we are now considering and the Bill was actually passed in the Assembly in the year 1923. As a result of the delay in the passage of this Bill in another place the measure lapsed. It was again taken up in this House by my Honourable friend Sir Hari Singh Gour and the Bill was passed in the last Simla session of the Assembly. It then went up to another place and, with certain modifications and amendments, the Bill passed through the other place. We are now called upon either to ratify those amendments made in another place or to suggest other amendments relevant to, alternative to, or consequential upon, those amendments made in the other place. Sir, as the result of the spirit of the times in which we live, which recognises the rights of females to share in inheritance, there has been a tendency among Hindu reformers to recognise the rights of female heirs. I need hardly remind Honourable Members that, under the

* Asking for a statement regarding the riots in Bombay.

ancient Hindu law of inheritance, females, though they are very closely related to a deceased person, are excluded from inheritance simply by reason of the fact that they are females. If such a state of affairs is to be radically altered in accordance with modern conceptions of the rights and liberties of women, there must be a comprehensive and radical alteration in the Hindu Law of Inheritance; but unfortunately the measure that is now before this House does not seek to bring about that radical alteration in the Hindu Law of Inheritance which many of us would like to see enacted. The present measure is very restricted and modest in its scope. Sir, under the Hindu Law of Inheritance, certain females are excluded from inheritance by reason of the fact only that they are females: and this Bill seeks to recognise the claims of certain female heirs who are the near relatives of the deceased person. According to the Hindu law of Inheritance under the Mitakshara school, when a person dies without leaving male descendants, his property goes in the following order: it goes to the widow, daughter, daughter's son, mother, father, brother, brother's son, brother's son's son, father's mother, father's father, and then father's brother, and so on. Now, what is sought to be done in this Bill is that, after the father's father and before the father's brother, the son's daughter, daughter's daughter, sister and sister's son shall have preference to the father's brother. The net effect of this Bill will be this: that when a person dies leaving property not held in coparcenary and not disposed of by will, and if the last persons surviving are the father's brother and a son's daughter, we shall let the son's daughter, being the nearer relative, have preference over the father's brother. That is all that is sought to be done in this Bill. As I said, it does not bring about that radical change in the Hindu Law of Inheritance which alone can give the fullest and the most legitimate recognition to the rights of females according to modern conceptions of the rights and liberties of women. But anyhow, Sir, a small measure like this, which for the first time removes the disqualifications of females as such, is welcome in itself, and I have no doubt that the amendments made by the Council of State, with certain necessary modifications which have been suggested, will be accepted and the measure carried in this House. Sir, I move.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): May I know, Sir, if I will be in order in opposing the entire Bill at this stage?

Mr. President: Mr. Siddheswar Prasad Sinha.

Mr. Siddheswar Prasad Sinha (Gaya *cum* Monghyr. Non-Muhammadan): Sir, I move the motion that is in my name:

"That the Bill be circulated for public opinion."

Mr. President: Under what Standing Order does the Honourable Member wish to make that motion?

Mr. Siddheswar Prasad Sinha: Paragraph 114 of the Manual says:

"After an amended Bill has been laid on the table, any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member, after giving three days' notice or, with the consent of the President, without notice, may move that the amendments be taken into consideration."

Mr. President: That is not the motion of the Honourable Member.

Mr. Siddheswar Prasad Sinha: And paragraph 115 says:

"If a motion that the amendments be taken into consideration is carried, the President shall put the amendments to the Chamber in such manner as he thinks most convenient for their consideration."

Sir, there is a certain procedure between those laid down in these two paragraphs of the Manual; that is, after the motion to take into consideration is put and before it is carried about which the rules are silent, and my motion is one that comes between these two. Absence of any definite rules of procedure at this stage indicates that the motion is to be treated as a motion for consideration of a Bill.

Mr. President: I am afraid I cannot follow the Honourable Member. The only motion that can be made at this stage is that the amendments made by the Council of State be taken into consideration. There is no provision for an amendment that the Bill be circulated for the purpose of eliciting opinions thereon at this stage.

Mr. Siddheswar Prasad Sinha: As I have already submitted, the fact that no definite procedure is laid down shows that it should be treated in the same way as ordinary motions are dealt with.

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

The question is:

"That the amendments made by the Council of State in the Bill to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate, be taken into consideration."

The motion was adopted.

Amendments* made by the Council of State in clause 2 were agreed to.

Amendments† made by the Council of State in clause 3 were agreed to.

Mr. President: The question is:

"That the following amendments made by the Council of State in clause 1 be adopted:

'In sub-clause (1) of clause 1, the figures "1928" were omitted.'

'For sub-clause (2) of clause 1 the following was substituted, namely:

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas, but it applies only to persons who, but for the passing of this Act, would have been subject to the law of Mitakshara in respect of the provisions herein enacted, and it applies to such persons in respect only of the property of males not held in coparcenary and not disposed of by will."

Mr. Siddheswar Prasad Sinha: Sir, I move the amendment of which I have given due notice:

"That in sub-clause (2) of clause 1 of the Bill as amended by the Council of State for the words 'of males not held in coparcenary and not disposed of by will', the words 'not held in coparcenary and not disposed of by will of males dying after the passing of this Act' be substituted."

*"Clause 2 was omitted and clauses 3 and 4 were renumbered 2 and 3."

"The following proviso was added to clause 2 as renumbered:

'Provided that a sister's son shall not include a son adopted after the sister's death'."

†"In sub-clause (b) of clause 3, as renumbered, for the words beginning with 'possessed' and ending with 'from a male' the following words were substituted, namely:

'possessed by a female in property inherited by her from a male according to the school of Mitakshara law by which the male was governed'."

"In sub-clause (c) of clause 3, as renumbered, for the words 'of several sons' daughters, daughter's daughters, sisters or sister's sons' the word 'person' was substituted."

The purpose of this amendment is simply to make the effect of this Bill unambiguous. From a perusal of the clause, it is not clear if it has not any retrospective effect, though in the preamble it has been stated that the Bill is to alter the order in which certain heirs of a Hindu male dying intestate are to succeed to his estate. Sir, after the Bill is put on the Statute-Book, it will go into the hands of lawyers who will interpret it in their own way. I am sure it will give rise to numerous cases of litigation. Eminent lawyers differ even now. Sir Hari Singh Gour, who was the originator of the Bill in this House, is of opinion that it has no retrospective effect whatsoever and so was the Honourable Mr. Das who, while opposing an amendment similar to that which I am moving to-day, in the Council of State, expressed the following view:

"The whole matter was very carefully gone into in Select Committee and the Honourable Member will find that there is absolutely no cause for apprehension at all. As he has pointed out, the words which might have made the Bill retrospective have been taken out, and nothing has been said as to when it is to come into effect, because it is an elementary principle of law, which I think even laymen understand, that an Act does not come into effect till it is passed and till it is assented to by the Governor General, so that it is only after that that this Bill comes into effect: it cannot affect males who die before the Act comes into effect. It is wholly unnecessary to make the amendment."

But Sir Sankaran Nair, in expressing his opinion on that very amendment, said:

"But what really lies behind the motion of my friend is that he wants to give a right to property to certain reversioners who live in the hope that they might outlive the widow and so take the property. That is really what is behind the motion. The words are perfectly clear, and my friend's suggestion cannot for a moment be entertained that those who live in hopes of succeeding to the property of a certain person if they outlive the widow must be compensated; to do so would be against all principles of legislation."

Sir, to leave the Bill in such an ambiguous state when conflicting opinions have already been expressed by eminent lawyers of the position of the late Mr. S. R. Das and the Honourable Sir Sankaran Nair is undesirable. If the Bill really means what Sir Sankaran Nair interpreted it to be, it will be doing a great wrong to many Hindus who died intestate simply because they thought that their desires would be fulfilled by the provisions of the existing Hindu Law of Inheritance. In spite of all the influences of Western civilization and thoughts, Sir, there are tens of millions of Hindus who do not want to swerve an inch from the principles enunciated by the Hindu Shastras, and there are tens of millions who believe in the efficacy of an obligation due to them after their death, and there are many of them who want to reward their successors for the obligations they expect to receive after their death. Had they known that such an anti-Hindu law would be enacted, they would have left a will in favour of the persons who would now be debarred from inheritance by the present Bill. As interpreted by the Honourable Sir Sankaran Nair, it is a great wrong to those departed souls; it will be doing a great injustice to them, and therefore, Sir, in all equity and in all fairness, the amendment should be accepted by the House unanimously and it should be told in unequivocal terms that this will not affect those persons who died before the passing of this Act.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Sir, I rise to oppose this amendment. There are two positions which one can take up with respect to the Bill that has been passed by the Council

[Mr. Amar Nath Dutt.]

of State after amending certain sections. I can understand those who say that the Hindu law is immutable and no legislature can change it. That is a frame of mind which I can well appreciate. I can also understand him who says that "No, in this progressive state of society we are entitled to make such changes as are necessary in the Hindu law, compatible with the present state of society, however sacred some of the laws may be and however high the authorities who framed those laws may be." But, Sir, I cannot understand the position which one takes up when he says that there should be an improvement or change in a law which was framed by our ancient Rishis, and that the benefits of those improvements should be extended to only certain classes of people and that some others should be deprived of the advantages of such improvements. The only reason that has been advanced by the Mover of this amendment seems to be this, that it will be a wrong to the departed souls. I do not know how many of us believe in souls, far less in wrongs done to departed souls.

Now, Sir, as I was submitting, it seems that there must be somebody—the House will excuse me, I am not making any insinuations—probably whose interests are jeopardised at the present moment, and that such a feeling may have prompted some of us to support an amendment like this. I wish that such an impression will not be left about this House at least. My submission is this, that I believe that it is the sages and Rishis of old who framed our laws, and we cannot lightly interfere with those laws under the authority of such jurists as Sir Sankaran Nair or our late lamented friend Mr. S. R. Das. It would be an evil day for the country if we say of the jurists who have been born under an alien rule, influenced by the culture of an alien civilization, having deeply read the jurisprudence of foreign countries, that the change which they want to make in the laws of our ancient Rishis is far better than what has been enacted in the Shastras. But, Sir, when I find that this House agrees with what they are pleased to call "improvements in the Hindu law", I think, consistent with their position, they ought not to deprive a certain section of the people of those improvements.

It has been said, Sir, that people who died at the time might have disposed of their property by a will had they known that such a change would be effected in the law, but the Honourable the Mover of the amendment forgets that a reversioner's interest is an interest in expectancy, and it may be that a reversioner may not inherit at all because there is no knowing that he will survive the holder of the limited estate. If that be so, how can one say that it is a wrong to departed souls and therefore we ought not to give effect retrospective to it? I do not agree with the Mover of the amendment when he says that it is giving retrospective effect at all. It is passing a law as amended by the Council of State, either agreeing or disagreeing with it. On the other hand, I think that, though my friend has appealed to our sense of equity and justice, it will be highly iniquitous if we exclude a certain section of the people for whose benefit we are enacting this law. There may be very rich vested interests behind it. I do not wish to go further into this matter and shall content myself by saying that I oppose this amendment. As I have submitted already, my position is this, either you are not entitled to make any change in the laws of this land which were enacted by our great Rishis,

or if you are so minded, and if you make any change, you cannot restrict its operation only to certain classes of people. With these words, I oppose the amendment.

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): Sir, the main reason advanced by the Honourable Mover of this amendment is that this Bill is an anti-Hindu Bill. It has been just suggested by the previous speaker that there is a section of the House who have got sympathy with the notion that there should be no change in the Hindu law. I am here to express a view which is contrary to that notion. So far as the Hindu law is concerned, we cannot say that the present Hindu law, as contained in the Smritis, is one which could be said to apply to all times. Leaving aside the inheritance law, there are other sections of the Hindu law which relate to cognate matters; for instance, marriage, guardianship, etc. We know how the present law of the whole civilised world has made inroads upon those sections of the Hindu law. According to the Hindu law, a person would be a major at the age of sixteen, but to-day we know that, according to the Majority Act, the majority is arrived at at the age of eighteen. I need not go further into these details, because I do not think that there will be any Honourable Member found in this House who will, at this late hour of the day, contend that the Hindu law in its purity or impurity as it exists should be allowed to continue without any change.

As regards the broad question that all the different sections of the Hindu law concerning various social affairs should be gone into by a committee, and that after that committee has gone into the various points and reported there should be a consolidating measure, I have got much sympathy with that point of view. But it is left to the Government to move in the matter. A Resolution was passed in this House to the effect, but the Government have not yet given effect to it. I do not favour the idea that, unless that comes in, those who believe in social reform, who believe that injustice is being done by perpetuating a state of things which was only good for those times when it was promulgated, should sit with closed hands. If this argument were extended to other spheres, I think Mr. Sarda's Bill would never become operative, it would never be passed. Therefore, as long as the Government do not move in the matter and do not appoint a committee, it is left to us to do our little bit to bring about social reform by small pieces of legislation like this.

The *ratio decidendi* for this Bill is that females who are more nearly related to the propositus than certain persons who are known by the name of *sapindas* (those who are very remotely related) should be regarded as possessing a prior right. If this principle is accepted, as it appears to have been accepted by the Legislative Assembly as well as the Council of State, there is no sense in putting off the evil day as some people put it. Now, if you want to say that this Bill is anti-Hindu and those people should not be allowed to acquire a prior right, I can understand your mentality. But if you want to say that the right is recognised but the enforcement of the right should be postponed to some future time, I do not agree at all.

Now, Sir, it is an accepted principle that succession constitutes the occasion when claims to inheritance come in. Under the Hindu law

[Pandit Thakur Das Bhargava.]

a widow has got a limited interest no doubt, but she represents the estate fully for all practical purposes. If the widow wants to alienate the property for necessity, according to the Hindu law she has got an absolute right to do so. To suggest that this Bill should only apply if the living male dies after the passing of this Bill is really to introduce into this measure, not, as the Honourable Mover has said, anything which has something to do with the enforcement of the right in a retrospective way, but is tantamount to saying that in every case this Bill shall be held in abeyance unless the male person living is dead. If it is true that those expectations will not be realised, which according to a fiction are regarded to have been possessed by persons who are already dead and it will be doing an injustice to the departed souls, may I know, if you pass this Bill and even postpone the enforcement of it, will it not be doing an injustice to the departed souls of the father of the person who died last? If it is true that the ancient Rishis and those who followed them had it in their mind that the property should devolve in a particular way, a mere change of the law involves that you are doing an injustice to the souls of those who had preceded the last dying person.

Sir, the theory of oblation has been put forward. I want to know from any Hindu in this House if all the *sapindas*, all the members who according to the present inheritance law come before sister, son's daughter and daughter's daughter, make any sort of oblations. Do these 332 persons, who, according to the law of inheritance, precede these female relatives, perform any sort of *Sradh*? As a matter of fact, I think every person will reply that this is too far-fetched a thing.

Sir, it has been said that there will be conflict and that there will be ambiguity if this amendment is not accepted. My Honourable friend, who perhaps is not a lawyer, has paid a sort of compliment to the lawyers by saying that, with regard to a Bill of this sort, they will exercise their ingenuity in such a fashion that there will be nothing but uncertainty and ambiguity when the measure is put into force. May I tell him that, as a matter of fact, I do not know of any law with regard to which sound lawyers will not have different points of view to suggest. If it were not so, my Honourable friend would be going against the profession to which I have the honour to belong. Different points of view will always be there. When he spoke of equity and justice I was simply startled. What is the injustice in this measure? When you enact a law to-day and say that succession opens out on the happening of a particular event, why should you defer that event in an arbitrary manner? If these female relations are to be given a right, I want to know the reason why the enforcement of the right should be postponed to a date which has got no stable basis to stand upon. There may be a false notion in the minds of people that the widow does not represent the estate. It is not so, and you will find many rulings of the various High Courts in which it has been held that a widow in her lifetime fully represents the estate. It is then said that the reversioners have got an expectation. But what is that sort of expectation? Under the provisions of the Transfer of Property Act, section 6, *spec successionis* or an expectation is not recognised as an asset or transferable property.

The mere fact that a person has got a right to inherit is not one which can be said to be of any value at all for it may never materialise. Anyhow, if this argument were pursued to its logical conclusion, it would follow that the expectation would be extended indefinitely, but still the expectation would be there. If in this world expectations of that nature were to be realised and had a claim in preference to recognised rights, I would simply submit that we would come to a state of things in which, if you wanted to effect any reform, you would be landed in a position where reform would mean defeated and deferred justice which practically means justice denied. I therefore oppose the amendment.

Mr. M. S. Aney (Berar Representative): Sir, I have listened to the two speeches in opposition to the amendment moved by my friend Mr. Siddheswar Sinha. I believe the amendment is not of such a violent and revolutionary nature that it should have evoked such a stirring reply from my friend Mr. Thakur Das Bhargava. It only aims at remedying what to an ordinary man, at any rate, seems an obvious injustice done to people in whom at present, according to the existing law, certain interests in the property have vested, or are expected to vest in the near future.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): They do not vest.

Mr. M. S. Aney: With due deference to my friend Mr. Jayakar, I hope to show that they do vest in certain cases. Otherwise there is no need to bring in an amendment like this. Let us see what the result will be if the Bill is passed as it is. There may be cases in which, according to the present law, the right-title and interest in the property belonging to the deceased man vested, owing to absence of any intervening heirs with limited interest, in persons other than those mentioned in clause 2, but they are not in possession of that property today. They have a right to file a suit for getting that property, within 12 years, under the Hindu law from the date of the death of the last male owner. They may not have yet brought a suit, and some others not entitled to it are in possession. By means of this clause 2, if you pass it immediately, their rights might be defeated as under this law only the persons mentioned in clause 2 are entitled to come in as heirs of the deceased. Though they have inherited that property and are not in possession today, for one reason or another, it does not mean that they are not entitled to it by filing a suit within 12 years. I am for the present excluding the case of the heirs whose rights are in abeyance, owing to the intervention of a widow's estate, altogether. You can certainly conceive of a case of this nature. A man dies today and certain persons are entitled to that estate as remote heirs, owing to the absence of any nearer heirs with limited or absolute interest upto the grandfather but they are not in possession. Some other person is in possession of the estate today but if they file a suit, they are bound to get it in accordance with the order provided by our laws of inheritance or succession. Are they not excluded in terms of the present section? I want the House to consider that.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): In whom is the property vested?

Mr. M. S. Aney: It vests in those persons who come in one after the other.

Mr. M. R. Jayakar: Question.

Mr. M. S. Aney: I am not talking of the reversioner at all. I am talking of heirs. If I am questioned by a non-lawyer friend I can understand it, but I cannot understand my friend Mr. Jayakar questioning me. He is so much carried away by his zeal for social reform that an argument of this nature is not at present appreciated by him. With all his subtlety and his capacity for drawing fine distinctions between one thing and another, my friend Mr. Jayakar fails to see the distinction between the case of an heir, whose instance I am giving and that of a reversioner, who is in his contemplation.

Mr. M. R. Jayakar: Will my Honourable friend give a specific case?

Mr. M. S. Aney: I have already mentioned a case.

Mr. M. R. Jayakar: I am asking for a case of specific relationship.

Mr. M. S. Aney: Suppose a man dies today and the inheritance goes to persons

Mr. M. R. Jayakar: I want a specific case of relationship like, *e.g.*, a son or daughter, etc.

Mr. M. S. Aney: If he does not leave a widow or a lineal heir or heirs upwards to grandfather, it goes to the remote persons whom you want to deprive of their rights.

Mr. M. R. Jayakar: Will my Honourable friend give me a specific case of relationship?

Mr. M. S. Aney: I do not understand the question at all. I was waiting for a long time to see if my Honourable friend would get up and speak, so that I might have an opportunity of giving him a satisfactory reply. Unfortunately for me he did not care to get up. I stood up as I saw the Honourable the President was going to put the amendment to the House. I think that my position is sufficiently clear to need any further exposition. In the case of the reversioner however, there is a good deal of force in the point that, if there is an intervening estate like the estate of a widow, the position of the reversioners is only that of the expectant heirs, and not that of the heirs with interests already vested. I understand that position, but in that connection also I would like this House to consider very carefully whether we are not introducing, so far as those persons who are dead are concerned, a line of succession which might be wholly repugnant to the religious ideas cherished by them. The position is this. A man dies. You are anxious to do justice to certain near female relations of his in preference to those who might come after certain time. At the time a man dies, he had the right, if he wanted to do so, to ignore these remote heirs who are likely to come in and allow the estate to go direct to the persons whom you want to provide for. He has the right to bequeath it by a will, but he does not do that. There can be two inferences drawn out of this position. Either he is indifferent in that respect or he may not like that estate to go to those persons whom you want to provide for. Now, if you want definitely to lay down a law that it must go to a certain person, then you must take care that in the case of persons who may not have deliberately made a will and have allowed the estate to go to these remote reversioners by thus keeping it open for inheritance by those who

come in by natural course in the order of succession, as laid down in the law which he must be presumed to know you are undoubtedly doing an injustice in my opinion. That is the point. He knows that after the death of his widow, certain persons are to come in. He says "Well, if he outlives the widow, he will get it". If that man does not outlive, there is another man, a third man and so on in that line, who was looked upon by the deceased as bound to him by a certain religious tie and to whom he looked up for what he considered at least to be his spiritual benefit. I know my friend Mr. Thakurdas Bhargava will say that the spiritual benefit from the *Shradhdha* is a fiction. It may be a fiction or a superstition in the eyes of some. Some persons may have outgrown the present religious conceptions and probably they have got certain other ideas of spiritual benefit which they are unable to express, or they may have none. I am not speaking for the non-believers but only for those who think that they have got certain definite ideas of spiritual salvation and for those who think that the process of that salvation is regulated in accordance with the proper performance of the rituals prescribed in the *Shastras* by the *Rishis* of old who were the authors of those *Shastras*. Their belief is a matter which ought to be the concern of those who are the champions of Hindu culture. I am not for the present concerned with those who say that they do not care for those beliefs. From them the average Hindus I am sure will not be prepared to accept what their culture is and what their culture ought to be. They might strike out new lines and new cults for themselves. They are at liberty to do so. There is nothing in the present law to prevent them from acting up to their convictions. They can do what they like. Those who do not want spiritual salvation have the remedy open to them by making a gift during their lifetime. The present law does not come in the way of the non-believer. He can dispose of his property in any way and thus be free altogether to deny himself the dubious benefits of ceremonies whose spiritual efficacy he seriously questions. But for those who believe in these benefits and covet them, the case is entirely different. The present tendency I regret to observe is not one of toleration. If I want to do a particular thing, I am not satisfied with liberty to do it. I want to see that what I believe is the belief of others and that it is thrust down their throats in spite of them if necessary. It is this spirit of intolerance on the part of the social reformer that is creating greater opposition to the cause of reform than anything else. The Honourable Members must realise that they have come to this House without ever fighting in their election-campaign any issue of this nature. I say, Sir, that it is an issue that does not merely affect the line of succession, but goes to affect the very radical religious belief on which the line of succession is based. It is one of the essential beliefs in the Hindu religion that every Hindu is born with the liability to repay three debts. These three kinds of debts regulate the whole structure of the socio-religious duties according to the Eternal law of the Vedic religion. The various duties prescribed for various men in various stages depend entirely upon the theory of this triple debt. You may call yourself a Hindu, but if you don't believe in them, you are failing in your duty as a Hindu according to the strict ideas of the Vedic religion. (*An Honourable Member:* "What is a Hindu?") People require sometimes to understand what a Hindu is. This is the essential, this is the basic principle of the entire law laid down in the *Acharakanda* of the Hindu religion. If you don't however believe in it, you are at liberty to say that you don't believe. I

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don't want to arrogate exclusively to myself all knowledge of Hindu religion, but I am entitled to say that the view I have propounded finds full support in the opinions expressed by the lawgivers of Hindus. The law of succession today is more or less related to that theory of the duties of the living to the dead. If any line of succession that you propose to open newly is going to affect that theory, it is a matter for serious consideration. You must do justice to those who died in that belief, and allow their property to be inherited in the way that is most conducive to their religious and spiritual beliefs and convictions. They cannot fight with you. I don't want to fight your beliefs, but I say, don't fight with the dead. If you insist on rejecting the amendment, you will be fighting with the dead.

A1 Honourable Member: What about our duties to the living?

Mr. M. S. Aney: Our duty is to do justice to everybody according to our capacity and according to the best understanding of the Shastras, and a man must know how to make a compromise between the two. You are doing wrong to those who died in that belief.

A1 Honourable Member: How do you know that?

Mr. M. S. Aney: By the very fact that none of them has taken care to dispose of their property in any other way.

An Honourable Member: They might have died in an accident.

Mr. M. S. Aney: All could not have died in an accident. One man possibly might have died in an accident, but the other ninety-nine could not have, so that for an exceptional case you are going to make a law of this sort.

These are some of the considerations that this House should consider in voting on the amendment moved by my friend. This House knows how this Bill was rushed through during the last session. Dr. Gour tabled a motion for introduction of this Bill, and it was the last day when he succeeded in making the motion, or one or two days before the closing of the session. It was circulated for opinion in 1921 only in two provinces, and I have learned that only fifteen opinions were received. Out of that number four were entirely opposed to the Bill, and of the others, some gave only half-hearted support. The other House then allowed the Bill to lapse. It is now being extended to the whole of British India. It is a question which affects everyone of the Hindus governed by *Mitakshara*. It affects everybody who calls himself a Hindu. Being a radically revolutionary measure of reform affecting such a large portion of Hindu society, every Hindu looks up to you, and I think that they have claim on the Members who are returned by them as representatives in this House to respect and safeguard their spiritual interests and religious beliefs from them. This was not one of the questions which formed part of the plank on which the last elections were fought, and a specific mandate for the reform obtained. It is therefore right that we should have a sacred and scrupulous regard for the sentiments of the Hindu society. Do not adopt the attitude that they are all fools and that we know everything. It is a dangerous attitude, which makes me think at times that even the best champions of democracy have not yet thoroughly imbibed the true spirit of

democracy. When we are going to deal with a question affecting such a large mass of the Hindu community, we don't think it necessary that their opinions should be ascertained. Are they not entitled to be consulted in this matter? In 1921 to 1923, when this Bill was first brought to the House, all of us are aware that the whole country was surging with the spirit of non-co-operation. Nobody then cared to look and see what the representatives who came here were doing, defying their mandates.

Mr. M. R. Jayakar: Sir, I rise to a point of order. In suggesting to the House that this Bill should be circulated for further opinion, is the Honourable Member in order in speaking on the amendment before the House?

Mr. M. S. Aney: Why is my friend so much embarrassed at this that he should stand on technicalities? But, Sir, I think that I am
12 NOON. only trying to develop the argument and this is perfectly relevant.

Mr. President: The Honourable Member must confine himself to the amendment now before the House.

Mr. M. S. Aney: So in view of what has been said already, I believe that I have amply demonstrated that there was no occasion for the people to understand the nature of the Bill. In view of that, my appeal is, do not try to do injustice to those who have died before this time in certain expectation of spiritual benefit according to the belief that was sacred to them. I hope the House will do justice to them.

Mr. M. R. Jayakar: Sir, I was present in the House this time last year when my Honourable friend Sir Hari Singh Gour made himself responsible for the introduction and the passing of this Bill. I never then realised, Sir, that a year after, when this Bill should come again before this House, there would be such a full dress and lively debate. I feel certain, and many Honourable Members will agree with me, that to-day will provide a spectacle of a somewhat extraordinary character, when party mandates will be loosened and every Honourable Member will be inclined to disclose his true mentality of reform, or retrogression, apart from the political mandates of his Party. I am sure Honourable Members opposite will have considerable amusement provided for them to-day (Laughter) in seeing Honourable Members who ordinarily vote on the same side of the question, being regulated by mandates of political and party character, to-day fighting, possibly tooth and nail, over this question. We already had one specimen of it in my Honourable friend behind me speaking on this motion. He suggested that I was likely to be carried away by my extreme notions of social reform. He is a Member, as my Honourable friends know, who is very cautious about his words when he speaks on political matters, and I am sure he realised the gravity of what he said. May I quietly remind him that social reform must be a most extraordinarily provocative to have incensed him to make his speech with a warmth that he very rarely displays when speaking on political questions in this House. However, that is a small matter. I shall avoid taking any passionate view of this question, I want to put before the House my submissions in a very dispassionate manner. The amendment before us, Sir, is of a very restrictive character. I beg to oppose that amendment. This is not the occasion for asking for the Bill to be re-circulated for public opinion. The Bill has been before this House

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at a prior stage. As my Honourable friend, Mr. Chetty, in his introductory speech pointed out, this Bill in its spirit and principle was introduced long before this House met by the late Mr. Seshagiri Ayyar. A Bill with similar principle, namely that female heirs were to be given preference over male heirs, was then circulated for public opinion. It went to the Select Committee.

Mr. President: Probably the Honourable Member is under a misapprehension. There is no motion for circulation before the House.

Mr. M. R. Jayakar: Sir, I am aware of that, but I am pointing out to the House that this is an old Bill and now the stage at which we are considering it does not entitle us even to argue that it should be circulated for public opinion. I am aware, Sir, that I am speaking on a narrow amendment. This is an old Bill and its principles have been accepted by this House, including our predecessors. It was even passed by the Council of State, which is generally not likely to take extravagant views of social affairs. (Hear, hear.) It has come back to us with its approval. Now the amendment before the House is very restrictive. I want Honourable Members clearly to realise the effect of this amendment. It is the same amendment as the one which has been tabled by my Honourable friend Mr. Shanmukham Chetty. Before I go into the details of that amendment, may I say, Sir, generally that that amendment will have the effect, if carried, of hanging up the operation of this wholesome measure. Therefore the position of those Honourable Members, on whichever side of the House they may be seated, who think that this is a wholesome measure, is clear. I can quite understand the attitude of Honourable Members in the position of Mr. Aney who do not think that it is a wholesome measure. But the position of those Honourable Members who think it is a wholesome measure is quite simple and clear. Those who believe that this House should not interfere with the Hindu law of succession on grounds which are more or less spiritual *viz.*, that obligations to the dead come in, to which my Honourable friend Mr. Aney referred with such detail, those I say who believe that this mundane House, somewhat material and non-spiritual in character, has no right to interfere with the law of succession because every law of succession concerns the dead, to them I have nothing to say. Their proper function is to oppose the Bill. But may I say, without offence to my Honourable friend Mr. Aney, that those like him who are taking shelter under the present amendment but are really opposed to the principle of the Bill itself will not be honest in voting for the amendment? Their opposition is to the principle of the Bill. They are absolutely opposed to social reform of any kind. My Honourable friend Mr. Aney made it perfectly clear in his speech that he thinks that we have not come to this House on any social issue, that we did not submit such issues to any popular vote at the time of our election and therefore we cannot make them the subject of a controversy in this House. I do not agree with him, but I can understand his attitude. His support to this amendment, in my opinion, is disingenuous. I am however speaking to those—it may be a narrow or wide section of the House—who believe in the principle of this Bill, who go further and say that the Bill embodies a very wholesome, rational, and liberal principle but who wish to support the amendment, to that class in this House my remarks are primarily addressed. To them, I say, be very careful before

you vote for this amendment, because this amendment, although it may seem to be grounded on equity and justice, will have the effect of postponing the operation and the effect of what they regard as a wholesome Bill. What does this Bill do? This Bill is a very humble attempt for the purpose of equalising, and removing the inequalities and anomalies of the Hindu law. Without tiring my Honourable friends too much with the details of this question, which is a very technical and difficult subject, I may say, Sir, that the whole theory of inheritance in Hindu law—I shall avoid all technicalities as far as possible, but some technical jargon is absolutely inevitable—the whole theory of Hindu law of inheritance is as follows: when a male dies, his male children come in first up to three generations, his son, his grandson and his great grandson. Failing this branch, his widow comes in. After her, his daughters come in. After the daughters, the daughters' sons come in. That exhausts the progeny of the individual. Failing any of this progeny the succession goes to his parents. I am stating in very simple English the main principles on which inheritance proceeds. Then the mother comes in first in certain provinces, the father comes in first in certain other provinces. After the parents are exhausted, then the father's progeny comes in up to the brothers' son. This is the line in which succession proceeds. But it does not stop there. Then it proceeds further in a manner which may appear extraordinary to non-Hindus. It had its origin in times when males were a great fighting asset, and therefore heritable preference had to be given to them over females. I am here speaking of the days, very very ancient, when males were a fighting asset, in the cause of civilisation and culture. Tracing from that time, this inheritance and succession have continued, with the result that all males up to six generations upwards and six collateral generations from each of them had this right of preference over nearest females. Quoting from the latest edition of the ex-Law Member Mr. Mulla—I will just give my Honourable friends the total number of these male reversioners—father, father's father, his father, his father, his father, his father. Thus after going up to the top to the seventh degree, seven generations of collaterals from each of them up to the seventh degree, have to be included, *i.e.*, the topmost ancestors' six generations, his son, his son, his son, his son, his son, his son and his son. Sir Sankaran Nair speaking in the Upper House made a very careful computation of these individuals who in the more distant degrees are called *Samānodakas* and whom, a very facetious Judge of the Bombay High Court once described as chimerical beings who existed on the genealogical tree but rarely in actual life. But still they exist in the computation of the lawyer and do sometimes crop up in rare cases. They have been roughly calculated by Sir Sankaran Nair as 332 in number. The anomaly of the law comes in here, that these 332 individuals, of whose existence even the testator is not often aware, come in before his nearest relations like son's daughter. Another argument was advanced: "Oh, the last male owner should have left a will, and as he has not done so, his presumed intentions must be taken to be to benefit the man who is several degrees removed, as against his own nearer relations like his son's daughter". This would be a most extraordinary presumption indeed! The argument proceeded from my learned friend Mr. Aney, who said, "Oh, by reason of his dying intestate we can presume his intentions as if he made a will in favour of those to whom the estate goes by operation of law". But, Sir, what is this "presumed intention"? First of all, God alone knows what the intention of a dead man was. The devil may possibly know it, but

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certainly we mortals do not know it. It is perhaps a privilege shared between God and the devil to know what exactly was the intention of a deceased person. But supposing we could know the "presumed intentions" of a dead individual, why should we presume that, if he had known the real law of succession, which he is supposed to know, he would have left a will in favour of any of these chimerical individuals, any of these 332 distant men, as against his own son's daughter, daughter's daughter, sister and sister's son whom this Bill provides for? Surely is it not too much of a stretch of imagination to believe that, if the deceased had left a will with knowledge of the law, he would have preferred these chimerical individuals six or seven degrees removed and would have ignored his own son's daughter daughter's daughter, sister and sister's son? Therefore, the argument based on the question as to what could have been the wishes of this man, if he had been able to give expression to them by means of a testamentary document, is certainly too far-fetched. Leaving this question, let us see what this Bill provides. This Bill does not interfere with the deceased man's progeny, goes up to his father, and mother, then takes his father's progeny up to two generations, brother and brother's son, then it goes to the father's father and stops there. Stopping there, there is a provision in this Bill which introduces four female heirs at this stage, who would be but for this Bill and who are, under the present law, postponed until these 332 individuals are exhausted. In other words, this Bill seeks to make a kind of compromise between the old theory of *sapindaship* and the newly awakened public desire that female heirs should be given their proper place in the scheme of inheritance. And there it stops; it stops with the inclusion of only four heirs, and not more. This ought to prove to my Honourable friends that its provisions are not a very violent departure at all. I am again going to quote from Mr. Mulla's new edition of Hindu Law which I received only last night here. The heirs who will not be touched by this Bill at all and who will stand as under the old law are the son, son's son, etc., i.e., three generations—they will not be touched; the widow will not be touched, the daughter will not be touched, nor the daughter's son, nor the mother, father, brother, brother's son, in Bombay, the grand-mother, full sister, half sisters and others, who have secured a place in Bombay, then, the great grandson, great great grandson, great great great grandson, son's widow, grandson's widow, great grandson's widow—in certain provinces—brother's son, brother's son's son and so it goes on until we come to the 34th heir, the father's father. There it will stop. So, all these old stages of the law are not touched by this Bill. Is that a very violent departure, may I ask? A great deal has been said that we are revolutionising the law. Is it revolutionising the law to say that daughter's and son's daughter should have the benefit of heirship, after all these nearer heirs, mostly male, have been exhausted. I want my Honourable friend to remember that the son's son is a very near heir, he gets the property in the very first remove. The son's daughter however is postponed for 332 generations. Similarly, the daughter is provided for, the daughter's son is provided for. The daughter's daughter is again postponed for 332 generations. What equity is there, except that by a freak of nature, the secret of which science has not yet been able to unfold, the one child is born a male and the other a female? What else is it but a mere freak of circumstances? Is it equitable to penalize the female child to the extent of putting back her rights for 332 generations? We want just to modify the evil effects of this freak of nature. That is

the purpose of this Bill. I want my Honourable friends to realise that there is no violent revolutionary purpose in this Bill at all. Do we honestly believe, as the ancient Hindus believed, that all males are capable of taking inheritance, but that women are not so capable? I may here point out to my Honourable friend Mr. Aney, because I know a little of Hindu law—then he should examine very closely the foundations of this doctrine that Hindu women are not competent to inherit. May I point out, Sir, that the main authority on which that doctrine is based is from a book on Vedic Ritual, and not on any law of inheritance? Speaking of Vedic Ritual, I may state that there was a time when in very ancient times a liquor, similar to the drinks now in use, used to be distributed in ceremonial sessions. It was called Soma juice. It had the reputation of giving a touch of Dutch courage, if I may use that modern expression, a feeling of elation for the moment, just like that which drinkers feel when they take a drink in these days. The belief arose, which became a rule in course of time, that as women were not required to fight, they should not be given a portion of this drink. Now in Sanskrit the word for a portion is *Dāya*. The *Dāya* (portion of drink) was excluded from the woman because it would be wasting that drink upon her as she would never be called upon to fight. Mark the words, Sir it was a "portion of the drink" that was excluded from women. Later on some wag of whom there were great numbers in those days, took those words from the ancient context and turned them into a text of the Hindu law. He took advantage of the fact that *Dāya* also means a portion of the inheritance. My Honourable friend Mr. Aney, I am sure if he knew this origin of the rule, would not say that the Hindu law does not allow women to take inheritance, as summarily as he did.

Mr. M. S. Aney: I have never said that the Hindu law does not recognise that.

Mr. M. R. Jayakar: My Honourable friend solemnly propounded the sacrosanct character of the Hindu law and felt a superior reverence for it. Therefore, I am examining the theory and it is this theory we have to examine now. I certainly wish, as my Honourable friend said before me, that we could have a committee of this House sitting to examine the whole theory of the Hindu law of inheritance, and go into its rudimentary conceptions and evolve an equitable system. But the Government would not allow us to do that. But for all that, it is fortunate that that extremely malignant species of human beings, in Mr. Aney's opinion, the social reformer, does exist in this House and in this country too, and cannot be got rid of merely by a mere *obiter dictum* of Mr. Aney's. In spite of great difficulties the social reformer has got to struggle to get these little things improved bit by bit. It is not his fault, it is the fault of circumstances, that he can only introduce little bits of reform because we have not in our hand the wide power of introducing reform enjoyed by those sitting on the opposite benches. We can only struggle on slowly as humble social reformers have always struggled in the past and will struggle in the future, gaining slow victories bit by bit.

I do not wish to go further into this matter. That is the present theory and that is the present Bill which says that certain degrees of remoter male heirs should be postponed to the nearer degrees of female heirs. Now who are these relations thus preferred? How near are they to the deceased?

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Sons' daughters, born of our own son's loins. Daughters' daughters, sisters and sister's sons. Some critics have said "Oh, why not also other female heirs?" I say sufficient for to-day is the evil thereof, I would certainly try to introduce many more female relations, but let us first get this Bill through and then the time will arise to extend the right to others. These are the near relations touched by the present Bill. Now I want my Honourable friends to contrast them with the remoter degrees of male relationship and such an examination will show Honourable Members that this is a very sensible Bill, and by no means an extravagant one.

Now coming to the amendment, it introduces a very controversial matter. The amendment says, Sir, that this Bill will not apply to cases where the male owner has died prior to the passing of this Bill. That is the amendment paraphrased in plain English. It means this. Let us suppose that a man dies a year before this Act comes into force leaving a widow who is about 20 years of age—I am taking a hypothetical case—and that widow is now in possession of the property. In spite of the short age limit in India, let us say the widow lives for another 25 years, and 25 years after this Act passes, the widow dies. The succession in that case opens 25 years after this Bill passes. The amendment says that in such a case, although the Act is passed to-day, and the succession opens 25 years later, the old iniquitous law should prevail, by reason of the simple fact that her husband, the male heir, died before the passing of this Act. I want Honourable Members to bear in mind the meaning of the expression "succession opens" which has a distinct meaning in law; it means the date on which the heirs to the male owner, consequent on the death of the widow, are to be determined. That is in law the material date, and although that date comes 25 years after the passing of this Act—the amendment says the case will not be governed by this Act but by the old order of things, i.e., according to the law which ceased to exist 25 years ago. I submit, Sir, that apart from any other argument against it, the amendment will certainly have the effect of hanging up the liberal provisions of this Bill. If we believe that the provisions of this Bill are wholesome, what is the reason for not making them applicable to a case where the succession opens after the Act has come into force? I can understand the anxiety of the conservative elements in this House—among whom I may even include myself—that we should not make this reforming Bill applicable to vested rights, i.e., those which are vested either in interest or possession, or those even which are pending in suits in a Court of Law. I agree that this Bill, to use lawyers' language again, should not have the effect of divesting titles already vested. I can understand that as a lawyer. I recognise the desirability of doing nothing of a revolutionary character which will have the effect of divesting titles. Supposing, e.g., a reversionary heir has already got hold of property excluded by this Act. He should not be called upon to divest himself of it. I can understand that and if this Bill had the effect of doing that I should certainly have opposed such an operation. But the Bill does nothing of the kind. It should be observed, further, Sir, that this Bill has proceeded from a very conservative House where these considerations of caution and prudence were present to the mind of Honourable Members. The Bill has provided ample safeguards. It only applies where a man has not left a will—that is a very wise limitation in the Bill. Again

it does not touch family property, which comes under a provision of its own. The Bill only applies to the separate property of which a man dies intestate; it does not touch any other property at all. It also excludes customary rights. In such cases of limited application I cannot see any reason why the operation of this Bill should be postponed, on the simple ground that the propositus died some years ago.

The argument was advanced, Sir, that we should have regard for the feelings of the dead. That was a very strong plea urged by my Honourable friend Mr. Aney. Well, it is a very risky doctrine to proceed upon where the precious rights of the living are involved. First of all, we can never know the true intentions of the deceased. But assuming that we did know them, as I said a few minutes ago, it is impossible to say what he would have done if he had known the true law. There is a constant caveat which Courts of Law have to bear in mind and *a fortiori* a House of a non-legal character like this, that it is unsafe to embark on enquiries into the intentions of a deceased individual. One has no means to find them out. Therefore, I say that all we can do, is to provide for a limited operation of the principle of the Bill, in so far as it should affect vested interests, vested either in possession or in interest. My Honourable friend Mr. Aney says "I am not speaking of reversioners at all; I am speaking of heirs who are not reversioners." May I remind him once more of his law, that excepting the son, the grandson and the great grandson in the male line, no other male heir intervenes except as reversioner, because the moment these three relations are exhausted, viz., the son, grandson or great grandson, the widow will come in, and after her the reversioners. I do not know what particular case of relationship Mr. Aney had in view when he advanced his argument. I asked for a specific case, but he did not give one. The possible male heirs before the widow, are sons, grandsons and great grandsons. This Bill does not apply to them at all because the assumption of the Bill is that there is no male progeny. The Bill is intended to touch only those male heirs who come after the widow. Therefore my Honourable friend, possibly in his zeal against social reform, forgot his law. There is no male heir whom you can include in this Bill except reversioners.

Now what is the reversioner's interest? Even a tyro in law will tell us that it is purely an expectant or contingent interest. It is not in law a vested interest, which can ask for our protection. As an authority for this view, I will quote from the ex-Law Member Mr. Mulla's new book, page 164, and I am sure the new Law Member will agree with him. "The interest of a reversioner is an interest expectant on the death of a limited heir. It is not a vested interest."

I need not go into other arguments. We are asked, on the grounds of the supposed intentions of the dead and the expectant interests of the Reversioners to postpone the near relations, the kith and kin, who would possibly be surrounding the deceased on his death bed,—the son's daughter, the daughter's daughter, sister and sister's son. These are some of the relations with whom the man would be in his dying moments. They would possibly soothe and nourish him on his death bed. These relations are to be postponed and that too for the supposed intentions of the deceased man, which we cannot ascertain, or for some supposed justice to contingent interests in favour of a man who may not be alive when the widow dies, and of whose existence possibly the owner was not aware, who possibly did

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not exist at the time when he died and came into existence during the widow's life-time—I ask Honourable Members whether it is sound to postpone the operation of this principle for the sake of a man whose right, in the words of Mr. Sinha, the Mover of the amendment, is only that of one “who lives in the hope and expectation of succeeding if he outlives the widow.” I am quoting his words. That is an interest which the law does not recognise. If its owner went out into the market to deal with it, section 6 of the Transfer of Property Act—as the Honourable Law Member will agree with me—says that it is a pure *spes successionis*—a mere chance of succeeding, which he cannot barter away or sell, cannot pledge or in any way deal with. It is purely an expectant interest which has no existence in law. For such vague interests we are asked to ignore the interest of those in whose hands possibly the man dies.

Mr. R. K. Shanmukham Chetty: Sir, there stands in my name on the agenda paper an amendment similar to the one moved by my Honourable friend; but as I have been advised that, from the drafting point of view, the Honourable Member's amendment is better than mine, I adopt his and give my whole hearted support to it. Sir, in the discussion that we have had this morning, Mr. Jayakar found evidence of the conflict between liberalism and orthodoxy. May I be permitted to tell Mr. Jayakar that in my zeal for reforming the Hindu law of inheritance in accordance with modern conceptions I do not yield even to Mr. Jayakar himself and yet I support the amendment?

An Honourable Member: How?

Mr. R. K. Shanmukham Chetty: My Honourable friend will hear the reasons presently. Mr. Jayakar covered the want of arguments for his proposition by a very elaborate and interesting disquisition of the Hindu Law of inheritance. His disquisition on the Hindu law of inheritance, though perhaps a little bewildering to laymen, was in itself a very interesting piece of performance. But, Sir, I may be permitted to state that all those disquisitions about the Hindu law of inheritance were absolutely irrelevant to the amendment that we are now considering. We have heard a good deal of discussion this morning both from lawyers and from laymen. My position is one of peculiar advantage, because I am a layman who knows some law. (*An Honourable Member:* “Very dangerous knowledge.”) Therefore I can bring the common-sense point of view of the layman to the intricacies of a legal proposition.

In explaining my attitude towards the amendment and the exact position in which we stand with regard to the amendment I cannot do better than illustrate my argument with a specific illustration. We will take it for granted that a Hindu male who held property which was not coparcenary property and which he did not dispose of by will died five years ago. Now, with reference to that man's property, is the succession to take the order of succession as prescribed in Hindu law or as we are now amending it in this Bill. That is the whole proposition. I am sure my Honourable friends in this House, even laymen, will understand the justice and equity of this amendment if I remind them that when you alter the provisions of the law of contract, ordinary justice and equity require that the new alteration that you make, should not

affect contracts that have already been made before the new law was passed. Well, Sir, this amendment simply ensures that, so far as the estate of persons who died before the passing of this Act is concerned, this measure will not have a retrospective effect. I was surprised to hear my Honourable friend, Mr. Jayakar, state that God alone knows what the intentions of a deceased man were. Such a statement coming from a learned lawyer like Mr. Jayakar caused me a good deal of surprise

Mr. M. R. Jayakar: Unless these intentions are expressed in a will.

Mr. R. K. Shanmukham Chetty: Surely neither God nor the devil nor even a lawyer can know what the intentions of a deceased man were. But, Sir, may I respectfully submit to my Honourable friend, Mr. Jayakar, that in such cases the law is entitled to presume what exactly was the intention of a dead man. A Hindu dies leaving property; and the law presumes that if he specifically wanted that the order of succession to his property must take a line different to the one prescribed in Hindu law, he would naturally leave a will; and from the fact that the deceased person has not left a will, the law is entitled to presume—and in justice and in equity it ought to presume—that the dead man was satisfied that his property on his death must take the order of succession known to him and prescribed in Hindu Law. I ask, can there be any justice or equity or good conscience when you come and say: “I do not know the intentions of the deceased man; therefore I will now, long after the poor man is dead, alter the law of succession and divert the property in a way which was not intended by him either specifically by will or by his intentions.” That is the whole point of my argument. Now, my Honourable friend, Mr. Jayakar, paid some well-deserved compliments to the Council of State. He said:

“The Council of State is not likely to take an extravagant view of this matter. They have sent us the Bill in a particular form, which means that they have given mature consideration to this Bill and they were satisfied that the Bill, as it has emerged from the other place, is a very equitable measure.”

Sir, I am very glad that my Honourable friend, Mr. Jayakar, has made this statement. But if only he had taken the trouble to read the proceedings in the other place when this Bill was enacted, he would not have opposed the amendment that is now before the House. I take it from the remark of Mr. Jayakar that he is satisfied that the intentions of the Council of State, when they enacted this measure, were perfectly equitable and just; and my task is therefore a very simple one. Let us find out what exactly the intention of the Council of State was when they enacted this measure; and if I can prove to Honourable Members that the intention in the other place was exactly the intention embodied in this amendment, then, I hope, Sir, my friend Mr. Jayakar will go into the same lobby with me and vote for my amendment. In the other place, when this Bill was first introduced, the Honourable Mr. Ramdas Pantulu, an ardent social reformer, made the following observation:

“The Bill ought not to apply to inheritance of Hindus who died before the passing of this Bill. That is an essential point.”

Mr. M. R. Jayakar: That was his personal view.

Mr. R. K. Shanmukham Chetty: Just one minute: that was his personal view; but later on what happened? The Bill was referred to a Select Committee and it came back from the Select Committee in due course. Another Honourable Member there, the Honourable Mr. Mahendra Prasad, gave notice of an amendment similar to the one of which I have given notice. And in speaking on that amendment he said:

"All that I want is that it should be given effect to only in cases of property of males who die after it has been passed into law."

That was the intention of Mr. Mahendra Prasad in moving his amendment. And what was the answer given by the Honourable the Law Member to the contention put forward by Mr. Mahendra Prasad? He said:

"Sir, I think the Honourable the Mover of this amendment is unnecessarily apprehensive."

Then he goes on to say:

"The whole matter was very carefully gone into in the Select Committee, and the Honourable Member will find that there is absolutely no cause for apprehension at all. This Bill cannot affect males who die before this Act comes into effect. It is wholly unnecessary to make this amendment."

It was because the then Law Member in the other place said that it was unnecessary to make this amendment—in fact the intention of the Bill as it was before the Council of State was exactly in the terms of this amendment—that the Honourable Mr. Mahendra Prasad did not press his amendment.

Mr. M. R. Jayakar: This Bill speaks for itself apart from the comment of the Honourable the Law Member.

Mr. R. K. Shanmukham Chetty: It is because Bills speak for themselves that lawyers flourish in Courts. Sir, perusing the record of what took place in the Council of State, I put it to Honourable Members and I put it to my Honourable friend Mr. Jayakar, what exactly was the intention of the Council of State when they passed this Bill. Their intention was that this Bill should not affect the estate of Hindus who died before this Bill came into effect.

Mr. M. R. Jayakar: That was the Law Member's intention.

Mr. R. K. Shanmukham Chetty: That certainly was the intention of the Council of State, and it was only after an assurance given by the then Law Member, who certainly was entitled to be considered as an authority in this matter, that the Honourable the Mover of the amendment did not press his amendment. But, Sir, unfortunately different lawyers have begun to put different interpretations on the Bill as it has emerged from the Council of State. Some eminent lawyers have said that the interpretation put upon the Bill by the late Mr. S. R. Das was the correct one, while other equally eminent lawyers have said that much can be said for the other side also, that the Bill can affect even the estates of persons who died before this Act came into operation. Therefore, Sir, if we now in this House pass this legislation, conscious of this loophole, then I say we will be failing, and grossly failing in our duty.

Mr. B. Das (Orissa Division: Non-Muhammadan): Let us first hear the new Law Member.

Mr. R. K. Shanmukham Chetty: Sir, I hope my friend Mr. B. Das, if he is convinced that the Bill as it stands before the House without this amendment, does not carry the intentions of this amendment, he will vote for my amendment, and I would await with interest what interpretation the new Law Member puts on the Bill. So far as the intention of the Council of State is concerned, a perusal of the records has convinced me, as I am sure it has convinced every Member here, that the intention was to enact a measure on the lines of the amendment which is now before the House. It is no doubt now open to this House to say that it is not our intention to enact a measure like that, that we want this measure to apply even to estates of persons who died before this Act came into effect, but then I would ask Honourable Members to realise that clearly.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): There is no amendment of that kind.

Mr. R. K. Shanmukham Chetty: There is no amendment of that kind, it is quite true. But my friends who oppose my amendment on that ground are certainly entitled to do so, but if Honourable Members are under any misapprehension that the Bill, as it is before us without the amendment, also carries the same intention into effect, I would submit to them that it would be safe to incorporate this amendment, so that the provisions of the Bill may be made absolutely clear and no loophole might be left for litigation.

The Honourable Sir Brojendra Mitter (Law Member): Sir, some of my Honourable friends want to know what my views on this Bill are. Before I express any views, I want to make it perfectly clear that I am talking in my personal capacity as a lawyer, and not as a Member of the Government, because the attitude of Government in this matter is one of strict neutrality.

Sir, before I deal with the provisions of the Bill, I want to say a word about the intention of the Council of State. It is an elementary canon of law that the intention is to be gathered from the words used in the Bill itself. You may not refer to proceedings of any Council to gather the intention. Therefore, so far as I am concerned,—I shall not refer to anything which happened in the Council of State,—I shall confine my observations to the words used in the section itself and tell you what, in my opinion, the intention is. My reading of section 1 is that it does apply to the estate of males, whether they die before the passing of the Act or after the passing of the Act. There is no question about it. The words used are "And it applies to such persons in respect only of the property of males not held in coparcenary" and so on. Now, these persons are the competing heirs; therefore the point of time which you have got to look to is when the competition begins, that is to say, when the limited owner dies. Now, I am talking rather in technical language. I shall express myself in more popular language. In Hindu law when a woman inherits property from a male, ordinarily her interest is a limited interest; she never becomes the absolute owner. It is not her separate property; and when that limited interest comes to an end, then come the full heirs of the last male owner who become absolute owners. Here the words used are "It applies to such persons in respect only of the property of males". This

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application is when the limited owner dies, or, in the language used by my learned friend Mr. Jayakar, when the succession opens out. Now, the effect of the Bill and the effect of the amendment are these. If the Bill stands as it is, then the heirs mentioned in it will come in, after the limited owners who are now in possession, die. But if it be the intention of the House that it should not apply to those persons because the owners of the estates died before the passing of this Bill, then the amendment is certainly necessary. Now, I will make the matter a little more clear. This Bill does not affect any vested interest. The whole controversy ranges round such estates only which are now in the possession of limited owners. Full owners who are now in possession of estates will die after the Bill is passed, and the Bill of course, apply to such estates. Now, the estates of male owners who are dead and which estates have not descended to full owners but are in the possession of limited owners—it is in respect of these estates only that this controversy has been raised. That being so, the question is, are the reversioners, after these limited owners die, to be protected, or are they to be placed in the same position as other reversionary heirs who will inherit the property of males dying after the Bill is passed? That is the whole question before the House. Is their interest to be protected? I am in entire agreement with what my Honourable friend, Mr. Jayakar, said about the interest of reversioners. In law it is not an interest at all. I will illustrate it by an example. A man dies leaving a widow but no children. Now, the widow is in possession of that estate. The interest of the widow is a limited interest, she is a limited owner. It may be after the widow's death a nephew of the man will become the full owner. But what is the interest of that nephew? During the lifetime of the widow it is an expectancy merely, the nephew will get the property if he survives the widow. Therefore, the law says it is not really an interest, it is merely an expectancy, or in legal language, *spes successionis*, that is, a mere chance of succession if he survives the widow. Now, the whole question is, are we going to protect such expectant heirs by accepting the amendment, or are we going to place them in the same position as other expectant heirs in regard to the estates of males who will die after this Bill comes into operation? That is the whole question before us.

In that controversy Government take no part, but I am only explaining to you that this controversy ranges round only such estates as are now in the possession of limited owners because the full owner is dead. The time for competition will arrive when the limited owner dies, she may be a widow, may be a daughter. When the limited owner dies and the competition arises, then the question is, will these persons, the near relations who are mentioned in this Bill, have priority over the distant agnatic relations, or will they be postponed? That is the whole question before the House. This controversy does not really go into the fundamentals of the Hindu law. When you look into it closer, it is narrowed down to this, what will happen with regard to estates which are in the possession not of full owners but of limited owners at the present time? When these limited owners die and the competition begins among the heirs, whom are you going to prefer? Are you going to give the benefit of the Bill to these persons, the near relations who are mentioned here, or are you going to postpone them to the distant agnatic relations? That is the question.

That is the legal position. If you want to protect the expectant heirs of people who are dead, then the amendment is certainly necessary, notwithstanding what might have been said in the Council of State. But if you want to place those expectant heirs in the same position as other expectant heirs of persons who will die after this Bill comes into operation, then the Bill, as it stands, serves that purpose.

Mr. B. Das: I move that the question be now put.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): I am entirely opposed to this Bill, and if I speak at this stage on this amendment, it is only to help to clear up the issue before the House.

I think Honourable Members should remember that the Hindu law of succession is a personal law. The Government have guaranteed that they shall not interfere with that law, that their Courts shall administer the Hindu law as it exists, and I submit that it is not right of this Legislature to attempt to alter the line of succession which has been laid down in the Hindu law. It is not a question which affects a certain community of persons as such. It is a question in which every individual who is a Hindu has a right to expect that neither the Government nor the Legislature shall make any attempt to alter the law under which he has lived. The Indian Succession Act may be a very logical Act. The Muhammadan law of inheritance may be a very logical order of inheritance. There may be other systems which are more logical than this, but the Hindu law is personal to the Hindu and he has a right to expect that no one shall interfere with the order of succession which has been laid down for him. I submit that for this Legislature to attempt to do it is very wrong. I am not going beyond that for the present, in the hope that I shall be able to discuss this matter further when the third reading of the Bill comes up.

An Honourable Member: No third reading in this case.

Pandit Madan Mohan Malaviya: Is it so? Then I had better take a few more minutes on it. I wish to add that when this Bill was introduced into this Assembly, it was a time when the matter had not received full consideration. It was first introduced and circulated in 1921 . . .

Mr. President: We are merely dealing with the amendment.

Pandit Madan Mohan Malaviya: I am dealing entirely with the amendment and I want to show how very desirable it is to consider the amendment in its full meaning. I wanted to point out that when the Bill was circulated in 1921 it did not receive much attention. It was the period of non-co-operation. Only 15 opinions or so were received. Nor did the matter receive more attention when the Bill was passed in this House. When it went up to the Council of State, it was discussed there no doubt, but the country as a whole, the Hindus as a whole, have not had that opportunity to express their opinions regarding this measure which vitally affects them, which the Legislature affords to the parties concerned on every other measure. I submit, therefore,—I would request Members, particularly Members who are not Hindus,—to abstain from voting in favour of the Bill, because at this juncture the least that the Hindu community can expect from Members who are not Hindus, is that they will not lend their support to an alteration in the line of succession which they have inherited for a long time. This line of succession has come down to us from ages, and it is not to be so lightly disposed of as I regret to

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say my Honourable friend, Mr. Jayakar, wants it to be. The line of succession is laid down in our religious law. That line of succession may have some defects, but that line of succession has also many good points. If time permitted, and if the opportunity was not so unsuitable for the purpose, I would have explained the reasons upon which rests the order of succession as it is laid down in the Hindu law. It has not lightly disregarded the interests of the son's daughter or the daughter's daughter. The system is based upon spiritual considerations, and those considerations descend from line to line. And if a *gotraja*, that is, a person in the male line who is related even in the sixth degree, is preferred to the son's daughter or the daughter's daughter, it is because that *gotraja* performs certain rites of a spiritual character, the benefit of which accrues to the man whose property is in question, whereas the son's daughter and the daughter's daughter do not; and it would be an outrage upon the sentiments of pious Hindus if they were told that, after they were dead and gone their property would not go to those *gotrajas* who are bound religiously and spiritually to offer oblations, etc., for the benefit of the soul of the deceased. It is not that the son's daughter and the daughter's daughter cannot humanly do it, but by the religion of the people which they believe in they are not expected to do it. In fact, their doing it would be regarded as a thing which the deceased person could not accept. A father cannot accept a gift from a daughter. The deceased person can not receive oblations and ministrations from the son's daughter and the daughter's daughter. I do not think, Sir, that in a matter like this which has got its root deep in religious and spiritual considerations, the subject should be taken up in a light spirit and disposed of in a light spirit. One should expect that, if the Hindu community wish to alter the line of succession, there should be a proper consideration of the measure. I will remind my English friends of the time it took them to get a measure placed on the Statute-Book permitting a man to marry his deceased wife's sister. You know sentiment, particularly when it has a religious basis, is very deep and we should respect the sentiments of our fellow subjects as we expect them to respect our sentiments. To my Hindu friends I would say that they should not be in a hurry to pass this legislation.

Mr. President: Order, order. All these arguments are in favour of rejecting this Bill. The Honourable Pandit knows very well that nothing he will say now can entitle this Assembly to reject this measure. The Honourable Pandit must therefore confine himself to the amendment now before the House.

Pandit Madan Mohan Malaviya: I must bow to your ruling, but I would submit for your consideration whether in a case like this, where there is no third reading provided for, a Member should not be given an opportunity to have his full say on a subject of this importance. I shall not go very much beyond what I have said. I wish to ask my Hindu friends to remember that they owe a duty, even a more heavy duty than the other Members of this Legislature, and that they should not be inflicting a wrong upon the community by passing a measure of this importance in the manner in which it is sought to pass it.

Mr. President: What can they do?

Pandit Madan Mohan Malaviya: They can oppose it.

Mr. President: They have no power to reject it.

Pandit Madan Mohan Malaviya: They have the power to speak and thus to record their votes, so that it may be recorded by the reporter and published in the official debates. The Governor General will, I expect, take that into consideration in giving or withholding his assent to the Bill, and it is in that view that I wish to have my full say.

Mr. President: I would ask the Honourable Pandit to restrict himself to the amendment.

Pandit Madan Mohan Malaviya: All right, Sir. Confining myself to the amendment, I wish to ask my Honourable friend Mr. Jayakar, and the Honourable the Law Member who supported the view which Mr. Jayakar urged, what is it that this Bill is meant to deal with? It is meant to deal with the estate of a person who has died without leaving a direct male issue. That person was the owner of the property. Is it given to the Honourable the Law Member or my friend Mr. Jayakar or any other Member of the Assembly to say that the property of a certain person shall be given to B and not inherited by A. Is it not the case that the law under which the deceased owner lived must decide to whom the property shall go. It is not a matter in which the legislature can intervene and change the order of succession. When A died, as was pointed out, by my Honourable friend Mr. Chetty, he died in the full conviction that the order of succession to his property would be what it had been for ages. It did not matter whether a widow intervened with a limited estate; it did not matter that the daughter intervened with a limited estate; he knew that after the widow and the daughter, would come the daughter's sons and the other line of heirs, among them *gotrajas*, the persons whom Mr. Jayakar ridiculed. The limited character of the estate of the intervening heir is not the thing that determines to whom the property shall go. It is not for any one to say whether he will give the property to one set of heirs or another. That man died in the conviction that the property would be inherited in a particular line and it is not right for any one, even for a Legislature, to say that that property shall be inherited in a different order. I submit, Sir, there is a great deal of force in the amendment which Mr. Chetty has moved because, if this Bill should unfortunately ever receive the assent of the Governor General, though I earnestly hope it will not, the Legislature must give a man a chance to know where he stands. If this Bill becomes law, a Hindu will know that, before he dies, he should execute a will and lay down what the order of succession to his property shall be. If he disagrees with the order of succession which is now going to be laid down, it will be open to him to execute a will and to provide in it how his property shall be inherited. What you are now seeking to do is to vary the order of succession to the estates of those who died long before this Bill will ever become law. I submit this is a wrong for which there is no justification and no defence. If this Bill becomes law, the very least that the Hindus would expect is that, before a man dies, he should have the opportunity to express his intention in a will as to what the order of succession in his case should be. In that view I think the amendment deserves the support of the House, but I hope that, even when that amendment has been passed, many Members will have expressed their opinion that a Bill like this should not receive the assent of the Governor General.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I rise to speak on this motion with a considerable

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amount of reluctance. That reluctance arises from the fact that my sympathies as a Hindu and as a social reformer are entirely with the Bill, but as a lawyer I am afraid I can not support the Bill as it is and am compelled to support the amendment of my friend Mr. Siddheswar Prasad Sinha. In this conflict of duty, I have heard the debates with very great attention and care and in the result have made up my mind to remain neutral. I wish to give a higher place to my duties to society than to my profession of law, and if I rise to speak at all it is because I wish that I may not be taken for those whose views my friend Pandit Madan Mohan Malaviya has expounded. As I have stood up to speak, it is up to me to explain why I am in favour of the amendment. The Honourable the Law Member has put the whole case very fairly on both sides and he has left it to the House, as he is bound to do, to decide whether they would protect reversionary heirs or they would not.

If they intend to protect reversionary heirs, then the amendment is necessary, but if they do not, the amendment is not only not necessary but quite out of place.

It seems to me, Sir, that both my friend Mr. Jayakar and the Honourable the Law Member have not sufficiently considered the contingency which was mentioned by my friend Mr. Aney. I am afraid my friend Mr. Aney was not understood when he put the case of a person who was not a reversioner but an heir who was debarred under the provisions of this Act from asserting his title if he happened to be out of possession for some years after the death of the prepositus. That point was really answered by the late Law Member in the other House when he said that the Bill cannot possibly be taken to be retrospective in its effect. That is to say that nothing contained in this Act will deprive any one of a vested title, and I take it that the answer given by the late Mr. S. R. Das referred to such title. But it is not as a matter of fact or as a matter of law true to say that in every case there are reversioners after the widow. You omit to take into consideration the fact that there may be no widow, and a man may die without leaving a widow or sons or daughters but a paternal uncle. I am taking the case of the first man who would be deprived under this Bill. Under the existing law of inheritance, the paternal uncle comes after the father's father. This Bill seeks to put the female heirs between the father's father and the uncle. It cannot be said on any consideration of natural justice or close relationship, that a sister's son is preferable to a first cousin's son. Under this section, i.e., clause 2, a sister's son would supersede not only the paternal uncle but the paternal uncle's son who would be first cousin of the deceased, so that it is possible but for the interpretation which was given in the other House by the late Mr. S. R. Das, that this section would exclude even a male succeeding to a male who had died before the passing of this Act. But such a contention would not be allowed by any Court, so that matter may be allowed to rest there.

Then comes the question of the intention of the man, which has been referred to by my friend the Law Member. However true it may be that only God or the Devil may know the intentions of a person, learned Judges have always tried to find out intentions without the aid either of God or the Devil, and they have laid down certain rules for getting at those intentions. As my friend Pandit Malaviya has put it, it is to be presumed

that everybody knows the law, especially the personal law under which he lives. Every man of property naturally would concern himself with the succession to his property after his death. If he does not, which would be highly unnatural, does not the law presume that the man knew how his property would go? Now, it has been said,—I cannot lay my hands on the spur of the moment on the case—by an eminent judge that no man dies without making a will. It seems a very extraordinary proposition, but he explained it by saying that the will of a man who dies without leaving a testamentary document is the law of succession by which he is governed. If he intends his property to go in the order which the law lays down for him the law is his will. He makes no formal will because it is unnecessary to make any, and therefore it is said that the man who has not left a testamentary document, which is called a will, has declared his will to be precisely the same as the law of inheritance by which he is governed. Therefore I quite agree with Mr. Chetty and my friend Pandit Malaviya when they say that it is defeating the intentions of the man whose property is left. My friend Mr. Jayakar has given instances which made the whole thing appear ridiculous. For instance he has said the man who dies leaving property would not have thought of all the three hundred and odd reversioners and wished that his property should go exactly in the order laid down. That is perfectly true, but it is easy to cite other cases. Take the case of a paternal uncle or first cousin. Such cases have come within my experience at the Bar—an experience extending over more than forty years—when I have had to deal with hundreds, if not quite a thousand cases, of partition and cases of Hindu inheritance. There is nothing commoner in the United Provinces than a partition between uncle and nephew when they don't get on together, the uncle being the head of a mercantile or banking business. Well, the nephew happens to have no children, no issue, but has a widow. Here is the business which he has been running with his uncle for some time until they differed from each other, but he feels that when he is gone only the uncle can run it for him, the widow or the daughter's daughter cannot. Therefore he generally leaves the widow, for she must come for her life interest, in charge of her uncle, and after that he leaves it to the law of succession which secures his object. There are no doubt, as my Honourable friend said, some persons more like monkeys on a tree than real heirs on the family tree. It is more likely that the uncle, or the uncle's sons or the uncle's sons' son would be living at the death of the man than father's father's father and so on. Thus the best person whom the nephew of my example would think capable of managing his property after him would be his uncle or his first cousin. Now, if knowing that—and he must be deemed to know it because that is the law by which he is governed—he dies without making a will, it must be taken that he did not wish to dispose of the property, away from the uncle. If he did, he would have made a will. We need not go into the question of intention in the case of very distant relatives, but as I have said there are very near relatives also who are concerned. That being the case, I entirely agree with the argument that you are going against the will of those persons who have died recently, that is to say shortly before the passing of this Act, and who have left near relations, as nephews and uncles and uncle's sons. For that reason I submit that it is a matter of law and fairness that this Act should only apply to cases where the male whose property is in dispute has died after the passing of this Act. That is all I

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have to submit. It does not concern me in the least what the vote of the House is going to be. I am not going to vote in this matter at all, because if I vote for the amendment I delay the succession of these female heirs, such as daughter and daughter's daughter for whom I have every sympathy, and if I vote against it, I shall be doing so against my instinct as a lawyer.

Pandit Madan Mohan Malaviya: Therefore vote according to your experienced judgment.

Pandit Motilal Nehru: If I vote for the amendment, I vote against my wish. If I vote against it I vote against my opinion as a lawyer. There is a conflict between the wish and the opinion.

Maulvi Muhammad Shafee (Tirhut Division: Muhammadan): My justification in rising to speak on this question is one of the principles just now enunciated by the Leader of the Nationalist Party, Pandit Madan Mohan Malaviya. This is really a question which concerns the Hindus and those who are governed by *Mitakhshara* law and he rightly asks those gentlemen who do not belong to that community not to lend their support either to the one view or the other. As I find, Sir, that this principle is a very sound one and as it is the only principle which in my opinion would tend to establish good relations between the several communities represented here, I entirely approve of it. I think I should show my approval of the principle enunciated by our revered Leader, Pandit Madan Mohan Malaviya, by acting up to it and therefore I would abstain from voting either way.

Nawab Sir Sahibzada Abdul Qaiyum (North West Frontier Province: Nominated Non-official): Sir, all that I have to say, is that as a Musalman I have no right to interfere in a matter like this which concerns the Hindus alone, and I think all the Muslim Members of this House should remain neutral.

An Honourable Member: No, certainly not.

Nawab Sir Sahibzada Abdul Qaiyum: My reason for this is, that, as far as possible, we Hindus or Muslims should not touch these divine laws, laws on which our religions are based. These law were not framed by ordinary legislators like ourselves, having no spirituality about them. (Laughter.) They are based on divine inspiration and divine guidance. If we, humble as we are in our respective positions, were to interfere with these divine laws, we do not know where we should be. We may not know the secrets and the real value and merits of those laws. Perhaps we have not reached that stage of high spiritualism, where we can understand and appreciate the soundness of these laws. It is a very dangerous thing to touch or upset them. As a matter of fact it will be destroying the very root of religion. For instance if some Muslim, or if my Honourable friend who just now said, 'no', were to get up and suggest that we must revise some chapter of the *Koran*, or that it should be repealed by this Legislature, I should certainly oppose it and should object to that law being revised or repealed in a House like this. If there is a tendency to be free from the shackles or chains of religion, there is no reason why a man should not declare himself a non-Hindu or a non-Muslim and choose his own line of inheritance or make a will according to his own desires. But why should he enact a law for others, who believe

in their religions and who believe in the correctness and soundness of their religious laws including the law of inheritance? People like my friend Sir Hari Singh Gour, may perhaps be able to enact a new law or religion or something of the sort, for such people who want to be free from these religious laws, but this is not the House where measures of this kind should be discussed. As I have said before this is only a piece of private advice. For the rest my Hindu brethren in the House may do as they like in this particular case. I am not going to give my vote one way or the other and will also advise my Muslim friends to follow the same course.

Mr. B. Das: Sir, I beg to 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 in sub-clause (2) of clause 1 of the Bill as amended by the Council of State for the words 'of males not held in coparcenary and not disposed of by will', the words 'not held in coparcenary and not disposed of by will of males dying after the passing of this Act' be substituted."

The Assembly divided:

AYES—14.

Acharya, Mr. M. K.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Dalal, Sardar Sir Bomanji.
Iyengar, Mr. A. Rangaswami.

Malaviya, Pandit Madan Mohan.
Misra, Mr. Dwarka Prasad.
Moonje, Dr. B. S.
Singh, Mr. Narayan Prasad.
Singh, Rai Bahadur S. N.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar.

NOES—48.

Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur Haji.
Alexander, Mr. William.
Badi-uz-Zaman, Maulvi.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Crawford, Colonel J. D.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Raja.
Gulab Singh, Sardar.
Haji, Mr. S. N.
Hans Raj, Lala.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Hussain Shah, Sayyed.
Ismail Khan, Muhammad.
Iswar Saran, Munshi.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. V. V.
Jowahir Singh, Sardar Bahadur Sardar.

Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navarai, Mr.
Lindsay, Sir Darcy.
Mitra, Mr. S. C.
Mukherjee, Mr. S. C.
Mukhtar Singh, Mr.
Murtuza, Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Purshotamdas Thakurdas, Sir.
Rafique, Mr. Muhammad.
Rahimtulla, Mr. Fazal Ibrahim.
Rang Behari Lal, Lala.
Roy, Mr. K. C.
Roy, Rai Bahadur Tarit Bhusan.
Sassoon, Sir Victor.
Shah Nawaz, Mian Mohammad.
Simpson, Sir James.
Singh, Kumar Rananjaya.
Singh, Mr. Ram Narayan.
Sykes, Mr. F. F.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.

The motion was negatived.

Amendments* made by the Council of State in clause 1 were agreed to.

The amendments† made by the Council of State in the Title and the Preamble were agreed to.

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 INLAND STEAM VESSELS (AMENDMENT) BILL.

Mr. K. O. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I beg to move that the Bill further to amend the Inland Steam Vessels Act, 1917, be referred to a Select Committee consisting of Mr. Jamnadas Mehta, Sir George Rainy, Mr. Sesha Ayyangar, Mr. Gaya Prasad Singh, Mr. Anwar-ul-Azim, Mr. Abdul Matin Chaudhury, Mr. S. N. Haji, Mr. W. S. Lamb, Colonel J. D. Crawford, Rai Bahadur Tarit Bhusan Roy, Mr. Ghazanfar Ali Khan, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be six.

Sir, this Bill has been before the country for more than three years. I had the honour of introducing it in the predecessor of this House, and after its dissolution, the Bill was re-introduced in the present House. Last year about this time this House adopted a motion for circulating the Bill for the purpose of eliciting opinions thereon. The opinions are now in the hands of Honourable Members. Now speaking for the third time, if not the fourth, on this measure, I do not think I shall be justified in taking up more than a few minutes of the time of this House.

The main object of this Bill is to arm the executive authority with power to control the rates and fares chargeable by the inland steamer services. There are three provisions, firstly that maximum limits should be fixed by the Government to the rates and fares in order to protect the public against excessive demands; secondly, that minimum rates should also be fixed in order to prevent rate wars of which we have had very unfortunate experience in the past; and the third point raised in this Bill is that advisory committees should be set up where representatives of the public and nominees of the Government, as also of the steamer services, could meet and discuss all questions relating to public grievances.

Sir, I have no desire to repeat what I said on previous occasions, but I would just deal with one point to which reference was made by the Honourable Sir George Rainy on the last occasion. He said that it would be necessary at some stage or other during the progress of this Bill to examine the rates that actually prevail and to find out how far they are excessive. It is not my intention, nor do I think the House wishes that I should go through elaborate details in connection with this particular point and prove to this House as to how many instances there are in which the charges levied by these services could be described as excessive. I have got with me the fare tables, the tariff schedules, from which I could prove

* *Vide* p. 710 of these debates.

† "In the title, the word 'deceased' was omitted and the word 'male' was inserted after the word 'Hindu'."

"In the preamble, the word 'deceased' was omitted and the word 'male' was inserted after the word 'Hindu'."

to the entire satisfaction of the House that the charge I have brought can be thoroughly substantiated. Without going into specific details, I would say that there are instances in the latest fare tables where third-class fares stand at least 50 per cent. higher than the railway fares which obtain on the Eastern Bengal Railway; and as this House knows, the third-class fares on that Railway have not been reduced in recent years. Next, Sir, I find that the fares have in certain cases been increased almost by 100 per cent. between the years 1914 and 1928. Then coming to freight rates, I find that in certain cases the freight rates have been increased by 50, in certain others by about 100 per cent., and in certain others again by as much as 150 per cent. during the last few years. My Honourable friend Mr. Abdul Matin Chaudhury, if he gets an opportunity to speak on this motion, will prove with reference to documentary evidence that in one particular case the rate of freight chargeable on a particular commodity was raised ten times within one year. He has got copies of a correspondence that has passed between the Assam Government in the Forest Department and the Steamer Services, in which the Assam Government people have complained of this fact, and I should not be surprised if there is a suit brought at the instance of the Assam Government against the Steamer Services to recover excess charges made by the latter.

Now, Sir, there is one other point to which I would refer in this connection, and that bears on the question as to how far the Government are justified in seeking to regulate the rates and fares chargeable by private concerns. I find on reference to a Government publication, a monograph on Indian Railway Rates, that at one time the Eastern Bengal Railway actually owned the steamer services. The steamer services as a matter of fact link up the railways in my part of the country, and they are as important a means of communication as the railways are. Indeed, there is one district included in my constituency, from which my Honourable friend Haji Chaudhury Mohammad Ismail comes, which has not got one single inch of railway, and that district has to depend entirely on the steamer service. Now, Sir, the State Railways at one time used to own and run the steamer services in this part of the country. Then there came a time when they withdrew from the field, leaving it entirely in the possession of the present powerful combine. I am talking of Bengal particularly, and also of Assam. Now, Sir, it appears there are very elaborate agreements between the steamer companies and the railways which are State-owned—that is, the Eastern Bengal Railway and the Assam Bengal Railway: these agreements regulate the relations between the steamers and the railways in Bengal and Assam. It does not seem that, when the Government decided to withdraw from the field, they took sufficient precautions to safeguard the interests of the public. We have not got all the details of agreements here, which were entered into between these steamer services and the railways, but it seems that there was no stipulation made under which the Government could safeguard the interests of the public who utilise the steamer services. Now, what I maintain is this; that the State which owned these steamer services, and which, as a matter of fact, made over its own fleet of steamers to a private combine and left it practically in uninterrupted possession, so far as steamer services went, in the waterways of Bengal and Assam, failed to impose the just and requisite conditions which could adequately safeguard the public interest. Had they done so, I would not have had the

[Mr. K. C. Neogy.]

necessity of bringing forward this measure. As for the nature and extent of the grievances, I have related them on more than one occasion and I have no desire to go into them at the present moment. But I would draw the attention of the House to one recent evidence, and that is a Resolution which was passed only yesterday by the Bengal Legislative Council by a very large majority asking for an elaborate inquiry into the working of the steamer services, particularly with regard to the regulation of rates and freights. Sir, I do hope that this House will permit this Bill to go to Select Committee where all the necessary details could be examined—details to which references have been made in the opinions that have been collected—and that this House will not object to the principle that underlies this measure.

Mr. T. A. Chalmers (Assam: European): Sir, I claim to have some personal knowledge of these inland waterways. I have used these steamers in Assam and Bengal as a passenger and as a shipper of goods for twenty-five years, and in addition I have used my own launch on the rivers of Assam and have navigated it on the thousand-mile river journey between Assam and Eastern Bengal to Calcutta. For this reason I say that I do know some thing about the conditions of these rivers, of their navigation, their swirling currents and their shifting banks. I should like to point out, or rather remind the House, that the first European built vessel to go to Assam was the "Charlotte Shellung" which went with Mir Jumla in 1663. The first steamer went up some time between 1834 and 1835. Those first steamers were not very successful because the conditions of steam navigation were not very well understood. About 1847 the Government started steamer services. This, like that of the American Shipping Board, was not a great success. Later on, two shipping companies started and they gradually introduced a daily service of steamers, and it is these steamer companies against which this Bill is primarily aimed. I would

also like to point out that Bengal got its first railway in 1856, 3 P.M. while Assam had to wait another fifty years before it got a railway worthy of the name. I mention these facts just to point out that, for over fifty years Assam was entirely dependant upon these steamer services, and there are still large portions of Assam which have no railways and whose people would suffer grievously if any action taken by this House had the effect of stopping these services or curtailing the frequency and efficiency of these services. I would also point out that these steamer companies did all the pioneering work, surveyed these rivers, took all the risks, and have done more to develop Assam than any other separate organisation. Now, Sir, in all these years I have not heard of a single public meeting which has protested against the rates or freights of these steamer companies in the whole of Assam; and even in Bengal I know of only one case in Barisal which Mr. Neogy has brought to the notice of this House. Now, what I would point out is that, if there has been any serious public grievance in Assam, my Honourable Swarajist friends from Assam, Mr. Phookun and Mr. Dutt, would have been here to-day to see that this Bill was put through. The mere fact that they are not here rather goes to show that my contention is correct. On the other hand I do remember that the Assam Legislative Council forced the Government to sell some of their steamers—I must say they were not public carriers, but still they were steamers—because they reckoned that these river steamship companies would do their work much more efficiently than

Government could do. Even in Eastern Bengal I have not heard of any protest from the really big trade centres of Naraingunge and Dacca—I mean no public protest. I can quite believe that our friends in Barisal had a grievance. I am sure they have. I was very surprised to hear that these steamer companies had not done something towards rectifying those grievances; but even if they had, I do not think it would have made any difference to our Honourable friend bringing this Bill forward. The idea behind this Bill is to enable Swadeshi steamer companies to operate.

An Honourable Member: Why not?

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Is that such a sin?

Mr. T. A. Chalmers: There is plenty of traffic for both. We have got figures which show that only half the traffic available is carried by river steamers. The balance is carried by country boats. These boats take a long time, and as the wages of labour increase they will become still more inefficient than they are at present. Therefore, there is room for more steamer companies. Swadeshi, if possible. But anyway there should be free competition. It is this question of free competition which has forced my Honourable friend to bring forward this Bill. He maintains that these steamer companies at present want to start a rate war . . .

Mr. K. C. Neogy: They did so in the past.

Mr. T. A. Chalmers: Yes, they did, and I am almost sure that they would again do so, and his remedy for it is to have a minimum rate. Well, I am sure that, if he had a minimum rate, it would induce new companies to venture on this trade. Even if they did not use the power under this Bill to have a minimum rate enforced, the mere fact that they could ask for a minimum rate would give them strength and induce them to come forward and start a new steamer service. In this respect I would like to support the opinion of the Bengal National Chamber of Commerce. Anyway, we see eye to eye up to a certain point. I would say that this minimum rate should not be enforced except on the application of *bona fide* new steamer companies and that this minimum rate should be enforced only on the routes they intend to operate.

Then comes the question as to how long this artificial minimum rate is to remain in force. I would fix the period of years, say four or five years, after which I think the natural course of trade should be encouraged. That is my opinion as far as minimum rates go.

As regards maximum rates, I am afraid that I am in strong opposition to my friend Mr. Neogy, and I oppose him simply on the ground that they would have very disastrous effects on the people living on the higher reaches of the river in Assam. If you fix a maximum rate, it will have to be a close rate to be effective. Now, what will happen when the river drops and shoals? The difficulties of navigation would increase and consequently the cost of operation. In fact, it will make the position so difficult that the steamer companies would probably find that it is not paying them, and so they will not ship goods to that side; they would merely concentrate on the points below, where they could make more profits. This would force the people living above the shoal to hurriedly improvise other methods of river transport at great cost and expense; that is to say, they will have to take to country boats. Now, let us take the case of Barisal; suppose we fixed maximum rates for Barisal, and the steamer companies find the rate so high that they find it unworkable, they would

[Mr. T. A. Chalmers.]

simply cut out Barisal. That being the case, how could you induce new companies to start a new service under those conditions? It is for these reasons that I object to the fixing of maximum rates. I would again like to draw the attention of the House to the fact that we in Assam have had no difficulty in fixing rates of freights with these steamer companies. The steamer companies know perfectly well, that, if the public feel that they are being unjustly dealt with, they will combine and start some other form of transport on the river, and it is because these steamer companies know this, in addition to the fact that they have for over half a century conducted their business on the best British lines of efficient service and mutual benefit, that they have been able to maintain the good will of the people in our province.

Rai Bahadur Tarit Bhusan Roy (Bengal Mahajan Sabha: Indian Commerce): Sir, I frankly confess that I shall not be justified, at the fag end of the day, to make a long speech regarding the matter which has been placed before the House by my Honourable friend Mr. Neogy. Sir, I am vitally interested in the inland trade of Bengal which, I have the privilege to represent here, and I shall approach this question in a spirit of fairness. As a practical business man, I would have hesitated to accord my support to the principles of the Bill unless I was satisfied that a strong case had been made out by my friend Mr. Neogy for Government control. I have followed with the closest attention the debate which took place about this time last year in connection with the motion for circulation of this Bill. The Honourable Sir George Rainy expressed the view at that time that there was no occasion for Government intervention in a matter of this kind unless a strong case had been made out. The Honourable Sir Walter Willson also pointed out that, unless the inland steamship companies were monopolistic in their activities, there was no justification for interference. For myself, Sir, I am a strong advocate of non-interference with private trade, but I say this that, it is a well-known fact that so far as the India General Navigation and Railway Company and the Rivers Steam Navigation Company are concerned, with whom I have to come into the closest possible contact in connection with the consignment of goods every day by the members of my Association, they do enjoy a virtual monopoly of the traffic in Bengal

Mr. B. Das (Orissa Division: Non-Muhammadan): That is the point which I desire to press before the House.

Rai Bahadur Tarit Bhusan Roy: In fact, I myself started an indigenous limited company in Bengal, and we struggled on for years until our entire fleet was taken over for military purposes during the War. There is another company which is now operating in Bengal, and that is the East Bengal River Steam Service, of which some members of my family are the managing agents. They carry goods and not any passengers. I desire to make it clear that, so far as the conveyance of passengers is concerned, the Navigation companies enjoy a monopoly in Bengal. Sir, the Honourable Sir Walter Willson had tried to make out that there was competition between the inland navigation companies and the country boats which ply in the rivers and carry passengers. I come from Eastern Bengal. I live on the river Padma and speaking from my experience, I do venture to say this with confidence, that no one thinks of resorting to these boats for the purpose of carrying him on the river. Facts would not bear

out Sir Walter Willson. The inland navigation companies, in fact, embarked on a policy of competition and a rate-war in 1890 or 1891 in Bengal, with the result that the State service which used to operate in Bengal had to give up the entire concern in disgust as has been pointed out by my Honourable friend, Mr. Neogy. The entire fleet has been taken up by the inland navigation companies which are now working in Bengal. I need not labour this point any further because I think there is a consensus of opinion that the country boats never ply in the rivers like Padma and various other rivers in Bengal with which Bengal is intersected. Sir, it is a fact that, for ousting the State service from Eastern Bengal, handkerchiefs and sweets were offered to us and no fares were charged, and Government were obliged to make over the entire State service to the inland steam navigation companies. I do not for one moment suggest that the service which they are carrying on for passenger traffic is at all bad. They are very good services. They have been greatly improved. All sorts of arrangements have been made and are being made in order to meet the demands of the travelling public. I am grateful to them for what has been done. But more remains to be done. I am referring to this just to show that they enjoy a monopoly with regard to the carriage of passengers. If I have succeeded in establishing the fact that these inland navigation companies enjoy a monopoly in this respect, I am sure the Honourable the Commerce Member will agree with them that Government should interfere and control the regulation of fares with regard to these private companies.

Sir, I desire also to make it clear, that they represent public utility services. With regard to the carriage of goods, the position of Mr. Neogy is somewhat weaker. In fact, some figures were placed before the House in February last by Sir Walter Willson just to show that there was competition between the boat traffic on the one hand and the India General Steam Navigation Company and the Rivers Steam Navigation Company on the other. There would have been much in this point, if it were not for the fact, as has been pointed out by my Honourable friend Mr. Chalmers who had just preceded me, that there are plenty of goods in Eastern Bengal and Assam for these companies to carry. What I do submit is this, that there is no competition between these steamship companies and the boatmen and the indigenous Indian enterprise in Bengal or in Assam. There are more goods than they can deal with at present. If it were not the case, the limited companies with which I was connected and which are still run as indigenous enterprise would not have survived so long. They would have been strangled and crushed long ago. The boatmen could not be in a position to carry goods at all through the mighty rivers in Bengal and in Assam but for the fact that more goods have got to be carried than these Navigation Companies can handle. That is the position. Can any one persuade himself to believe for one moment that the merchants and consignors would at all think of sending their goods in boats through the dangerous rivers, exposing themselves to the inclemencies of the weather, if it were not for the fact that it was impossible for them to get space and send their goods through these carrying companies? Besides, it is a well-known fact that no insurance is taken in regard to goods which are carried in country boats. That being so, I think a case has been made out for the acceptance of the principle underlying this Bill.

Regarding the appointment of Advisory Councils, I find that opinion is divided. As a matter of fact, in 1921, while I was in the Bengal

[Rai Bahadur Tarit Bhusan Roy.]

Legislative Council, there was a full-dress debate regarding this question, and the Member in charge of the Department of Commerce had expressed the view, which I am placing before the House in his own language:

"It is of course true that the comfort and efficiency of the steamer services is a matter of some public interest, and we can if we think it justifiable make representations to the steamer companies in compliance with any requests that are made in this Council."

Sir, I venture to submit that representations have been made times out of number but with no result.

Mr. T. A. Chalmers: May I point out to the Honourable Member that there are Advisory Councils in Assam, a steamer and railway advisory council which is elected by the Legislative Council in Assam?

Rai Bahadur Tarit Bhusan Roy: I thank my friend for that information. It strengthens my position. I was speaking of Bengal and was referring to the debate in the Bengal Legislative Council. The whole question was regarding the provision of waiting rooms for the comfort and convenience of the passengers who use these services. There was practical unanimity of feeling regarding this matter. Sir, the feeling was very strong in regard to the question of waiting rooms, and the Honourable Member in charge of the Department of Commerce in Bengal said at that time "Companies have told us that they took up this question so far back as 1913". That was in 1921 when this statement was made by the Honourable Mr. Kerr in the Bengal Legislative Council. You will be surprised to hear that my river station which is situated in a village just on the river Padma has not been provided with a waiting room even in 1929. There is absolutely no shelter for passengers,—for women and children,—from the blazing sun, from rain and storm or from the rigours of the chill in winter nights. I have myself been to many of the stations all along where there are absolutely no waiting rooms. In January 1926, the Managing Agents said, in reply to a letter addressed to them from Barisal, that the matter was being referred to Government and that they would increase the number of waiting rooms gradually. I do not know whether these Managing Agents were referring to the state of things which prevailed in Barisal, where there is no railway. But I know it as a fact that, so far as the Padma service in Eastern Bengal is concerned, I have not come across any decent waiting room in any of these stations yet. The reason put forward in 1921 for not constructing these waiting rooms was that the price of materials had not gone down to enable the companies to put them up. I ask you seriously whether this excuse can appeal to any right-thinking man? I could have placed more facts and figures which are at my command. I reserve them for the next opportunity. I do not desire to take up the time of the House any longer, but I hope the principle underlying the Bill will be accepted.

The Honourable Sir George Rainy (Member for Commerce and Railways): The Honourable the Mover, Mr. President, has, I think, displayed, almost to excess, the admirable virtue of brevity. I had hoped that on this occasion at least I should hear all about it, and that his speech would be crammed with facts and figures, instead of which all I got from him was a tacit assumption that he had merely got to move his motion and the rest would happen automatically.

Mr. President, I do not want to make a long speech to-day and I think perhaps my most convenient starting point may be what I said on the

occasion when the Bill was last before the House. I said then that Government would reserve their opinion until after the Bill had been circulated and opinions elicited, but I mentioned certain difficulties and objections which it seemed to me would have to be met. In particular, I said that, to introduce State control of rates and fares where no monopoly had been granted, was something of a new principle, or at any rate a novel application of a principle. Now when the opinions of Local Governments were received, since this is a point to which I personally attach very great importance, I gave them all the examination I could from the point of view of principle, because in these matters of State control of private enterprise, unless we are guided by principle and by clear and definite ideas as to the justification for any action taken, there is always a danger of capricious and wanton exercise of the powers conferred upon Government. In the case of the rivers of India we start from a state of affairs in which the rivers are free to all, and anybody who has a boat or vessel of any kind, can start business and convey goods and passengers from any one point in the river to any other point. Obviously as long as that state of affairs existed, when there was no means of conveyance by water other than the country boat, this question of Government control could never have arisen, and it has arisen in connection with the development of the steamship services. The points in which the steamer service differs from the country boat service may perhaps be said to fall under four heads. In the first place speed becomes a matter of great importance, and the steamers draw away from the country boats the traffic for which speed is essential. In the second place, the steamers are in a position to provide a much more regular service, their vessels starting from and arriving at a given station on fixed days and at fixed hours. In the third place, the vessels are much larger and in the fourth place, with the introduction of larger vessels, it becomes necessary to take greater precautions about the surveying of the navigable channels and their buoying and lighting. Now, for services of that kind, in the nature of the case, although there may be competition, there cannot be so many competitors. A steamer service means the investment of a considerable amount of capital, and under conditions such as exist in the delta of Bengal, I think there must always be a tendency towards the establishment of a practical monopoly, either by amalgamations between competing companies who find it unprofitable to carry on their rate wars, or by the elimination of the weaker companies and the survival of the stronger only. This is the more likely to happen when, as in Bengal, the buoying and lighting of the navigable channels is not provided for by Government, or is provided by Government only in a very few cases, but for the most part is left to be done by the steamship companies themselves. The survey of the channels means the creation of a very large organisation, and the work has to go on continuously, and this involves the investment of larger capital. That being so, the company which provides for the buoying and lighting of the channels must look forward to some sort of a monopoly, because otherwise it would not be worth its while to undertake the service. I think, Sir, that the last speaker, my friend Mr. Tarit Bhusan Roy, has explained very clearly in what respects it is true to say that the steamship companies in particular areas may enjoy a monopoly at present. It is, however, only a qualified monopoly. In the first place over large stretches of the rivers,—I might take as an example the whole course of the Ganges where it runs through my own province of Bihar and Orissa—the river services are exposed to the

[Sir George Rainy.]

competition of the railways, for the railways run parallel to the river, at a short distance on either side. That being the case, it is obvious that the rates or fares which steamer companies can charge will be regulated by railway competition, and there is no sort of monopoly there. Then there is the question of the goods traffic and here I do not altogether agree with my friend from Eastern Bengal. So far as the slow and heavy goods traffic is concerned, there must always be competition from the country boats. Where speed is of importance, the country boats are not in a position to compete, nor can they compete for the passenger traffic, but if a good deal of the goods traffic is of a kind where speed is not of great importance, the country boat does in effect control the rates which steamship companies can charge, for there is a limit to the amount merchants will pay for rapid transport, and if the steamship companies raised their freights above a certain level, they would lose their traffic. I might add that very recently fresh competitors against the steamship companies have appeared in the shape of motor launch services, but they are still a novelty and it is too soon to say what their effect may be.

What it comes to is this, that so far as Bengal is concerned—and I think for the moment that is all we need consider for there are no complaints from Burma or Assam—so far, therefore, as Bengal is concerned, the complaints come from a particular area, namely, Barisal and the South-East of the province and the grievances of which they complain, seem to be confined to the passenger fares charged and to the rates for a particular class of goods. My Honourable friend Mr. Neogy referred to the passenger fares quoted in a pamphlet, which he circulated to Members of this House some time ago, and he said quite correctly that some of the fares were about fifty per cent. higher than the third class fares of the Eastern Bengal Railway. I quite admit that, *prima facie* these fares do look very high.

Now in the position which I have tried to describe, although there is no formal monopoly granted, a qualified monopoly in certain respects has come into existence. What then ought the attitude of Government to be? My own feeling, Mr. President, is this, that it is not possible for Government to take the line, that since this is a case of private enterprise, all interference by Government is out of order. One cannot proceed quite so summarily or simply as that. Government are not prepared to say that the Executive Government of the country ought not to have the power to intervene for the protection of the public in a case of that kind, if sufficient reasons are made out for their interference. On the other hand, I should wish to guard myself carefully from saying that there is at present any grounds for actual intervention by Government so far as the steamship companies operating in Bengal are concerned. I think it is necessary that that point should not be prejudged, because if the Bill became law, that is one of the points which Government would then have to examine, if an application were made to them, and I must point out to my Honourable friend, the Mover, that in addition to proving that on particular routes the passenger fares are very high, it would also be necessary to show the total profits of the companies were excessive. It is obvious indeed that in the areas where railway competition is intense the steamship companies cannot raise these fares above the level at which they are held by railway competition, and if so it may be necessary to charge lower rates and fares on those routes where competition of that kind is absent. It is not sufficient, therefore, merely to establish the fact that compared with railway

rates and fares the steamship rates and fares look high. It comes to this, therefore, that Government have decided that they ought not to oppose the motion of my Honourable friend that this Bill should be referred to a Select Committee. (Hear, hear.) They do so on the basis that 'he Bill is a permissive Bill. It would have been a different matter if it had purported to impose on Government an obligation to interfere, and I do not see how, on the case put forward by the Mover, Government could have accepted an obligation of that kind. What the final attitude of Government to the Bill may be will of course depend on the shape in which it may emerge from the Select Committee. What I have said brings me to the actual methods of dealing with the alleged grievances which are proposed in the Bill, but there is one method which is not mentioned in the Bill, but which I think perhaps might be worth the attention of the Select Committee, I mean, publicity. I noticed in some of the papers and in the pamphlet circulated by Mr. Neogy a good many complaints by people who said they had been unable to find out what the rates and fares actually charged were. Now in all cases where it is alleged that any transport service is exploiting the public, the first line of defence for the public is publicity. It should be made clear that anybody who wants to find out what the rates and fares charged are should be able to do so at once. That is a point which the Select Committee might consider. In the Bill itself there are two methods proposed, namely, maximum and minimum rates. I think my Honourable friend, Mr. Chalmers, was inclined to think that there might be something to be said for minimum rates, but there was very little indeed to be said for maximum rates. Although I hesitate to put forward my own opinion against his, my own view is rather the converse of what he indicated. I am inclined to think that there is more to be said—if there must be Government intervention—for maximum rates than for minimum rates, although I admit that it must depend a good deal on the actual conditions prevailing in a particular area, and on the question whether the steamship companies provide an adequate service for carrying the traffic offered or whether they do not. If the existing service is insufficient to carry the traffic, then the natural remedy for any unfortunate result of monopoly conditions is that competing services should be established, and in that case the minimum rates might be useful. On the other hand if on any stretch of the river the services provided by the steamship companies was adequate for the traffic, then in that case it does not seem to me you secure any useful result at all by starting new services, and the natural remedy is the imposition of maximum rates. My difficulty about minimum rates is due to two or three different reasons. In the first place, I am as doubtful as I ever was whether you can ever make minimum rates effective. When a man is made to pay more than the maximum rate, he will come and tell you that the law has been broken, but in the case of minimum rates, it is the exact opposite. It is not in the interest of the man who has agreed to allow his goods to be carried at an illegally low rate to come and tell Government that he has broken the law; because in that case he will never get his goods carried at that rate again. What in fact you will get is the system of secret rebates growing up, and the experience of every country shows that it is exceedingly difficult to check. That is one reason why I am doubtful about minimum rates. Another reason is of a different kind, and I think I must mention it. It must be clear to any one who has read the opinions on the Bill that have come in from all parts of India that what has weighed with a good many people who supported the Bill is that the steamship

[Sir George Rainy.]

companies, of which complaint has been made, are British companies, and it is hoped, if the Bill is passed, it will encourage the growth of indigenous companies. Now, clearly, in so far as there is room on the rivers for more companies, every one would desire that these companies should be Indian. There is no question at all about that. But in so far as it is hoped that the effect of this Bill might be to make things more difficult for the existing companies, not because of what they have done, but because of the character of their shareholding and management, in so far as that is the motive, Government have no sympathy with it at all. (Cheers.) It is one thing to take measures to protect industries so that the Indians may get a fair share in any sort of industry or manufacture, and it is quite a different thing to take measures directed against long established companies which have been providing important public services, merely on the ground of their nationality. On that point, it is necessary that I should make the position of Government perfectly clear. In fact if the desire of the House is that the steamship services should be entirely Indianised, there is really only one honest straightforward way of tackling the question, and that is, buy out the existing companies at a fair valuation. But, I would remind the House, that we shall need all the capital we can raise for the development of railways and for the development of industries of all kinds, and if in addition to that, we have got to buy out the existing industries and transport services which are not fully Indianised, I am afraid that it is very difficult to see where all the capital is going to come from.

Mr. B. Das: By loans.

The Honourable Sir George Rainy: I think, Mr. President, that includes all that I need say on the main provisions of the Bill, but I should like to say a word or two about the Advisory Committees. My Honourable friend Mr. Chalmers told us that in Assam, there was already an Advisory Committee elected by the Legislative Council, for both steamships and railways. Where such committees do not exist at present, I think myself—and I trust that the steamship companies will not think me impertinent in offering advice on this subject—I think that in their own interests they would be well advised to have such Committees. We have them on the railways and I do not think it has done us anything but good. But it seems to me quite a different matter to impose an advisory committee by a law on all private companies, which, after all, are not under any obligation to maintain any particular service, and who are naturally entitled to select their own advisers. There is however another alternative under the law. Under the Inland Steam Vessels Act, Local Governments have power to make rules to regulate the carriage of passengers in inland steam vessels. It would be a perfectly natural and appropriate thing, I think, to provide in the law for the appointment of advisory committees to advise Local Governments how they should exercise their powers to provide for the comfort and convenience of passengers. The present view of the Government of India is that that would be the proper way to deal with the matter. Once such committees were established, I hope it would not be long before direct relations were established between them and the steamship companies by some sort of private arrangement. That however is a matter which we can discuss in the Select Committee. I will not delay the House longer, but merely repeat that Government will not oppose the motion of my Honourable friend Mr. Neogy that the Bill should be referred to a Select Committee. (Applause.)

Sir James Simpson (Associated Chambers of Commerce: Nominated Non-Official): Mr. President, I had intended to speak at some length on this measure, but as I perceive that the House is weary and as the Honourable the Commerce Member, immediately before he touched on Advisory Committees dealt with the matter entirely to my approval, I would merely associate myself with his remarks. In so far as this measure is of a discriminatory nature against the existing British interests,—and to my mind the real underlying motive of the measure is not a panting desire to reduce passenger rates, or to help or give facilities to trade, but to hinder and harass the existing companies—in so far as the motive is that, I can only offer it the most unresisting opposition, and I associate myself with what the Government Member said on that score.

Mr. K. C. Neogy: Sir, I propose to deal with the Honourable Members who have criticised this measure in due order. Coming first to Mr. Chalmers, I am not surprised at some of his observations because when I went through the rates and fares of the steamer services, I came across instances in which the tea planters enjoy special concessions in passenger and goods rates, which are denied to others. Here is an instance. On certain kinds of goods when consigned by managers of tea gardens, the rate is Re. 0-6-1. Next when booked by other than managers of tea gardens, the rate is Re. 0-10-3. I do not think I need say anything more with regard to it.

Mr. T. A. Chalmers: Is it not due to the fact that managers of tea gardens send out their goods in bulk?

Mr. K. C. Neogy: Whatever it is, you still enjoy a special privilege. The railways do not quote differential rates according to the source from which the consignments come, nor do the railway departments quote differential rates according to the capacity of people to send any quantity of goods.

The Honourable Sir George Rainy: My Honourable friend has forgotten that the railways charge reduced freight for full waggon loads.

Mr. K. C. Neogy: Nothing is said here in regard to full steamer loads. Any quantity sent by any tea garden manager is entitled to be charged at this reduced rate.

Mr. T. A. Chalmers: What are the actual facts?

Mr. K. C. Neogy: I do not know whether my Honourable friend himself knows the actual facts. The actual fact is as I stated just now.

Mr. T. A. Chalmers: The actual facts are that 99.9 per cent. of the tea is booked by tea garden managers.

Mr. K. C. Neogy: It is not tea. I am quite sure it is not tea. I am referring to something else. It is tea house sweepings and similar other things. If the Honourable Member wants to investigate this point any further, I may refer to the Goods Junction Rate Lists dated 1928, which were issued by Messrs McNeill and Company and R. S. Company Limited.

Now, Sir, I think I may come straight to Sir George Rainy. I am not going to be tempted to make a long speech, so that this motion of mine may be taken over to the next day. (Laughter.) My Honourable friend said that he had expected a good deal more of materials, facts and statistics. I thought that in the pamphlet which I have circulated last year and to which he made reference, there have been enough materials on which one could support such a Bill. Need I refer to that pamphlet once again?

[Mr. K. C. Neogy.]

There is a very good instance of how the steamer companies used to overcharge the public because of the absence of control on the part of the Government. (Hear, hear.) Here is an instance of a very circuitous waterway over which steamers used to pass for very many years. Sir, years ago the Government of Bengal short-circuited that circuitous part of the waterway, by excavating a canal at a cost of several lakhs, with the result that the total length of the waterway was shortened by more than eight miles. The steamer companies went on charging both goods and passengers on the old basis, as if the long and circuitous waterway had still existed, and this state of affairs continued for not less than eight years.

An Honourable Member: Were they British companies?

Mr. K. C. Neogy: Certainly. Then, Sir, representations were made to Government and they said: "Oh, no, we cannot interfere". Then, public meetings of protest were held and the resolutions were forwarded to the steamer companies; but nothing was done. Then a specific request for action was made to the Government stating that as a result of this illegal overcharging, the Government must have paid to its own servants by way of travelling allowance much in excess of what was really their due. And it was expected that the Government would take steps not merely to set matters right so far as the future was concerned, but also realise from the steamer companies concerned the excess charges levied in this manner. The Government however said "Oh, we cannot interfere". That is the attitude which the Government of Bengal have taken up in this matter. At last an enterprising gentleman filed a suit, a test case was brought in a civil court, and a decree was passed directing a refund of the excess fare. What happened after that? I have some steamer tickets here, and my Honourable friend Sir George Rainy might wear them as charms with his watch-chain. In the tickets from that date, they ceased to give the distance between one station and another on their steamer service. I have got a collection of these tickets, and if my Honourable friend is anxious to examine them, I will send them round. This is one instance. Then again, when I examine these tickets, I find that these companies do not observe their own rules. One of their rules is that children, as in the railway, are to be charged at half the rates of the full ticket fares. The full third class fare between two particular stations was As. 4 Ps. 3, as shown in this ticket, and the corresponding child's ticket dated 28th January between those two very stations was priced at As. 3. I am sure, Sir, my Honourable friend Sir George Rainy has a mathematician in his department, and would he kindly give us his assistance in calculating what exactly half of As. 4 Ps. 3 is, and tell me whether it is that which is charged by the steamer company for the child's ticket.

An Honourable Member: The child might have grown by that time. (Laughter.)

Mr. K. C. Neogy: Does my Honourable friend want many more facts?

I can go on giving instances like this for one hour, but I think
4 P.M. the House would not like me to deal with all these matters of detail, and that the Select Committee is really the proper place for them

to be discussed. If you really challenge my case, come to the Select Committee and I will overwhelm you with evidence on these matters, if you like.

Now, Sir my Honourable friend said—I do not know on what evidence he said that—that there has been no complaint from Burma and Assam up to now. But in the collection of opinions, I find that the Indian Chamber of Commerce in Burma has supported my view. Not merely that; when I went through the collection of opinions on the Trade Disputes Bill, I came across at least one official opinion there which supports my contention. The House will remember that there has been a suggestion to bring in the steamer services within the category of "public utility services" for the purpose of the Trade Disputes Bill, and this is what no less a person than Mr. Thornton, C.I.E., I.C.S., Commissioner, Sagging Division, writes to the Secretary to the Government of Burma:

"The inclusion of the Irrawaddy Flotilla Company, the worst monopolist in the province, as a public utility service, would also be wrong."

(Applause). That does not seem to me as if the Burmans have absolutely no grievance against the Irrawaddy Flotilla Company. As for Assam, the Honourable Member assumes that there is no complaint. I am sorry my Honourable friend Mr. Abdul Matin Chaudhury is not here. He has got, as I said in my opening speech, copies of correspondence that is at the present moment passing between the Government of Assam—mind you not the people of Assam who do not matter, but the Government of Assam—and the steamer companies, in which the Government complain that on one occasion the steamer companies charged more than ten times the usual freight, and that matter is likely to go before a Court of Law.

My Honourable friend then referred to the profits. He said: "Well, in regulating the fares and freight, we must be careful not to interfere too much with the profits". What are their profits? We know that for some time past, the powerful combines that operate in the waters of Bengal have been paying dividends of not less than eight or ten per cent. per annum; and it has been calculated by financial authorities that the reserves of one of the principal companies stand at 130 per cent. of its capital. Not merely that. A few months ago—I can give my Honourable friend references to the financial papers, if need be—a company distributed bonus-shares at the rate of one share for every three held by shareholders, and yet this company was in a position to declare a dividend of 10 per cent. Now, if my Honourable friend takes into consideration all these factors, I am sure the actual dividend calculated upon the original capital would come within the neighbourhood of at least 20 per cent. Does my Honourable friend think that that is a fair rate of dividend to be enjoyed by companies which are considered to be public utility services?

Sir, my Honourable friend referred to the question of secret rebates that could be resorted to for the purpose of defeating the Bill so far as the minimum rates are concerned. That surely is a matter which could be set right in Select Committee, and it would not be beyond the scope of this Bill, because when we want the minimum rates to be fixed, it is up to the Select Committee to lay down safeguards that the minimum must not be defeated by resorting to secret rebates. Deferred rebates again is another point which could be very easily dealt with by the Select Committee. Now, Sir, my Honourable friend said you might ultimately ask that the companies might be bought over by the State.

Sir Victor Sassoon (Bombay Millowners' Association: Indian Commerce): He did not say the State.

Mr. K. C. Neogy: My Honourable friend Sir George Simpson represents the Associated Chambers of Commerce. Not very long ago a suggestion was made by no less a body than the Bengal Chamber of Commerce, which he himself represents, which was interpreted by the Railway Board to mean that "the Railway should incur a large expenditure in providing steamers for their own river carriage". That is what I find at page 156 of a Government publication, *The Monograph on Indian Railway Rates*, to which I have already referred. So it would not be very unusual if such a suggestion were made. As a matter of fact, that is the exact suggestion that was made by one of the constituents of my friend Sir James Simpson. My Honourable friend Sir George Rainy said it would be rather difficult

Mr. President: Order, order. Perhaps the Honourable Member might like to carry this motion over to the next non-official day?

Mr. K. C. Neogy: Just one word more, Sir. I won't take more than a minute or two. My Honourable friend Sir George Rainy said it would be difficult to impose Advisory Committees on a private Company. I do not know why my Honourable friend thinks it would be difficult to impose such a committee. I find that most of the Provincial Governments have accepted this proposal, whatever their views may be with regard to other parts of the Bill.

And now with regard to one observation which was made by my Honourable friend Mr. Chalmers, that there is a committee in Assam to advise in regard to steamer service questions, I find that there is no reference to this fact in the opinion of the Assam Government. On the other hand, the Assam Government themselves say:

"His Excellency in Council however considers that these Advisory Committees might be useful if they take the form of several small local Committees. They should ensure that grievances, where possible, are promptly remedied and they should be useful agencies for explaining to the public the reasons why impossible demands cannot be granted."

It does not seem therefore as if there were advisory committees in Assam, but if there are such Committees, I congratulate Assam.

Mr. T. A. Chalmers: Does the Honourable Member imply that I am wrong?

Mr. K. C. Neogy: I won't say that, but my Honourable friend's information goes much further than the information of the Government of Assam.

Mr. President: Order, order. The question I have to put is:

"That the Bill further to amend the Inland Steam Vessels Act, 1917, be referred to a Select Committee consisting of Mr. Jamnadas M. Mehta, Sir George Rainy, Mr. Sesha Ayyangar, Mr. Gaya Prasad Singh, Mr. Anwar-ul-Azim, Mr. Abdul Matin Chaudhury, Mr. S. N. Haji, Mr. W. S. Lamb, Colonel J. D. Crawford, Rai Bahadur Tarit Bhusan Roy, Mr. Ghazanfar Ali Khan, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 13th February, 1929.

LEGISLATIVE ASSEMBLY.

Wednesday, 13th February, 1929.

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

QUESTIONS AND ANSWERS.

Mr. Ram Narayan Singh: May I put the question†, Sir, standing in the name of Mr. Mukhtar Singh?

Mr. President: No; you cannot.

PROVISION OF GIRLS' HIGH SCHOOL AT PESHAWAR.

534. ***Mr. Mukhtar Singh:** (a) Is it a fact that there is no girls' high school in the North-West Frontier Province maintained by the municipal boards or the Government?

(b) Is it a fact that there is only one high school for girls at Peshawar known as (Church of England) *Zanana Mission High School*?

(c) Is it a fact that the inhabitants of the Province do not like to send their girls to be educated in the aforesaid Mission School? If the answer be in the negative, have Government made any enquiries to ascertain the number of girls educated outside the Province and the amount of expenditure involved by the inhabitants in sending their girls for education to distant places? If so, will Government be pleased to place on the table a copy of this report?

(d) Is it a fact that on the 24th July, 1928, the ladies of Peshawar submitted a memorial in this behalf to the Honourable the Chief Commissioner? If the answer be in the affirmative, will Government be pleased to state if this memorial has been acknowledged and what action has been taken on the same?

(e) Is it a fact that the Peshawar Municipal Board passed a Resolution for the opening of a High School at Peshawar and wanted grants-in-aid from Government but that Government have refused to accede to their request?

(f) Will Government be pleased to place on the table the correspondence that passed between the Municipal Board and the Chief Inspectress of Schools?

(g) Is it a fact that people are not at liberty to open a high school unless they agree to send their girls to the *Zanana Mission High School*, Peshawar?

† Questions Nos. 534—539 were not put, owing to the absence of the questioner.

(h) Is it a fact that the inhabitants of the Province are willing to give an undertaking that there will be a sufficient number of girls available for reading in the higher section of the school if opened on behalf of the Municipal Board or on behalf of the Government?

Mr. G. S. Bajpai: With your permission, Sir, I shall deal with questions Nos. 534, 535 and 538 together. The information asked for is being collected, and will be supplied to the Honourable Member in due course. Government have not seen the correspondence referred to in part (f) of question No. 534.

NORMAL SCHOOLS FOR WOMEN IN THE NORTH-WEST FRONTIER PROVINCE.

‡535. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state the number of normal schools for women in the North-West Frontier Province, stating the places where they exist and the dates since when they were started?

(b) How many women teachers are working in normal schools for women and what are their qualifications?

(c) How many women students are under training in these normal schools for women?

(d) Are there any stipends given to women teachers in the normal schools?

CLOSING OF THE SENIOR VERNACULAR CLASS IN THE NORMAL SCHOOL FOR WOMEN AT PESHAWAR.

536. ***Mr. Mukhtar Singh:** Is it a fact that admission to the senior vernacular class in the normal school for women at Peshawar has been stopped? If the answer be in the affirmative, will Government be pleased to state their reasons for so doing?

Mr. G. S. Bajpai: With your permission, Sir, I shall deal with questions Nos. 536 and 537 together. The reply in both cases is in the negative.

PROVISION OF ANGLO-VERNACULAR CLASS IN THE NORMAL SCHOOL FOR WOMEN AT PESHAWAR.

‡537. ***Mr. Mukhtar Singh:** Is there any proposal to attach an Anglo-vernacular class to the normal school for women at Peshawar? If the answer be in the affirmative will Government be pleased to state the date by which the proposal is likely to be given effect to?

NUMBER OF GIRLS IN THE MIDDLE CLASS OF THE SCHOOL FOR WOMEN AT PESHAWAR.

‡538. ***Mr. Mukhtar Singh:** (a) Will Government be pleased to state the number of girls reading in the middle class of the school for women at Peshawar in the last year?

(b) How many of them appeared at the annual examination?

† For answer to this question, see answer to question No. 534.

‡ For answer to this question, see answer to question No. 536.

(c) Were any of them, and if so how many, not allowed to sit at the examination? Will Government be pleased to state the reasons for debarring the girls from appearing at the examination?

RECOMMENDATIONS OF THE ROYAL AGRICULTURAL COMMISSION FOR THE INCREASE OF LITERACY.

539. ***Mr. Mukhtar Singh:** Have Government taken any action on the recommendations of the Royal Agricultural Commission in connection with the increase of literacy in the country?

Mr. G. S. Bajpai: The attention of Local Governments, which are primarily concerned, has been drawn to the recommendations.

REPORTED PROJECTED DEMONSTRATION IN ENGLAND AGAINST THE INDIAN COASTAL RESERVATION BILL.

540. ***Mr. R. K. Shanmukham Chetty:** (a) Has the attention of Government been drawn to the London message of the 29th January, 1929 according to which leading Members of the Cabinet including the Secretary of State for India are going to participate in a demonstration against the Coastal Reservation Bill proposed to be staged by the Chamber of Shipping in the United Kingdom?

(b) If the answer to (a) is in the affirmative what action do Government propose to take regarding such participation by Ministers of His Majesty's Government in England against a measure under consideration by the Legislature in India?

The Honourable Sir George Rainy: (a) The Government have seen a Press message dated the 29th of January, in which it is said that the Secretary of State for India and the President of the Board of Trade are to be guests at the annual dinner of the Chamber of Shipping.

(b) The Government propose to take no action.

Mr. R. K. Shanmukham Chetty: Has the Honourable Member observed in that message, that at the dinner that is proposed to be held, this question of the Coastal Reservation Bill is going to be discussed?

The Honourable Sir George Rainy: Yes, Sir; I have observed that fact.

Mr. R. K. Shanmukham Chetty: Does not the Honourable Member think that the attention of the Secretary of State should be drawn to the fact that it will prejudice the issue if a high authority in His Majesty's Government should pronounce any opinion when the Bill is still under discussion in this House?

The Honourable Sir George Rainy: I must draw the attention of the Honourable Member to the fact that we have merely the Press correspondent's speculation as to what these distinguished gentlemen may do when they attend the dinner. I might also perhaps suggest to the Honourable Member that the message also says that Lord Reading is to be a guest at the dinner, and it does not seem to me that it is at all probable that he at least would indulge in intemperate speech.

Mr. Jamnadas M. Mehta: When an important press message about such a serious matter is received, ought not this Government to make inquiries and ascertain whether it is a fact?

The Honourable Sir George Rainy: I am afraid I cannot attach the same value as my Honourable friend does to the speculations of a Press correspondent as to what may be said at the dinner.

Mr. Sarabhai Nemchand Haji: Is it a fact that usually at such dinners it is quite a normal thing for Members of His Majesty's Government in England to participate in the discussions, and if so, in view of the fact that the subject proposed to be discussed is under consideration by this House, will the Government of India draw the attention of the responsible Ministers in England to the fact that any participation in this discussion would not be proper?

The Honourable Sir George Rainy: The Honourable Member is assuming that the Press correspondent is right in his speculation as to what the subject of discussion at the dinner will be.

Mr. Sarabhai Nemchand Haji: Is it a fact, Sir, that in addition to the presupposition of the Press correspondent, it is the usual thing for a British Minister at such functions to make a speech on the subject referred to by the hosts?

The Honourable Sir George Rainy: I am afraid I cannot answer that question, Sir.

Mr. Sarabhai Nemchand Haji: Are we to understand, Sir, that the Honourable the Commerce Member is not aware that such is the practice prevailing at such functions in England?

(No answer.)

Mr. Jamnadas M. Mehta: I am sorry, Sir, I was not in my seat yesterday when this question was reached and with your permission I will now ask the question to-day.

Mr. President: I was also sorry.

SHORT NOTICE QUESTION AND ANSWER.

Mr. Jamnadas M. Mehta: (a) Will Government be pleased to make a full statement about the unfortunate riots that are going on in Bombay, the causes of these riots and the steps that have been or are being taken to put an end to them?

(b) Will Government explain why the local authorities have failed for a week to bring the situation under hand and whether there are complaints in Bombay that the Local Government did not adopt adequate measures from the beginning to deal with the situation?

(c) Will Government state the number of the killed and the injured during those riots?

(d) Will Government state whether there have been any communications between them and the Bombay Government in this matter, and if so, will Government state them for the information of the House?

(e) Will Government state the latest official information on the subject in their possession?

(f) Will Government consider the necessity of issuing freely licences for firearms to respectable citizens to prevent them from becoming the victims of hooligans and bad characters?

The Honourable Mr. J. Crerar: Sir, I welcome the opportunity of putting this House fully in possession of the facts concerning the deplorable events that have been happening in Bombay, so far as they are at present known to us. Honourable Members will, I am sure, recognise that the primary concern of the Government of Bombay and its officers is to devote all their energies to restoring peace and order, and that while the disorders are still continuing it is not possible to obtain detailed reports. The Government of India however have been in constant communication with the Government of Bombay from the beginning and have been kept informed daily of the important facts of the situation.

As the House is aware, the industrial labouring population in Bombay has for some time been in a state of great unsettlement, and as His Excellency the Governor General stated in his address on the 28th January, prone to violence. The events that led up to the present outbreak may be said to have started with strikes that broke out on December 7th, under communist leadership at the oil companies' installations. The oil companies engaged Pathan workmen in place of the strikers. Several disturbances arose in consequence between the strikers and the Pathans. On January 18th, apparently as a result of the general ill feeling between the Pathans and the mill hands, three Pathan watchmen of the New China Mills were murdered by mill hands. I understand that the oil mill strikers were not concerned in this.

The next incident, and that which must be regarded as the immediate cause of the present outbreak, was that from the 2nd February an entirely baseless rumour spread in Bombay city that children were being kidnapped and taken to Baroda to be sacrificed on the foundations of a bridge that was being built there. The mill hands believed that the Pathans were engaged in this kidnapping, and on the 3rd and 4th February sporadic assaults took place on Pathans, a number of whom were murdered. On the 5th February the Pathans, who had till then shown great forbearance, started rioting and attacking Hindus in their turn. Rioting spread between a mob consisting mainly of Hindu mill hands and a comparatively small body of Pathans. Murders and assaults continued in various parts of the city.

On 6th February the rioting became definitely communal, the Pathans having enlisted the sympathies of their co-religionists, who were incensed at the attacks made upon them. Mobs of either community, largely composed of hooligans, assaulted individuals and groups of the other community. On the 7th, Hindu and Muhammadan mobs renewed rioting in various parts of the city throughout the day and till late at night. On the 8th, the situation appeared quieter in the morning, but in the evening rioting broke out again. On the 9th, communal rioting continued and some attacks were made by Hindus on mosques and by Muslims on temples, and during the afternoon there were some cases of loot and arson, but comparatively little damage was done. Orders were issued prohibiting the assembly of more than five persons in public places, and prohibiting

the movement of, or presence of, any person between the hours of 7 p.m. and 6 a.m. in the streets of an area which comprised practically the whole of the city North of the Fort. On the 10th, the situation was quieter, and on the morning of the 11th, there were less signs of panic in the disturbed areas. In the afternoon however a number of assaults and murders took place, and in the evening mobs of mill hands killed three Pathans. Forty-eight Hindu mill hands, armed with spears, knives and iron bars, were arrested in a chawl. On the morning of the 12th, there were signs that greater confidence was being felt by the public, and 53 mills and railway workshops were working. I regret to say that the total casualties reported up to noon on the 12th were 137 dead and 783 injured.

The difficulties of dealing with the situation have been similar to those experienced in other large cities in recent years. There have been, apart from mob action, numerous assaults upon, and murders of, individuals. Crowds frequently disperse into lanes and houses before the police and military patrols can reach them, or remain ostensibly peaceful so long as patrols are in the neighbourhood. The methods adopted by the authorities are to post pickets at centres, while patrols accompanied by Magistrates are continually on the move in the disturbed area. The military and police have had to fire a few rounds on 14 occasions to disperse mobs. The maximum number of rounds reported fired on any one occasion is 11.

The Government of Bombay are satisfied that they have a sufficient number of police and troops on the spot to deal with the situation. British troops were first sent to the aid of the police on the 5th February. On the 6th, further British troops were posted to the city. On the same night one battalion of British troops arrived from Poona and two companies from Deolali, in addition to reinforcements of armed police. On the 9th, an Indian Infantry battalion from Santa Cruz was brought into Bombay, and later the Auxiliary Force was embodied.

I am glad to add that the leaders of the Hindu and Muhammedan communities have been co-operating with the Citizens' Peace Committee in its efforts to restore peace.

A number of arrests have been made and 493 bad characters have been rounded up as a precaution.

I hope the House will recognise the exceedingly difficult conditions which the authorities in Bombay have had to face and will refrain from comment on the events and their causes until peace has been restored and it is possible to examine these things more fully and in a calmer atmosphere.

I do not think the Honourable Member's suggestion of distributing firearms in large numbers is likely to commend itself to the Local Government as a means of restoring order. In any case the latest news is reassuring, though isolated murder and assaults still continue; and though it is not possible to say that rioting may not break out again, there are reasonable hopes that the end of these very deplorable events is in sight.

Mr. Ram Narayan Singh: What is the use of the Government in this country, Sir, if these occurrences are allowed to take place?

Mr. President: What do you want to do?

Mr. Ram Narayan Singh: That is the question I am putting to the Government Member.

The Honourable Mr. J. Crerar: I understand the Honourable Member to inquire why these events are not made impossible. That, I regret to say, is not a matter within any human power.

Mr. R. K. Shanmukham Chetty: Has the attention of Government been drawn to a statement made in the House of Commons by the Under Secretary of State that it is proposed to hold an inquiry into this matter, and if so, do the Government of India propose to hold this inquiry?

The Honourable Mr. J. Crerar: I have observed the report of a statement made in the House of Commons, and I have no doubt that that matter is under the very careful consideration of the Government of Bombay.

Mr. Jamnadas M. Mehta: May I say that it is a very unfortunate statement in the Honourable the Home Member's reply where he says that Pathans attacked the *Hindus in their turn*. Sir, in the beginning there was no question of communal attack on the Pathans, and the Government by identifying themselves with the view that the whole trouble was communal from the very beginning would create a very unfortunate impression. If he will read his statement he will see that up to a stage the Hindus have not attacked the Pathans as such, as the Pathans have subsequently done in respect of the Hindus. Only after that the riot took a communal turn.

The Honourable Mr. J. Crerar: I think that if the Honourable Member will read the statement which I have made he will find that I have carefully refrained from any attempt at imputing the initial or final blame, and until we are in full possession of the fact I think the Honourable Member, and all other Honourable Members will agree with me, that any attempt to arrive at conclusions of that character would be entirely premature, and I would add, improper.

Mr. Jamnadas M. Mehta: That is precisely why I am saying that the Government reply suggests that from the beginning it was a communal riot, and that appears to be their opinion.

The Honourable Mr. J. Crerar: If he will read my statement he will see that nothing of the sort is suggested.

Mr. R. K. Shanmukham Chetty: Has the attention of the Honourable the Home Member been drawn to the nature of the statement made by the Under Secretary of State in the House of Commons in which he states that it is proposed to make an inquiry as to how far Hindus or Muslims are responsible for the starting of this riot? Is it proposed to start an inquiry in that manner or spirit?

The Honourable Mr. J. Crerar: I think, Sir, that the further consideration of these matters at the present stage would be entirely premature.

Mr. R. K. Shanmukham Chetty: My question is based upon a specific statement made by the Under Secretary of State in the House of Commons in which he states that it is proposed to make an inquiry in a certain manner, and I want to draw the attention of the Honourable the Home

Member to the fact that, if Government starts an inquiry in the manner proposed by His Majesty's Under Secretary of State, it will give a definitely communal turn and rouse communal animosities in the inquiry.

The Honourable Mr. J. Orerar: I am certain that no such intention was ever entertained by any of the authorities concerned.

Dr. B. S. Moonje: Are these Pathans British Indian subjects, Sir?

The Honourable Mr. J. Orerar: Some Pathans are British subjects; some are not.

Dr. B. S. Moonje: How many of them that took part in these disturbances are British Indian subjects, and how many of them are not?

Mr. Ram Narayan Singh: Is it not a fact, Sir, that any such rioting against the Government would have been more promptly crushed?

AMENDMENTS OF STANDING ORDERS—*contd.*

Mr. President: The House will now resume further consideration of the following motion moved by Mr. A. Rangaswami Iyengar on the 25th September, 1928:

"That the amendments to the Standing Orders, as reported by the Select Committee, be taken into consideration."

Mr. President: Had the Honourable Member made his speech on the last occasion?

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, on the last occasion when this matter was before the House, I made a preliminary speech that the Select Committee's Report on the Standing Orders be taken into consideration, and upon that there was a motion that the matter be adjourned.

Mr. President: There is no such thing as a preliminary speech and a final speech.

Mr. A. Rangaswami Iyengar: That is why I am entirely in the hands of the Chair as to whether I am now entitled to make a speech on the motion before the House. I expected, on the other hand, that the Honourable the Leader of the House would enlighten the House as to the attitude of Government on the Select Committee's Report, and I thought I would then take the opportunity of replying to the propositions which the Honourable the Home Member might make.

Mr. President: The Honourable Member had already made his speech on the last occasion, and he is not now in order in making a second speech.

The Honourable Mr. J. Orerar (Home Member): Sir, I do not propose to detain the House at any length at this stage. Government do not propose to oppose the motion immediately before the House, but they will have some comments to make on the detailed amendments proposed, and they will be made at the proper stage.

Mr. A. Rangaswami Iyengar: Sir, in the light of what the Honourable the Home Member has said, I have no observations to make on the motion before the House. I take it that it is the wish of the Honourable the Home Member that it should be taken into consideration.

Mr. President: The question is:

"That the amendments to the Standing Orders, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. A. Rangaswami Iyengar: I move, Sir, that:

"In Standing Order 4, for the words '(1) All pending notices shall lapse, and fresh notices must be given for the next Session', the following shall be substituted, namely:

'(1) All pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next Session:

Provided that fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction has been granted under the Government of India Act if the sanction has ceased to be operative.'"

Sir, I understood from the attitude of the Members who represented the Government in the Select Committee that this was an agreed amendment, and the necessity for putting in this amendment arose because, when motions for leave to introduce a Bill have been made in respect of non-official Bills, and the Bills have been actually introduced at the end of the session, the whole thing lapses, and we have again to ask for leave to introduce the Bill and then introduce the Bill, go through the ballot box and all the rest of it. The principle of this amendment is that once a Bill has been introduced in the House, it must be kept alive, and the further stages of a Bill should take the same course as the Bills upon which other motions have been made. I do not think it necessary to take up the time of the House on this matter. I hope that the Honourable the Home Member is agreeable to the amendment now proposed.

The Honourable Mr. J. Orerar: I agree.

Mr. President: The question is:

"In Standing Order 4, for the words '(1) All pending notices shall lapse, and fresh notices must be given for the next Session', the following shall be substituted, namely:

'(1) All pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next Session:

Provided that fresh notice shall be necessary of intention to move for leave to introduce any Bill in respect of which sanction has been granted under the Government of India Act if the sanction has ceased to be operative.'"

The motion was adopted.

Mr. A. Rangaswami Iyengar: Sir, I move:

"For Standing Order 6 the following shall be substituted, namely:

'6. Meetings of the Assembly shall (subject to the direction of the President) ordinarily commence at 11 A.M.'"

The present Standing Order runs as follows:

"The meetings of the Assembly shall (subject to the direction of the Governor General) ordinarily commence at 11 A.M., and ordinarily terminate at 4 P.M."

[Mr. A. Rangaswami Iyengar.]

The change that I propose is that the right of fixing the hours of meeting of the House should normally vest in the hands of the President and not of the Governor General. So far as the principle of this is concerned, I am sure the Honourable the Home Member cannot say that this is a proper restriction on the powers which you should possess in any well-ordered Legislative Assembly, and that the intervention of the head of the executive authority in India should be provided for in respect of the hours at which we meet and the hours at which we disperse. Moreover, I consider that this proviso is against the provisions of the Government of India Act. Section 63D(2) says:

"The Governor General may appoint such times and places for holding the sessions of either Chamber of the Indian Legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions."

Sub-section (3) runs as follows:

"Any meeting of either Chamber of the Indian Legislature may be adjourned by the person presiding."

Sir, the intention of Parliament has been that, while the Governor General should possess, as representing the authority of the Crown, the power to convoke and prorogue this Assembly, the right to regulate the hours of meeting and of adjournment of this House from time to time must necessarily vest in the House and in its President. There is absolutely no reason, there is absolutely no justification, for bringing in the Governor General to fix the hours of meeting and the hours of dispersal of this House. So far as that is concerned, I say that with the statutory power with which you, Sir, are vested, namely, that "any meeting of either Chamber of the Indian Legislature may be adjourned by the person presiding", it rests with you, once this Assembly is convoked at a particular time by the Governor General,—it rests entirely with you, and it is your indefeasible right, to say when we shall meet again. Therefore, nothing that may be said in the Standing Orders, which originally were made by the Governor General in Council and not by this House,—nothing that the Governor General in Council may provide by way of a Standing Order, can defeat the right which, I say, vests in you by virtue of the Statute. Apart from that, it seems to me most incomprehensible that we in this House should say that the Governor General should have power to direct that we shall meet together not at 11 A.M. but at 3 P.M. or at midnight. I say that such a power is wholly outside the scope of the Government of India Act and outside the scope of any power which the head of the Executive ought to possess in any well-ordered Legislature. I therefore move my amendment.

The Honourable Mr. J. Ozerar: I think there is a good deal of substance in the comments made in the Minority Report upon this amendment, and I confess that I am by no means convinced that any practical necessity has arisen for any change, in the Standing Order. Government, however, do not propose to press any objections on those grounds. They are quite convinced that, if the state of public business necessitates any variation from the hours at which the Assembly normally sits, it will be given due consideration by you, Sir. They do not therefore press any objections to this amendment.

Mr. President: The question is:

"For Standing Order 6 the following shall be substituted, namely:

'6. Meetings of the Assembly shall (subject to the direction of the President) ordinarily commence at 11 A.M.'"

The motion was adopted.

Mr. A. Rangaswami Iyengar: Sir, I beg to move that:

"Standing Order 7 shall be re-numbered as sub-order (1) of Standing Order 7, and after that sub-order the following sub-orders shall be added, namely:

(2) The President may direct that, in addition to sitting on the days allotted for the transaction of Government and non-official business, the Assembly shall sit on any other day for the transaction of non-official business set down for, but not disposed of, on the days allotted therefor by the Governor General; and on such days the business shall, unless the President otherwise directs, be transacted in the order in which it was set down on the days allotted for it by the Governor General, business originally set down for an earlier day having priority over business originally set down for a later day.

(3) The President may direct that on any day on which Government business terminates earlier than 4 P.M., non-official business may be transacted in such order as he may direct:

Provided that nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

On this matter I find that some of my official colleagues on the Select Committee have dissented, and it is therefore necessary for me to state briefly the grounds upon which we in the Select Committee proposed that this Standing Order should be modified.

The present procedure, as the House is aware, is that laid down by the Indian Legislative Rule 6, page 80. It runs as follows:

"The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business for that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council."

Sir, the principle of this rule is one which has been accepted in all responsible legislative assemblies, that is, that when there is a responsible Government in power that Government should possess also the power of bringing forward Government business in preference over private business, and to that extent the Standing Orders or Resolutions of the House should enable them to do so. In so far as they are provided by Standing Orders, they are what may be called the permanent decisions of the House, and in so far as they are provided by Resolutions of the House, the Government of the day naturally command a majority in the House and the House generally by Resolution gives Government business preference. The position in this country, however, is different, for the reason that the Government is a Government not responsible to the majority of the Members of this House. Government business certainly should have full facilities for being transacted in this House. But Government business in this country is not merely for the purpose of getting Government work done but also for the purpose of a programme of reforms or other public

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work upon which Non-Official Members of this House have a good deal more to say than the merely private members in other deliberative assemblies. Therefore the real position that has been taken by the Government in the Legislative Rules—I do not want to criticise the Legislative Rules and ask for their amendment, because unfortunately it is not in our power—is that the Governor General shall consider the state of business for the Assembly and shall allow a sufficient number of days for the disposal of non-official business and then say that on other days no business other than Government business shall be transacted except with their permission. Now, Sir, the object of this rule is that Government should not be hampered for time in the transaction of business which pertains to them. Now, it so happens, as we all know, that the Governor General allots a certain number of specific days for non-official business and there has been repeated complaint for years in this House that sufficient time has not been afforded for the transaction of non-official business in this House, both in respect of Resolutions and in respect of Bills. Now, Sir, beyond and above these rules, we have been given certain further facilities by means of modifications of rules in 1926, by which motions other than Resolutions have been allowed to be made by non-officials with your permission, Sir, and the permission of the Member in charge of the business to which that motion may relate. So far as that business is concerned in this House, except for formal motions of some kind or other brought by Government, non-official Members have till now not had the opportunity to make any such motion or to obtain any day for the transaction of business of that character. One reason for that is, if I may say so, that the Governor General today allots only days for Resolutions and for Bills, but allots no day for the disposal of business other than Resolutions and Bills, namely, motions under Rule 24A; nor so far as I am aware has he allotted any particular days for amendments of Standing Orders or certain other miscellaneous business which might be brought forward in this House. That is the reason why, although these amendments to Standing Orders were brought up three years ago in this House, I have today got the last and desperate chance, due to the kindness of the Government, to see if we cannot get through these amendments, to see if we cannot get some more time for the transaction of important business in this House than we have been allowed so far. Now, what we have provided for in this rule is what I think strictly conforms to the present practice in respect of the allotment of time of the Assembly. The Governor General, immediately before the commencement of a session, allots days for the transaction of non-official business. The rule says that on other days no business other than Government business may be transacted, except with the consent of the Government. The Government some days later wants to appropriate certain other days in the session for the transaction of official business, and curiously enough, while the allotment of time for non-official business is in the hands of the Governor General, the allotment of time for official business is in the hands of the President. The President allots particular days for the transaction of official business and Honourable Members are aware that they get at the beginning of every session, a notice saying that the President has allotted such and such days for the transaction of official business. Now, over and beyond these days which have been given over for the transaction of official and non-official business, there are a number of days which

available for the transaction of business which may fall into arrears, either in respect of official matters, or in respect of non-official matters, and I propose, by this Standing Order, merely to provide that, whenever such days are available, they must be, subject to the directions of the President, open for non-official business being taken. Of course, if official business has to be brought forward, the Government can always say so and bring it up on a particular day, and they can always obtain precedence for official business. That is left untouched by this rule, but where such a thing is not done, I say, Sir, it stands to reason that the Government should leave it to the President to say that on days not allotted either for non-official business or for official business, non-official business, for which there are so few days allotted by Government, should be transacted on those days. There is also another matter which is dealt with in this Standing Order. On many days Government business is put down which is of a very formal character. It is finished in five minutes or half an hour and on those days we come here with all pomp and circumstance, bow to the Chair, the motion is made and then we bow to the Chair and go out. Sir, those days are clearly wasted and we people who come from long distances cannot be cooling our heels for days on end without doing any business.

An Honourable Member: Don't you want to warn yourself?

Mr. A. Rangaswami Iyengar: Yes, I want to be in the House where warmth is provided, make it warm for myself and make it warm for Government. (Laughter.) Therefore, Sir, my proposal is that we should utilise to the utmost the time which is available here for the transaction of both Government and non-official business. My Honourable friends in the Select Committee, who have dissented, take their stand on the ground that this alteration in the Standing Order would interfere with the power which is vested in the Governor General in Council, which says that no business other than Government business shall be transacted, except with the consent of the Governor General in Council. Sir, I say we have expressly reserved this right to the Governor General to say on any particular day on which the Governor General in Council may want precedence for official business that they want that day for that purpose and the proviso to the Standing Order that we have brought forward lays down:

"Nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

That is, if the Governor General in Council, on any occasion, considers that he cannot, consistently with the state of Government business, or upon some other valid and just ground, permit that day to be used for the transaction of non-official business, we say, that if they say so, we shall not transact that business. That is the proviso that is put forward and I feel, Sir, that, with that proviso, the rights of the Governor General in Council are perfectly safe. All that we want is that we should have fair and full opportunities of discussing this matter. As a matter of fact so far as the business of the Legislative Assembly is concerned, we sit here only four days in the week and three days are off days. I know that Honourable Members on the Government side, especially Members of the Executive Council and the Secretaries have a good deal of work to do and they may want to have an Executive Council meeting on Friday. That may be, but what we say is that, if this House is going to discharge its

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duties in the manner in which it is expected to do, and in the present state of things so long as the Non-Official Members have not been given that opportunity to put forward programmes of public business which the Government, by the strength of their majority, can take up, so long as this House, in which there is no responsible government, continues to be what it is, I say, Sir, the business of this House cannot be put in the same category in which the business, for instance, of the British Cabinet can be put, because the business of the British Cabinet is really the business of the British Parliament. The majority of the British Parliament have put the Cabinet in its place there and the business which the British Cabinet transacts is the business which the majority of Parliament wants them to transact. Therefore the business which the representatives of the people do want to carry out is actually carried out by the Executive sitting in Parliament, by the Cabinet which is under responsibility to that non-official majority. You may here give us at least an opportunity to bring up our business and have it discussed, and give Government an opportunity of knowing the sense of the House and the feeling and opinion of the people of this country through their representatives in this Assembly.

I do not think it necessary for me to elaborate the matter. I am sure that the whole House, irrespective of any particular parties, will certainly support the proposition that, in justice to their constituency they must be in a position to bring forward the business of the people concerned, and that they must not be here merely as registering machines for any proposal that Government may bring forward, that they should have freedom to bring up public business on behalf of the country itself, and that every facility should be given to them that is needed for the transaction of public business.

I trust that all parties will support me in the appeal that this Standing Order should be altered in the manner I propose.

The Honourable Mr. J. Crerar: Sir, I regret that I must oppose this amendment. As a preliminary I have one or two observations to make upon the general scope of the Standing Orders.

As Honourable Members are aware, rules for the transaction of or regulating the course of business in the House are made under sub-section (1) of section 67 of the Government of India Act. Sub-section (6) of the same section makes the following prescription:

"(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either Chamber of the Indian Legislature in so far as these matters are not provided for by rules made under this Act."

It is further provided in the same sub-section:

"Any standing orders made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void."

I should, therefore, desire in the first instance to point out to the House that there are two presumptions as to the scope and validity of the Standing Orders. In the first instance, they are intended to provide for matters which are not already provided for by rules, and, secondly they must not be repugnant to any provisions contained in those rules. I would

add further that it is an equally clear principle that neither rules nor standing orders ought to be made in any way inconsistent with the general intention and policy of the Act itself.

Now, my first submission is that the amendment proposed by my Honourable and learned friend does infringe against both of these restrictions. It provides for a matter which is already provided for in Indian Legislative Rule 6, and I think it reasonable to infer that Legislative Rule 6 is exhaustive on the particular point with which it deals. Now that rule provides for two different classes of days to be allotted by the Governor General. The amendment which the Honourable gentleman proposes introduces a third class of day for the disposal of non-official business. My submission is that the proposed amendment sets out to provide for a matter which is already provided for, and secondly it is inconsistent with the rule. The Honourable Member suggests that the proviso to his amendment saves that rule, that it maintains that discretion allowed to the Governor General, the responsibility imposed upon the Governor General by rule 6. I think, if the House will examine that proviso more closely, they will find that this is not so. In point of fact it reverses the matter entirely: instead of requiring the consent of the Governor General, it merely gives him an opportunity of dissenting, which is a very different thing.

Now I was glad to observe that the Honourable learned Member did recognise that the position of Government in this House is not at all times such as to command a majority, and that the various other circumstances with which Government is faced in dealing both with Government and non-official business require that the interests of Government business and the interests of Government in regard to all business in this House deserve a reasonable degree of consideration, and on the other hand the Honourable Member complained regarding the number of days allotted to non-official business. I think he recognised himself that the fact that he is speaking on the present occasion was due to Government's recognition of the claims of non-official business in this House.

Mr. A. Rangaswami Iyengar: But it may not be so always.

The Honourable Mr. J. Crerar: I shall now deal with the consequences which would ensue if non-official business could be put down on any day when Government business terminates before four o'clock. I think that if Honourable Members opposite will consider that proposition more closely, they will agree that it would put Government at an unfair disadvantage and impose undue inconvenience on Government Members. The amendment proposed would have the result that non-official business—very frequently non-official business of very great importance—would come forward for discussion in this House in a manner which would be quite casual and fortuitous. Many circumstances might cause Government business to be terminated at an earlier date than Government anticipated. It would consequently be impossible for Government, under the conditions which the amendment would create, to have any degree of certainty with regard to the non-official business that might come before the House. That is not only an injustice to Government, but it would not be entirely in the interests of non-official business and it is not reasonable to ask the Members of Government responsible for these various items of non-official business to be prepared at all times, very frequently without any notice whatever, to deal with matters thus put before them. These are the

[The Honourable Mr. J. Crerar.]

grounds on which I venture to submit to the House that this amendment should not be accepted.

Mr. President: In such a case the Governor General in Council has got power under the proviso to say, "no, the President shall not transact such business".

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Sir, I would not have risen to speak on this matter but for the fact that the Honourable the Home Member has apparently misread the amendment that is sought to be made in the Standing Orders. As pointed out by you, Sir, there is a proviso in the amendment which is in column 2 and which reads thus:

"Provided that nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

When the Honourable the Home Member was talking about casual non-official business being brought before the House, he apparently had forgotten that there was a proviso in the amendment which my Honourable friend Mr. Rangaswami Iyengar is moving, under which the Government have the power to prevent any non-official business being brought before the House if the Governor General in Council directs that it should not be brought forward. If that is the position—and that is perfectly clear according to the amendment that is sought to be made—if that is the position there can be no fear on the part of Government that any casual business would be brought forward which they are not prepared to meet, having had no time to prepare their case.

Now let us take the second point in regard to the repugnancy of any rules made under the Government of India Act. The Honourable the Home Member said that if there was any Standing Order made which was repugnant to the Rules, it was *ultra vires*. I suppose that is the correct interpretation to be put on the Honourable Member's statement. Where is there the rule already under the Government of India Act according to which what my Honourable friend is wanting to do could be declared to be repugnant to that rule. The only rule that we have is sub-section 6 of section 67 of the Government of India Act. Sub-section 6 says:

"Standing orders may be made providing for the conduct of business and the procedure to be followed in either Chamber of the Indian Legislature in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Governor General in Council, but may, with the consent of the Governor General, be altered by the Chamber to which they relate.

Any standing orders made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void."

Now, there is no rule of the type or nature that my Honourable friend is wanting to make. If there is none, how can it be said that the amendment that my Honourable friend is wanting to make is repugnant to a rule that is already existing. My learned friend has provided for that, that on certain days we should have the right of bringing forward certain business before the House, and full powers are being given to the Governor General in Council to prevent us from transacting such business if the Governor General in Council so desires. I cannot understand either the question of repugnancy of a Standing Order of this nature to any rules that exist or the

objection that was raised by the Honourable the Home Member, namely that such business as is brought forward before the House may be of a casual nature and the Government may not be prepared with their case.

The Honourable Mr. J. Crerar: May I explain, Sir? I did not suggest that the business itself would be of a casual nature. What I said was that, though the business may be of a very substantial nature, it might come before the House in a very casual manner.

Diwan Chaman Lall: I quite agree. If I was not interpreting the Honourable Member rightly, it was not done with the intention of not interpreting him rightly. What I had actually understood him to say was that the business might be brought forward in a casual manner. I did not mean that the business itself might be of a casual nature; all that I meant was it might be brought forward in a casual manner. That is exactly what is provided for by the proviso to the amendment, that is, that any business which the Government consider is brought forward in a casual manner can be prevented from being brought forward in this House by the fiat of the Governor General in Council. If that is the position, what is the fear of the Government in this matter? In this case the question of business casually being brought forward does not at all arise because the proviso is definite and clear. Complete and full powers have been given to the Governor General in Council, who, acting under it, can prevent any business being brought forward in this House under the new Standing Order that is sought to be incorporated. Under the new Standing Order, the procedure, I understand, would be this: that notice is given by us on this side of the House and the President puts the matter down on the agenda paper. Before it can be brought before the House, the Governor General in Council can intervene and say, "I will not permit that particular business being brought forward to the House". If that is so, I take it that the Honourable Member's objection in regard to that particular part of his argument disappears. If the Honourable Member has any further argument to advance in regard to the casualness, or the manner in which the business is sought to be brought forward, I am quite prepared to listen. Then, I take it that that is not really a serious argument against this amendment being incorporated in the Standing Orders, because, as I have said, I repeat again that the Governor General in Council has complete power to prevent us from discussing anything on the floor of this House which he does not desire us to discuss.

Now, in regard to the repugnancy, may I ask where is there any repugnancy? To which particular rule is the new amendment that my Honourable friend is bringing forward repugnant?

The Honourable Mr. J. Crerar: The rule 6 of the Indian Legislative rules.

Diwan Chaman Lall: Let me read rule 6. Rule 6 says:

"The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business for that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council."

That is exactly the proposition that we are moving. We are giving power to the Governor General in Council to raise his objection. The consent of

[Diwan Chaman Lal.]

the Governor General would be there, either expressly or by implication. That is to say, if the Governor General wants that such and such business shall not be transacted on the floor of the House, then he can say so expressly; if on the other hand he elects to take no objection, then by implication his consent has been taken. Where is the repugnancy in this rule? If my Honourable friend had not put down the proviso, I can understand the position of the Honourable the Home Member. But having put down the proviso which is the main thing in the amendment, there is nothing in it which is repugnant to rule 6. Having put it down, where does the repugnancy come in? I would draw the attention of the Honourable the Home Member once again to the last three lines of rule 6, which run:

"On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council."

If that is the proposition, that is, that the Governor General in Council has the right to give his consent whether we should or should not transact business other than official business, then this rule does contemplate that under certain eventualities the Governor General may give his consent for the transaction of business other than official. If that is the position that is contemplated, namely that business other than official business may be transacted on particular days which are allotted by the Governor General in Council for the transaction of purely official business, then surely we have the right to amend the Standing Orders, keeping in view the final authority of the Governor General in Council to give his consent or to withhold his consent. How are we going outside the ambit of these three lines in rule 6? How are we doing anything which is repugnant to rule 6? The proposition seems to me to be perfectly clear. Rule 6 contemplates that there are certain official days, allotted by the Governor General in Council on which no other business except official business, shall be transacted, except with the consent of the Governor General in Council. The proviso in the amendment to the Standing Order that is sought to be made reads:

"Provided that nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

In fact the proviso is actually in consonance with the phraseology, the terminology and principle of rule 6. Far from being repugnant to rule 6, it upholds the principle of that rule, which says that the Governor General is the final authority whether we should or should not be granted permission to transact non-official business on official days. I suggest that, under these circumstances, both the arguments of the Honourable the Home Member have no force. I would therefore like the Honourable the Home Member to revise his verdict in view of what we have said on this side of the House, to revise his verdict that there is anything repugnant to rule 6 in the amendment that is being sought to be moved by my Honourable friend Mr. Rangaswami Iyengar, or that we are going outside the ambit of rule 6 and suggesting something that would be considered to be *ultra vires*.

On the other hand, Sir, neither is there anything repugnant in the amendment to rule 6, nor is there anything in the rules which could make the learned Home Member consider that we are trying to take out of the hands of the Governor General in Council a certain power of his under rule 6, or under the Government of India Act. Sir, I call for the support of all Honourable Members who desire that business should be

transacted by us in a proper fashion, with full regard for the interests of not only the Government but of the public in general, that we should utilise our presence here for transacting business which we could easily transact, but which we are prevented from transacting under certain restrictions that have been placed upon us by rule 6 and by the Government of India Act.

Sir Darcy Lindsay (Bengal: European): Sir, far be it from my desire to curb my own eloquence or that of other Members of the House which is always so prominent on non-official days; but I desire to oppose this amendment on other grounds. One of the grounds I urge is that we are already very fully worked during the sessions; and it is a great relief to many of us, Sir, to have these short sittings which we are occasionally receiving on Government days.

An Honourable Member: You can enjoy them.

Sir Darcy Lindsay: I would also point out that on these short sitting days, the time of a number of the Members is taken up in committee work which is equally as important as debating in this chamber. If all these short Government days are to be taken up with non-official business, I ask, in all fairness, Sir, where are we to find the time for the committee work? I quite recognise, Sir, that the matter will be in your hands . . .

Mr. President: In the hands of Government, not in my hands.

Sir Darcy Lindsay: If this amendment is accepted, Sir.

Mr. President: Still, it will be in the hands of Government, according to the proviso.

Sir Darcy Lindsay: The refusal is in the hands of the Government, Sir, but we know how Government dislike to refuse anything; and therefore I maintain, Sir, it is really in your hands. And knowing your keenness for work, I am a little afraid that the occasions will be taken to permit non-official matters being dealt with far more frequently than at present. We know the attitude of Government who are always ready, wherever possible, to assist Members (*An Honourable Member:* "Question") in the matter of allotting non-official days. I may, as an instance, point out that the Government have allowed this matter to be brought forward on a Government day. So, I feel that we are already in safe hands, and until Government abuse their power, I would be sorry to see any change.

Then, again, Sir, if non-official matters are to be brought forward on that part of the Government days which is not occupied by Government work, is it not placing us in a somewhat difficult position? We, many of us, require to study the cases that are likely to come forward, and are we to spend time in our study and then find that the whole day is taken up by Government business, and these matters which we have studied do not come forward at all. Sir, if I may say so, until we find that Government do not give the House that assistance to discuss non-official matters which we desire, I suggest that we leave the standing order as it is at present.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, of all the amendments that are proposed

[Maulvi Muhammad Yakub.]

to be made to the Standing Orders, this amendment which is just now under discussion is the most important and most urgently needed one. As my friend the Mover of these amendments has already pointed out, there have been general complaints that many of the non-official important Resolutions and Bills are never reached in the House, and they are never discussed, although the life of the Assembly is practically exhausted. In reply to a question put by me last year, a statement showing the number of Resolutions and Bills which were introduced or proposed to be introduced by Non-Official Members, and the number of those which were actually reached or discussed in the House was put up by the Government, and it was found that more than two-thirds of the Resolutions and Bills which Non-Official Members wanted to be discussed in the House were never reached at all. It is for the transaction of these Bills and Resolutions that this amendment is now being proposed.

The Honourable the Home Member has raised two objections to this amendment. His first objection is that it is repugnant to the provisions of the Government of India Act. I submit, Sir, that as my friend Mr. Chaman Lal has already pointed out, this amendment is in no way repugnant to the Government of India Act. The principle of Section 67 (6) of the Government of India Act seems to be that the Governor General should have a voice in the transaction of non-official business, and as the amendment now stands, we have provided for giving to the Governor General the power to withhold his consent for the transaction of any non-official business, if he so considers.

As regards the other objection, that it is inconsistent with rule 6, I would submit that the amendment is not at all inconsistent with rule 6 of the Indian Legislative Rules, because in that rule it is nowhere laid down that off-days, for which no other business has been allotted, cannot be used for the transaction of any other business. Rule 6 provides that:

"The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, and may allot different days for the disposal of different classes of such business . . ."

But this rule never says that it will not be possible to allot certain other days which have not been allotted by the Government for the transaction of any other business. So we find that the amendment which is proposed to be made is neither repugnant to the provisions of the Act, nor is it inconsistent with rule 6 of the Indian Legislative Rules. The Honourable the Home Member also said that, by allowing this amendment, we would be imposing a disadvantage on the Government Members and the Government. He said that Government Members will not have time to prepare the subject which is to be discussed in the House. Now, I submit, Sir, that the Honourable the Home Member as well as my Honourable friend Sir Darcy Lindsay seem to be under a misapprehension, namely, that by passing these amendments, we make it imperative upon the President to allot all off-days and all days on which Government business is concluded before 4 p. m. for non-official business. Of course that is not the case. This is only an enabling amendment and not an imperative amendment. The amendment says that the President "may direct that, in addition to sitting on the days allotted for the transaction of Government and non-official business, the Assembly shall sit on any other day for the transaction of non-official business," etc. Now,

Sir, the amendment, as I said, only enables the President to allot these days, and I am sure that no President, in allotting such off-days, would exercise his discretion without consulting the convenience of the Leader of the House as well as the leaders of the different other parties in the House. These days will only be allotted after giving full opportunity to the Government Members, as well as Members on the other side of the House, to prepare their business. Moreover, if this amendment is carried out, the only business that would be transacted on off-days would be the business which was left over from the agenda on a previous day. Now when this business was placed on the agenda of a non-official day, Government Members must have prepared themselves to discuss that question or Resolution and they must have got their replies and their papers ready with them, so it will not be imposing any additional burden on them if this business is taken up on any off-day.

As regards sub-section (3) of the amendment, that "the President may direct that on any day on which Government business terminates earlier than 4 P.M., non-official business may be transacted," etc., I would submit that on such days also no new work will be transacted, no new non-official work will be taken up for which the Government Members are not ready; only that work will be taken up for which they have already made preparation and which was not reached on the day for which it was fixed originally. Moreover, as I have already pointed out, no President will allot these days without consulting the convenience of the Government Members and the Members on the other side of the House. If it is brought to the notice of a President that such time is to be taken up by any Select Committee, or that Government Members are not prepared, or that they have not had the time to prepare themselves to discuss that question, I do not think that any President will insist upon having that business transacted at that particular time. What the amendment aims at is that the President of the House may be given a power to allot certain off-days for the transaction of non-official business if it is not objected to by the Governor General in Council; so neither the power of the Governor General in Council is diminished nor is this amendment repugnant to, or inconsistent with, any provisions of the Government of India Act or the provisions of rule 6. It was noticed during the last Session at Simla that not a single off-day was allowed by the Government for the preparation of the work which was to come up before the House. All the days, except Sundays, were filled up during the last Simla Session, which was of course considered a great hardship by many of the Honourable Members. Well, by introducing this amendment, we will enable the President to utilise these off-days only if it is considered convenient that certain business, which was not finished on a particular day, may be taken up on another day; and I don't think that it will in any way entail any extra hardship on the Government Members or on any other Members of the House. I consider this amendment very important and I think that, considering the very small amount of non-official business which is transacted in the House, the amendment must be supported and should be accepted by all sections in this House. Sir, I support the amendment.

Mr. L. Graham (Secretary, Legislative Department): Sir, I only wish to make two or three small points at this stage and I shall first deal with the speech of the Honourable the Deputy President. I might

[Mr. L. Graham.]

say the main point in his charge against Government is that sufficient time is not given for non-official business. Well, Sir, if by that is meant that we should make an effort to get through all the non-official business of which notices are received, we should certainly have to sit for 365 days in the year!

Maulvi Muhammad Yakub: How many days does the House of Commons sit?

Mr. L. Graham: Not for 365 days.

Maulvi Muhammad Yakub: For how many days then?

Mr. A. Rangaswami Iyengar: Certainly more days than we do.

Mr. L. Graham: Quite so. That brings me to my next point. The first moment Honourable Members come up here they always say to me "Why are we dragged up here so early?" Before they are here a month they say to me "When are you going to let us go away?"

Mr. A. Rangaswami Iyengar: That is because you don't give us business to do.

Mr. L. Graham: I have never seen any Honourable Member display a desire to sit longer than we do at present.

Maulvi Muhammad Yakub: Could we not sit longer by allotting off-days?

Mr. L. Graham: My Honourable friend may remember that possibly, I may say probably, the dearest hour for non-official members of the House, judging from their attendance, is the after-luncheon hour on non-official days. Generally speaking, I think I am right in saying that the quorum is only maintained by the Government Members on these days. That has happened very frequently and there were occasions during the corresponding Delhi Session last year when the House was counted out on non-official days. On the 31st of last month we had one of the shortest sittings on record in this House. That, Sir, was not an official day: it was a non-official day, when a number of non-official Bills had been put down on the paper and we do not know why Honourable Members did not come to move them. I do suggest, Sir, that Members do not take full advantage of the time which is put at their disposal. My Honourable friend, Mr. Rangaswami Iyengar, lays a charge against Government that it is the fault of Government that, for the last three years, he has been hammering away at our doors to get these amendments made, and that this is his first opportunity. Now, Sir, what happened in the Simla Session in 1927? At the request of the Honourable Member the motion was put down on a Government day, day after day; and my Honourable friend chose not to move it

Mr. A. Rangaswami Iyengar: No, no. I am afraid the Honourable Mr. Graham is mistaken: so far as 1927 is concerned I think there was no day on which I did not want this motion to be brought forward. I think he is entirely mistaken.

Mr. L. Graham: The Honourable Member is unfortunately suffering from a short memory. If he will get the Agenda papers of that session,

he will find that it was done on more than one occasion and that he did not take his opportunity. Now what happened in the Simla Session of 1928? We gave him time; but he made a short speech and said "Let us adjourn it to Delhi."

Mr. A. Rangaswami Iyengar: That was in 1928.

Mr. L. Graham: That is what happened in 1928. In 1927 he did not even get on his feet and address the House on this important matter.

Mr. A. Rangaswami Iyengar: May I say that on the last day of the Simla Session we all know what happened, and Government thought it would be convenient if we switched off this thing after the sensation of the day was over, and they took advantage, if I may say so, of the fact that I happened to be there and that I would like to move it. But it was certainly necessary for me, before I arrived, to make sure that the business was really to be brought up in that session. If the Government had given me time or notice, I would have come perfectly prepared to go on with it; and it was with the entire and full consent of the Honourable Mr. Crerar—I am afraid the Honourable Mr. Crerar was also not unanxious that the matter should go over to another session.

The Honourable Mr. J. Crerar: I was quite prepared if the Honourable Member had desired to continue with the matter.

Mr. L. Graham: That brings me to another point. I do not wish to lay too much stress on the absence of my friend and the continued absence of Mr. Duraiswamy Aiyangar. We did take the occasion of my friends favouring us with his presence in Simla—he came, as he will admit himself, very late in the session—he came I think to help his Party out on an important occasion, and in reply to a telegram, possibly two or three telegrams; and on this occasion we are very happy to see him and we have given him a very early opportunity of putting his business on the paper. I do not think, Sir, that he is justified in casting it in our teeth that we have persistently refused him opportunities of bringing this business before the House. I think we may say precisely the same thing of the other gentleman who was a party to moving this motion, my friend, Mr. Duraiswamy Aiyangar, who is not even here to-day. I notice that my friend, Mr. Chaman Lall, is not in his customary seat—I do not know if he is in the House anywhere—but it is rather difficult to deal with him on the question of repugnancy. It is a fine point, but I will endeavour to follow him. I think he would have been happier in his speech if he had read rule 6 before he got half way through his speech. May I be allowed to read rule 6 of the Indian Legislative Rules? It says:

"The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, etc"

I think my Honourable friend, Mr. Rangaswami Iyengar, paraphrasing that rule, said something about sufficient time. I do not find that in the rule or anything indicating it. I suppose by sufficient time he meant sufficient time for the business of non-official members; and as I have said that is 365 days

Mr. A. Rangaswami Iyengar: Compatibly with the public interests.

Mr. L. Graham: Did he mean sufficient time for the business of non-official members?

Mr. A. Rangaswami Iyengar: No.

Mr. L. Graham: I am glad he did not mean that; it is quite impossible as I have said. Now, Sir, we will get on to the point of law. My Honourable friend, Mr. Chaman Lall said "there is no repugnancy at all between the Standing Order as it will stand if amended and the existing rule. In fact they are the same thing." If they are the same thing, Sir, why make a new Standing Order? I am glad to see the Honourable Member returning to his place. Perhaps you will allow me to repeat what I said as the Honourable Member is now in his place. I was trying to follow my Honourable friend in his argument on the point of repugnancy. As an experienced legal practitioner, he will of course know that it is a very difficult point to argue. He first read the rule and then read the Standing Order and said "What is the difference?" I asked, if there was no difference, why make a new Standing Order? The point which I want to take now is that, to my mind, there is an essential difference, that the rule sets up the Governor General as the authority for the allotment of time for the non-official business of the House. To my mind that rule is exhaustive as regards the authority. The Standing Order sets up the Honourable the President as a parallel authority.

Mr. A. Rangaswami Iyengar: No.

Mr. L. Graham: My Honourable friend shakes his head. The amendment is:

"The President may direct that in addition to sitting on the days allotted for the transaction of Government and non-official business, the Assembly", etc., etc.

Mr. A. Rangaswami Iyengar: Provided—there is a proviso.

Mr. L. Graham: The proviso relates to the powers of the Governor General in Council. The rule relates to the Governor General; and the Standing Order relates to the President in the matter of allotment of days. I say, Sir, without fear of contradiction, that the rule sets up one authority for the allotment of days, the Governor General, and the Standing Order sets up the President as an authority for the allotment of days.

Mr. A. Rangaswami Iyengar: No.

Mr. L. Graham: To a certain extent the President's power in the allotment of days can be checked by the action of the Governor General in Council.

Mr. A. Rangaswami Iyengar: Question.

Mr. L. Graham: What does my Honourable friend mean by saying "Question"?

Mr. A. Rangaswami Iyengar: The purpose of the rule is to arrange business and not to set up an authority to control the manner in which we are to transact business.

Mr. L. Graham: The purpose of the Rule is to allot time for the business of Non-Official Members; the authority set up by the Rule is the Governor General. This Standing Order sets up a parallel authority, the Honourable the President, and it places some sort of restriction on him by

laying down that no business shall be transacted without the consent of the Governor General in Council.

Mr. A. Rangaswami Iyengar: The House is its own authority in respect of the business before it. The Governor General can give precedence for official business and on official days he has the right to say "you shall do only this and nothing more."

Mr. L. Graham: That is a question of constitutional propriety, Sir, what the Rule states quite clearly is that the Governor General is the authority for allotting time.

Mr. President: Does it mean that no non-official business can be transacted on days which have not been allotted for non-official business by the Governor General?

Mr. L. Graham: It does mean, Sir, that no time can be definitely allotted by the Governor General in Council fixing the days.

Mr. A. Rangaswami Iyengar: That is for the convenience of official business.

Mr. L. Graham: It may be a somewhat involved point that I am dealing with, but for that I may blame my Honourable friend, Mr. Chaman Lall. I do say that this Standing Order sets up a parallel authority and consequently there is repugnance.

There is also another point which we made in our Minority Note and that is that, although this Standing Order appears professedly to save the powers of the Governor General in Council under rule 6, in effect it reverses the process as the Honourable Law Member put it: nay I would say, it turns it inside out.

Mr. President: How?

Mr. L. Graham: Perhaps you will allow me to tell you, Sir. The Honourable President may make a direction that we shall sit,—say, after the House rises at about half past three—that we shall thereafter sit and transact non-official business and thereupon, when at that fateful moment he calls upon an Honourable Member, I take it that the Honourable Leader of the House will be put in the position of getting up in his place and saying "Sir, the Governor General in Council does not give his consent to the transaction of this particular piece of legislation."

Mr. A. Rangaswami Iyengar: Let him do so.

Mr. President: Is that not the position under the existing rules?

Mr. L. Graham: You will perhaps allow me, Sir, to contradict you on that point.

Mr. President: Has not the President the power to set down non-official business to be transacted on an official day if the official business terminates earlier?

Mr. L. Graham: I have always understood that we might reach that contingency, and that the last sentence in the Legislative Rules does not fit in with the Legislative Rules as originally promulgated. That sentence was added later to Legislative Rule 6. It was because your predecessor thought that he might put down non-official business at the end of official business that Government, with a view to protecting themselves, obtained sanction for making this rule.

Mr. President: Then they have not sufficiently protected themselves.

Mr. L. Graham: They have got on very well so far in that matter of protection, and apparently my Honourable friend thought that the protection was sufficient, and consequently he proposed this addition to the Standing Orders. But as I said, Sir, this is rather difficult ground, and I do not propose to take any more time of the House beyond saying that I do not agree with my Honourable friend Diwan Chaman Lal when he says that there is no repugnancy. I say emphatically there is repugnancy, and that consequently this Standing Order is bad under the provisions of the Government of India Act. In fact, my Honourable friend used the phrase, and I may again repeat what I said in regard to my friend Mr. Rangaswami Iyengar, who started off his speech on this subject by saying that this matter is provided for by Rule 6 (1) of the Indian Legislative Rules. But if the matter is provided for by Rule 6 of the Indian Legislative Rules, there is no scope for any amendment to the Standing Order on the subject at all. If you look at the Standing Order to which he has tacked on this wholly irrelevant provision, you will see that it has nothing to do with the matter. If you will read the Standing Order, as it will read with my Honourable friend's addition to it, you will be moved to say "What on earth has sub-order (ii) got to do with sub-order (i)?" as it will then be after the addition is made.

Mr. A. Rangaswami Iyengar: Make it a separate order then.

Mr. L. Graham: Why should it be tacked on to the Standing Orders? I submit there is no resemblance or connection at all. That is because this provision has no place in the Standing Order itself and is dealt with in the Legislative Rules. I am afraid I have had to detain the House over what is a very uninteresting matter, but with due respect I would point out that this Standing Order does indeed introduce a revolution in our procedure; it practically overturns the Legislative Rules which deal with the matter fully and exhaustively.

Mr. Muhammad Yamin Khan (United Provinces: Nominated Non-Official): Sir, while I am prepared to support the suggestion that there should be more days allotted for non-official business in this House, I am entirely opposed to the amendment of this Standing Order. I think, Sir, that the remedy which the Honourable the Mover suggests cannot be obtained in the manner he suggests. If more days are allotted for non-official business, the Non-Official Members would be in a position to know exactly when they should be ready to face a certain question and when it is necessary for them to be present in the House. As is well known, all the Non-Official Members are not invariably present throughout the whole session. They have got other work to do, and they go away during certain periods when they find that the business in which they are vitally interested is not going to be transacted, and devote their time to their private work. If this Standing Order is amended in the manner proposed and this procedure is adopted, it will be very unfair to Non-Official Members, because they would be taken by surprise if the business comes on a day when they never expected it. I will give the House a concrete example, Sir, supposing my friend Pandit Malaviya is very much interested in Mr. Sarda's Bill which had been postponed on the 31st of January. If my friend Panditjee comes to know that it is going to come on a particular day, a long time before, then he can make a point to attend the House on that day, while his interest in the Benares University may

require him to be absent from this House during the interval and he can very easily go there. But if the procedure that is sought to be introduced by this amendment is adopted, then that Bill instead of coming on say on the 15th of February might come all of a sudden on the 11th of February, because if there is not much Government business to be transacted on Monday, all of a sudden this business might be put down on Friday and the notice will be received by the Members on Saturday, and such notice will not probably reach them in time to enable them to be present in the House when that particular piece of legislation is under consideration. In this way, if the proposed amendment is accepted, it will be to the detriment of Honourable Members themselves

Mr. A. Rangaswami Iyengar: Members who want to be absent take things easily.

Mr. Muhammad Yamin Khan: I suppose my Honourable friend has been mostly absent from this House.

Mr. A. Rangaswami Iyengar: No, Sir; No, certainly not.

Mr. Muhammad Yamin Khan: At least there are very many Members, I mean Members from my Honourable friend's Party, who are absent to-day. They may be interested in certain business, and my Honourable friend will never be able to get them here in time even by sending them telegrams. It is no use making an amendment which is likely to go against the interest of the non-official Members themselves later on, and I am afraid that the Honourable Members may have to repent later on if they find that the rules go against their own interests. Of course, a good point has been made by the Honourable Mr. Graham when he said that proper advantage is not being taken, even now, by Honourable Members on non-official days. There are certain measures which are pending, and those measures are stopped with a view to give priority to better measures. We often find that, if an Honourable Member moves for leave to introduce a Bill in this House, he stops at a certain stage. That stops other Honourable Members from bringing forward similar measures. I shall give the House a concrete example. My Honourable friend Maulvi Muhammad Yakub Saheb brought the Interest Bill before the House. That was objected to on certain grounds, and he asked for leave to circulate it, and that was circulated, but for the last three sessions I have been waiting to hear for a motion to be made on that Bill. I am very much interested in that Bill. I have been trying for the last seven years in this House as well as in the other House to ensure that that measure shall become law, but my friend blocked Mr. Kelkar's Bill. Mr. Kelkar was not allowed to bring his measure forward simply because there was a similar Bill on the anvil, and so my friend's Interest Bill cannot come up. Therefore, I have no other remedy until my Honourable friend Maulvi Muhammad Yakub withdraws his Bill. Sir, this is the position. The remedy lies somewhere else and not in the way sought for by this amendment. I think that it will be against the interests of the Non-Official Members in whose favour this amendment is supposed to be brought forward. With these few words I oppose this amendment.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): I strongly support this amendment. I consider that it is a very unsatisfactory state of things which the present rules

[Pandit Madan Mohan Malaviya.]

have brought into existence. The work which the country demands, and which ought to be put in by the Legislative Assembly, is very much greater than the Assembly is able to do to-day, and I think the amendment will give us a chance of having some more work put in. I quite appreciate the kindness of my Honourable friend, the last speaker, in referring to me and my duties. I consider, Sir, that if I take the oath of membership of this Assembly, I must, so far as I can, be present in the Assembly and attend to its business, except of course on very exceptional occasions for special reasons. If I cannot do so, if I have to be absent on many occasions, or if my other engagements are of greater importance to me than the work of this Assembly, in fairness to my constituents and to the country, I ought to resign. That is the view I take. I regret that sometimes it becomes necessary for Members to absent themselves for a day or so. That may be unavoidable, but I am sure that every Member who comes to the Assembly will recognise that it is his duty to be present throughout the session. But even those who are present here throughout, do not find sufficient opportunity for work. The amendment is a perfectly reasonable amendment. What does it say? The days that have been allotted for official business are not touched, but after the official business has been concluded, if there is time left, why should it not be in the power of the President to allow other business to be conducted? He is the person who is in the best position to decide whether more time should be allowed for the business of the Assembly, and not His Excellency the Viceroy. His Excellency the Viceroy is not in touch with the work of the Assembly as the Honourable the President is. Therefore, somebody must report to him what the state of work is, and thus His Excellency can have only second-hand information. It is not right therefore to ask him on every occasion to decide whether time should be extended or not. The person who is most closely in touch with the work of the Assembly is the Honourable the President and I think we have had sufficient experience of the work of the Assembly to feel confident that the President will fairly and impartially allow more time for any business that has not been disposed of on the day allotted. For these reasons I strongly support the amendment and I hope it will be accepted by the House.

Mr. M. S. Aney: (Berar Representative): The amendment that has been moved is a simple one. It is only intended to utilise the spare time of the House. More work and less leisure—that is what this amendment intends to bring about—while my Honourable friend, Mr. Yamin Khan, has just made a speech in which he pleads that there should be some leisure days for Members to go away. It is hoped that this amendment will slowly destroy that tendency among Members to run away from this House, who regard some particular business before the House in which they are interested as important, and treat the other business of the House, brought forward by the Non-Official or Official Members, as unworthy of their attention. That tendency of a large number of Members in this House must be discouraged. And this amendment may have that salutary effect. That is one thing. Secondly, it is the experience of this House that considerable non-official business remains in arrears every year. We often hear Members complain bitterly of the extraordinary high rate of infant mortality in the Indian

population. I would request Honourable Members to first take note of the appallingly high figure of the infant mortality of non-official Bills and Resolutions in this House. Being in close touch they should take immediate notice of it and find out some remedy to cure the body-politic of this House of that terrible calamity. (Laughter.)

The great legal difficulty with which the Honourable Mr. Graham, assisted by Mr. Keane, faced us in the Select Committee, and which he has now put forward here, is that this Standing Order is repugnant to the Indian Legislative Rule 6. You have, Sir, very rightly pointed out that, in reading Indian Legislative Rule 6, the Honourable Member must also try to understand and look to the spirit of that rule. You will see Sir, that under that rule there is no absolute bar upon the transaction of non-official business. The possibility of non-official business being transacted on official days is tacitly recognised and provided for there—that is, with the consent of the Governor General. As my Honourable friend Diwan Chaman Lall has pointed out, the consent may be implied or explicit. That is the whole thing. This rule proceeds on the assumption that the Government attitude, to which reference was made by the Honourable Mr. Crerar and others, is that they have been consistently and all along showing an attitude of sympathy towards non-official business. On the experience of that sympathetic attitude we are justified in assuming that, with the implied consent of the Governor General in Council, we can go on with non-official business on official days, and if there is any insuperable difficulty, then we have made a proviso empowering His Excellency the Governor General to withhold that consent. So the consent is there. Ordinarily, we are justified in implying that consent, and that the Honourable the President should therefore be empowered by this amendment to allow non-official business to be transacted on the official days. So, I do not think that, according to the true spirit of the rule, there is anything repugnant in the amendment which we propose, or anything inconsistent with rule 6 of the Legislative Rules. As there is no absolute bar to the transaction of non-official business on official days, the manner in which we want to provide for doing non-official business cannot be considered as repugnant to the spirit of the rule, and the objection of its being *ultra vires* and so on does not, in my humble opinion, hold good.

One difficulty that was pointed out by my Honourable friend the Home Member, and to which reference was also made by Sir Darcy Lindsay, was that it would be rather difficult for Members to study matters, official and non-official, for the same day. The non-official work may not after all be done, and the study would be wasted. I may tell my Honourable friend that, if a man studies a question, he will find that study useful on some other day when the work will come on for discussion. So, I do not think, if I study a thing and do not get any immediate opportunity for utilising that study, that my time is wasted. I always consider my study as useful, as it means some additional information and nourishment to the brain. That information is there and it can be used at the proper time. So I think that none need be afraid of study being 'wasted'.

Another difficulty was pointed out by my Honourable friend Mr. Graham, but I have not been able to understand it at all. If there is official and non-official business on one and the same day, he pointed out that there

[Mr. M. S. Aney.]

would be some difficulty for the officials to do their work efficiently and properly. I have not been able to understand what exactly he meant by that. Probably I have not been able to hear him clearly on that point. He imagined that there would be some difficulty, but I do not think there is any difficulty whatever. On the other hand, I think there is absolutely no injustice done to official business on those days by the inclusion of non-official business. They have precedence, and it is only if there is spare time, then that time can be utilised by the Honourable the President for transacting such non-official business as he deems proper on that day. So, there is no likelihood of any injustice being done to the proper transaction of official business, and there should be no objection to this amendment on that score. Viewed from every standpoint, I think that this House should give its support to the amendment. It is intended to give some more facilities for doing non-official work. We are often accused of coming here without any constructive proposals. That is the charge frequently made against us. Here we are asking our friends on the Official Benches to give us the opportunity to justify ourselves and, to show whether we have a constructive programme or not. At present no Member can seriously think of working out any programme. Give us the opportunity. Let us know that there are possibilities for doing that sort of work and I am sure that they will find that Non-Official Members have also got a constructive programme as good as, if not better than, the one usually brought up by the Official Benches for our consideration. With these words I strongly support the amendment.

Colonel J. D. Crawford: (Bengal: European): I would like very much to know what would be the actual procedure if this amendment is carried. Presumably in the list of Government business every day, at the end, we will find further consideration of the business adjourned from such and such a non-official day. Now, it will be only in exceptional cases that non-official business will come up for consideration on a Government business day. The result will be, to my mind, that we will not come ready to take a really intelligent part in a debate on a subject which we don't believe will come up for discussion on that day. The result is likely to be naturally slipshod work and we in this Assembly will find ourselves in the position of burdening the country with a lot of ill-digested legislation. I believe the real cure, if we want more non-official business done, is to have specific days for it. Members will understand that the business put down on that day will come up and will come ready to take part in the discussion in an intelligent manner. We have not all got the memory of Mr. Aney.

Mr. A. Rangaswami Iyengar: What will happen if the Governor General gives the permission? Will it not be slipshod work then?

Colonel J. D. Crawford: It will be equally slipshod if you provide for discussions which you don't expect to take place and the House is not ready for it. The result will be ill-digested legislation, and on these grounds I personally oppose the amendment.

Mr. M. Keane (United Provinces: Nominated Official): Sir, I think that the position of Honourable Members opposite is very like what Pandit

Motilal said yesterday was his attitude towards the Bill that was before the House in connection with the heirs of deceased Hindus—his heart was with the Bill but his legal acumen was against it. I feel that genuinely, though my friend Mr. Rangaswami Iyengar shakes his head. Diwan Chaman Lall asserted, and asserted, and asserted again that rule 6 was no bar to the proposals made. Assertion amounts to nothing. He understands no doubt the value of the advertising dodge by which we are told that a certain thing is worth a guinea a box, and it is repeated over and over again, and people believe it. Rule 6 is absolutely clear to my mind and to the mind of any layman. When I was in the Chair in a smaller sphere than yours, Sir, I had not this last sentence of rule 6 in my rules. It was added for the benefit of the Assembly apparently. At that time I certainly held that I could, if I wished to, put on non-official business on days when there was time, but this addition to the rule, I would hold, absolutely bars it.

Diwan Chaman Lall: Read the last sentence.

Mr. M. Keane: I have read it; it says the Governor General shall allot days, compatible in his opinion with public interest, for non-official business. Then it goes on to say—after leaving out what is in between—"On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council." If Honourable Members will search through the rules, I think probably they will find nowhere a proviso making an exception, except in Rule 48. Rule 48 deals with one of the most important matters with which a Government has to deal, namely, the question of the budget and appropriations of money. In that rule it is stated that no motion for reappropriation can be made—then comes the exception—except on the recommendation of the Governor General. Honourable Members now tell us, as I understand it, that it would be open for this Chamber to say that the President may direct that in any particular matter a Member may stand up and make a motion for appropriation, if the appropriations made were inadequate or on wrong lines. For instance if Dr. Moonje, who is interested in aviation, desired an appropriation for aviation purposes, we could make a Standing Order that the President may direct that it be in the power of Dr. Moonje to stand up and make a motion for appropriation of money for that purpose, unless the Governor General in Council forbids. It does not seem to me that any such power is vested in the House to enable the President to direct that a private Member could make a motion for appropriation unless forbidden. I am perfectly aware that Diwan Chaman Lall holds that this clause at the end of rule 6—"except with the consent of the Governor General in Council"—is no more and no less than what is stated in the proposed Standing Order, that is to say, unless the Governor General in Council withholds his consent. It is open he says, under this Standing Order for the Governor General in Council to stand up and say "I forbid". The President lays down certain agenda for the day. My Honourable and learned friend says the Governor General in Council can come and say "I forbid". Now, Sir, in the many threads that have gone to make up what I may call the tapestry of procedure and precedent in Parliament, there is one golden thread running through the later centuries and that is that the President should be kept clear of the area of party politics. It is a principle that we as a House have tried to follow. We have inculcated it, and it is a very great mistake for the House to give up that principle. It may seem

[Mr. A. Rangaswami Iyengar.]

That is the definite aim and intention of Legislative Rule 6. My friends, in their dissenting minute and speeches, have pointed out that by my amendment of the Standing Order I am introducing a third class of business. If my amendment does so, I say that it is a class of business which you, Sir, rightly remarked, is entirely contemplated by rule 6. The first part relates to non-official business and the latter part to Government business and other business. The last three lines say:

"On other days no business other than Government business shall be transacted."

It does not say that no non-official business shall be transacted. Therefore if it is possible to have a third class of business besides what is technically called "non-official business", there is another class of business which it is open to the House to transact within the time at the disposal of the House. I cannot see at all how we here in this House, who ask that our time shall be usefully spent on days which are not needed for Government business, and on days which are not allotted for non-official business, should not be permitted to spend our time usefully in pulling up the arrears of business. If Government can have days allotted to them for the transaction of business brought over from a previous day, I do not see why we cannot be placed in the same position. As you very rightly remark, Sir, the whole point is whether the rule restricts us, and that, before doing any non-official business the consent of the Governor General shall be obtained. What I have provided for in the proviso to my amendment is that no non-official business can be set down on days not so allotted if the Governor General withholds his consent thereto. But why should the Governor General say "You shall have a holiday; we are not going to let you do any business"? All we call upon the Government to do is that, whenever there is a day available, it shall be given to us, unless specific reasons are shown why a day shall not be allotted to us.

Then I deal with the question of repugnancy. I do not want to add to the learned arguments that were advanced by my distinguished friends Diwan Chaman Lal and Mr. Aney, as I am perfectly certain that this rule, with the proviso I have added, cannot be repugnant to the Standing Order. The word in the section at any rate is "repugnant" and not "inconsistent". It must be actually repugnant to the provisions that have been embodied in Indian Legislative Rule 6. I submit that in so far as the rights of the Governor General, under Legislative Rule 6 have been expressly conserved by the proviso, that repugnancy cannot exist. Then my Honourable friend Mr. Graham pointed out that many Honourable Members complain that they are dragged here early, that many Honourable Members also want to get away early, and he also alluded to various acts of commission and omission on the part of Honourable Members. But I may assure him that, on his side, there are acts of commission and omission which are errors of which the Government have had to bitterly think of. Therefore there is no use merely talking about lapses, instead of what ought to be the duties of Members, as for example, and whether the present state of laxity in rules ought to be permitted. I say, Sir, far from permitting laxity, this House as a House which has been set up for legislative business of the whole of this country to which representatives come from all the distant corners of this huge country, must be in a much more effective position to transact all the business that arises within the limited time, within the time during which they are summoned and the time at

which they are prorogued. All the business that the House can do should be compressed within that period, and every day that is available within that period should be used by the House, with the consent of the Governor General, for the transaction of business. It is not as if we can go back to our homes at the week end; for poor people like me it is impossible; nor is it possible for many Honourable Members to so arrange their business that they can both transact their business and also discharge their duties as legislators in this House. It will not do for my non-official European friends on the other side, who have very large business interests, to go on attending to their business as well as attend to their duties in this House. They have to choose between the two; they cannot attend to both. As my Honourable friend Pandit Madan Mohan Malaviya very rightly pointed out, it is their duty to tender resignation of their membership if they cannot do this. The moment I find that I cannot attend to the duties of my office in any satisfactory manner, I am sure the Honourable Member will have my resignation in his hands for submission to the Governor General. Therefore I do not think it is necessary to labour that point.

Another point that was mentioned was that it would lead to our doing our work in a slipshod fashion. I say the manner in which the present business is arranged is the strongest incentive to slipshod work in this House. If we know every day here that we are here to transact business, day in and day out, that our time will be fully occupied with the business before the House, then we know exactly what business we shall do. If, on the other hand, we have no idea as to what business is to come on, we have no idea as to what the freaks of the ballot box may be on Resolutions and Bills, and when we do not know exactly what will come on and what will not come on, I am sure the Government have been as much the sufferers in this respect as the Non-Official Members. There is no use saying that all the slipshod work is on one side of the House and not on the other. I think there is a lot of slipshod work on the Government side also. We therefore feel, Sir, that in this matter the custodian of the time of the House is in the first instance the House itself and in the second instance, its proper and only representative, yourself. My Honourable friends Mr. Graham and Mr. Keane pointed out that, so far as the matter of arrangement of the time of the House is concerned, the matter is in the hands of the Governor General and not in your hands. To that proposition, I am sure every Member of the House is bound to enter a caveat. The only position that the Governor General has been assigned under the Government of India Act and under the Rules, as properly interpreted, is that the Governor General should have the control of the time of the House in his hands to the extent to which it is necessary to forward Government business, and in every other respect the House should possess the fullest liberty to allot its time and to arrange its business in such manner as you, Sir, think most conducive to the speedy and efficient transaction of the business in this House. On that principle, I think it is impossible for my Honourable friends on the Government side to say that the Governor General has got the right to bring this Assembly into existence, to summon it here and tell the Members thereof "You shall sit on such and such a day, you shall transact such and such a business only, you can meet for such and such hours of the day and you can play during the rest of the day for you have got nothing to do". Sir, that is a position which we cannot reconcile ourselves to. I would humbly submit to all Parties in the House,

[Mr. A. Rangaswami Iyengar.]

to every Member of the House who feels his self-respect, who realises his representative capacity, to dissent strongly from that proposition, that is to assign to the Governor General or the Governor General in Council the right to say what we shall do in regard to the business of this Assembly, how we shall arrange our times of meeting, how we shall dispose of our business and so on. I hope, Sir, that this House will resent any such position and will vote for the amendment which I have the honour to move. (Cheers.)

Mr. President: The question is:

"Standing Order 7 shall be re-numbered as sub-order (1) of Standing Order 7, and after that sub-order the following sub-orders shall be added, namely:

(2) The President may direct that, in addition to sitting on the days allotted for the transaction of Government and non-official business, the Assembly shall sit on any other day for the transaction of non-official business set down for, but not disposed of, on the days allotted therefor by the Governor General; and on such days the business shall, unless the President otherwise directs, be transacted in the order in which it was set down on the days allotted for it by the Governor General, business originally set down for an earlier day having priority over business originally set down for a later day.

(3) The President may direct that on any day on which Government business terminates earlier than 4 P.M., non-official business may be transacted in such order as he may direct:

Provided that nothing in sub-order (2) or sub-order (3) shall be deemed to permit the transaction of non-official business on a day not allotted therefor by the Governor General if the Governor General in Council withholds his consent thereto under rule 6."

The Assembly divided:

AYES—50.

Abdoolah Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur Haji.
Acharya, Mr. M. K.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sessa.
Belvi, Mr. D. V.
Birla, Mr. Ghanshyam Das.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. N. C.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Ismail Khan, Mr. Muhammad.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.

Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jannadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Mohammad Ismail Khan, Haji Chaudhury.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Rang Behari Lal, Lala.
Shafee, Maulvi Mohammad.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yakub, Maulvi Muhammad.

NOES—46.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Graham, Mr. L.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Jowahir Singh, Sardar Bahadur Sardar.

Keane, Mr. M.
Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rai, The Honourable Sir George.
Rao, Mr. V. Panduranga.
Row, Mr. K. Sanjiva.
Roy, Rai Bahadur Tarit Bhusan.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Schuster, The Honourable Sir George.
Shildy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was adopted.

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

The Assembly re-assembled after Lunch at Twenty Minutes to Three the Clock, Mr. President in the Chair.

Mr. A. Rangaswami Iyengar: Sir, I beg to move that:

"To sub-order (2) of Standing Order 29 the following *Explanation* shall be added, namely:

Explanation.—A member shall not, by reason only of his criticising the official or public acts of the Governor General or of any Governor, be deemed to reflect upon the conduct of the Governor General or such Governor within the meaning of this Standing Order."

r, not many words are needed to commend this explanation to the House, may say at once that it is only an explanation; it does not add to or take away anything from what is provided in Standing Order 29. Standing Order 29, in sub-clause (2) (iv), says a member, while speaking, shall not reflect upon the conduct of His Majesty the King or the Governor General 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 actions'. My Explanation only proposes to make clear what is the obvious intention of this rule. In the dissenting minute which my Honourable friends on the other side have appended to this rule, their only objection is stated in the following terms:

"We cannot agree that in the present state of the constitution where extraordinary powers are vested in the Governor General and in Governors personally, the actions of the Governor General or of a Governor apart from his Council should be open to criticism on the floor of the House."

[Mr. A. Rangaswami Iyengar.]

Now, Sir, I should have thought that the reason adduced by them is exactly the one which ought to impel us to ask that that criticism should be made. Sir, the provision by means of which the personality of the Crown, as well as of the Governor General, or Governor in any self-governing Dominion, where he represents the Crown, are exempted from reflections on the floor of the House, is a very well known principle of English law, namely, that the King must always be above politics and that no reflections ought to be permitted on the personality of His Majesty or upon his acts as the Crown. Now if it is the case—and my friends in their dissenting minute entirely accept it—that in this country, the Governor General or the Governor, as the case may be, is not only representing the Crown but is also doing acts of government, acts of government which in other countries are actually done only by the Government or Ministry in power, it stands to reason all the more that the actions of these Governors or Governors General, in so far as they partake of the nature of governmental or executive action, or other kinds of administrative or legislative action, should be open to comment in this House. Now, Sir, that is the reason why I have expressly provided in this Explanation that what we are seeking to criticise are the official and the public acts of the Governor General or of the Governor and not the acts that he may have to perform as representing the Crown in this country. Nor do we, by this action, seek to find an occasion for reflections upon the personal conduct of any particular worthy who may occupy the position of Governor General or Governor. That clause stands as it is in the Standing Order. What we now claim is that in this country, as my friends, who are officials, in their dissenting minute, admit, there is such a large class of acts, administrative, legislative and executive, as well as judicial, in respect of many acts connected with non-regulation provinces and many other matters, that in respect of these matters the Governor General and the Government in this country are not actually occupying the position of the Crown but are occupying, in very large part, the position of the Governments of the provinces concerned or of the whole country, and we think that it is an inherent right which has been vested in this House by the constitution established by the Government of India Act that we should have at least the opportunity of criticising the public and administrative acts of these Governments and Governors generally. And there are extraordinary things that they can do in this country—these Governments and Governors. They can restore rejected supplies; they can certify rejected laws; they can make laws themselves; they can make ordinances; they can make regulations. They can, for instance, if I may cite from a different category, act as courts of administrative appeal. In the provinces, for instance, there is a curious rule that, when a man is dismissed by the Governor in Council, his right of appeal is to the Governor without the Council. So, in so far as that Act is concerned, when a man is dismissed by the Government, he appeals to the Governor, and in that instance the Governor exercises quasi-administrative functions, which cannot, by any stretch of imagination, be considered to be duties which are vested in the Crown. They are necessarily administrative appellate functions. I can cite any number of instances of that kind in which actions of Governors and Governors General under the established law and the constitution of this country are far from being merely acts which pertain to the Crown in a well established constitution having responsible government. Therefore, Sir, I ask that this elementary explanation which will give this House the

right which is intended by the Government of India Act to be given to the House should be accorded to the House.

The Honourable Mr. J. Crerar: Sir, I oppose the motion. The Honourable Member, although the issue which arises on his motion is an important one, has been commendably brief, and I propose myself to be equally brief. The question is whether the public and official acts of the Governor General as such should be subject to criticism in the Legislature. The Honourable Member has rightly pointed out that there is no analogy, no true analogy, between acts of the Sovereign in the constitution of the United Kingdom and acts of this kind done or made by the Governor General. Well, Sir, the point which I particularly wish to impress upon the House is, that, while a Standing Order is specifically confined in its operation by the Rules and by the provisions of the Act, it is equally necessary that any Standing Order should comply with the policy and intention of the Act. The powers which have been expressly conferred on the Governor General as such are an integral part of the present constitution. I think it is perfectly clear that it is the intention of the Act that the Governor General, in the exercise of those powers, should have the most complete discretion, that his liberty of action and his responsibility should be comprised in the responsibility which he ultimately owes to the Crown which appointed him. It would, I think, introduce into the proceedings of this House a new precedent of a very undesirable description. It is surely a cardinal principle that if criticism is to be directed against the acts of any authority, there should be an effective opportunity for that authority to reply. Now, it is perfectly obvious that the Governor General could not reply on the floor of this House to criticisms made on the floor of his House; and I would remind Honourable Members that these powers to which Mr. Rangaswami refers are very expressly and very completely vested in the Governor General himself. The Governor General in Council, that is to say the Government of India, have no share whatever in those powers. They have no right even to advise in the exercise of those powers, and it will be an entirely inappropriate, and indeed an entirely ineffective, method of procedure that Members of Government, who have no share in those powers and no right to advise in the exercise of those powers, should be called upon to reply to criticisms on the floor of this House. I think, Sir, the suggestion made in this amendment is radically wrong and I trust that it will not be approved by this House.

Mr. A. Rangaswami Iyengar: Sir, the Honourable Mr. Crerar has, I am afraid, entirely misapprehended the scope of the explanation which we seek to add by this amendment. He referred to the question of the responsibility of the Governor General or the Governor, as the case may be. I am surprised that he should think that, because Members of this House seek a right to offer their observations upon the administrative or political acts of the Governor General on the occasions on which they will become relevant in the course of any discussions in this House, thereby the responsibility of the Governor General is affected. Sir, in so far as the responsibility of the Governor General or the Governor for all these acts is concerned, it is defined by the Acts in question, and no observations that we make, as we know to our cost, no criticisms that we may make, have any effect in making him use that power under responsibility to this House. All that we seek to do is that we should have legitimate opportunity for the expression of our views on matters which are strictly relevant to the matters that are under debate in this House.

[Mr. A. Rangaswami Iyengar.]

There was another point which my friend Mr. Crerar made, that when we seek to criticise the actions of the Governor General, or the Governor, in any speech of ours, the Governor General is not here to reply. When the actions are done by the Governor General in Council, he has got his representatives here to speak on his behalf, and it is quite conceivable—and I am sure that my Honourable friend Mr. Crerar knows the Government of India Act quite thoroughly—that, in the actions which come under the name of the Governor General in Council, there may be occasions when the Governor General might have acted entirely in defiance of the votes of his colleagues; and even in that case they become acts of the Governor General in Council, and it would be the duty of my Honourable friend, Mr. Crerar, to come and defend those Acts, in spite of the fact that he may have differed from the Governor General in the Executive Council. Therefore, Sir, the plea that the Governor General would not have the right or the opportunity of replying in this House to any reflections that are made, is; I say, a far-fetched and absolutely untenable plea.

In the next place, my Honourable friend said that the Governor General and the Governor often take action in these matters without the advice of their colleagues in the Executive Council. Well, Sir, as I said, when the Governor General can take action in defiance of his Executive Council, there is no question that he can take action without the advice of his Executive Council. The whole question is whether, as a matter of ordinary practice, it is conceivable that the Governor General acts as it were in a vacuum, when he seeks to do a particular thing in the exercise of powers which are vested in him as Governor General and not as Governor General in Council? After all, he has some advisers; and if there has been any opportunity in which we have made criticisms of his official acts by himself, on which my friends on the Official Benches are taken by surprise, of acts of which they have no knowledge but of which we obtain suddenly some secret knowledge and they are taken by surprise, it would not be very difficult for them to find another opportunity in this House for giving a reply to such observations as we may make. I say that argument is wholly puerile — to say that the Governor General will not have an opportunity of replying to any observations that we may make.

The question as regards the Governor General's liberty to say what he pleases, arises in the next amendment that we have put down, namely, the address that the Governor General delivers to us in the opening of the sessions of the Legislative Assembly or a joint session of both Houses. When we reach that stage, I think I shall be able to show that, when the Governor General makes observations on the political situation, or upon men and measures, it is we, Sir, we of the House as representing the whole country, who are being deprived to-day of an opportunity of replying to it or of having our say on such matters. In that position, when we seek to correct it, my Honourable friend wants to take us back to the position in which the Governor General, whatever he may do whether in an administrative or executive or legislative capacity, is sacrosanct; when he can govern the country without the assistance of his Executive Council by the sheer power of certification. If he can do so, then this House should keep its mouth shut. That is a proposition with which we cannot agree, and I have only to appeal to this House that, in so far as this Explanation seeks merely to give us an opportunity to ventilate our views, to say something on administrative or political questions upon which the

Governor General may have made observations, which we think require our notice or our comments or observations or respectful submissions, we should be allowed to have it. It is only the opportunity of saying something that we want, not an opportunity for correcting his decisions; because, as I say, we have been deprived of that power in this country. Therefore, even the opportunity of saying what we feel in this country, they want to deprive us of, and I hope the House will not accept that position.

Mr. President: The question is:

"To sub-order (2) of Standing Order 29 the following *Explanation* shall be added, namely:

Explanation.—A Member shall not, by reason only of his criticising the official or public acts of the Governor General or of any Governor, be deemed to reflect upon the conduct of the Governor General or such Governor within the meaning of this Standing Order."

The Assembly divided:

AYES—39.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sessa.
Belvi, Mr. D. V.
Birla, Mr. Ghanshyam Das.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gulab Singh, Sardar.
Hans Raj, Lala.
Ismail Khan, Mr. Muhammad.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.

Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jammadas M.
Misra, Mr. Dwarka Prasad.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Shafee, Maulvi Mohammad.
Singh, Kumar Rananjaya.
Singh, Mr. Gava Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yakub, Maulvi Muhammad.

NOES—42.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghasanfar Ali Khan, Mr.
Graham, Mr. L.
Jowahir Singh, Sardar Bahadur Sardar.
Keane, Mr. M.

Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra Nath.
Moore, Mr. Arthur.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rao, Mr. V. Panduranga.
Row, Mr. K. Sanjiva.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Schuster, The Honourable Sir George.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was negatived.

Mr. A. Rangaswami Iyengar: Sir, I move that:

"In sub-order (3) of Standing Order 32, for the words 'shall have the right of speaking' the following shall be substituted, namely:

'may, with the permission of the President, speak'."

Sir, so far as this is concerned, it is a very simple matter. Honourable Members know that in respect of the debates on Resolutions the Government has two chances of speaking and influencing the votes of the House. That, I submit, Sir, is against all principles of debate. It is the right of the Mover of a Resolution to reply to the objections that have been raised against his Resolution, but it cannot be the right of the objector to the Resolution to come again and have a last word on it and say why he opposes the Resolution and why it should be voted against. It is against all principles of debate, and it has no parallel in any known Legislature in any part of the Dominions. Therefore, Sir, I have proposed that this double right

The Honourable Mr. J. Ozerar: I am very reluctant to interrupt the Honourable Member. Perhaps what I have to say will save him a certain amount of trouble in dealing with the matter further. Government do not propose to oppose this amendment.

Mr. President: The question is:

"That in sub-order (3) of Standing Order 32, for the words 'shall have the right of speaking' the following shall be substituted, namely:

'may, with the permission of the President, speak'."

The motion was adopted.

Mr. A. Rangaswami Iyengar: I move that:

"In sub-order (2) of Standing Order 70, the words 'has been disallowed under the rules or these Standing Orders or' shall be omitted."

That I think is also a matter on which we are agreed, and so I do not propose to inflict any speech on the House.

Mr. President: The question is:

"In sub-order (2) of Standing Order 70, the words 'has been disallowed under the rules or these Standing Orders or' shall be omitted."

The motion was adopted.

Mr. A. Rangaswami Iyengar: I move that:

"In Standing Order 72, for the words 'is to be considered' the words 'is under consideration' shall be substituted."

This is more or less a formal matter which arises in this way. On budget days when people give notice of amendments by way of cuts to the votes on demands, those demands are fixed for certain particular days and two days' time is put forward for notice of amendments. What this Standing Order provides is that when a demand or a vote does not come on the day on which it is put down and is carried to a day much later than that day, two days' notice from the day on which it is actually taken up shall be deemed to be sufficient notice for the purpose of the amendment of which notice has been given. I understand that Government will have no objection to this amendment.

Mr. President: The question is:

"In Standing Order 72, for the words 'is to be considered' the words 'is under consideration' shall be substituted."

The motion was adopted.

Mr. A. Rangaswami Iyengar: I move that:

"For Standing Order 74 the following shall be substituted, namely:

"74. Communications from the Assembly to the Governor General on his address or message shall be made by formal address through the President after motion made and carried in the Assembly'."

Sir, so far as this is concerned, this provides for a form of representation which this House can make to the Governor General on a procedure analogous to that which is provided for in all deliberative assemblies, by a debate on the address. Honourable Members are aware that the Viceroy usually opens this House with an address in which he details, with great clearness and sequence, the administrative policy of the Government pursued in the past and which they propose to pursue in the future. They are essentially matters with which Government as a whole are concerned and upon which the Governor General, as it were, puts before the House the programme of the Government as such. Now, Sir, in all countries governed by responsible institutions, this programme is, what may be called, the ministerial programme, which is always delivered through His Majesty or his representative, the Governor General, or the Governor, as the case may be. So far as that is concerned, when the general programme is put forward at the very outset of every session in every deliberative assembly, the policy of the Opposition is to put forward motions by way of amendments to the address—that is the technical form by means of which the Opposition takes the opportunity to criticise the programme on the policy of the Government, and also conveys to His Majesty, or His Majesty's Government, the views that it has. The opportunity for a debate on the address has not been given to us here in so many words, but I think it is a procedure which is certainly within the powers conferred on the Legislative Assembly and Councils in this country, and also, if I may say so, contemplated by the Government of India Act. I may remind you that this matter of presenting an address to the Governor General or the Governor as the case may be, has been before the Conference of Presidents of

Mr. President: Order, order.

Some Honourable Members: You cannot refer to it..

Mr. A. Rangaswami Iyengar: I do not propose to refer to that, but I may refer to the actual facts that have been public property. In my province, the established practice is that an address to the Governor on the part of the House has been permitted and is still not prohibited. That shows, therefore, that in so far as the Act and the rules under the Act are concerned, this procedure is contemplated. Under the Standing Orders in this House, however, the words employed are:

"Communications from the Assembly to the Governor General shall be made:

- (1) by formal address, after motion made and carried in the Assembly; and
- (2) through the President."

[Mr. A. Rangaswami Iyengar.]

What we propose is that this wording of the Standing Order should be so altered specifically as to empower us to discuss his address or any message which he may communicate. An address delivered by the Governor General to this House, or a message delivered to this House, is not merely a formal matter. They comprise many public acts of administration and many announcements of public policy, and when the Governor General chooses to make such communications to us, it follows as a natural consequence that this House should be in a position to send its reply to such messages or addresses by means of what are called addresses to the Crown or the Governor General. That, as I say, necessarily arises from the fact that addresses and messages are contemplated, and as this matter has been in the past not permitted by one or two previous rulings but has been permitted in other Legislatures, we should make it clear that we possess the right. And we propose that this right should be exercised by means of a Standing Order which puts down the right very clearly. The necessity for doing so I do not want to dilate upon. That was the subject of discussion in the other House some years ago, and as to the propriety and the essential need, in the interests of the country, so far as this Assembly is concerned, that it should have an opportunity, very early in the session, of discussing the Government policy and programme, there can be no question. It is not necessary for me to say more and I await with great interest what my Honourable friend, the Home Member, has to say.

The Honourable Mr. J. Orerar: Sir, I oppose the motion.

This matter, as the Honourable and learned gentleman has recalled, was discussed at some length a few years ago, and the position that I now propose to take up was stated fully and effectively by my predecessor, Sir William Vincent. I shall not attempt to reproduce or recapitulate the full statement of the case which he then made, and I shall restrict myself solely to a few practical points which it seems to me are now before the House for consideration.

Mr. Rangaswami Iyengar suggested, with that rather elusive modesty, which not infrequently characterises his utterances and arguments, that what he proposes is a very modest, and indeed almost a trivial thing, that it amounts, in fact, to little more, if indeed even so much, as a clarification of the existing Standing Orders and rules of procedure. To that position I must enter a very strong demurrer. However drafted the Honourable Member's amendment may be to convey that superficial impression, in point of fact it conveys something much more vital. It conveys that the substance of a speech, made by the Governor General to the Legislature, shall be the subject of unrestricted debate and discussion in this House. I say unrestricted debate and discussion, but I think it would follow from the terms of the Honourable gentleman's amendment, that such restrictions and exclusions as exist in the rules and Standing Orders relating to discussions of matters of public importance would not apply to a discussion of the character which he contemplates. My first submission therefore is that this is by no means in its substantial change a mere clarification of the existing rules and Standing Orders, but an entirely new departure of a kind which I do not think ought to commend itself to this House. The main ground, so far as I understood him, on which the Honourable and learned Member relied for the justification of his amendment, was that it would bring the procedure of this House into line with the constitutional

procedure in other countries, instancing more particularly the constitutional practice and procedure of the United Kingdom. I should have expected some further explanation from the Honourable and learned Member on that point, for there is an obvious reply to his analogy which I feel compelled to make. The Honourable and learned Member knows, as well as I do, that there is no analogy whatever between the speech from the Throne in the British Parliament and the Governor General's speech in the Legislature. The King's speech is a declaration of policy, not by the Sovereign, but by His Majesty's Government. To quote the words used by Sir William Vincent on the occasion to which I referred:

"The King's speech is not written by the King. The King is not responsible for it, and any reply voted does not affect His Majesty, but affects His Majesty's Government."

In developing that argument, Sir William Vincent went on to explain the situation somewhat more fully, and with the permission, of the House I could not do better than read out a brief extract from Sir William Vincent's argument. Speaking of the powers of the Governor General, he said:

"One is the right to address the Chambers of the Legislature vested in His Excellency the Governor General by virtue of the Government of India Act. That power is exercised by him without any control from his Council or from any one else. Nor is this true only in theory. I can assure this Council that in practice the Viceroy's speech is not submitted to his Council for examination; and he says exactly what he likes and what suits him. He does not speak or profess to speak on behalf of the Government of India. He expresses his personal views often on subjects which are entirely outside of the cognizance of the Assembly or this Council, but which are of the very greatest interest to the public. By reason of his high position and his personal touch with His Majesty's Government, he is indeed often able to afford information of a very valuable character to the Legislature, but that is not done by the authority or with the cognizance or under the control of the Government of India. The occasion is one on which His Excellency is pleased to place his personal views before you and in doing so he is performing a duty, the responsibility for which he cannot share with his Executive Government or with any one else."

I cannot deal with that aspect of the question more lucidly or more forcibly. I merely wish to make two points in concluding my argument. The first is this. I think, Sir, that the Legislature and this Assembly in particular, which has heard the speeches made by Governors General on various occasions, will realise that those occasions have been of great value both to this House and to the country. Now, if an amendment of the kind contemplated by the Honourable and learned Member from Madras were made, I fear that the inevitable consequence would be that the great value and the great utility of those addresses would very seriously be impaired. It might even be that they would be reduced to a colourless, a formal and a far less living thing than are now the speeches which we hear from the Governor General. I do not think that the House, on serious reflection, would desire to deprive themselves and the country of an asset of so great value and I do not think that, if the House passes this amendment, its effects either upon this House or upon public interest at large in the country would really be useful and advantageous. The second point I wish to make is this, that in so far as addresses by the Governor General deal, as they must necessarily frequently deal, with matters which are the concern of the Governor General in Council, there are other ways by which this House may have an opportunity of discussing them in the ordinary way. I submit therefore that this amendment is not only misconceived in itself but, in respect of the real advantages of this House, it will not add remedies and resources which do not already exist. Sir, I oppose it.

Diwan Chaman Lall: I have just two observations to make in regard to the speech delivered by the Honourable the Home Member. The objection, as I understand it, he takes to this amendment is that it would not be right for Honourable Members of this House to discuss the speech of the Governor General when he addresses this Chamber, because there is a possibility of that speech becoming colourless. Apparently it is of great interest, and if we allowed it to be discussed on the floor of the House, there is a danger of its becoming a colourless performance. I want to ask the Honourable the Home Member whether it is not a fact that His Excellency the Governor General goes down and addresses Chambers of Commerce in the City of Calcutta, and if there is any restriction whatever placed upon the discussion that follows upon his speech in the Chambers of Commerce. Is there any reason to believe that, because members of the Chambers of Commerce discuss his speech, therefore any distinction is made by the Governor General in the type of speech that he should deliver before the Chamber of Commerce? I consider that that is not an argument which should weigh with us. Have we or have we not the right to discuss matters of very great moment which are broached by the Governor General when he comes to address our House? What is the constitutional position? Are we here merely called upon to listen to an essay and to be satisfied that the sentiments of Indians have been voiced in the speech that has been delivered by the Governor General, or have we a right to discuss the speech on its merits and consider whether the policy laid down is the correct policy or not, to criticise that policy if necessary, even as the speech from the Throne in the House of Commons is discussed by Members of the House of Commons? There the speech is discussed, not on one day but on several days, and various matters of moment which are mentioned in the speech from the Throne are matters of acute controversy in the House of Commons. Why should we be prevented from discussing the speech of the Governor General on the floor of this House? It is said that there is no analogy between the speech from the Throne and the address given by the Governor General. In one breath we are told that there is no analogy, and in another breath it is said that the Governor General is the representative of His Majesty the King.

The position must be a contradictory position should the Honourable Member press this point that the Governor General is not in the same position here *qua* the Assembly as His Majesty the King is *qua* the House of Commons. The policy of the British Government is laid down by the Governor General in his speech, and we have the right, when that policy is addressed to us through the speech of the Governor General, to discuss that policy in the press and in the country. What the amendment does is to suggest that a formal address should be made through the President enabling us to discuss the speech in the Assembly as we are in a position to do in the Press. We have no right to discuss the address that is delivered here by the Governor General, and we are seeking now, by an amendment, to make it possible for us to make a formal address and so not be restricted in the matter of discussing the speech. There may be points made by the Governor General which may not come within the Standing Orders, which we are prohibited from discussing, but the Honourable the President is there to give his ruling if any matter of foreign policy is raised which, according to the Standing Orders, we are prohibited from discussing. No Member would be allowed by the Honourable the

President to discuss such matters, but the speech, as far as it is limited to matters which come within the purview of the Assembly, should be open to discussion and criticism by this House. An objection was raised by the Honourable the Home Member that there are certain matters which are not open to discussion. That point does not arise in this amendment, because we have the right and the liberty to discuss, if this amendment is passed, those matters which are mentioned in the Governor General's speech which the other Standing Orders relating to such matters allow us to discuss. The only point is the point of principle. We have at the present moment no right to pass criticism, except through the newspapers, on the very important speeches that are delivered by His Excellency on the floor of this House. We demand the right because those speeches lay down the policy of the British Government in India. We demand the right to place our views before the country with reference to matters of moment mentioned by the Governor General. That is all that this amendment desires to do. I agree with the Honourable the Home Member that it is an amendment of great importance, not to the Government, but to the people of the country.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, I was astonished to listen to the speech of the Honourable Member from Rawalpindi.

Diwan Chaman Lall: I am not the Member from Rawalpindi.

Mr. C. S. Ranga Iyer: from Lahore. (*Diwan Chaman Lall:* "No, nor from Lahore".) I am astonished at that speech, because I should like to know how the carrying of this amendment can benefit either this House or the country. What we want, Sir, and what even the very moderate and very reasonable terms embodied in the Nehru Report also want—is the overhauling of the entire system. I am not here to pretend to enlarge the powers of the Legislative Assembly by a little tinkering here and a little tinkering there. I am not here for the softening and plastering of this legislative system, I am here for the overhauling of this system altogether. I have sought election on the question of overhauling this system and not co-operating with Government. I cannot understand how those Honourable Members can say, "Patch the system here and there, amend it here and amend it there". No, we did not stand for the mending of this system, we stood for the ending of the system. Therefore I cannot understand how this amendment or any other amendment can help India in the least to the goal that we have in view. It is a most astounding, a most amusing attitude for Congressmen to take up that we should ask for the amendment of the constitution here and the amendment there. How on earth I ask, if this House had the power of criticising the Viceroy's speech, how on earth is India going to be benefited? Supposing you have that right, what wonderful difference does it make?

They talk of the "analogy of the House of Commons." Where is the analogy of the House of Commons? Are we endowed with the power of the House of Commons? Supposing these petty amendments of the ex-General Secretary of the Swarajist Party, supposing these paltry modifications and motions are carried, do they endow this Legislature with the power of the House of Commons? It is that power we want, not these petty cheese-paring demands of people who have gone back on their

[Mr. C. S. Ranga Iyer.]

principles, of people who have shut their eyes to what they stand for? We do not want these amendments, no, I do not wish this wretched Legislative Assembly . . .

Mr. President: Order, order.

Mr. C. S. Ranga Iyer: I withdraw that expression "wretched". I do not care for the futile form of criticising the Viceroy within this House so long as I have it outside. I refuse to put the cart before the horse. That is exactly what Honourable Members sitting on those Benches are doing. Supposing we were given the right to criticise the Viceroy here, does it make the least difference to the situation in the country? It would only develop the power to talk here, and we do not want the power to talk. I would rather that this opportunity to talk were abolished in this House. As it is, this Assembly has the reputation of talking too much. These amendments do not endow the Assembly with real power. If it is real power we want, we should reject these amendments, reject them mercilessly with the contempt that they deserve.

Sir, I must add one word more and I am done, and that is that I do consider that these amendments add to the nominal glory and that they do improve the shadow of this Legislature. Do we not say, "these shadowy reforms must be thrust aside". We cannot then concentrate on these petty issues which serve to distract the attention of the country and which bring us down from the mountain top of idealism to the level of cold-blooded co-operation. Do not then talk of non-co-operation or obstruction. You cannot go on deceiving the public with talk of obstruction and Swaraj and Dominion Status and independence. All these are moonshine in water when you regard them in the light of the amendments and speeches before this House.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I had no mind to speak on this amendment which has been put forward, but after the heroics of my Honourable friend, I would like to say a few words.

My friend complains of softening and plastering of the high ideal and has told us that he wants independence and not amending of the system. Those who have any knowledge of the procedure of *agents provocateurs* will bear me out when I say that they profess to be more extremists than nationalists and are ever ready to supply them with bombs and revolvers. I do not know whether my Honourable friend wants to place us in that position. Whatever may be his intention I very much appreciate his desire for independence; but what I beg to remind him is that this House is neither the place for, nor are, violent speeches the methods by which to work for independence. I shall not refer to the case which is pending in the Madras Court—as it is *sub judice* and I think my Honourable friend can afford to wait till that suit is decided. He seems to ask that we should try to get real power. Is it not getting some real power, if we are allowed to criticise the speech of His Excellency the Viceroy and Governor General of India? This is an alien rule under which we have the misfortune to live, and India has had the misfortune to live under alien rule for more than eight centuries. Now, Sir, for the last 170 years, we have been living under British rule. What have we been taught in our schools? If we turn a few pages of English history, we find that the barons of

England at Runnymede extorted from the hands of an unwilling King the *Magna Charta*. Is there any Indian youth who, in his earlier years, was not fired with the same zeal to extort from the hands of an alien ruler a *Magna Charta* like that? A few pages later on in the same English history we read of the achievements of the patriotic maid of Orleans, Joan of Arc. Then again, a few pages later we read of Oliver Cromwell who was the cause of making one of the English Kings lose his head. All these things my Honourable friend conveniently forgets. We have read all these lessons. We have been brought up under an alien system of education, and if we are to be denied, at this late hour, the right to criticise even the speech of the representative of the King of England, I think, Sir, my Honourable friend was perfectly right in saying that this House is a—I cannot probably use the word "sham" because it is unparliamentary. Whatever that may be, is there any harm in our asking to amend the Standing Orders to the extent which will give us some power to let our alien rulers know our minds, to let them know at the same time what we feel about their doings and about their utterances? What harm is there I cannot see. It will do immense good to the country. This amendment will serve the most necessary and useful purpose of enlightening the masses as to what the intelligentsia feel about the foreign rule and what they think of the hypocritical utterances of our rulers. With these words, I beg to support the amendment which has been moved.

Mr. M. S. Aney (Berar Representative): My reason for getting up is not that I am shocked at the eruption of the volcano which has shattered us for some time. One of the reasons for which I press for the adoption of this amendment by the other Benches is this. When the Government of India Act was passed, it was frequently given out that it was not so much what was in the Constitution itself that the people of this country should look to. The elevation of this House to the status of India's Parliament was to be brought about by the creation and recognition of certain conventions; and we must endeavour to set up those conventions. Even the procedure of this House and the limited rights of this House could be gradually brought up to the level of the business procedure and the privileges enjoyed by the Members in the House of Commons. Now, one of the most essential things which strikes the imagination of every Britisher is the Speech from the Throne and the Address moved by the Members of the House of Commons. If any attempt is to be made to raise the level of this House to that of the Mother of Parliaments, I think there should be no objection on the part of the Treasury Benches to concede this little privilege which is claimed in this amendment. We are only asking that the inaugural address of His Excellency the Viceroy, delivered in this House, should be treated by the Members of this House in the same manner in which the Speech from the Throne is treated by the Members of the House of Commons. This should not be more sacrosanct than even the Speech from the Throne. I do not understand the other arguments which the Honourable Mr. Crerar has advanced, that the Viceregal speech is likely to become colourless if it is going to be subjected to the criticism of this House. I do not know if the criticism on the speech outside in the Press is not affecting the nature of the speech that is being delivered by His Excellency the Viceroy every year. If the criticism of the Press has no effect on the speech, I do not know why the criticism from the Honourable Members of this House should have a deteriorating

[Mr. M. S. Aney.]

effect upon the nature of that speech. It is not a fact that the speech is not criticised at all. You have only been debarring the Members of this House from having their views expressed on the speech in this House. But the speech virtually, if it does not commend itself to the country at large, is criticised at large by the public. They offer their views, they express their criticism in the most stringent manner. That has never worked adversely upon the nature or the merit of the speech to which we are treated every year in this House. Therefore the sort of apprehension under which the Honourable the Home Member seems to labour looks to me to be merely an objection without substance, which virtually, when properly examined and tested, cannot hold water. So the two reasons on which he wanted to oppose the amendment go away. There was a third reason which he suggested, namely, that the speech delivered by His Excellency the Viceroy is his own personal expression of opinion and the Members of his Executive Council have nothing to do with it. We do not want to pry into the secrets of the Executive Council, but we find that the speech discloses policies which the Executive Council tries faithfully to carry out throughout the year. That is what the outside people know. That the Viceroy should, of his own accord and voluntarily, unaided by his Councillors, be in a position to declare a policy which his Members of the Council not only wholeheartedly concur in but also think it proper to carry out throughout the year strikes many of us as a miracle. But there is one thing. Though for the particular speech that he has to deliver to this House, he may not be consulting the Members of his Council, there is no doubt that the policy laid out in the speech at the beginning of the year is the mature result of the numerous conversations and opportunities he has had of conferring with the Members of his Council. After all it is a declaration of the policy of the Government of which he is virtually the head. So from that point of view also, I think there is not much force in the opposition which my Honourable friend the Leader of the House has made to this particular amendment. I hope the House will insist upon having the privilege which the Members of the House of Commons have got in regard to the speech from the Throne. The House should therefore accept the amendment and give its wholehearted support to it.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber; Indian Commerce): Sir, I rise to support the amendment. I have felt that of all the grounds on which the Government opposed the various amendments to-day, the ground that they have put forward in opposing this amendment is the least convincing. Even Mr. M. Ratnaswami, who generally agreed with the three Official Members in the Minute of Dissent, says:

"I agree that an address on the subject matter of the Governor General's address should be allowed, provided the subject matter of the address could form the subject matter of Resolutions that could be moved in the Assembly."

I wonder if the Honourable the Home Member wishes us to understand from his opposition that, even for those subject matters of the Governor General's address which could form the subject matter of Resolutions in this House, he is opposed to an address being voted by this House.

I am not clear whether the Home Member meant it as a compliment to the Governor General or otherwise when he said that, if an address is to be voted by this House on the speech of the Governor General to this

House, His Excellency's speeches may be hereafter colourless. Does it mean that because His Excellency's address is not subject to direct criticism of this House, he says things which he would not say if he knew that it was subject to the criticism of this House? (Hear, hear.) I think it is a poor compliment to the Governor General of India if his Home Member is of the opinion that anything which is subject to the direct criticism of this House will make the Governor General more cautious in his utterances. I have greatly admired the recent speeches of His Excellency Lord Irwin, but that does not necessarily mean that every Governor General would be as cautious and sympathetic as His Excellency Lord Irwin has been. I cannot possibly understand how it can be maintained that giving this Assembly the right to present an address to the Governor General on his speech to this House will really mean a comparative muzzle on the Governor General. I hesitate to accept this. If, however, it is to be maintained that the fact of the Governor General's address here not being subject to direct and immediate criticism by this House gives him a free hand and makes him, for practical purposes, irresponsible in his utterances, there is all the more reason that this right should be available to this House.

Mr. A. Rangaswami Iyengar: Sir, I do not desire to take up the time of the House, especially as my friends on this side have so ably answered the objections taken by Mr. Crerar to this amendment. There is only one point, Sir, on which I was surprised that the Honourable Mr. Crerar was not accurately informed. He contended that the result of allowing this amendment to go in would be that the restrictions on the subjects on which Resolutions could be moved are taken away, and that this House would thereby obtain liberty to discuss subjects which are not subject-matters of Resolutions. I should have thought that he could have had a better knowledge of the Indian Legislative Rules in the matter; because in so far as there are any restrictions on the subjects of discussion in this House, they have been expressly imposed, not merely in respect of Resolutions and in respect of budget grants, but in respect of all motions. That has been made clear, Sir, by rule 24-A which the Government, in anticipation of this difficulty apparently, had framed in 1928. Rule 24-A now makes provision for motions other than Resolutions, or motions which arise on the budget. Clause (2) of that rule provides:

"It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved."

Sir, in the face of this definite restriction, I cannot see how a motion—because after all an address has to be made by way of a motion—which can be brought forward under this Standing Order is not covered by the restriction that is imposed. So, I think that fear at any rate is for the present groundless.

Then, Sir, the point that he referred to was that there was something essentially personal in the Viceroy's speech and that that personal something is a matter in which his Council does not share the responsibility with him; and therefore, if we go and make personal observations matters of comment in this House, then the speech will become colourless. Sir Purshotamdas Thakurdas has very properly pointed out that that is paying a very poor compliment to His Excellency the Viceroy. But, taking the

[Mr. A. Rangaswami Iyengar.]

question of substance, is it really the case that the Governor General, in the address that he makes to this House, apart from its manner or style, or any of the various arts of persuasive eloquence employed therein, announcing any policy or programme to this House and to the public, announces such policy or programme without the consent of his Executive Council, or without the authority of His Majesty's Government? In either of these cases, Sir, it is a Government's policy or programme that he will be announcing, and there is nothing personal that he can do or say to this House or on which he can carry out his will either without the assent of his Executive Council or without the support of His Majesty's Government. So, Sir, every part of the action he takes is governmental in character, and I therefore think that there is absolutely no point in emphasising the personal aspect of this matter; because the personal aspect of the matter, in so far as the Crown is concerned, is wholly different. The Crown in England is considered to be above politics, and therefore you cannot bring the Crown in in any discussion or in any motion inside the House, since every act of His Majesty in England is the act of His Majesty's Government and not of His Majesty personally. Therefore, no question which affects him in person can be brought in; but so far as this country is concerned, the Governor General is in the position of acting either for the Government in England or for the Government of India, and there is nothing essentially personal in character, any Royalty or any such thing, which would exempt him. Even on that, Sir, my friend has had his victory on the other motion that in so far as any reflection or the personal conduct of His Excellency is concerned, that amendment has for the moment, not been carried. Why then should he be afraid of subjecting a programme or policy of his Government, announced during his speech here, to the criticism of this House? After all, what do we say? We say that on his speech, this House should resolve that an address be presented to His Excellency the Governor General thanking him for his address, but submitting at the same time that His Majesty's Government or the Government of India did not do this thing or that, or that His Majesty's Government were wrong here or right there, etc. After all, we are presenting him an address in reply to his, and we are asking for permission to make our representations as to our future. My friend said that the speech was all personal and so on; but I recollect a series of addresses that were delivered by the former Viceroy in this House in which he always made it a point to say "I and my Government have done this and that", "my Government has done this", "our relations with so and so", etc. Therefore Sir, in so far as these governmental questions are concerned, I really fail to see why the Government should be so nervous about knowing the view of this House and why they should not allow this House the liberty to express their views and make their comments.

As to the observations of my friend Mr. Ranga Iyer, I do not think they deserve any serious notice by the House.

Mr. President: The question is:

"For Standing Order 74, the following shall be substituted, namely:

"74. Communications from the Assembly to the Governor General on his address or message shall be made by formal address through the President after motion made and carried in the Assembly."

The Assembly divided:

AYES—42.

Abdul Matin Chaudhury, Maulvi.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Birla, Mr. Ghanshyam Das.
Chaman Lall, Diwan.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Gulab Singh, Sardar.
Iswar Saran, Munshi.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.

Lahiri Chaudhury, Mr. D. K.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Purshotamdas Thakurdas, Sir.
Shafee, Maulvi Mohammad.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yakub, Maulvi Muhammad.

NOES—48.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Alexander, Mr. William.
Allison, Mr. F. W.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, the Revd. J. C.
Coatman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Graham, Mr. L.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Jowahir Singh, Sardar Bahadur Sardar.
Keane, Mr. M.

Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupendra Nath.
Mohammad Ismail Khan, Haji Chaudhury.
Moore, Mr. Arthur.
Mukherji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rainy, The Honourable Sir George.
Rao, Mr. V. Panduranga.
Row, Mr. K. Sanjiva.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Schuster, The Honourable Sir George.
Shah Nawaz, Mian Mohammad.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was negatived.

Mr. A. Rangaswami Iyengar: Sir, I move that:

"After Standing Order 74, the following new Standing Order shall be added, namely:

"74A. Communications from the Governor General to the Assembly are made by written message through the President."

I understand, Sir, that there is no objection to this Standing Order.

Mr. President: The question I have to put is that:

"After Standing Order 74, the following new Standing Order shall be added, namely:

'74A. Communications from the Governor General to the Assembly are made by written message through the President'."

The motion was adopted.

Mr. President: I do not think that, for the disposal of this particular business, any further motions are necessary.

Mr. A. Rangaswami Iyengar: My recollection, Sir, is that on the last occasion when amendments were made, only the amendments were made; there was no consolidating motion. That at least is my recollection.

Mr. L. Graham: I had intended to look up precedents, Sir. I was somewhat surprised to see this motion on the paper, ("That the amendments to the Standing Orders, as reported by the Select Committee, be passed"), but have not had the time

Mr. President: That motion was put down without consulting me. I think I have got the right to decide what the procedure should be in respect of these motions regarding Standing Orders and I decide that no further motion is necessary for the disposal of this particular business.

The Assembly then adjourned till Eleven of the Clock on Friday, the 15th February, 1929.

LEGISLATIVE ASSEMBLY.

Friday, 15th February, 1929.

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

QUESTIONS AND ANSWERS.

REPRESENTATION FROM THE CLERICAL STAFF OF THE CUSTOMS, SALT AND INCOME-TAX DEPARTMENTS FOR AN INCREASE OF PAY.

541. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state:

- (a) whether they have very recently received a representation from the clerical staff of the Customs, Salt and Income-tax Departments of Bombay urging a revision of their existing time-scales of pay?
- (b) whether it is a fact that the rate of annual increment granted to the mofussil staff of Post Offices in the Bombay Presidency is Rs. 5 per year?
- (c) whether they are aware that the cost of living in Bombay is more than that in the mofussil?
- (d) whether this point will be considered in dealing with the representation from the clerical staff of the Bombay Customs, Salt and Income-tax Offices recently received by them?

The Honourable Sir George Schuster: (a) A representation urging an increase in the existing scales of pay of clerks has been received from the Central Board of Revenue Ministerial Officers' Union in Bombay. Under Standing Orders, such representations have to be submitted to Government through the local heads of Departments concerned, viz., the Collector of Salt Revenue, the Collector of Customs and the Commissioner of Income-tax. The recommendations of the Commissioner of Income-tax and the Collector of Customs have been received, but not those of the Collector of Salt Revenue, who has been reminded.

(b) Yes.

(c) The fact that the cost of living in Bombay is more than that in the mofussil has already been recognised by the grant of higher rates of pay to clerks in Bombay City than to clerks in the mofussil.

(d) Certainly.

APPOINTMENT OF APPRAISERS AND PREVENTIVE OFFICERS BY PROMOTION FROM THE CLERICAL CADRE OF THE CUSTOMS DEPARTMENT, BOMBAY.

542. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state:
- whether there are in the Customs Department of Bombay executive appointments of Appraisers and Preventive Officers?
 - whether these appointments were up to 1914 filled up from the Customs clerical cadre?
 - whether promotions described in (b) above were made even in the years 1920-22?
 - whether any such promotions have been made since the year 1922?
 - the reasons and grounds thereof if the reply to (d) above be in the negative?
 - whether such promotions will at least be made in future?

The Honourable Sir George Schuster: (a) Yes.

(b) Prior to 1914, Appraisers, but not Preventive Officers, were to some extent recruited from the ministerial service.

(c) No clerks were promoted to be Appraisers or Preventive Officers in the period 1920 to 1922, but five were in that period appointed to be Examining Officers.

(d) One such appointment was made in 1926, the Superintendent of the Cotton Excise Department being provided for in the Appraiser's grade on the abolition of the cotton excise duty.

(e) The increasing complexity of appraising work makes it necessary that the appraising department, in so far as it is not staffed by men directly recruited on account of special technical qualifications, should be manned by promotion from the grade of Examining Officers, since the latter acquire a thorough grounding in the work in the course of their own duties. Similarly, it has been held to be desirable that Examining Officers should be recruited direct so that they may be trained from the beginning of their service in their own particular duties, which have little in common with the duties of clerks. The duties of Preventive Officers are also quite different in character from those of clerks, and it has been held that it would not be advantageous to efficiency to make a practice of promoting clerks to this rank.

(f) The Government do not propose to interfere with the discretion of the Collector of Customs in this matter.

APPOINTMENT OF INSPECTORS OF INCOME-TAX BY PROMOTION FROM THE CLERICAL CADRE OF THE INCOME-TAX OFFICE, BOMBAY.

543. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state:
- whether there are in the Income-tax Office of Bombay executive posts of Inspectors?
 - whether these posts were filled up from out of the clerical cadre?
 - whether they are aware that this consideration was not attended to very recently in filling these posts?

(d) reasons for such decision if the reply to (c) above be in the negative?

(e) whether these posts will in future be filled up from out of the clerical cadre?

The Honourable Sir George Schuster: (a) Yes.

(b) The posts of Inspectors in Bombay City are filled up usually either by the direct appointment of qualified persons not in the service of the Government or by the promotion of members of the outdoor staff which consists of the bailiffs appointed for Bombay City and the Inspectors working in the mofussil. In exceptional cases members of the clerical staff have been appointed, but the normal line of promotion from the clerical staff is to posts of Assistant Superintendents and Superintendents. Actually out of 26 posts of Inspectors in Bombay City, 5 have been filled by promotion from the clerical staff.

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

(e) The practice described in answering part (b) of the question has been in force for some time and has proved to be suitable. There is no intention of changing it.

GRANT OF ALLOWANCES TO SUBORDINATE GOVERNMENT SERVANTS IN BOMBAY TO MEET ENHANCED RENTS.

544. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state:

(a) whether they are aware of the recent increases in the house-rent of Bombay City owing to the termination of the Rent Act?

(b) whether they intend to grant any sort of allowance to their subordinate Bombay servants to enable them to meet the enhancement in rent?

The Honourable Mr. J. Orerar: (a) No.

(b) Does not arise.

METHOD OF DETERMINING STAFF OF POSTMEN REQUIRED FOR A PARTICULAR POST OFFICE.

545. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state whether any time-test is applied for determining the staff of postmen or village postmen for a particular post office as in the case of clerks? If not, what things are usually taken into consideration for this purpose and how are they calculated for cities like Bombay, Calcutta, etc., on the one hand and for small towns and villages on the other?

Mr. H. A. Sams: The reply to the first part is in the negative. As regards the second part, the Honourable Member's attention is invited to the reply given by the Honourable Sir Bhupendra Nath Mitra to the first part of Mr. N. M. Joshi's starred question No. 493 on the 18th February, 1927.

GRANT TO POSTMEN AT LONAVLA AND KHANDALA OF THE POONA SCALE OF PAY.

546. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state whether it is a fact that postmen at Lonavla and Khandala were getting

the same scale of pay as the postmen at Poona and Kirkee before the Postal Enquiry Committee made its recommendations in the year 1920, which classed Lonavla and Khandala as 2nd Class areas? If so, will Government be pleased to state whether they have made any enquiries to ascertain that living at Lonavla and Khandala is cheaper than at Poona and Kirkee? Is it a fact that they have refused to grant the Poona scale to the postmen at Lonavla and Khandala? Will Government be also pleased to state the reasons for refusing the Poona scale for the postmen at Lonavla and Khandala?

The Honourable Sir Bhupendra Nath Mitra: Part I. No.

Part II. Does not arise.

Part III. A representation was submitted by the Bombay Presidency Postmen's Union to the Director-General and it was rejected.

Part IV. The rate of pay fixed with effect from the 1st May, 1928, was considered adequate.

GRANT OF INCREASED PAY TO OVERSEER POSTMEN.

547. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state whether it is a fact that, before the recent revision equalising the pay of reader and overseer postmen, the latter were getting a higher scale of pay than the former, for the reason that the duties of overseer postmen are more onerous and important than the duties of reader postmen?

(b) If so, will Government be pleased to state whether they intend to sanction more pay to overseer postmen, or to give them some duty allowance? If not, will Government be pleased to state the reasons for the same?

The Honourable Sir Bhupendra Nath Mitra: (a) The scales were the same except for a small difference of Rs. 2-8-0 per month higher duty pay granted to overseer postmen.

(b) No. In the revision of pay it was decided that these classes should be grouped together with an improved rate of pay common to both, the small difference formerly existing being ignored.

EMPLOYMENT OF POSTMEN AND BRANCH POSTMASTERS AS CLERKS.

548. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state whether it is a fact that postmen and branch postmasters are made to work as clerks for a number of years on their original pay, and then reverted to their substantive appointments if they fail to pass the departmental prescribed test? Is it also a fact that this prescribed test is in English dictation and arithmetic and that these subjects have nothing to do with the practical and technical work which these employees are called upon to perform and that these employees more often than not fail to pass the test? Are Government prepared to issue instructions to the effect that postmen and branch postmasters may be made to work as clerks only in emergent cases and if they are made to work as such beyond a certain period they will be confirmed as clerks without the departmental prescribed test?

The Honourable Sir Bhupendra Nath Mitra: Government understand that the practice is not what is suggested in the first part of the question. The prescribed test is in English dictation and arithmetic. A knowledge of both English and arithmetic is necessary for clerical employees in the post office, and those who aspire to promotion to the clerical cadre must show their competency in these subjects. I am not in a position to say what proportion of candidates pass the test. In reply to the last part of the question, Government are not prepared to issue instructions as suggested.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the recommendation for the promotion of these postmen as clerks in the lower scale was specifically made by the Ryan Committee as a means of economy and efficiency, and that no such tests as are now sought to be imposed were recommended by the Committee, as it would result in the exclusion of these people?

The Honourable Sir Bhupendra Nath Mitra: If I may say so, Sir, that does not arise out of this particular question. My friend, Mr. Jamnadas' question referred to promotion to the ordinary grade of clerks. The question of promotion to the new grade of clerks recommended by the Ryan Committee is engaging the consideration of Government; but there too it would not be possible to make any promotions unless the people are in a position to satisfy certain tests.

PAY OF SENIOR OVERSEERS, ETC., IN THE POST OFFICE.

549. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state whether it is a fact that the recent revision for overseers, reader-postmen and men in inferior service in the Post Office has not appreciably benefitted the senior men in service and that the benefit is not in proportion to the length of their service in the Department, their pay having been fixed under certain Fundamental Rules? Is it also a fact that those who have put in more than 25 years' service in the Department cannot hope to reach even the maximum of the new time scale before they retire? If so, will Government be pleased to state whether they intend to consider the case of such senior men in service and to grant to them some larger number of increments at once?

The Honourable Sir Bhupendra Nath Mitra: Part I. Yes.

Part II. This is substantially correct.

Part III. Government do not consider that there is justification for the grant of any special concession. I would in this connection invite the attention of the Honourable Member to the reply given by Sir Basil Blackett to a somewhat similar question asked by Kumar Ganganand Sinha on the 31st August, 1927.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether it is possible, as a special case, in the case of these postmen who have been given increments, not to apply the Fundamental Rules? I understand that, by the application of the Fundamental Rules, people who are to get promotion should begin from the scale at which it starts, but that people who

are newly appointed are given better pay to start with than the men who are promoted and are getting extra allowances. But, perhaps, Sir, I may put down a separate question.

PAY OF CLERICAL AND OTHER CLASSES IN THE POST OFFICE.

550. ***Mr. Jamnadas M. Mehta:** Is it a fact that the pay of the clerical and other classes in the Post Office was fixed on the point to point system in the year 1919 when the Postal Enquiry Committee's recommendations were accepted by Government? Is it also a fact that Government have discontinued fixing the pay on this system, while giving effect to the recent revisions granted to these employees, and that it was fixed under Fundamental Rule 22? Will Government be pleased to state the reasons for this departure and whether the Government of India have no longer the authority of giving effect to revisions sanctioned by them on the point to point system?

The Honourable Sir Bhupendra Nath Mitra: Part I. No. In 1919 the pay was fixed according to the length of service.

Part II. Yes.

Part III. It was considered necessary to follow the ordinary rules which have statutory force and which the Government of India are not in a position to set aside.

† 551.

REPRESENTATION OF THE CHAMBER OF COMMERCE, BIHAR, ON THE CENTRAL ADVISORY BOARD FOR RAILWAYS.

552. ***Mr. Siddheswar Prasad Sinha:** (a) Will Government be pleased to state the names of the Chambers of Commerce that are represented on the Central Advisory Board for Railways?

(b) Are Government aware that there is a Chamber of Commerce in Bihar also and that it has no representation on the Central Advisory Board for Railways?

(c) If so, will Government be pleased to state reasons why the Bihar Chamber of Commerce has not been represented on the aforesaid Board so far?

(d) Do Government propose to take a representative of the Bihar Chamber of Commerce on the Central Advisory Board for Railways at the time of its next reconstitution?

Mr. A. A. L. Parsons: (a) to (d). There is no specific provision in the constitution of the Central Advisory Council for Railways for the representation of Chambers of Commerce. The election of members is made by the Legislative Assembly and the Council of State from among the Members of these Houses, and this is the only avenue through which members of Chambers of Commerce can be elected.

† Withdrawn by the Honourable Member.

UNSTARRED QUESTIONS AND ANSWERS.

PUBLICATION BY THE CIVIL AND MILITARY GAZETTE OF A FALSE RUMOUR IN CONNECTION WITH THE BOMBING ACCIDENT AT JAMRUD.

222. **Mr. O. S. Ranga Iyer:** (a) Has the attention of Government been drawn to the following passage in an editorial published in the *Civil and Military Gazette* of February 2nd, 1929?

"We have already seen how the rumour was bruited abroad that the aeroplanes which dropped a bomb on the Jat Squadron of Poona Horse was in reality on its way to bomb the Shinwaris."

(b) Is not the statement contained in the above observation incorrect?

(c) Have the Government made any enquiries about the bruiting of such a rumour?

(d) Was the rumour bruited about by any newspapers or groups or individuals?

(e) Have they been warned to desist from the circulation of such rumours?

(f) Are any other steps contemplated to prevent the circulation of such rumours? If "yes", what are those steps?

(g) Will Government be pleased to state whether it is a fact that the list of those who were killed or wounded in the Jamrud bomb disaster has not been published?

(h) Will Government be pleased to state why the said list has not been published?

(i) Are Government aware that the withholding of the list has caused much apprehension among their friends and great anxiety among their relations?

(j) Will Government be pleased to state the names of persons killed or wounded in the said disaster?

Mr. G. M. Young: (a) Yes.

(b) The Honourable Member's attention is invited to the statement made on the 11th February in answer to starred questions Nos. 470 and 498. The rumour is entirely incorrect.

(c), (d), (e) and (f). Government have made no inquiries about this rumour nor taken any steps in connection with it. They have no reason to suppose that it has found credence anywhere. In view, however, of the publication of numerous other misleading and alarmist reports, it has been found necessary to impose a measure of censorship of Press messages. Efforts are also being made to ensure the prompt supply of authentic information to the public.

(g) and (j). A complete list of casualties up to date, showing also the progress of the injured, was communicated to the Press on the 11th February.

(h) Does not arise.

(i) The answer is in the negative. The next of kin were informed immediately by telegram and by letter at their homes.

TENDERS FOR ROLLED STEEL JOISTS FOR THE NORTH WESTERN RAILWAY.

223. **Haji Abdoola Haroon:** (a) Are Government aware that tenders were invited by the North Western Railway for rolled steel joists, mild steel sections, etc., required for consumption during 1929-30, to reach the Agent, North Western Railway on 3rd December, 1928?

(b) Are Government aware that prices c. i. f. Karachi were called for?

(c) Are Government aware that subsequently a special letter No. 601-C., dated 20th November, 1928, was issued before the due date, asking that the words "c. i. f. Karachi" be deleted and prices f. o. r. Karachi or any other station quoted?

(d) Are Government aware that, in spite of the above alteration, c. i. f. Karachi quotations were accepted?

(e) Are Government aware that, by thus accepting c. i. f. Karachi prices, the firms at Karachi, who quoted in the correct manner, have lost a large contract, although their prices were comparatively lower?

(f) If the replies to (a) to (e) are in the affirmative, will Government be pleased to state the names of the firms whose offers were accepted and the reason for the action taken by the Railway in accepting c. i. f. prices in spite of the letter cancelling this condition?

(g) If the replies to (a) to (e) above are in the affirmative, will Government be pleased to state whether they propose to re-invite the tenders?

Mr. A. A. L. Parsons: I am making enquiries from the North-Western Railway Administration and will communicate with the Honourable Member on receipt of their reply.

PURCHASE OF STORES FOR THE NORTH WESTERN RAILWAY BY THE CONTROLLER OF STORES, KARACHI, FROM EUROPEAN FIRMS.

224. **Haji Abdoola Haroon:** (a) Are Government aware that the purchase of stores for the North Western Railway is done by one officer, viz., the Controller of Stores?

(b) Are Government aware that, since the appointment of the present incumbent, the invitation of daily tenders for casual requirements from Indian firms in Karachi has been stopped, the only recipient of these being European firms in Karachi and firms at Bombay and Calcutta?

(c) If the reply to (b) is in the affirmative, will Government be pleased to state the reason for stopping the issue of tenders to Indian firms and will any steps be taken to remedy the injustice to Indian firms in Karachi?

Mr. A. A. L. Parsons: I am making enquiries from the North-Western Railway Administration and will communicate with the Honourable Member on receipt of their reply.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Crerar (Leader of the House): Sir, with your permission I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 18th February.

On Monday, the 18th, motions will be moved in connection with the elections to the Railway Central Advisory Council and the Railway Standing Finance Committee. Thereafter, the election to the panel in connection with the Advisory Committee for the Department of Education, Health and Lands will take place. Thereafter, motions will be made, first in respect of excess demands and next in respect of supplementary demands.

On Tuesday, the 19th, the first business will be the election of the Standing Finance Committee. This will be followed by the presentation of the Railway Budget.

Wednesday, the 20th, has been allotted for non-official Bills.

Thursday, the 21st, has been appointed by the Governor General for the General Discussion on the Railway Budget.

On Friday, the 22nd, there will be no sitting of this House.

Saturday, the 23rd, is the first of the days appointed by the Governor General for the voting of Demands for Grants in connection with the Railway Budget. I may take this opportunity of informing Honourable Members that the remaining days appointed by His Excellency the Governor General for the voting of these Demands are Monday, the 25th February, Tuesday, the 26th February and Wednesday the 27th February.

RESOLUTION RE COMPULSORY PHYSICAL TRAINING, ETC., FOR INDIAN BOYS—*contd.*

Mr. President: The House will now resume further discussion of the following Resolution moved by Dr. B. S. Moonje on the 30th January, 1929:

"This Assembly recommends to the Governor General in Council that steps should be taken as early as possible to provide for compulsory physical training, military drill and rifle practice for Indian boys attending schools and colleges between the ages of 16 and 20 years."

Kumar Rananjaya Singh (Fyzabad Division: Non-Muhammadan Rural): Sir, I rise to give my full support to the Resolution of my Honourable friend Dr. Moonje. The purpose of the Resolution has been well explained by the Mover and the Honourable Mr. Aney, and Mr. Jayakar. My Honourable friends have also replied to the objections raised by the Honourable the Education Secretary. I here want to refer to only two points raised by the Honourable the Army Secretary. The first point is as regards the compulsion of the physical training and military drill. He said,—I am quoting his own words:

"It is possible that if a measure of this kind were introduced there might be a wave of enthusiasm at the start which would carry a certain way, but sooner or later I think you would find a spirit of grave discontent fostered among students; and the measure of compulsion would either peter out, or else it would culminate in something in the form of a strike. I may note, a strike of students armed with rifles, bayonets and ammunition."

[Mumar Rananjaya Singh.]

A wonderful deduction, Sir, I, at least, don't find any logic in it. But before going into the argument, may I ask Honourable Members opposite, since when the Government have begun to direct their activities out of the fear of strikes. Government, especially the educational authorities, have very seldom shown any solicitude for the difficulties of the students. How is it that the time, when a wholesome and a highly beneficial proposal for the student community is moved here, the Government have begun to shed crocodile tears over the difficulties and the burdens under which the student community already labours. I want to express before the House, Sir, my firm conviction that the opposition from the Government Benches to this Resolution is not due to any sympathy with the hard burdened student community, nor is it due to any educational considerations. I in fact have a very poor opinion about the present day educationists in India. I don't mean to say all of them, but most of them, led up by the most poisonous system of education that is prevalent in this country, have got their hearts and minds poisoned towards all high aspirations of the nation. This education, instead of broadening, has narrowed down their outlook to a few books and sermons read to them by their white masters and professors. I cannot but feel pity for my Honourable friend with *ahimsa* serving and helping the Government through thick and thin, the Government that is established only by dint of guns, bombs and bayonets. I utterly fail to understand in what way the ideas of *ahimsa* of my Honourable friend the Education Secretary can be reconciled with the ruthless oppression of the Government under which he has the honour to serve. It is very fine to speak of *ahimsa* when a poor Indian young man wants to learn how to handle a rifle or fire a shot from it. I and most of us on this side of the House also believe in *ahimsa* but I submit, Sir, that *ahimsa* does not mean to be not able to defend one's self. We don't want *himsa*, i.e., blood-shed but if *himsa* is necessary to prevent blood shed, I consider it another form of *ahimsa*.

It has been said, Sir, that in a country like India, or a country of the size of India, when you have not adopted or introduced the principle of compulsion for education itself, you cannot proceed to make military training obligatory. I am quoting, Sir, the Honourable the Education Secretary. To me this argument appears to be quite illogical. Does he mean to say by this, Sir, that as education is not compulsory for all in India there cannot be any compulsory subject which all the students going to schools and colleges must read? This is contrary to facts. Everybody here knows that, in spite of the fact that education is not compulsory, there are some subjects that all the students going for education have to study. For instance, for every school-going student, mathematics up to a certain standard is unavoidable. English is a compulsory language to be learnt by all scholars. If they don't study them they have to leave the school or college. Some may say that "Oh! the study of these subjects is essential for the mental development of the scholar". The knowledge of English is a necessity in the modern age. But, Sir, so is the physical training and military drill for building the physique and the character of the student. Is there any educationist who is so wise as to have the obstinacy to say that military drill and physical training will do any harm to the students? I wonder if there is any. On the other hand there is a considerable number of Honourable Members, who considers that this training will be of immense good to the scholars. It will make them

physically fit for the struggle of life and will make them an asset to the nation. After this training, they will be better able to fulfil the obligations of a citizen.

A very funny remark has been made by the Honourable the Army Secretary. He has said that "It came as a shock and a surprise to hear my Honourable friend Mr. Aney say, that the words in the Resolution are not military training but military drill". He has further said that, if the Resolution means only this much, then it is a most unexpectedly innocuous Resolution.

Exactly so, Sir, but what is there to be shocked at in it? Moreover the Honourable Secretary appears to have forgotten his above remarks when he proceeded with his speech. He has stated at a further stage that:

"If we carried out that plan and introduced compulsion in the University of Delhi, the only result would be that we would deplete the University, and the neighbouring University would profit by the measure."

I submit, Sir, how can a harmless thing, as the Army Secretary has stated this to be, so provoke the students as to leave the University at all? What the Members of this side of the House think, is that this physical training, instead of proving repulsive to the students, will be an object of attraction. Certainly the members on this side of the House can claim to understand the mentality of the Indian students and parents better than the Honourable gentlemen on the other side. The case of the University Corps does not apply here. There is no wonder if the Corps have not risen to the desired quota. Those who are in touch with the University Corps know perfectly well that the officers and instructors of the Corps do not form a part of the college staff. They are not under the college authorities. The necessary result is that the officers and instructors do often arrange programmes which clash with the regular studies of the students. How can anybody expect a student to keep absent from the college lectures for the sake of the military training which is not going to be his regular profession?

On the other hand, this Resolution requires that arrangements for physical training and military drill, etc., be made through instructors who should form part of the college staff, under the Principal of the college, or the head of the educational institution concerned. In this arrangement there can never be any clash in the times for different subjects. When it will be guaranteed that no other part of the education will suffer by this, students can possibly have no objection to undergo the training.

At this place, Sir, I would like to refer to a remark of my Honourable friend Revd. Chatterjee. His objection to compulsion, in his own words, is in this way. He has said:

"We have already so much compulsion that is imposed on students to do one thing or another. They have to learn a multitude of subjects."

I ask the Honourable Member, how the students that have joined the University Training Corps can find time to undergo the full military training, while the other students cannot find time for this simple training. Does the Honourable Member mean that the students going to the University Corps are not required to learn a multitude of subjects? If they can do so why can't the others?

[Kumar Rananjaya Singh.]

The Army Secretary has asked, "Who is going to provide the money?" It is not difficult to answer. The Government should provide money. It can be asked from where? The plain reply to this, Sir, is, by cutting down the fat salaries and allowances of the military officers. The Government has not grown pauper, to put this silly consideration in the way of such an important motion. If the Government do not find its way to accept it on account of the financial aspect of the proposal, let this proposal be accepted and a committee, with the majority consisting of Elected Members of this House be framed to go through the financial aspect of the proposal and to propose methods to find money for the scheme. If the Government is sincere and the question of money is really an obstacle in the way of accepting this Resolution, here is a proposal that will solve the problem. But sincerity in matters of public utility is considered a weakness by the Bureaucracy.

I submit, Sir, that the Honourable the Mover of this Resolution has done a great service to the country by bringing the question of physical training, etc., before the public eye. If the Government is not going to accept even this simple thing, then it will have to thank itself for the discontent among the youth of the country that is spreading with very fast speed.

With these words, Sir, I support the Resolution.

Colonel J. D. Crawford (Bengal: European): Sir I rise to move the amendment that stands in my name:

"That for the original Resolution the following be substituted:

"This Assembly recommends to the Governor General in Council that with a view to remove the defects in the character training of Indian youths as emphasised by the Skeen Committee, steps should be taken as early as possible to provide compulsory physical training, games, and drill, for Indian boys attending schools and colleges between the ages of 12 and 20, and to provide and encourage the use of miniature rifle ranges."

When I first saw Dr. Moonje's Resolution on the Notice Paper, I was at some loss to understand what was the object he was aiming at. On the face of it that Resolution was a plea for a measure of compulsory military training. Now, Sir, I hold that compulsory military training is for one purpose and one purpose only, and that is for the defence of the country. That is the fundamental reason for which any country adopts compulsory military training. It is for the purpose of maintaining an army for defence. In India I think Dr. Moonje, who has made a very considerable study of military matters, will agree with me that no such heroic method is necessary for our defence, nor would it, I think, be particularly suitable. For instance, on the North West Frontier, we have not the terrain on which we could employ vast masses of troops. What we require for the defence of the North West Frontier is undoubtedly a small and highly expert army, and we would possibly be doing no good in having a large body of men partially trained, ill equipped and improperly led. Apart from that, there are in complying with his original Resolution the difficulties of finance. For instance, to find money to arm 350,000 boys and to provide for the custody of those arms would present really very serious financial difficulties. I came therefore to the conclusion that Dr. Moonje's object was not that of compulsory military training for the purpose of defence, and I assumed

that his real aim was manly citizenship. Since the debate on his Resolution, he himself, Mr. Jayakar and Mr. Aney, have made it perfectly clear that the aim and object of this Resolution is this one purpose of manly citizenship, of the building up of our boys into men. With that Resolution, with that object, I and my Group are in entire sympathy and we will join hands with Dr. Moonje in doing all that we can to force that objective on the Government.

It is perfectly true that our youths, as trained to-day and as turned out from our schools and colleges, are defective in character. The Skeen Committee was perfectly correct in emphasizing that point. And they are not the only critics of the Indian educational system in that manner. My own Association, in front of the Hartog Committee, emphasized exactly the same point as the Skeen Committee, and as Dr. Moonje has done in this House with good effect.

Now, Sir, what are the facts? I have discussed this question with many educational authorities in this country. I have here with me a letter which I have received from one. He says:

"The facts of the present position are these. In spite of the undoubted increase in athletic activities during the last 10 years, large numbers of students in schools and colleges still play no field games. In many schools 'drill' is compulsory, but it is often a formal old fashioned affair"

—I may add here that my Honourable friend, Mr. Chatterjee, in criticising the physical training which goes on in the schools in Delhi, exposed my Honourable friend, Mr. Bajpai's statement that he is doing a lot, by saying that it is all a farce—

"but it is often a formal old fashioned affair which has no connection with manly field games, which not only develop the body, but also train the boy and the young man in corporate effort, the spirit of give and take, friendly rivalry, self-reliance, leadership, etc., and other qualities which make 'men' and good citizens."

The newer Universities which conform to the unitary type, such as Dacca and Rangoon, naturally have organised 'university' games, but after nearly half a century of existence, the older universities do not appear to have any games and athletics—organised by the university as such, (although the individual colleges have their own organisations). For example, no one ever hears of 'University' teams from Madras, Bombay or Calcutta competing with each other. In my experience of the last 16 years, I know of only one such contest—that in which the Bombay University played against the Madras University at Cricket in 1913. Even in the case of a comparatively cheap game like tennis (cheap for purposes of travel) the universities of Madras, Bombay and Calcutta never have inter-university matches. The University authorities do not appear to think that the corporate life of the students is their concern. The Madras University, for example, although there are 10 colleges for men in the Presidency town, has not yet a University Games Association for any game; there is no University Boat Club and not even a University Union. Rangoon is the only University with a Boat Club and only two colleges in all India have rowing clubs.

University authorities have concentrated far too much on the production of graduates fitted mainly for clerical appointments"

—A point made by the last speaker—

"India wants manly, self-reliant citizens, with powers of discipline, initiative, sound judgment, tolerance, etc., and the best way to obtain them, is to pay more attention to the extra-class room activities of the students in schools and colleges."

That is the opinion of a man who has had considerable experience of educational matters in India. Now, Sir, what is the attitude of Government towards the Resolution as moved by Dr. Moonje. I think it is quite easy for them to arrive at the conclusion that the object of Dr. Moonje was so to

[Colonel J. D. Crawford.]

improve the training of our boys in India that they should be turned out as men. I admit that Mr. Mackworth Young, when speaking on the Resolution, showed real sympathy with the objects of Dr. Moonje's Resolution, though he found certain difficulties in the way of accepting that Resolution as worded. I know, as a matter of fact, that if Dr. Moonje would visit the colleges run by the Army authorities, he would be immensely pleased at the manly spirit that is maintained in those colleges. I only trust that they will not fall into the hands of the educational authorities. Now, what was the attitude of my friend Mr. Bajpai, who is responsible in this House for Education? He started off by saying that he was actuated by a spirit of *ahimsa* and that he was averse to preparations for slaying. I submit, if that is the attitude of the Government of India in the Department of Education, the quicker the Secretary of that Department is brought into contact with preparations for slaying the better. We can never build up men entirely on a spirit of *ahimsa*. Mr. Bajpai finds tremendous difficulties in the way of accepting Dr. Moonje's Resolution. He pointed out constitutional and other objections which he could not get over. I would suggest to him that his argument regarding the constitutional objections is not a very good one. I believe the Governor General in Council has powers of superintendence, direction and control. Even if he cannot compel Local Governments, he can bring pressure and influence to bear upon them, and I would be satisfied if my Honourable friend Mr. Bajpai would say "We will use the whole of our influence with Local Governments to get a change in our educational system". This is a matter of national importance and national interest and we cannot hope to advance unless we can turn out boys capable of shouldering the burdens of self-government and defence properly.

Now, Sir, what does my amendment suggest? I start off with the object which we have all in view—to remove the defects in the character-training of Indian youths, as emphasized by the Skeen Committee—and then I go on to suggest certain steps which I believe, and I hope Dr. Moonje agrees with me, are conducive to that result, that is compulsory physical training, games and drill. I may say, regarding the question of compulsion, I had some difficulty with my own Group. As a soldier, I naturally would prefer methods of compulsion like my fire-eating friend Dr. Moonje. My Group have a different point of view. They do not like compulsion. Their argument is, and it is undoubtedly a sound argument, that compulsion may spread a spirit of discontent with the very object which we are trying to attain. I agree with that but we have all gone through some measure of compulsion. I had to run myself till there was not a breath left in my body and I am quite certain that that is all to the good. But apart from that, there are definite methods whereby we in England consider that we have obtained certain qualities. It is the essence of compulsory games at public schools which has given the public school man anything of value which he has got. We are called flannel fools and, although educationally we may not be so high up as others, I think no Member here will contend that they are lacking in any way in the way of manly spirit. That is due to the great attention paid in English schools to compulsory games.

Diwan Chaman Lal (West Punjab: Non-Muhammadan): Compulsory?

Colonel J. D. Crawford: Yes, unless you get a medical certificate that you are not allowed to play.

Diwan Chaman Lal: The Honourable Member has mentioned colleges in his amendment. I want to ask him whether it is a fact that there is compulsory training at Oxford or at Cambridge.

Colonel J. D. Crawford: I was not at Oxford or Cambridge. I imagine there is no measure of compulsion there, as it is a later stage in life. I think most students in public schools have compulsion.

An Honourable Member: Compulsory games in public schools?

Colonel J. D. Crawford: Practically compulsory games. Now, Sir, the original Resolution laid down the ages of 16 to 20. I myself do not consider that that is early enough to start. I believe one must start at the age of 12, when an English boy goes to the public school. There is another point. Even if we persuade Government to take some action, that is not in itself sufficient. The universities and schools which are outside Government control have got to be interested, and I may say, possibly, forced to some extent to look upon this extra-class room work as one of vital importance. I think that those schools and colleges to which Local Governments give grants-in-aid could undoubtedly have pressure brought to bear upon them. Also the parent has got to play his part. I might add that, in the battalion in which I served during the war, there was a very excellent Indian officer of the Indian Medical Service, one who was exceedingly popular with all his brother officers, who was extraordinarily efficient and also courageous and one who won the military cross. I discovered only four or five days ago that he is the son of a Member of this House who has recently rejoined us, my friend Lala Hans Raj. He told me "Well, I was surprised that my son got the military cross because he did not show much courage in his youth when I used to beat him". The process of beating applied by my friend Lala Hans Raj did have the very effect which I and Dr. Moonje want to get. If boys get a little more of that from parents, I think we would be able to build up our boys.

Now, Sir, Dr. Moonje planned a campaign to assault the Government position in this matter and he has delivered his first assault and met with a repulse, though I admit not very severe. His plan of campaign has however not actually gone through. Now, Government has exposed to some extent the weakness of its defences, and I think, with a certain amount of collaboration with Dr. Moonje, we might start a fresh plan of campaign which would be likely to pierce the defences of Government, and I would ask him and those who supported him whether they will not for once join forces with me and my Group in a final assault on the Government position. I believe Dr. Moonje has really done a valuable service in bringing forward this particular Resolution. If we are to go forward to self-government, it is entirely necessary that the foundation upon which we build should be good and sound, and it is by Resolutions of this nature that one can endeavour to build up a manly spirit amongst our youth. Sir, I move my amendment.

Sardar Gulab Singh (West Punjab: Sikh): In supporting the Resolution, Sir, I find that all the four principal objections raised so far by the Honourable Mr. Bajpai, Education Secretary, have been so satisfactorily

[Mr. M. K. Acharya.]

rifle ranges and encouraging their use among boys. My Honourable friend Mr. Bajpai stated that Government had tried to encourage the military spirit among students, and he gave instances in which the students did not take advantage of the opportunity afforded to them. We want really effective means to be taken as much as possible to put this desire into the minds of the boys and students intensively. We have, however, been told that rifles would involve a lot of expense, and that the use of rifles would be a very serious thing to allow students. I thought that what was meant by Dr. Moonje's Resolution was that the military spirit should be encouraged among boys, not that every boy between the ages of 16 and 20 should be provided with a rifle, for which two hundred and fifty thousand rifles would be required. I don't think that that was what was intended. It will be that we are only setting down the general lines upon which the training ought to be given. It is open to the authorities, rather it is the duty of the authorities, to lay down the various kinds of exercises for a boy. Probably a boy of 16 years, to start with, may not handle big rifles. I must honestly confess that I have never handled a rifle myself in all my life. (Laughter.) Therefore it is not for me to say which kind of rifle is suitable to a boy of 16. I think it is the duty of officers and others, who will be in charge of the whole matter, to say what kind of drill should be given to a young boy of 16, or what kind of rifle should be handled by a little boy. Gradually, when the boy grows up from 16 to 20, he may handle bigger rifles. I take it for granted that there are several grades of rifles, some small rising in various degrees to very big rifles, some doing little harm, rising to those which are deadly in their effect. Perhaps all these are matters of detail, and it would be for the authorities, whether on the educational side or the military side, to settle the details among themselves. The general principle will be that, for all boys from the ages of 16 to 20, for all boys attending schools and colleges, there will be compulsory physical training, whatever form that training may take. The school and the college authorities will decide the form of training that should be given to the boys. Further, for all boys between the ages of 16 and 20, there will be this military drill and rifle shooting. Whatever be the kind of rifle, whether German, Italian, Belgian or Swedish which the great votary may be able to bring before the educational authorities, or whatever form the drill may take, it will have the effect of inculcating a manly character among the boys. In the wording of my amendment, I have in fact tried, as far as possible, to meet the arguments of either side. Lastly, very great objection was taken—I am glad to see the Education Secretary and the Army Secretary sitting together—very great objection was taken to compulsion and it was said that if the drills should take the form of compulsion or conscription, very woeful results would befall the boys. They were afraid that disastrous consequences would follow by applying the theory of compulsion or conscription. In my amendment, I have made sufficient safeguard for the boy between 16 and 20, who, for good and sufficient reasons, does not want, or who has not the ambition, at any time of his life, to take part in the defence of his country. In that case, I will ask the school or the college authorities to exempt that boy. Even if the boys who seek such exemption be 50 per cent., the other 50 per cent. of the boys can be given military drill and rifle shooting practice. My own idea is that we should not carry the idea of compulsion to the extreme limit of saying that every

boy between 16 and 20 should attend military drill. If the boys are willing and if they have got the spirit and the desire, I should like to give every possible encouragement to them. That is what Dr. Moonje wants and that is what Colonel Crawford also seeks to support by his amendment, and what I hope even the Army Secretary and the Education Secretary would be for. Provide military drill and rifle shooting for as many boys as possible, except those who may, for good and sufficient reasons, be exempted from the same by the school or college authorities concerned. In this amendment I have tried to meet what I thought to be the objections on the one side and the contentions on the other.

One word more and I have done. The object of the Resolution is to introduce a new spirit or a new ideal in our educational system. Dr. Moonje has very rightly quoted what the ideal is in England. This is what he said on the last occasion:

“In England the educational system has been definitely adapted, in part at any rate, to the production of efficient leaders of men.”

What is the ideal of the educational system in India? I do not want to be hard upon the system. We are all the products of that system. At the same time, speaking from my own humble experience—I had something to do with boys' education for over twenty years—speaking from my own experience, what is the ideal of education? I shall not go into the Genesis or other parts of the Old Testament. It is an undeniable fact that the educational system in this country has not been so developed, and to this day it continues to be a system which aims at producing not men but machines. It aims at producing not men who become leaders of men, but men who will become subservient tools in the hands of others. That is our greatest complaint against the present system of education. Education has been not only not godly, but not manly. It has tended to produce a lot of quill drivers, submissive quill drivers; but in spite of this system of education, not through its help, we have been able to produce some people at least who have been able to proceed for higher education. Therefore the whole object of the Resolution is to put in a new spirit and a new ideal into our educational system, and surely the most bigoted constitutionalist of the Government of India must not back out by saying that it has no business to interfere in the domain of Provincial Governments. It is not only the privilege, but it is the duty, of the Government of India to change the general policy and ideals of the educational system and to tell the Provincial Governments that, on these and other new lines, which will be adapted to the ideals of the rising generation, the education system ought to be changed. Therefore, I hope that, in the light of the humble explanation I have been able to offer to the House, they will find that my amendment tries to meet, as far as possible, the ideal of Dr. Moonje and also tries to meet the practical objections on this side of the House, and at the same time wants the Government of India definitely to pledge themselves to a policy and programme of education which will enable the boys to realise some of their ambitions in life. It has already been pointed out that the youth of the country are impatient. The Government of India are on their trial now. They may treat the older men lightly, but they cannot treat lightly the rising aspiration of the youth of the country, who are very anxious that they should bear their own part in the future development of the

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motherland. If the Government dare deny the youth of the country full opportunities for development to their highest stature of manhood, well, the Government will have their day to reckon in a very short time. It is that spirit that animates all of us in putting forward this amendment and, I ask all those who are really interested in the youth of the country on the one hand, and in the very stable foundations of the Government on the other, to support this amendment.

Dr. B. S. Moonje (Nagpur Division: Non-Muhammadian): Sir, I am thankful to my Honourable friend Colonel Crawford for the constructive suggestions that he has given to us, (Hear, hear.) and I shall deal with them in my own way later on. I was really amused at the remarks of my Honourable friend Mr. Bajpai, the Education Secretary. He says that he is a devotee of *ahimsa*. He may be personally by temperament devoted to *ahimsa*, but the training that he has received, the service that he represents, the traditions of the service that he is serving in, the caste in which he is born, all these are against the traditions of *ahimsa*.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadian): He is a Brahman.

Dr. B. S. Moonje: He represents in this House the Indian Civil Service. What is the tradition of the Indian Civil Service? An English boy takes a pen in his hand, goes to the school and college, passes his Indian Civil Service examination and comes out as an administrator in India. But when a war is declared, immediately he leaves his pen on the desk, takes a rifle and goes to the field to fight for his country. After the war is won, he comes back to India again and serves as an administrator, and after serving his full term of service, goes back home, finds that his pension is not sufficient for him; then comes back to India as a merchant and trader and makes money. That is, both the Brahmin and the Kshatriya and also the Vaishya is evolved in him. That is the tradition of the Indian Civil Service, the heaven-born service of which my Honourable friend the Education Secretary is a highly placed Member. The wielding of both the pen and the sword with equal facility, that is the tradition of the service to which he belongs. As for the tradition of his caste, he may perhaps remember better if I remind him of a poem that we used to sing in our childhood. That is:

*Bolo Ram dhanukdharee,
Pakad chutaiyya dai maree.*

("In the name of Ram, the wielder of bow and arrow, let us seize him by the hair of his head and throw him down on the ground").

That is the tradition of the caste in which he is born.

Honourable Members: Translate.

Mr. B. S. Moonje: The tradition of his caste is: "Catch hold of the tuft of the man and bring him down". That is the tradition of his caste, and if he wants to know his *dharma shastra*, I shall tell him:

*Agrash chaturō Vedah prishatatah sasharam dhanuh
Idam brahmam idam kshatram shapadapi shapadapi.*

That is the rule of our *dharma shastra*.

Honourable Members: Translate.

Dr. B. S. Moonje:

"The ideal of our education is that the boy should have access to all the knowledge that the world has produced, but at the same time he must be prepared to meet his opponent if he wants to meet him in arms. He must tell him that he has also had his training in arms."

That is the ideal of education that was, since hundreds of thousands of years ago, in practice in this country and is, to-day, in practice in the Homeland of the Englishmen, in the service of whose Government my Honourable friend is a valued Member. But I did not take him seriously when he talked about *ahimsa*. I understood him in a different sense. I was reminded of an advertisement in the papers—he heard "his master's voice". (Loud and continued laughter.)

Well, Sir, before dealing with the other objections raised by him, I should like to deal with the misunderstandings that have cropped up about the meaning, the scope and the motive of my Resolution. Let it be clearly understood that it was never my intention that every boy should have a rifle and go about with the rifle back to his home and keep it in his private possession. That was not my idea. He will only have the rifle at the time of the practice and when under the charge of the trainer; at other times the rifle will be kept in safe custody. So, on that point, let there be no misunderstanding. The second point was that eight crores of rupees worth of rifles would be required. Eight crores—yes, it is a big sum, there is no question about the impracticability of my Resolution. That is what my Honourable friend means to convey.

Honourable Members: Eight crores or millions?

Dr. B. S. Moonje: Eight crores, for the cost of the rifles, he says, will be required. That was the estimate of my Honourable friend Mr. Bajpai. I have made my own calculations, and I am going to tell him it is nothing of the kind. I have made my calculations for a thousand boys, and then we can make calculations for 3,80,000 boys. This is the number of boys, he says, there are between the ages of 16 and 20. We may take the thousand boys in batches of 25; that comes to 40 batches. We may have one trainer to work two hours in the morning from 7 to 9 and two hours in the evening from 4 to 6 that is, four hours a day. For two such trainers, on a monthly salary of Rs. 100 each, the total comes yearly to Rs. 2,400. Each batch of 25 boys receives training in rifle practice for one hour once a week. One trainer can thus train 100 boys daily, and two trainers can train 200 boys daily. Taking into account all holidays throughout the year, we may calculate five working days in a week at an average. Thus, 1,000 boys can receive training in rifle practice in one week at the hands of two trainers. Thus also, only 50 rifles will suffice for the training of 1,000 boys. Therefore, 15,000 rifles for three lakhs of boys at the rate of say Rs. 100 per rifle will cost only Rs. 15,00,000. But, Sir, you must also understand that when you go in for big purchases, the price is generally very much less. The present market price may be Rs. 100 per rifle; and if, on account of making big purchases, the price is one-fourth less or half less, the total price for 15,000 rifles for three lakhs of boys will be say Rs. 6 lakhs or Rs. 8 lakhs or Rs. 10 lakhs at the most. Do you think that India, with a population of 30 crores of people with the revenue which

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we are giving, cannot afford Rs. 10 lakhs or Rs. 8 lakhs for the training of her sons, who will, of course, be of use to you when an emergency comes? You may say no, but I cannot understand that attitude. That the Government cannot, when the time comes, spare Rs. 8 or Rs. 10 lakhs, I cannot understand. Now, I shall calculate what will be the charge per student for the training.

If each boy—let us suppose—were to fire 25 cartridges in one hour's training once a week, he will fire about 1,200 cartridges in a year. The market retail price of 22 cartridges is Rs. 2 per 100; each boy will thus require ammunition of Rs. 24 per year. For three lakhs of boys, the yearly cost of the ammunition will therefore be Rs. 72 lakhs; but again when large quantities of ammunition have to be purchased, we may expect a reduction in the rate of retail price by say one-fourth, if not, by half. Thus, roughly, Rs. 50 lakhs may be the yearly cost of the ammunition required. And if you desire to reduce the number of cartridges to be fired by half, the cost also will be reduced by half; that is, it will come to Rs. 25 lakhs only. Is that a large sum for India?

Colonel J. D. Crawford: What about the rifle ranges, the purchase of lands, the provision for safe custody of cartridges, etc.?

Dr. B. S. Moonje: About the rifle ranges also, I have made my own calculations. I thought my calculations would not perhaps be acceptable to the Government, and it was for that reason that I asked questions as to the cost of the rifle ranges, the provisions made for custody for the Territorials and the Auxiliary Force, etc.; but unfortunately the Army Secretary could not supply all the information at that time, and therefore on the question of the cost of the custody, and of the rifle ranges, I am not in a position to give details. I am sure, however, they will not cost much.

Colonel J. D. Crawford: That is the reason why I suggested miniature rifle ranges.

Dr. B. S. Moonje: Yes; boys between the ages of 12 and 16 cannot be expected to handle big rifles. Therefore, when I said "rifles", one could have understood that I meant miniature rifles for boys below 16. You can certainly think of ordinary rifles for boys between 16 and 20, and the ordinary rifles do not cost more than Rs. 200 each in the market.

Colonel J. D. Crawford: The miniature rifle is the more suited for training, and it is more or less the same as the ordinary one, except for the Morris tube, and the cost will be less.

Dr. B. S. Moonje: I have got a miniature rifle for my grandson and therefore I say the retail price of the miniature rifle will be Rs. 100; and at that rate there will be a further reduction in my estimate.

My Honourable friend Mr. Bajpai has said that I have singled out a section of the population, meaning thereby that I have been hard upon a section of the population. I have been unfair to them; but does he know what experts have to say on that point? Experts say in support of my proposal for the selection of boys:

"Education for the purpose of spreading military training and the inspiration of military service among the manhood of India should commence in schools."

The Shea Committee Report itself says that the commencement should be made in schools

Mr. President: I may remind the Honourable Member that he has got two minutes more.

Dr. B. S. Moonje: I have much that I have to say, Sir. Because it is a subject which requires a little elucidation, I thought a little more time would be given to me; but if I can have only two minutes more, I have nothing more to say, Sir, and I have finished.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): I fear, Sir, that the word *ahimsa* which I used the other day has caused a good deal of offence to many of the Honourable Members opposite. And as I heard the criticism, the intense, disdainful criticism of *ahimsa* that flowed in full round sentences from the other side, I was reminded of a phrase in scripture—I think I had better use it with an emendation, "How quickly doth political opportunism corrupt our early faith!" Was not *ahimsa* an important political doctrine until very recently? In any case, Sir, what I said the other day in regard to *ahimsa* was personal to myself. I did not wish, for example, to suggest that the martial ardour of my Honourable friends opposite should be subdued to the tenets and the methods of *ahimsa*. My Honourable friend Colonel Crawford also took me to task for using the word *ahimsa* and for being a devotee of *ahimsa*, and proceeded to suggest that the sooner the educational system of the country was brought into line with his own particular and peculiar ideas of martial training, the better it would be for the world at large. Well, Sir, a soldier I assume is always a soldier, and in his soldierly zeal is apt to forget that the business of the educationist is to educate and not to prepare people for slaying.

Colonel J. D. Crawford: May I suggest that education has something to do with the body as well as with the brain?

Mr. G. S. Bajpai: I do not for a moment dispute that education has something to do with the body and it has also something to do with the mind. A healthy body makes a healthy mind, and I did not, in the remarks which I made the other day, say anything to contest the truth of that statement. I was merely trying on that occasion to explain the constitutional difficulties which stood in the way and also the educational difficulties. Now, Sir, I think it might be permitted—because of this coruscation of martial ardour which has been going on in this House since this morning—it might be permitted even to a man of *ahimsa* like myself, in a wholly sportive spirit to say something about one or two remarks which fell the other day from Honourable Members opposite. Particularly, Sir, I would refer to the somewhat sweeping indictment of the educational system of this country which fell from my friend Mr. Jayakar. He quoted the authority of one Mr. Thackeray who gave evidence before a Select Committee of Parliament in support of the contention that the ideals of education, or anyhow the ideals of Government's educational policy, still aim at the production of husbandmen and not at the production of legislators, of statesmen and of generals. Well, Sir, I do not for a moment claim that the educational system of this country is perfect, but, whoever has listened to the oratory of Mr. Jayakar himself and witnessed his various legislative efforts inside and outside this House, would rather hesitate to

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accept the criticism of the educational system of this country which makes out that it is completely sterile of statesmanship or of political and legislative talent. In fact, Sir, a system of education which can produce men like Mr. Jayakar and Pandit Madan Mohan Malaviya has nothing to be ashamed of.

Now, Sir, I have to address myself to the Resolution of Dr. Moonje and to the amendment moved by Colonel Crawford. It was not quite clear from what Dr. Moonje said whether he was prepared to accept the amendment of Colonel Crawford or whether he adhered to his original Resolution.

Dr. B. S. Moonje: I am prepared to accept Colonel Crawford's amendment.

Mr. G. S. Bajpai: I am very glad to hear that, Sir. I wish now to explain the position of Government both in regard to the original Resolution and in regard to the amendment. The amendment has much in common with the original Resolution. In so far as physical training goes, in so far as drill goes, in so far as military drill goes, the amendment of Colonel Crawford is in strict conformity with the Resolution of Dr. Moonje. Colonel Crawford has added to the Resolution 'games', and he has also extended the age limits within which the principle of compulsion shall be applied for the purpose of physical training and for the purpose of games. I think, Sir, that it would be as well if I were to make it absolutely clear that, so far as Local Governments are concerned, the position of the Government of India is to-day what it was the other day when I addressed the House, namely, that the constitutional position in regard to education is such that we cannot direct Local Governments to adopt either compulsory physical drill or compulsory physical training or compulsory games into their educational system, but it is open to the Government of India to impress upon Local Governments the desirability of considering these suggestions of my Honourable friend Colonel Crawford and the Honourable and gallant Doctor opposite. That we are prepared to do.

Now, Sir, it seems to me that my Honourable friend Mr. Aney would be at once upon me if I tried this way to dispose of the responsibility of the Government of India in regard to their own directly administered areas. He made a point of the directly administered areas, and it seems only right and proper that I should state the attitude of Government in regard to the directly administered areas. Well, Sir, as regards directly administered areas, undoubtedly the responsibility for educational administration and policy is ours, and on behalf of Government I am prepared to accept the principle that physical training and drill and games should be made compulsory in the institutions for which they are responsible. Of course my Honourable friends must realise that the principle of compulsion, even though it is accepted, may take some time to apply, for the simple reason that you have to make financial provision, you have to provide trainers, you have—where there are aided schools or private schools under your control—you have to endeavour to carry them with you, and that, as I said, is a process which requires time and therefore Honourable members must understand that my acceptance of the principle does not involve the immediate introduction of compulsory physical training. (Laughter.) But there is no need why my Honourable friends should laugh in that sceptical fashion. I wish to reiterate or reinforce what I

have already said by the statement that we shall endeavour, in so far as in us lies, to make practice follow close upon the heels of our acceptance of the principle.

Dr. B. S. Moonje: What about rifle practice in schools under your control?

Mr. G. S. Bajpai: If my Honourable friend would only let me complete what I have to say I think he will have no occasion to be dissatisfied. Now, Sir, I come to rifle practice. Colonel Moonje's Marshal Moonje's or Dr. Moonje's—it is difficult to choose the particular title which should apply to my Honourable friend in the military hierarchy, because he is at once a Carnot and a Roon and a Wellesley—original Resolution in respect of rifle practice I certainly understood to mean that as many rifles should be provided for rifle practice as there may be boys between the ages of 16 and 20. In fact the other day I was twitted with being a man who, treading as he did along the paths of *ahimsa*, was totally ignorant of the exact scope and significance of military training; but I think my gallant friend who perhaps shares this misconception with me, though not the principle of *ahimsa*, stated just now in the course of his speech, that on the face of it he understood the Resolution to be a plea for compulsory military training. I confess I was definitely under the impression that what my Honourable friend opposite wanted was that we should provide as many rifles as there were boys between 15 and 20 in schools. He has cleared up that misconception now. Mr. Aney cleared it up and Mr. Jayakar cleared it up, and I understand their position is exactly the same as the position of Colonel Crawford, namely, that we should provide facilities for what is comprehended in the phrase miniature rifle ranges. That is to say, we should have a range, we should have instructors, and we should have rifles for practising there. Further I find that the Doctor has resiled from his original position to the extent that he does not want this practice to be made obligatory, but that he would be satisfied with the voluntary principle in regard to this particular form of training. As regards that again I would say that we accept the principle. It is not, of course, possible for us just now to say what the attitude of the local administrations in regard to this would be. I am sure the House will recognise the essential reasonableness of our trying to carry with us in this matter the Local Administrations; but having accepted the principle, it would obviously be the duty of the Government of India, in consultation with these Local Administrations to devise ways and means of carrying out its acceptance also.

To sum up, Sir, and to make the position absolutely clear, so that there shall be no doubt in the mind of anybody as to what Government accept: For the provinces it is not competent to us to accept either the original resolution or the amendment, but we do agree to forward the amendment; together with copies of the debate to Local Governments to ask them if, on considering the suggestion they come to the conclusion that it is something which they can accept, to introduce the principle, and further to submit to us reports from time to time to show what action they are taking. Then, as regards the directly administered areas, as I have said, we accept the principle of compulsory physical training; we accept the principle of compulsory drill; we accept the principle of compulsory games. As our resources permit and as schemes are worked out, and as far as our finances go, we hope to be able to introduce them in the

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schools in the areas for which we are responsible. As regards miniature rifle ranges again, our attitude is that in consultation with the heads of minor Administrations we shall do what we can—again as I have said subject to our financial resources—to give effect to this proposal.

Well, Sir, I have finished all that I had to say. But to return again to that principle of *ahimsa*, perhaps the House would now be glad that I am a man of *ahimsa* or a man of peace, in that I have met them in a spirit of compromise and not in a spirit of contumacy which, if I had not been a man of *ahimsa*, might have been displayed towards this Resolution.

Mr. M. K. Acharya: In view of what has happened, Sir, and since Colonel Crawford has moved his amendment, if you will permit me, I will withdraw my amendment.

Mr. President: What does the Honourable Member want?

Mr. M. K. Acharya: Permission, Sir, to withdraw my amendment also in favour of Colonel Crawford's.

Mr. President: The question is that leave be given to Mr. Acharya to withdraw his amendment.

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

Mr. President: The original Resolution was:

"This Assembly recommends to the Governor General in Council that steps should be taken as early as possible to provide for compulsory physical training, military drill and rifle practice for Indian boys attending schools and colleges between the ages of 16 and 20 years."

Since which the following amendment has been moved:

"That for the original Resolution the following be substituted:

"This Assembly recommends to the Governor General in Council that with a view to remove the defects in the character training of Indian youths as emphasised by the Skeen Committee, steps should be taken as early as possible to provide compulsory physical training, games, and drill, for Indian boys attending schools and colleges between the ages of 12 and 20, and to provide and encourage the use of miniature rifle ranges."

The question is that the amendment be made.

The motion was adopted.

Mr. President: I understand Mr. Jogiah does not wish to move his Resolution:

("That the contiguous Telegu-speaking areas in the Madras Presidency be constituted into a separate province for all legislative, administrative and judicial purposes").

Mr. V. V. Jogiah (Ganjatm cum Vizagapatam: Non-Muhammadian Rural): No, Sir.

RESOLUTION RE CIRCUMSTANCES OF LALA LAJPAT RAI'S DEATH.

Pandit Dwarka Prasad Misra (Central Provinces: Hindi Divisions: Non-Muhammadian): Sir, I beg to move the Resolution that stands in my name. It runs as follows:

"This Assembly recommends to the Governor General in Council that he may be pleased to convey a message from this Assembly to the Secretary of State for India, and through him to His Majesty's Government that this House strongly resents the

insulting reply of Earl Winterton, the Under Secretary of State for India, given on 26th November, 1928, to questions from the members of the Labour Party regarding the circumstances of Lala Lajpat Rai's death and that this House believes that the death of Lala Lajpat Rai was accelerated by the injury he received at the hands of the police while leading a boycott procession on the arrival of the Simon Commission at Lahore, and is of opinion that the enquiry conducted by the Boyd Committee was unreal and instituted deliberately to justify and whitewash the crimes committed by the police."

Sir, it is now three months since Lala Lajpat Rai breathed his last at Lahore under circumstances that have aroused the deepest feelings of indignation throughout the length and breadth of this country. Hundreds of public meetings attended by thousands of people have been held all over the country to mourn his loss and to condemn the Government of the Punjab and the Government of India for having justified the virtual murder of their revered leader by the police officials of Lahore. Sir, we the members of this House will be failing in our duty, both as the colleagues of our late lamented leader and as representatives of the people of this country if we did not join our voice of protest to the voice of protest that has been raised by the nation outside this Legislature.

I should believe, and as a matter of fact I do believe, that my Honourable friend the Home Member was not indulging in the art of polite falsity when the other day he paid a glowing tribute to the late Lala Lajpat Rai. He spoke of the intense and active solicitude of Lala Lajpat Rai for the suffering, for the poor and for the weak. I am sure, Sir, this House fully appreciated my Honourable friend when he said that this House would long be sensible of the vacancy caused by Lala Lajpat Rai's death. But, Sir, it is our misfortune, the misfortune of the Indian Members of this House, that we would long be sensible, not only of the vacancy caused by Lalaji's death, but also of the circumstances under which he met his end, as also of the solicitude, active and intense, of the Government of India to shield their police officials at Lahore, who murdered Lala Lajpat Rai.

Speaking on the same day, my Honourable friend, Pandit Madan Mohan Malaviya, regretted that Lala Lajpat Rai died before the Government of India and the Government of the Punjab had had an opportunity of apologising to him. With the respect that is due to the Honourable Pandit, I beg to ask him, what led him to think that, had Lala Lajpat Rai lived longer, the Government of the Punjab or the Government of India would have apologised to him? So far as I am aware, the facts are just the opposite. From the reply of Earl Winterton, the Under Secretary of State for India, given in the House of Commons, to a question from Colonel Wedgewood, that life-long friend of Lala Lajpat Rai, it is quite clear that the Government would not only, not have apologised to him, but that they would have justified their action even if the police officials of Lahore would have murdered Lalaji on the spot. Sir, this is what happened in the House of Commons. Colonel Wedgewood asked if the Punjab Government had expressed regret to Lala Lajpat Rai's family owing to his death being possibly caused by blows. Earl Winterton said that no Government, when it was found necessary to use force, were justified in apologising to anybody and no evidence was forthcoming to show that the death was due to the action of the police. The latter used no more force than to restrain the crowd from breaking the barricades and possibly assaulting the Simon Commission. Sir, this reply means,

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if it means anything at all, that, but for an attack on Lala Lajpat Rai, the people would have crossed the barricades and assaulted the Simon Commissioners. I would like to know, if this can mean anything else. Now, Sir, this is the police story, the story concocted by the police, eagerly swallowed by the Punjab Government and the Government of India, and accepted as gospel truth by Earl Winterton. But whatever these august bodies, the Punjab Government, the Government of India and the Under Secretary of State might think or do, millions of people in this country believe that Lala Lajpat Rai was assaulted by the Punjab police gratuitously, and that he died of the wounds thus caused. Even outside India, people who take an intelligent interest in our affairs, believe that Lala Lajpat Rai died on account of the wounds that were caused to him by the police. Only two or three days ago we read in an English paper extracts from an article published in the *New York Herald Tribune*, in which occurred the following sentence:

"Lala Lajpat Rai . . . died on November 17 as a result of wounds received in a clash between the police and Lahore processionists demonstrating against the Simon Statutory Commission."

Now, I ask, Sir, what have the Government of India done to make the people of this country and outside believe that these statements were untrue? May I know, Sir, why the Government refused a judicial inquiry? Is it not a fact that Lala Lajpat Rai demanded an inquiry consisting of two non-officials and a judicial officer, and offered to give evidence before such a committee? Why did the Government refuse this? The reason is obvious. Both the Government of India and the Government of the Punjab knew in their heart of hearts that their hands were red with the blood of Lala Lajpat Rai, and they dared not accept an open inquiry. Sir, the Government never wanted an open inquiry; they wanted only the show of an inquiry, and in Mr. Boyd, the Commissioner of Rawalpindi Division, they found a willing instrument. This will be clear to anybody who reads the statement of the Punjab Government. There have been three different versions of the Government, while the version of the leaders is one and has remained consistently one from beginning to end. In their first statement the Government denied that the police attacked the people gratuitously, and they charged the public with a deliberate attempt to cross the barrier. As soon as Lala Lajpat Rai read this statement, he promptly contradicted it, because he was not a man to take such things lying down. He repudiated that and said that the Government version was a "contemptible lie", and challenged the Punjab Government to prosecute him in a Law Court for that statement. The Punjab Government, Sir, were now placed on the horns of a dilemma. If they prosecuted Lala Lajpat Rai for that statement, the whole truth would be out in a Law Court. If they did not prosecute him, the world would believe that they had assaulted Lalaji without provocation. But in order to save their faces they instituted the Boyd Inquiry. This they did after deliberating for a full week. In this Government communiqué, which perhaps appeared on the 7th of November, the Government invented an absurd story. When challenged by Lala Lajpat Rai, they found that they could not substantiate their charge against the public of having made a deliberate attempt to cross the barrier, and therefore, Sir, they withdrew that charge against

the public. But the Government never had the face to confess their crimes openly. They withdrew that allegation, but they did so, as I have said, by inventing a story, the story of one Serjeant Ward going into the crowd to fix a barbed wire to a trestle and being knocked down by the public "probably unintentionally". Now the House will please mark the words. They, the Government themselves say "probably unintentionally". From this it is quite clear that the public never made an attempt to cross the barrier. The major portion of the communiqué that was issued by the Government was devoted to telling the world that the police were not to blame. At the tail of a long statement, they announced that they had appointed Mr. Boyd to inquire into the truth of the allegations of the non-officials. I do not know what Mr. Boyd was to inquire into when the Punjab Government were already satisfied that the police had not used unnecessary force. From this it is obvious that the Punjab Government, who appointed Mr. Boyd, have not acted impartially in this matter. But, Sir, what of Mr. Boyd himself? Anybody who reads the Report of the inquiry conducted by Mr. Boyd will at once see that, from the very beginning, he found that his only function in the enquiry was, to use the words of Milton, with necessary variation, "to assert eternal police domination", and "to justify the ways of the Punjab police to the people of this country."

Sir, I now proceed to show how Mr Boyd has acted partially and most unjustly in this matter. The Inspector General of Police, Mr. Stead, comes to tender his evidence before Mr. Boyd. He tenders his evidence and sums it up by giving a hint to Mr. Boyd. This is what he said:

"Witness did not see why a fuss was made over minor injuries of which the ordinary Punjabi took no account whatever."

Sir, if Mr. Boyd was an impartial man, he ought to have at once rebuked Mr. Stead for making a statement of that nature before him. The witness was to place facts before Mr. Boyd and not to express his opinion. But Mr. Boyd at once takes up the hint. The next witness, the Deputy Commissioner of Lahore, appears before Mr. Boyd, and he puts a question to the Deputy Commissioner, which smashes once for all the alleged impartiality of Mr. Boyd. What does Mr. Boyd ask the Deputy Commissioner? I would like my Honourable friend the Home Member to listen to that question. Mr. Boyd asked the Deputy Commissioner why there was so much fuss about this incident. Now, Sir, what does this question mean? Mr. Boyd, the person who was appointed by the Punjab Government to do justice to the assaulted leaders, and was expected to keep an open mind till he came to the end of his inquiry, takes it for granted, at the mere suggestion of a police official, one of the accused, that the whole incident of the leaders having been assaulted was an ordinary fuss and no more! And in order to show to the House that Mr. Boyd, not only took this hint from the police official, but that he even went to the length of embodying this in his Report, I should like to read a small extract from his Report. But before I do that, may I ask, Sir, what does the Honourable the Home Member think of Mr. Boyd's question to the Deputy Commissioner? Perhaps, he will not reply, but I would like to tell him what the Deputy Commissioner of Lahore himself thought of this question. The Deputy Commissioner of Lahore at once found out that Mr. Boyd was overdoing his job and he said:

"I prefer not to say anything which is really a matter of opinion."

[Pandit Dwarka Prasad Misra.]

But, Sir, the poor Deputy Commissioner did not know that it did not matter to Mr. Boyd whether facts were placed before him or opinions were expressed. Now I read the small extract from the Report, from which the House will be able to understand how the suggestion of Mr. Stead the Inspector General of Police, was stated in the Report of Mr. Boyd as a conclusion impartially reached by Mr. Boyd himself! In the Report we read:

"I think that the undue sensitiveness of the politicians in the front rank of the crowd is at the bottom of the fuss which has been made over a very ordinary incident."

(Cries of "Shame" from Swarajist and Nationalist Benches.) The other day Pandit Madan Mohan Malaviya said that, from the very beginning, Lala Lajpat Rai felt that he was assaulted unjustly, and being a sensitive man he died of the shock. Now, Sir, that is Mr. Boyd's reply to Pandit Malaviyaji. But if we go into the details, we find that even this man of superiority complex, Mr. Boyd, is not himself free from sensitiveness. He wanted Lala Lajpat Rai and Lala Hans Raj to appear as witnesses before him. Lala Lajpat Rai properly did not reply to his letter and Mr. Boyd states in his Report that Lala Lajpat Rai had not the courtesy to reply to him . . .

The Honourable Mr. J. Crerar (Home Member): May I interrupt the Honourable Member? No, Sir. That is an entire misrepresentation of what Mr. Boyd stated in his Report.

Pandit Dwarka Prasad Misra: Misrepresentation of what? This is what the Report says:

"I am unable to set out the allegations in any more detail because, although I had a notice published in the Press inviting statements with regard to the incidents under enquiry, and although I addressed letters to Lala Lajpat Rai, Dr. Muhammad Alam, Raisada, Hans Raj and Dr. Gopi Chand, only one witness appeared in support of the allegations, and I have no reason to think that he was the authorized spokesman of the political leaders. I may note that Lala Lajpat Rai and Dr. Muhammad Alam refused my invitation to make a statement while the other two gentlemen had not the courtesy to answer it . . ."

The Honourable Mr. J. Crerar: Precisely. The Honourable Member attributed to Mr. Boyd an imputation on the courtesy of the late Lala Lajpat Rai.

An Honourable Member: It was a mere slip.

Pandit Dwarka Prasad Misra: I wanted to state that Mr. Boyd was touchy because Lala Hans Raj did not reply to his letter. It was a mere slip when I spoke of Lala Lajpat Rai and not of Lala Hans Raj. Is that a misrepresentation? (Some Honourable Members: "Go on".)

An Honourable Member: The Honourable Mr. Crerar misunderstood it.

Pandit Dwarka Prasad Misra: So he has done the whole thing from the very beginning. Now, my submission is, whatever Mr. Boyd may do, and whatever the Government of the Punjab and the Government of India have done, the murder of Lala Lajpat Rai cannot be suppressed. A murder has never been suppressed. A murder will cry from the housetops for revenge and for redress. The more the Government of the Punjab and

the Government of India have tried to suppress Lalaji's murder, the more they have been led to confess. As I have already explained, in their first statement, which appeared on the day of occurrence, namely, the 30th October, the Government of the Punjab stated two things. Firstly, they said that the public made a deliberate attempt to cross the barrier, and secondly, that the police did not attack the crowd without provocation. After a week they changed it and admitted that the public did not make an attempt to cross the barrier. Thus in this statement, while admitting one thing, they denied that the police attacked the public without provocation. But in their third statement—I consider Mr. Boyd's Report as their third statement—the Government have been led further and have accepted that the police attacked without provocation. This I want to prove to the House and I would request Honourable Members to listen carefully to the following extract from Mr. Boyd's Report:

"It is clear that when the procession reached the barrier it was fairly orderly although there was shouting and waving of black flags. Mr. Ewart, Deputy Inspector-General of Police, and Mr. Saunders, Assistant Superintendent of Police, say that one or two persons put their hands on the barrier and began, according to Mr. Ewart, to try to climb over it, or, according to Mr. Saunders, to try to push it back. Mr. Saunders says that they were rapped on the hands with a cane by the Senior Superintendent of Police and himself. These raps may have accounted for some of the injuries complained of. The Senior Superintendent of Police did not mention this incident as his evidence related entirely to the subsequent scuffle which occurred about ten minutes later."

If we examine this passage carefully, four points emerge out of it. The first point is that the crowd was orderly; the second is that Mr. Saunders confessed that he and the Senior Superintendent of Police rapped some people with canes merely because they placed their hands on the barrier; the third is that the Government themselves believe that some of the injuries that have been complained of by the leaders may have been caused by these raps; and fourthly that Mr. Scott, the Senior Superintendent of Police, did not mention this story to Mr. Boyd. Now, Sir, if we only substitute *lathis* in place of canes, and if we make it clear that the "one or two persons" referred to in Mr. Saunders' statement were Lala Lajpat Rai and his friends, I submit that we have the whole non-official version out of the mouth of the police officials themselves. But as Mr. Boyd was appointed not to confess the crimes but merely to whitewash them, he has very cleverly tried to belittle the importance of this in an ingenuous manner. He has divided the whole incident that occurred at the Lahore station on the 30th October into two parts,—what occurred ten minutes earlier and what occurred ten minutes later. Now, if I were disposed to be charitable to the Punjab police to the utmost extent possible, I would only say that what occurred ten minutes earlier was that Lala Lajpat Rai was gratuitously assaulted by the police officials, and what occurred ten minutes later was that the public, when they came to know that their leader was being assaulted, became naturally anxious to know why and how he was being assaulted and therefore some people—it is only natural—might have made an attempt to go over to Lala Lajpat Rai, and this must have given an opportunity to the police to attack these unfortunate people. That is the whole thing, and it stands to reason that there can be nothing else.

Before I conclude this part of my speech, I would like, Sir, to draw your attention and the attention of the House to the fourth point emerging out of Mr. Boyd's Report, that is, the silence of Mr. Scott, the Senior

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Superintendent of Police, about this incident. It is very significant. Mr. Boyd explains away that silence by saying that Mr. Scott's evidence was entirely devoted to what occurred ten minutes later. But why Mr. Scott was conveniently silent will be understood rightly only when we read Lala Lajpat Rai's own words. Lala Lajpat Rai said:

"The attack by the police was absolutely unprovoked and unwarranted and it was led by the Superintendent of Police himself as, I am told, he gave me two blows on my chest."

Then he says:

"I asked the man his name about a dozen times but he did not give me his name. Once I shouted to him, 'If you are a man you should give me your name', but he did not reply. From the very first he seemed to be bent on doing mischief."

As it is generally seen, Sir, that unprovoked assaults and cowardice go together, it is no wonder that Mr. Scott, not only refused to give his name to Lala Lajpat Rai, but even conveniently entirely omitted to mention his own part in the mischief to Mr. Boyd. Sir, I have clearly explained to the House, and I have proved it to the hilt, that the police attacked Lala Lajpat Rai and other leaders gratuitously. Now, I want to tell the House how Mr. Boyd has tried to disprove the non-official version of the story. The reasons that Mr. Boyd has given for this, if read out to this House on a less solemn occasion, would have been hailed with amused laughter by the Honourable Members, but on this occasion they can only serve to fill them with grief and indignation. Mr. Boyd says:

"It is extremely improbable that without any provocation a Police sergeant or three Police Officers, according to the *Tribune*, should wantonly attack members of the procession. Such an attack would have been contrary to paragraph 4 of the Police Instructions which had been issued for the day and the Sergeant or Officers would have been liable to disciplinary action for breach of orders."

In my humble opinion, Sir, instead of saying that the police did not attack Lala Lajpat Rai because such an attack would have been contrary to paragraph 4 of the Police Instructions, Mr. Boyd could have as well said that the Punjab officials did not attack Lala Lajpat Rai because such an attack would have been against the Sermon on the Mount. The second reason given is this. He says:

"I reject this story as hopelessly improbable and as contradicted by the evidence of the Senior Superintendent of Police, the Assistant Superintendent of Police Mr. Saunders, Sergeant J. W. Ward, Sergeant Roblin, the Inspector General of Police and Rai Sahib Lala Nathu Ram, Magistrate."

May I know if Mr. Boyd was to reject the non-official version only because it was contradicted by one of the accused, where was the necessity of Mr. Boyd's conducting an inquiry? The non-official charge was against Mr. Scott, the Senior Superintendent of Police, and Mr. Boyd says that he rejects the story because it is contradicted by the Senior Superintendent of Police. Sir, this is the stuff which Mr. Boyd wants us to swallow and with which the Government of India and my Honourable friend the Home Member want to suppress the murder of Lala Lajpat Rai.

Now, Sir, my Honourable friend Diwan Chaman Lal has publicly stated that Lala Lajpat Rai's dying declaration was that the Punjab police wanted to kill him on the spot, and that he was saved from being killed

on the spot only because some friends stepped forward and afforded protection to him. But though Lala Lajpat Rai did not die on the spot, there is ample evidence to prove that he did die as a result of the brutal, deliberate and murderous attack that was launched upon him by the police officials. If we examine

Mr. President: Order, order. The Honourable Member must conclude his observations.

Pandit Dwarka Prasad Misra: Sir, if we examine from day to day the state of Lala Lajpat Rai's health—we have read so many statements about it—we would be able to know that he died as a result of the injuries. Lala Lajpat Rai himself spoke of his injuries as follows:

"The blows on my left chest fell just over the heart and have left a bruise, slight fever and a swelling."

Sir, in order to cut short my remarks, I would only quote what Pandit Madan Mohan Malaviya said in this House the other day. He said:

"I saw him (Lala Lajpat Rai) a few minutes after the attack, and I am sorry to say I saw him three times after that, but I never saw him happy again. It seemed that the effect and the shame of the attack had gone down deep into his heart."

I am obliged to cut short the circumstantial evidence and entirely omit to place before the House the medical evidence. Both taken together leave no room for doubt that Lalaji died of the injury brutally inflicted upon him by the police officials of Lahore. Sir, thus died Lala Lajpat Rai on the 17th November, leaving behind eternal glory for himself, an undying record of patriotism for us young men to try to surpass, and lasting shame for the rule of England in India. I have noticed, that some Honourable Members who have moved amendments to my Resolution want an inquiry into this matter. I have no objection to such an enquiry. But speaking for myself and the rising generation of India, I say we have lost all faith in the Government. Lala Lajpat Rai's murder has only confirmed us in our attitude of uncompromising hostility to the British Government. To-day the Government find their position secured and can afford to treat us like a pavement to be trodden upon, but how long will it be so easy and simple? Echo says—how long? Sir, I move my motion.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock. Mr. President in the Chair.

Mr. President: Resolution moved:

"This Assembly recommends to the Governor General in Council that he may be pleased to convey a message from this Assembly to the Secretary of State for India, and through him to His Majesty's Government that this House strongly resents the insulting reply of Earl Winterton, the Under Secretary of State for India, given on 26th November, 1928, to questions from the members of the Labour Party regarding the circumstances of Lala Lajpat Rai's death and that this House believes that the death of Lala Lajpat Rai was accelerated by the injury he received at the hands of

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the police while leading a boycott procession on the arrival of the Simon Commission at Lahore, and is of opinion that the enquiry conducted by the Boyd Committee was unreal and instituted deliberately to justify and whitewash the crimes committed by the police."

Munshi Iswar Saran (Lucknow Division: Non-Muhammadan Rural): Sir, I have the honour to move that.

Mr. President: Order, order. The Resolution has already been moved. Does the Honourable Member wish to move as amendment?

Munshi Iswar Saran: Yes, Sir.

Mr. President: Will he say so?

Munshi Iswar Saran: I apologise. I beg to move, Sir:

"That for the original Resolution the following be substituted:

"This Assembly recommends to the Governor General in Council that he be pleased:

- (a) to appoint a committee consisting of the Honourable the Home Member, Pandit Moti Lal Nehru, Pandit Madan Mohan Malaviya, Sir Purshotamdas Thakurdas, Sir Abdul Qaiyum, Maulvi Muhammad Yakub and Munshi Iswar Saran to enquire into the allegations which have been made regarding the assault on Lala Lajpat Rai, the leader of the Nationalist Party in the Assembly, and its effect in causing or hastening his death, and to issue instructions to the committee to submit its report within one month of its appointment."

With your permission I do not propose to move the second clause of this amendment.

Mr. President: Does the Honourable Member wish to substitute this amendment for the original Resolution?

Munshi Iswar Saran: That is so. Sir, I am anxious that no words of mine should embitter an already embittered situation. I am anxious that I should give only a few salient and important facts, painful as they are, of this tragedy, and to appeal to Government and to this House to accept the amendment which I have the honour to move.

The House is well aware that on the 30th October, 1928, the Statutory Commission visited Lahore, and the boycott procession went there, as indeed it has gone to other places where the Simon Commission has gone, in order to show its resentment at the action taken by Government in appointing a Commission of this character, and Lala Lajpat Rai, as well as other leading men of the province, were present as members of that procession.

The fact that Lala Lajpat Rai was assaulted is not in dispute. That he was assaulted on the 30th October, while he was a member of that procession, there is no doubt about. It may be that there will be differences of opinion as to the nature of the assault and the effect of the assault, but I submit, that, as far as the fact of the assault is concerned, there is no doubt about it.

I wish with your permission, Sir, and the permission of the House, to read exactly the statement that was made by Lala Lajpat Rai on that very day. And may I here pause for a moment and remind the House of the gracious reference made to Lala Lajpat Rai by His Excellency the Governor

General in his opening speech, and the graceful reference made by the Honourable Home Member in his capacity as the Leader of the House in his speech on the opening day. The reason why I mention these facts is to remind the House that the testimony of a gentleman of this description cannot be lightly treated or ignored.

Now what does Lala Lajpat Rai say about the assault on the 30th October, 1928. These are his own words:

"The attack by the police on the people was absolutely unprovoked and unwarranted, and it was led by the Superintendent of Police himself, as I am told. He gave me two blows on my chest and one or two constables, I cannot say how many, gave me two blows with regulation *lathis* which happily did not fall very heavily on me. The blow on my left chest fell just over the heart region and has left a bruise, a slight fever and swelling. I asked the man his name about half a dozen times, but he did not give me his name. Once I shouted to him, if you are a man you should give me your name, but he did not reply. From the very first he seemed to be bent on doing mischief."

Then later on he said:

"I was just in front of the crowd near the gap and the Superintendent of Police attacked me perfectly gratuitously."

Then it appears, Sir, that on that very day a public meeting was held and this is what he said at that public meeting:

"We were absolutely peaceful and gave no provocation to the Police to attack us, but an unprovoked police officer, said to be the Superintendent of Police in Lahore, whose name was afterwards given as Scott, began to strike with *lathis*. He had a knobbed hunter in his hand. He gave me two blows and two of his constables gave me another two. One of these blows was aimed at my heart and very near my heart I received a stroke which had caused a bruise sufficiently long and broad."

Continuing Lalaji said:

"Similar blows were struck at Raizada Hans Raj whose hand was profusely bleeding even there on the spot."

"Dr. Gopi Chand Bhargava, Member, Punjab Legislative Council, received a blow on the head and the mark on his head was visible. Dr. Alam, Member, Punjab Legislative Council and Dr. Satyapal received blows on their arms, which are still paining."

I shall beg the House to mark these words:

"and I can swear by anything sacred to me that none of these gentlemen did anything, which deserved this cowardly treatment from police."

Sir, here is the testimony given on that very day by Lala Lajpat Rai himself, and it is for this House to attach such weight as it may in its wisdom think proper to attach to it. But what is more? We find that other independent witnesses who were present with Lala Lajpat Rai at the time of the occurrence have made their own statements. Raizada Hans Raj, who was then a Member of the Punjab Legislative Council, and who is now a Member of this House, said from his place in the Punjab Legislative Council that Mr. Scott, the Senior Superintendent of Police, assaulted Lala Lajpat Rai. Then we find that Dr. Gopi Chand Bhargava, a Member of the Punjab Legislative Council, said on the floor of the House that he had himself heard the police officers say that they had attacked the leaders in the hope that they would run away in their cars and they would better be able to disperse the procession. Then, Sir, that is not all. Now, we find that Dr. Shaikh Muhammad Alam, another Member of the Punjab

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Legislative Council, who had been present on the occasion, said from his place in the Punjab Legislative Council that he had seen wooden slippers being taken by a Sub-Inspector of Police out of his own pocket.

Now, Sir, I shall beg the House to allow me to say that here you have got the testimony of Lala Lajpat Rai, in support of his statement you have the testimony of various Members of Council. I am not going to trouble the House with statements made by other Members of the Punjab Legislative Council or by other important men. Time being short, I am necessarily going to refer only to a few. Then, it appears that on 2nd November—this is very important—notice was given of a resolution to be moved in the Punjab Legislative Council, which runs as follows:

"This Council recommends to Government that a committee of non-official members of the House be appointed to enquire into the conduct of those officials including Mr. Scott, the Superintendent of Police, Lahore, who had assaulted and beat the public leaders on 30th October, 1928."

This is the relevant part with which I am concerned. After this, on 7th November, 1928, a Press communiqué was issued by the Punjab Government, after a departmental enquiry and even in that communiqué, they say:

"It is possible that a few *lathi* blows were given, but there was no general use of *lathis* in this way."

In the same communiqué an announcement was made that an executive enquiry would be made by Mr. Boyd, a member of the Indian Civil Service, and the Commissioner of Rawalpindi Division. When this announcement about the executive enquiry was made, Lala Lajpat Rai—I have got his words before me, but I shall give only the substance in order to save time

Mr. President: Will the Honourable Member please bring his remarks to a close?

Munshi Iswar Saran: May I have a few minutes, Sir? The object of my reading this statement is that it should be made clear to this House that on the one side you have the testimony of Lala Lajpat Rai himself, supported by the testimony of others, and on the other side, I admit, you have the results of the departmental and the executive enquiry. It is true that the executive enquiry was carried on by Mr. Boyd under very difficult circumstances, for Lala Lajpat Rai and his friends declined to appear before him. It is perfectly obvious to the House that these gentlemen would not care to appear before the executive enquiry that was being held by Mr. Boyd. All the time what they asked for was an enquiry of a judicial character, where they would be able to cross examine witnesses and bring forward all the evidence they had in support of their view of the matter. After this, there was a debate in the Punjab Legislative Council. That was after the death of Lala Lajpat Rai.

We know that two eminent doctors have said—I have no time to read the opinions in extenso, but I shall simply refer to them—that the death of Lala Lajpat Rai was accelerated by the assault by the police. I have it on the authority of Mr. Neogy that he read in a Bengali paper of an interview given by Sir C. C. Ghose, a distinguished Judge of the Calcutta High Court, that he came to this part of the country after the assault

that Lala Lajpat Rai and Sir C. C. Ghose were put up together in Delhi and that Lala Lajpat Rai described to the Judge the nature of injuries inflicted on him near the region of his heart.

What I say to Government is this. Here is a matter which has never been enquired into. The departmental enquiry had not to deal with the question as to what connection this assault had with the death of Lala Lajpat Rai. The reason is obvious, the departmental enquiry as well as the executive enquiry took place before the lamented death of Lala Lajpat Rai. I say therefore that it is up to Government, if they are sincere in their references to him—as I believe they are—to accept our demand for an enquiry by distinguished Members of this House and to come to the conclusion whether or not there has been any connection between the assault on Lala Lajpat Rai and his death.

Let me say one word more before I sit down. I dare say, the Honourable the Home Member is aware that Sir Muhammad Shafi, Nawab Sir Zulfiqar Ali Khan, Diwan Bahadur Raja Narendra Nath, all these distinguished gentlemen who are co-operators with the Simon Commission say. . .

Mr. President: Order, order. Lala Hans Raj.

Lala Hans Raj (Jullundur Division: Non-Muhammadan): Mr. President, allow me to stand before this House as I did in the Punjab Council, not only as a Member, but also as a witness, as an accused.

The incidents which occurred at Lahore, on the 30th October, 1928, are well known, but I would like to narrate a few facts in order to convince you that Mr. Scott knew Lala Lajpat Rai, that the attack was aimed at Lalaji, and that the action of the police was not justified. (*Cries of "Shame and Hear, hear."*)

A public meeting of the students was held on the 28th October, in the Bradlaugh Hall. It was addressed by Pandit Madan Mohan Malaviyaji. In this meeting it was decided to rehearse the boycott procession. As soon as the meeting was over, a procession was arranged. In the Anarkali Bazaar an English Police Officer, with three Indian Police officers, was seen coming from the opposite direction. The leaders made way for the car, but the students did not do so. The car stopped, but still the students persisted in blocking the way. Fearing trouble, I made for the place, and persuaded the students to let the car pass. I was astonished, when the English officer addressed me by my name, and thanked me, because I did not know him. After a little while he met us again, and addressing me as before, asked me the route to be followed by the procession. This happened on the 28th October.

On the following day we came to know that Section 144 of the Criminal Procedure Code had been put in force. At an emergency meeting of the Congress workers, it was decided to ignore the said Section, to carry out our programme as decided before, and to remain absolutely non-violent. This decision of the Congress workers was announced in the public meeting which was held outside Mochi Gate.

On the morning of the 30th, again at a large public meeting, non-violence was emphasized by the speakers. The order in which the procession was to start was announced in the presence of a large number of policemen. Accordingly, after the meeting, the procession started with Lala Lajpat Rai and leaders, who were followed by volunteers, and then

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came the people. When we reached the end of the Landa Bazaar, nearest the railway station grounds, our way was blocked by thick barbed wire five feet high. On the side of the railway station, there were many English and Indian officers. On one side of the barrier there was an opening of about eight feet, where a cordon of police constables in three rows was posted, and thus the whole row was blocked, and every policeman held a long mounted staff in his hands. We were ordered to stop there by Lalaji and accordingly we stopped.

Lalaji was old and not a gymnast, that he might have jumped over the barrier. Nor am I a hurdler. We were at the head of the procession. After us came the volunteers, followed by the people shouting "Simon, go back". So far, no one threw stones or used abusive language. I can say so with certainty, for at the time I could see both the people and the police. We were there for quite 15 minutes, when Mr. Scott came through the opening and, without any explanation, gave Lalaji two hard blows with his stick. (Shame.) I was standing next to Lalaji. He was the same officer who had accosted me in the Anarkali Bazaar on the 28th October. I was astonished at his sudden and wild action. The officer who struck Lalaji was a lean fellow, and if I had not been an advocate of non-violence, or had this incident occurred before 1921, I would certainly have struck the man in his face with my right hand, but instead, I extended my left hand to ward off the blows aimed at Lalaji and received three blows on my hand, two from Mr. Scott and one from his assistant. My hand began to bleed. I still have a scar and a little swelling on my finger, and if anybody wants to see it, I am quite prepared to show it to him.

Mr. President: The Honourable Member might exhibit it. (Laughter.)

Lala Hans Raj: At this juncture, Dr. Gopi Chand, M.L.C., brother of Mr. Thakurdas, and Santanam and others, protecting Lalaji received blows. I am sure that he meant to strike not us, but Lalaji, and I am positive, that if all the blows had fallen on Lalaji, he would have died on the spot. (Shame.) Lalaji demanded his name and told him that he was a coward. We used to read in our elementary books that a brave man was one who did not strike the aged, women and unarmed persons. As that gentleman has contravened that rule, he was rightly called a coward. The fact that so far nothing violent happened is not only my opinion, but also that of Mr. Jenkin, the Superintendent of Police. He appeared as a witness before the Boyd Committee and stated that he did not know why blows were struck. Mr. Wakefield stated that one of the European police officers did strike and that the person struck could be Lala Lajpat Rai. We allege that we know the person who struck the blows. He is now the Senior Superintendent of Police.

Now as to the question whether the beating was accidental or intentional and was definitely aimed at Lalaji or not. There are only two ways of digging out the truth about this. Either the Senior Superintendent of Police should admit it, or we must depend on circumstantial evidence. It is impossible to believe that the Senior Superintendent of Police, Lahore, did not know Lalaji. If he did not, he is not even fit to be a constable there. (Laughter.) The person who was not only known throughout India but even abroad, cannot possibly have escaped his notice. When he knew such an unknown person like myself, as I have stated

before, how could he fail to know Lalaji? Thirdly, an unknown person held an umbrella over Lalaji. This was the only umbrella to be seen in the crowd. Some say that the man who held the umbrella belongs to the Criminal Intelligence Department.

Surely this made Lalaji conspicuous. Besides this, every time we needed advice, we approached Lalaji. Any one with a little common sense, leave alone some one holding the responsible position, for some years, of a Superintendent of Police of Lahore, could have guessed that Lalaji was the leader and a man of great importance. All these facts prove that Mr. Scott struck the blows, knowing Lalaji full well all the time he was striking.

We did not want the Boyd inquiry. What we wanted was that the witnesses of both sides should be examined and be allowed to cross-examine each other. This would have thrashed out the truth. If a mistake has been made, it must be admitted unhesitatingly. I have come to the conclusion that, in the excitement of the moment, Mr. Scott lost his balance of mind and acted like a mad man. Possibly he thought that, when so-called big persons cringed before him, it would be an easy matter to subdue a common person, who had the audacity to lead thousands of men, or offer an insult to the great Sir John Simon.

The officials say that the crowd pushed Lalaji into the barrier. This statement is absolutely incorrect. How could they have pushed with such violence and insolence the person they loved and revered so much? The crowd pushed neither Lalaji nor did they push us.

I was not willing to go to the Governor to give my statement, but I had to yield to the orders of my leaders. They wished me to go so that Government would not have the opportunity to object, that they never received first-hand information. I was interviewed and His Excellency very kindly took down my statement on four pages and also saw the three wounds I had received. He replied that, to institute an enquiry was not in his power and that he would place the matter before the Council. I feel the blame lies on the shoulders of the Executive Council of the Punjab.

Much stress has been laid on the fact that the Government instituted an inquiry into the incidents of the 30th October, but an inquiry was held in the Bardoli case also, the taxes so much resented by the people were evied after that inquiry. The people of Bardoli resolutely stood against the decision of the Government and insisted on another inquiry being made, and, as is well-known, the Government have been wise enough to yield to their wishes. If the Government were to follow this excellent example, set by the Bombay Government, we would be ready to place every bit of information in our possession before the inquiry committee. In the opinion of such eminent doctors as Dr. Dharam Vir and Dr. Gopi Chand of Lahore, this cowardly attack hastened the death of Lalaji, and thus Government stands accused of murder in the eyes of the public. This is my statement.

The Honourable Mr. J. Orerar: Mr. President, it is a very sincere regret to me that the loss which the country and this House sustained by the death of the late Lala Lajpat Rai should have been revivied in the manner and in the circumstances in which it has been revivied by this Resolution. The Mover of the amendment referred to the speeches which

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were made in all parts of the House, and in particular by myself, on the occasion of the opening of this session of the Assembly, and even the Honourable the Mover of the Resolution did not for a moment suggest that the expressions of regret which fell from these Benches were not perfectly honest and sincere. I am glad at least of that, but the issue which is now before the House is not the general issue of the regret which we all feel in the death of Lala Lajpat Rai, but the specific question whether his death was caused or accelerated by unjustifiable and deliberate assaults made upon him by the police on the 30th October. I will deal, Sir,—because it is my duty to oppose both the Resolution and the amendment—I shall deal, in the first place, with the Resolution. It invites the House to arrive at what I can only call precipitate and intemperate decisions, without any consideration of the large mass of evidence which is available, and without attempting to base those decisions on any substratum of facts. And indeed, Sir, I must enter a very grave protest against the manner in which the Honourable the Mover of this Resolution referred throughout his speech to the “murder” of Lala Lajpat Rai.

Pandit Dwarka Prasad Misra: It was murder.

The Honourable Mr. J. Crerar: I venture to say,—though like Munshi Iswar Saran, I am very desirous of avoiding anything that might embitter this discussion,—I am bound to say that language and arguments of that character are not such as are compatible with the dignity of a deliberated Assembly. I would further say this, that no one will believe that allegation.

Pandit Dwarka Prasad Misra: Everybody does.

The Honourable Mr. J. Crerar: I believe, and I take it from what fell from the last speaker, that what is alleged on that side of the House is something totally different. It is that the death of Lala Lajpat Rai was either caused or accelerated not by deliberate intention but by the use of excessive force by the police. Now, Sir, I contest both of those propositions; but what I wish to emphasize very strongly here is that they are essentially and fundamentally different from the proposition which was advanced by the Honourable the Mover of this Resolution. I have some ground to cover, Sir, and I am aware that the time which you can permit me is limited, and I shall therefore speak as briefly as possible. I want to put before the House, as concisely as I can, some of the real and relevant facts of the situation. They relate, firstly, to the policy adopted by the Punjab Government, the general policy adopted by the Punjab Government; secondly, to the expedients which they adopted; and, thirdly, to the manner in which those expedients and methods were actually carried out. My Honourable friend Munshi Iswar Saran referred briefly, at the outset of his speech, to the movement to refuse co-operation with the Simon Commission. Well, Sir, I do not propose to go into that, which is largely an irrelevant topic. It is relevant to this extent, however, that I must explain that the policy of the Government of the Punjab, as well as the policy of the Government of India, was to allow the greatest possible liberty and latitude to every variety of opinion bearing upon that important question. It was their determination that so long as the opinions expressed, whether by means of public meeting or demonstrations or processions or

otherwise, so long as that opinion was expressed, whatever direction that opinion might take, whether it was in favour of co-operation or against co-operation, it was their policy that the greatest liberty should be granted for any demonstration of that opinion which was consistent with the maintenance of law and order and which did not involve, or appear likely to involve, a breach of the peace. Now, Sir, it was, acting upon that policy, that the Government of the Punjab took the steps which they did take. There were special reasons why precautions of a particularly complete character should have been taken on the 30th of October. They had behind them the experience of March 1928, when the crowd passed beyond the barriers, beyond the cordon of police which was intended to control the crowd in the interests of traffic and law and order. Fortunately, no serious consequences resulted though the crowd did break the cordon. But I should like to impress upon the House the view which the Punjab Government took from their experience in March. It was this, that it was necessary to have complete control over the movements of the crowd because, if they passed beyond these cordons or any barriers that might be constructed, it was impossible to restore control without using a much greater degree of force than otherwise would be necessary. There were other and very cogent reasons for special precautions which were fully explained in the debate in the Punjab Legislative Council and which I do not propose to recapitulate, though I must invite special attention to them. Well, Sir, the object of the particular arrangements made on this occasion was that the necessity of using any force in excess of the necessities of the case should, as far as possible, be avoided. Now, Sir, what happened? The District Magistrate, on October the 29th, published an order under section 144 of the Criminal Procedure Code. He did not forbid public meetings, but he did prescribe that any processions taken out should conform to such directions as might be given by the police authorities. The police authorities,—the Deputy Inspector of Police,—issued orders in conformity with, and in supplementation of, that order. I mean to say there was no modification of the District Magistrate's orders, as has sometimes been suggested; it was merely a supplementation. On the evening of October the 29th a meeting was held at Mori Gate, where it was decided that those orders and those regulations should be disobeyed. There was another meeting at the Mochi Gate on the morning of October the 30th, in which those decisions were re-affirmed. “From the accounts of the proceedings received by Government”—I am now quoting the statement made by the Chief Secretary to the Punjab Government:

“From the accounts of the proceedings received by Government, it appears that various speakers said that the orders of the District Magistrate should be trampled under foot, that it was the duty of every true Punjabi to revolt against the tyrannical order of Government, that every member of the audience should defy the order of Government without fail and that the gauntlet thrown down by Government should be picked up.”

In view of that, Sir, I think it was the plain duty of the Punjab Government to make their precautions as strict as possible, consistently with their general policy. Those were the instructions which were given to the police, and I maintain that those instructions were acted upon by the police to the letter. I do not intend, because I have not the time available, to go further into details regarding what actually took place at the barrier. But ample evidence bearing on the point will be found in Mr. Boyd's Report and in the proceedings of the Punjab Legislative Council. The point I wish to make is this. Munshi Iswar Saran has

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quoted to the House the statement made by the late Lala Lajpat Rai; and Raizada Hans Raj has repeated his own impressions. Now, Sir, I have no doubt whatever that both those statements. . . .

An Honourable Member: Why do you call them impressions? They are not impressions.

The Honourable Mr. J. Crerar: I have no doubt whatever that both those statements, which were made perfectly correctly, conveyed the impressions received by the two gentlemen who made them. But I think the House must recognise that impressions received on a tumultuous and disorderly occasion like this with which we are now dealing, may very well be incorrect; and I think Lala Hans Raj himself will admit that that is so, because I think I am correct in saying that, at one stage, the view he expressed was that this incident had taken place after the Commission had left the Station and not before. . . .

Lala Hans Raj: Yes, I said that.

The Honourable Mr. J. Crerar: That was the inference drawn by Lala Hans Raj, but I think he will now agree that that is incorrect, and that in point of fact the incident took place quarter of an hour before the Commission left the station. That may seem a small meticulous point. . . .

Diwan Chaman Lall (West Punjab: Non-Muhammadian): How was he to know?

The Honourable Mr. J. Crerar: The matter is now decided and it was dealt with in the inquiry by Mr. Boyd. That, Sir, is a small illustration of a fact that a perfectly honest and a perfectly veracious attempt to recall an impression might nevertheless be an erroneous inference and be in fact quite inaccurate. Now, Sir, I proceed to the enquiry. In the first instance, the Punjab Government appointed a departmental enquiry, presided over by a very senior police officer, who had not himself been present at the occurrence. That officer reported. In the meantime various non-official versions of the incident had been published; they were entirely consistent with themselves; different views were expressed at various stages. In view of that, the Punjab Government, suspending judgment on the result of the first departmental enquiry, decided to have a second inquiry. For the purposes of that enquiry, they appointed a very senior officer, whose impartiality no one has any good ground for impugning. (*An Honourable Member:* "The Report itself.") The inquiry was a public enquiry, an open inquiry; and those who were convinced of the validity of their criticisms of, or charges against, the police were perfectly at liberty to bring them forward. That they did not yet do so is not the fault of the enquiring officer, nor the fault of the Punjab Government. Now, Sir, I pass on, and I must do so very briefly, to

3 P.M. that part of the Resolution which refers to the statement made by Lord Winterton in Parliament. Press reports of replies and statements in Parliament are very frequently, if not actually, inaccurate, so imperfectly summarised that they convey a wrong impression. If I had time I should read through the whole of the official report of the replies and the supplementary replies which were made by

Lord Winterton on that occasion, and if any Honourable Member will do so now, I think he will agree that there is not a single syllable, not a single line in those replies which, read fairly in their context, could possibly convey anything of an insulting character. I say emphatically that nothing could possibly have been more remote from the intention of His Majesty's Under Secretary of State for India than to say anything of an insulting character, and indeed that no such intention could possibly be inferred even by the most unfair misrepresentation of what he actually said, that any intention of that kind was in his Lordship's mind. I pass that, and I trust that, before Honourable Members record in their own minds any conclusion on that point, they will carefully consider what I have said, and if possible satisfy themselves by a perusal of the proceedings, that my representation of the facts is correct.

Now, Sir, I shall refer very briefly indeed, as my time is limited, to the contents of the amendment which has been moved to this Resolution, which is, that a further inquiry should be instituted consisting of Members of this House. I regret that I am unable to accept that amendment and for two reasons. In the first instance, I maintain that the Punjab Government, on whom rests the responsibility for the local arrangements in connection with this incident, have now instituted two enquiries, and I am unable to admit the validity of any arguments that have yet been adduced to suggest that the enquiry of Mr. Boyd was anything but an impartial, open and public enquiry. Further, the matter has been fully debated in what I submit is the proper forum, namely, the Legislative Council of the province concerned. Apart from that, I observe that the subjects of the enquiry contemplated by the Honourable Member are two. The first substantially is the allegation of police misconduct on the 30th October, and the second that the lamentable decease of Lala Lajpat Rai was directly attributable to misconduct of the police—I prefer to modify that, because the Honourable Member did not use language of that kind, I prefer to say that the second part of the enquiry he proposes is whether or not the lamented death of Lala Lajpat Rai was accelerated by the occurrence of that day. Now, with regard to the first of these two matters, my contention is that, in view of the enquiries which have already taken place, in view of the prolonged debates which took place in the local Legislative Council, there is, so far as the police action on that occasion is concerned, not a case to go for further enquiry; and as regards the second part, my contention is that there is no prospect that any concrete conclusions beyond surmise and speculation could possibly emerge from the enquiry into the matter propounded in the second part of the Honourable Member's amendment.

I hope, Sir, the House will reflect very deeply and gravely before committing itself on either of the issues before it.

Mr. President: What is the second part that the Honourable Member refers to?

The Honourable Mr. J. Crerar: I am referring, Sir, to the closing words of the amendment. There are two points which seem to emerge, namely, the allegations regarding the assault, and secondly the question of the effect of the alleged assault, that which I refer to as the second part.

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Now, Sir, I would ask the House to reflect very deeply before they commit themselves to the views implied in the amendment on either of the propositions before them. The responsibilities of the police in regard to the maintenance of law and order are difficult and delicate, and as an instance which occurred not very long ago in Lahore itself will show, they are frequently dangerous and sometimes fatal. I venture to submit to the House that action taken in regard to matters of that kind by the police should not be made, what I must call, something in the nature of a political demonstration. At any rate, it is quite clear to me that it is the duty of the Government, when they are satisfied that police officers, in the discharge of their difficult and dangerous duties, have discharged them properly and have not exceeded the limits by law or specific order imposed upon them, I say it is the duty of the Government, having satisfied themselves on those points, to prevent any victimisation on political grounds. I do not suggest for a moment that the Honourable the Mover of the amendment had any such intention in his mind, but I do submit to the House that inquiry into an executive matter of this kind without making out any *prima facie* case to justify it, is not one which is reasonable, not one which is proper, indeed one, which is very doubtfully within the constitutional competence of this House. Sir, I oppose the Resolution and the amendment.

Mr. President: Honourable Members who take part in this debate will remember that the time limit is 15 minutes.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, it has been a matter of deep pain to me to listen to the remarks of the Honourable the Home Member. The first part of the statement regarding the precautions taken by the police and the instructions given to them might be left aside for the moment. The question that is of importance is as to what happened at the Railway station. Time would not permit me, Sir, to go fully into the order which had been issued under section 144. I said on a previous occasion that that order, in my opinion, was an illegal one and a silly one, and I repeat that opinion today. I should like any Member of Government to show me whether Government have any authority, whether the District Magistrate or the Inspector General of Police has any right to tell me that I shall not proceed by any of the King's public ways so long as I do not obstruct the traffic. So long as I do not stand in the way of any other subject of the King moving on that road, nobody has the power to tell me that I shall not pass by a particular open route. This is what that order amounted to, and when that order was received, rightly did the Congress Committee at Lahore resolve that it would disobey the order. I reached Lahore on the morning of the 30th, and when I heard of that order, I expressed the same opinion that it was utterly illegal. Sir, I have had experience of about six such orders under section 144, which I have disobeyed, and if such an order were to be issued again today I should disobey it, in order to vindicate my right. I disobeyed the order at Lahore, when we were passing in a Swaraj procession, and police officers and constables came and stood in our way. We stood there beyond the cordon and asked them to arrest us, but they did not arrest us. What happened earlier in the day was this. As I said on a previous occasion, Lalaji and I had no intention, nor were we desired

by our friends, to go to the railway station and join the demonstration there. But as the procession was being started we were served with an order, under section 144, telling us that anybody who disobeyed the order would be taken under arrest and kept in custody, and we wanted to be taken under arrest along with our fellow men who were going to the station to demonstrate their sense of resentment at the arrival of the Simon Commission. Now, Sir, I was not present at the railway station when the attack took place. I stood a hundred feet or so behind in a *tonga* at the request of my dear lamented friend Lalaji, because I was not in strong health at the time. The moment I heard that the attack had been made, I went up to Lalaji and asked him what had happened. He said the attack was utterly unprovoked. I asked him if anybody had tried to go beyond the barrier, and he said "No". I saw the barrier myself. It was about five feet high made with barbed wire, and no man could be so foolish as to try to force his way through it, because if anyone attempted to do so, his body would have received many cuts and he would have bled profusely. Lalaji told me, not more than two minutes after the occurrence, that there was no provocation at all on the part of the crowd, and the attack was utterly unprovoked and uncalled for, and I am sorry to say that I now believe, from all I have heard from Raizada Hans Raj and other friends, that the attack was a wanton attack, deliberately aimed at Lala Lajpat Rai. (*Cries of "Shame" from Swarajist Benches.*) I am sorry to say so, Sir, because, from all the circumstances that have been mentioned, not omitting the presence of a man who did not belong to the people's party, who came a little time before the attack with an umbrella and held it over Lala Lajpat Rai, as if to point him out and whom none of our party has been able to discover or to find out who he was,—from all these circumstances one cannot but come to the conclusion that the attack was aimed at our late lamented friend Lala Lajpat Rai, and that it was a wanton and deliberate one. I say it is shameful that it should have been made. I saw Lalaji a few minutes after the attack, and I feel sure that, if Lala Lajpat Rai was not there at the time, if he did not appeal to the crowd to remain non-violent,—he himself told me that he had used his utmost persuasion to keep the crowd non-violent,—I say if it was not for the appeal that he himself made to the crowd to remain non-violent, even after the attack made on him, the crowd would not have come away without trying to attack the man who had attacked Lala Lajpat Rai and the policemen who had followed him in doing so. It was because Lalaji persuaded the whole crowd to remain absolutely non-violent, that the thing stopped there. I saw my friend Lala Hans Raj there and his finger was bleeding. Dr. Gopichand and Dr. Alam were also hurt. Our friend Dr. Satyapal threw himself between Lalaji and his assailant in order to save Lala Lajpat Rai from further blows. You have the statements of all these gentlemen that this attack by the police was entirely unprovoked and you have Lalaji's own words to that effect. I knew Lala Lajpat Rai for about 40 years, and I have not known a man who was more scrupulous about truth than Lala Lajpat Rai. When he made that statement I should expect every Member of the Government to accept it as correct and not try to put it aside by saying that Lalaji gave expression to his impressions. I am surprised that the Honourable the Home Member should try to say, without saying that he did not believe the statement, that it was the impression which Lala Lajpat Rai had formed which he expressed. Lala Lajpat Rai stated the facts of which he had personal knowledge. He himself had received the attack; he knew that neither he nor any one of his party had given any

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provocation. He knew that neither he nor any of his party crossed the barrier. None of our party wanted to cross the barrier. Our decision was that, if a barrier was placed in the way, we must stop there, that was the limit, we had preached. Many of us had addressed the crowds before they started, and had exhorted them, for the honour of the country, of the Congress, and of the leaders who were going with them, to remain absolutely non-violent whatever happened. It was that and the appeal of Lala Lajpat Rai which kept them non-violent, though they were very much excited when their leader was attacked. I submit that, when you have got the statements of Lala Lajpat Rai and others, made on the spot to me, made later to those who interviewed him, made before many friends, when you have got a statement in his own words dictated by him in the course of a Press interview, and in the speech which he made the same evening before a large public meeting, when you have got the statement of Lala Hans Raj, who was present there at the time of the attack and was himself attacked, when you have got the statement of Dr. Gopi Chand and Dr. Alam, Members of the Punjab Legislative Council and other persons who witnessed the attack, for the Government to say that they merely expressed the impression of these gentlemen is certainly. . . . (*Cries of "Shame" from the Swarajist and Nationalist Benches*)—What is the use of crying "Shame"—is certainly not what we expect of the Government. I submit that the Government have not been fair to us, Indians. What sank into the heart of Lala Lajpat Rai,—and as I said on the last occasion, I never saw him happy after the attack, and another friend who saw him several times after that has said that he never saw him happy again—what sank into his heart was the shame and pain of it, that in our own country a man who was so widely respected, so universally honoured, who was once the President of the Indian National Congress, who commanded the reverence of his countrymen, and the respect of many foreigners that such a man should be liable to an attack from a small Superintendent of Police in broad daylight without any justification. It painfully brought home to him the curse of our present position under a foreign Government, and showed that we cannot maintain our self-respect if we allow the existing system of Government to continue in this country. And, Sir, the action of the Government in this matter, the attitude which the Government of the Punjab took up, the attitude which I regret to say the Honourable the Home Member has taken on this occasion, makes that conviction deeper, that pain deeper. Why could not the Government, even now, accept their statements? I ask my Honourable friend why, if he is opposed to an enquiry, the Government have not the decency to say, "We accept the statements made by Lala Lajpat Rai and Lala Hans Raj and we recognise that the policemen had no justification for the attack they made on them, and we shall give the offenders the punishment which is due to them." If such a thing had happened in their own country, say, in England—would they have treated any of their leaders in that way? Would they have attempted to burke an enquiry if such an attack had been made on one of their Front Bench Leaders in Parliament? I submit, no. It is therefore most deplorable that the Government should take up the attitude which they have taken. I submit again that if they do not want to hold an open and impartial enquiry, let them not hold an enquiry, but in that case we certainly expect the Government to accept the statements of Lala Lajpat Rai and Lala Hans Raj and other gentlemen of position, to accept them

as true, and not be remain content with the wrong impression that the Boyd enquiry and other enquiries which have been made have elicited the whole truth. I submit those enquiries have not elicited the whole truth. When we have got the clear statements of Lala Lajpat Rai and Lala Hans Raj, I certainly accept them, the country believes in the truth of those statements, and for the Government to say that they cannot accept those statements is, I submit, placing themselves in a most undesirable position exposing themselves to just criticism for not understanding the feelings of us Indians on this matter and for not showing that courtesy which we are entitled to expect from the Members of Government who come to this country, as they say, to promote the good of the people. I submit that this painful event has gone deep into the hearts of the people. I cannot express the depth of the feeling that exists on this matter throughout the country. The Government have not enhanced their reputation for considerateness towards us Indians. They have given us greater reason to be dissatisfied with the existence of the present system by the attitude which they have taken up. I still ask the Honourable the Home Member and the Government to reconsider the matter. Why should they not at least accept the statement of Lala Hans Raj which he has made on the floor of this House and express their regret that an unprovoked attack should have been made on Lala Lajpat Rai?

So much for the first part of the Resolution. The second part deals with the question of the effect of the attack on Lala Lajpat Rai. Now, when I saw Lala Lajpat Rai again on the second day of the attack, he opened his coat and showed me the wound he had received on the heart and a scratch that he had received in another place. I cannot undertake to say that that blow caused his death, but two doctors who attended him have stated it as their opinion that it accelerated his death. Who on earth, who in this House, will undertake to say that the statements of the two doctors are not true? And who will undertake to say that the cowardly attack made upon a person of the age and position of Lala Lajpat Rai in broad daylight, in the presence of his own people, without any justification, would not produce a very deep effect upon him? It did produce a deep effect. The physical effect brought on pain and fever and the moral effect produced deep depression of heart. He felt—I do not know how to express it—as he spoke to me about it, he showed he felt it in a way which I cannot express properly, and I submit that it is not too much to ask the House to agree with the belief that this unprovoked, unjustifiable, cowardly attack upon Lala Lajpat Rai accelerated his death. Therefore, in the circumstances of the case we should have expected that the Government would say that they regretted the attack, that they would consider the matter in a calm light, in an attitude of fairness, and make up their mind to punish the man who would be found to have wantonly attacked one of the best sons of India. But the Government are not prepared to say so, and I hope every Honourable Member of this House, who loves the honour of Indians, who loves the honour of this country, whether he be an Englishman or an Indian, I hope every one will give his support to the Resolution. (*Applause.*)

Mr. M. B. Jayakar (Bombay City: Non-Muhammadan Urban): I listened to the speech of the Honourable the Home Member with considerable pain. The pain was caused by the fact that, throughout the speech, there was not one word of regret at the occurrence, nor at the conduct of the police. The speech was a complete whitewashing of the conduct of the

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police which we are considering on this occasion. I should have thought that, having regard to the allegations made in this House and in the Press, Government, for their own good reputation, would accept this enquiry. The allegations made against the Government and their police are so serious in their character—they almost amount to an allegation of the police having murdered an important man in India. I do not wish to import any feeling into my speech. The cold speech of the Honourable the Home Member may prove very contagious.

The allegations are serious. They have been repeated here. They were made by Lala Lajpat Rai in a declaration which may almost be regarded as a dying declaration, which under the law of this country is entitled to special weight and credence. Even a criminal's dying declaration is entitled to weight and respect, and yet the Honourable the Home Member gets up and says, "Oh! it is merely an impression". May I ask whether all those police officers who gave their evidence before Mr. Boyd were not merely stating their impressions? What is that evidence worth if the Honourable the Home Member is going to reject Lala Lajpat Rai's statement as a mere impression? What is the value of that evidence upon which he lays so much stress, namely, the mere impressions of those police officers who appeared before Mr. Boyd? What could an honest and truthful man do but give his impressions? Let him, however, remember that the impressions given by a certain personality and under certain circumstances are entitled to special weight. But whatever the Home Member may say, the country believes that that statement is correct. Besides the Lalaji's statement, we have also the statement of a Member of this House, Lala Hans Raj, a very respected public man in his own province and in this House. I want Honourable friends, it does not matter whether they are Europeans or Indians, to realise that the dignity of this House is involved in this matter. A Member of this House has been killed—I won't use the word "murdered" because I am accustomed to the language of the law. Is it not our duty to inquire into the causes of that death? The Honourable the Home Member says that not even a *prima facie* case has been made out. Good gracious! The attack was on the region of the heart. That is now admitted as also proved by facts. The person assaulted died within a short time of heart failure. The police had in their hands, as Lala Hans Raj stated, long poles mounted with iron. The police did not have in their hands fashionable ivory mounted sticks, but long staffs mounted with iron. Two or three blows with these *lathis* were given to Lala Lajpat Rai. We have got the statement of Lala Hans Raj that he was injured, and even Mr. Boyd's inquiry admits that, although that inquiry is interspersed from place to place with a strong official bias. Mr. Boyd says "Oh, the police could not have behaved like this, because it would be contrary to police regulation." As the Mover of the Resolution said, Mr. Boyd might have as well said, because it would be contrary to the teaching of the Christian Bible. Are not these all *a priori* grounds? I do submit, Sir, that no impartial and straightforward man who reads Mr. Boyd's report will have any difficulty in finding out—I will not use a stronger expression—that from place to place in his Report Mr. Boyd's impressions and judgment have been very largely coloured by official bias. I am unable to understand on what grounds Government refuse this inquiry. Here is a prominent man dying. A large bulk of public opinion is of the view that he died of the effects of this attack. I have no personal impressions to relate because

had not the opportunity of being present there like my Honourable friend my right (Pandit Madan Mohan Malaviya). But I will tell the House that I had a talk with Lala Lajpat Rai before he died, that is when we met Delhi from the 5th to the 7th of November. I asked Lalaji "How do you feel, Sir?" He said "I feel weak, but apart from the wound, I feel that I am not the same man as before. I feel that it is a most disgusting humiliation to be so attacked." It is a humiliation which every one of us on this side of the House shares with him—that a prominent public man could have been dealt with in this manner by the underlings of the police. Suppose Mr. Baldwin was attacked in England by the police in this manner? What would happen? Shall we have miserable speeches in extenuation of the Home Member's? The Home Member says, a departmental inquiry is taken place and also an official inquiry. I am surprised at his argument should have thought that for their own reputation Government ought to start this inquiry. Rightly or wrongly the impression in the country is this that the police deliberately murdered Lala Lajpat Rai. If the Government have not yet lost all sense of propriety, all sense of decency, for their own sake they ought to meet this serious charge and accept this inquiry. I would ask my friends of the European Group to realise that we are not acting in a factious spirit. I am standing upon the dignity of the House—that a Member of this House has been killed. Why burke an inquiry? The Honourable the Home Member says "Why do you use the word 'murdered'?" What else shall we call it if Government shirk this inquiry? If the Government feel so certain of their facts, why do they avoid this inquiry? Look at the committee that Munshi Iswar Saran has proposed. Can you find a better committee? Mr. Boyd from Rawalpindi district—after all he was Mr. Boyd, an official at his best. What else was he? He might have had a good name in official opinion, but after all he was an official. His inquiry has all the defects of an official inquiry. Rightly or wrongly the public did not give evidence before it. Therefore the inquiry was an incomplete and partial inquiry from the public point of view. The Honourable the Home Member cannot disguise that fact. He cannot deny that for some reason or other no evidence from the public point of view was placed before that inquiry. For my argument I am content to take it as an incomplete inquiry. Likewise, the departmental inquiry was an incomplete and partial inquiry because the reason that public evidence was not given before it. We want an inquiry which will be more complete from the public point of view, and before a Tribunal in which the public have confidence. I shall be glad to read this non-official committee reporting that the facts are not as the public believe, and that Lala Lajpat Rai did not die as a result of the blows he received. I am surprised that the Home Member should have made a speech of the description he did. I do submit to my friends of the European Group—apart from any party feeling—we owe this impartial inquiry to the memory of a dead colleague of ours. I am content to place my argument on that humble basis. One of our colleagues has died; it does not matter who he was. It happens to be a great man, Lala Lajpat Rai. It only adds insult to the injury, but does not affect my argument. We went to have an inquiry. The only ground on which it is opposed by the other side is that there have been two inquiries. The departmental inquiry is out of the question. The other inquiry was public in a sense, but unfortunately its findings, for obvious reasons, cannot command public confidence. So both these inquiries were unable to discover the truth from

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the public point of view. What we want is a complete inquiry by a trusted Tribunal. I do submit again, Sir, that, unless this Government has lost all sense of propriety and fairness it ought to agree to this inquiry.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, the Honourable the Home Member described the tone and the language of the Mover of the Resolution as not compatible with the dignity of this deliberative Assembly. Sir, I listened to the tone and the language of the Home Member and may I state on the floor of this House that it was not compatible with the dignity of a responsible government? He said that the policy of the Government of India and the Local Governments with regard to the task of the Simon Commission to investigate and inquire into the future constitution of India, was that every shade of opinion in this country—co-operators or non-co-operators—should have the fullest freedom and liberty of action and that they were free to express their opinion and adopt such actions as they thought proper, provided that it was compatible with the maintenance of law and order. I think I have understood him correctly. Well, Sir, I do not want to enter into a discussion of that policy of the Government of India more than I can help it on this occasion because in my judgment I feel and I have publicly stated it before that the policy of the Government and the Provincial Governments and the district authorities—which has been carried out in fact—has not been the policy that everyone should be free to adopt such action as he thinks proper compatible with law and order. But the policy of the authorities throughout the country in fact has been the active support and instigation of the co-operators. Whoever heard of a Royal Commission getting red carpet receptions at every station they go to, in every district and in every town, under the patronage and under the direct instigation of the local officials? Whoever heard of such a thing before? I pointed out in my interview to the Press sometime ago and I say to Government now—of course the work of the Simon Commission is coming to an end and perhaps it is useless to discuss this any further—but I say, even today, though I do not wish to deny a cup of tea to Sir John Simon, or a party if anybody invites them. I do not wish to deny them a sumptuous dinner if anyone wishes to invite them. Stop official association with those functions, those functions should not take place under official patronage (*An Honourable Member* "Official organisation"), yes, official organisation, I accept that word. It is this undesirable factor which makes those who are opposing the Commission maintain that unless they demonstrate opposition their case will go by default. If the authorities had not followed that policy, probably, I think, those who hold the view that they must also establish by clear demonstration that India is not co-operating would have slackened in their efforts.

However I do not wish to go into that question any further, and whatever may have been the policy of the Government it does not matter so far as the issue before the House to-day is concerned. I am not now concerned also whether the orders issued in the Punjab by the Provincial Government were legal or illegal. It is enough for my purpose that it is an admitted fact that the people who met there, behind the barbed wires were legally and lawfully stationed there. They were not an unlawful assembly. The issue that really then presents itself to us, as it appears to me, is this. Did the police, or any member of the police, assault not

only Lala Lajpat Rai but the citizens who had lawfully assembled there—I attach importance to Lala Lajpat Rai because he was a man of position and a Leader and a Member of this House—but I do not wish to neglect the other people, however small they may be. The question is whether the assault on that occasion by the police was unjustifiable, unprovoked and uncalled for. That is the question that appears to me is the real issue. Now the consequences of that assault may have been grave. It is alleged that it accelerated the death of Lala Lajpat Rai. It may be so, it may not be so. I am not in a position at this moment to pronounce my opinion on the subject. It may be that it might have been still more grave. The consequences might have been that several lives might have been lost on the spot. Really the issue to my mind is, was the assault made by the police on that occasion made on a lawfully assembled gathering of people, or on citizens who were entitled to be there, and who gave no cause, reason or provocation to the police for the assault that was made? The assault was made, that fact is proved that the assault was made is admitted. It is asserted on the one side that it was uncalled for, unprovoked, unjustifiable, and that it was a deliberate, wanton scheme, premeditated, that is the allegation. On the other side I am told by the Government through the Home Member, that the police only used such force as was necessary to meet the situation. We are further told that "an enquiry has been made". By whom? Departmentally. There was further inquiry by the Boyd Committee. Now, do the Government seriously call these inquiries? I will not venture to characterize them but rest content by saying that we do not want a police inquiry or for the matter of that an executive inquiry, but an independent agency to inquire into this matter. Having regard to these serious charges, to these serious allegations which have been made in the Press and at public meetings by responsible men outside and Members of this House of the position of Pandit Madan Mohan Malaviya and Lala Hans Raj, is this your answer that a *prima facie* case has not been made out for the appointment of an independent Committee to inquire? Do you wish to shirk such inquiry? If these allegations ultimately are proved to be untrue, let me tell you, and let me tell the Government, the Honourable the Home Member, that your Government will come out of it with a greater reputation than you possess at this moment. If you shirk this inquiry, the only conclusion that we on this side of the House will come to is that you dare not face the inquiry. (Cheers.) Why do you wish to take shelter under these frivolous excuses, that primarily it is a matter or the Local Government. You know what the Local Government has done. The Local Government does not wish to face the inquiry. Have you no power, have you no authority, are Law and Order not a reserved subject? Have the Government of India no voice in the matter? Then, why do you want to shirk it? I say in your own interests, I say in the interests of Government, I say for your own credit, for your own reputation, if you are satisfied that the assault was not wanton, not uncalled for, not unjustified, and not without provocation, then the sooner you agree to this motion the better for your own interests, for your own credit, or your own reputation. (Applause.)

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Mr. President, it was my intention to record a silent vote on this occasion, which I thought would be a sad occasion, but the

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amazing speech delivered by the Honourable the Home Member has introduced a measure of bitterness on this sad occasion, which compels me to put a few of my ideas before the House.

I have hardly anything new to add to what has fallen from my friends who have spoken before me. But it appears to me that in the interests of the Government itself the speech that the Honourable the Home Member made just now was a most amazing one. It was only the other day that the Governor General addressed this House and pleaded for mutual trust and confidence. Here we have in the speech of the Honourable the Home Member, a specimen of that mutual trust and confidence. A case is brought to the notice of the House of which the Honourable Members of the House itself have personal knowledge. They stand in their place and they assure the House of the correctness of the facts. What do they demand? They demand an inquiry. As the House has been informed, the whole country has been reiterating this demand; the whole country is convinced that it was nothing but a case of murder. My Honourable friend Mr. Jinnah, the careful lawyer that he is, has not used that word, nor has my Honourable friend Mr. Jayakar used that word. Nor do I accuse any particular person of murder. But, Sir, I have not the slightest hesitation in saying that if the facts are as they are stated to be, it was nothing but murder. One single incident of the whole affair which has been referred to by more speakers than one on this side, namely, an unknown person appearing for a moment upon the scene, holding an umbrella over the head of Lala Lajpat Rai, and disappearing the next moment, that single incident is full of meaning. What follows is the attack on Lala Lajpat Rai. Any reasonable man, any man given to the habit of connecting cause with effect, can have no possible doubt in his mind that the holding of the umbrella over the head of Lala Lajpat Rai had a significant connection with the assault. It meant pointing out the target and showing who the victim was to be. I am only taking the facts as they have been stated, and I do not think any Honourable Member of the House on this side asks the Government to take those facts as finally and fully established. What do I ask for? I say that, in the face of these facts, in the face of the very serious allegations against the police and against the conduct of the officials who were there, it is your bounden duty to hold an inquiry of a nature which would satisfy the public demand. The view that I take of the matter is slightly different from the view which has been taken by my other friends on this side. I am not at all keen upon an actual inquiry. I am only anxious to show to the Government the urgent necessity for an inquiry and of convincing them—if it is possible to convince the Government of anything—that in view of the fact that the public and the world at large consider this to be pre-eminently a case for an enquiry, it will be in their own interest to hold it. If after that, the Government will not hold an enquiry, they will do so at their own risk. I am not here to save the Government from the consequence of their own action. If they choose to sit upon the safety valve, it is no business of mine to do more than tell them where they are sitting and what the result will be. Once I have told them, my business is done. If they refuse to budge from that place, and if they insist on sitting on the safety valve, let them by all means do so and take the consequences. In the face of this demand, if you do not hold the inquiry-

what will be the result? The result will be that the popular belief that Lalaji met his death at the hands of the police under circumstances which may amount to murder, that belief will develop into the firm conviction that Lalaji did die at the hands of a murderer and that that murderer was the officer concerned. (Hear, hear.) I say you cannot help people coming to that conclusion. It is the most natural conclusion which they can come to. The most amazing part of it is the manner in which the whole question has been dealt with by the Honourable the Home Member. He has gone into the facts; he has discussed the evidence, as if he was addressing a Court of appeal, and he says upon that evidence that the only inference to be drawn is that the police did their duty.

An Honourable Member: And the House ought to be satisfied with it.

Pandit Motilal Nehru: If the Government think that they have such satisfactory evidence, let it be put before an impartial tribunal, let it be placed before a committee in which the public and the world at large have confidence. Why should you shirk that unless you know in your heart of hearts that you have no case to lay before the committee?

An Honourable Member: They know it.

Pandit Motilal Nehru: That is what I am saying. The Honourable the Home Member has spoken of the policy of latitude which the Government of India and the Provincial Governments have given in the matter of allowing all kinds of demonstrations whether for or against the Simon Commission. I happen to be one of those who was in close proximity to the scene of one of these demonstrations, though unfortunately not in the demonstration itself. I am talking of Lucknow. The policy of allowing full latitude was observed in this manner. A plot of ground was allotted to the non-co-operators numbering thousands upon thousands. That was out of sight of the exit or the portico from the railway station where they came out. Right in front a whole block was empty. There were a few who were called the depressed classes. They were there in that block. They were made to sleep there the previous night. (Laughter.) There were something like—I forget the exact weight—there were something like several seers of *charas*, *ganja*, and other refreshments supplied to them that night. In addition, each of them was paid cash Rs. 2 or thereabout. In spite of these inducements, they were not there in sufficient numbers to fill that plot of land. Then further on there were co-operators. Of course all these would see the Members of the Commission as they came out of the railway station. The non-co-operators, in their thousands upon thousands, were about three furlongs away from the station. When the Commission arrived near the almost empty space where the depressed classes on the previous night had their revel, some of them were crying—I forgot to say—some of them, in the heat and excitement of the moment, were crying out “Simon, Go back”. (Laughter.) There were others who, when they saw that this space was empty, tried to enter it and it was there that the assault took place.

Now, I have no hesitation in saying from the reports which I got then and there, that if Jawaharlal Nehru had not been the young and strong man that he is, his fate would certainly have been the same as that of Lalaji. It was he who was attacked, not from one side but from three sides, and but for the fact that his young following simply surrounded him three or four deep, he could not possibly have been left alive. The attack was so concentrated in one spot. I am making no charge—I do not care, nor does

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the boy care—but I am talking of the latitude that has been given to all, whether they are co-operators or non-co-operators. And it is known, the country knows too much of this sort of thing now to be deluded by this phraseology. Besides Jawaharlal Nehru there was Govind Ballab Pant, the Leader of the Congress Party in the local Council, and they both came in for concentrated attacks. I saw both of them and they appeared just as if a painter had painted them black and blue all over their bodies, but they are both young and strong men, and they made light of these serious injuries.

Then the Honourable the Home Member says that it was because they defied all orders that such precautions were taken. It seems to me that, in the climate of India, English words have lost their English meaning. What does "strict precautions" mean? "Strict precautions" means labouring people with lathis? And what, in the name of common sense, is the precaution that one can take when an order is defied, an order under Section 144? The utmost you can do is to prosecute the man, or if it is a serious case, to arrest the man on the spot. Well, take the case of Lalaji now. It is not the case of anybody that there was a general rush, so to speak, upon the police or that the police made a general charge upon the mob. It is just the case of a few who are said to have gone beyond the barrier but had to be sent back to the barrier. They might have been easily arrested; but I am not going into that fact. I do not desire any Honourable Member to go into the facts and take it upon himself to say as to what it was that actually happened. All I am concerned with is this. Here is the grave and serious charge against an official, a high official of the Police Department, and here is the Government trying to shelter him from that charge.

Now, the most remarkable thing that the Honourable the Home Member said was that there was no *prima facie* case, no *prima facie* evidence. I really do not know what the Honourable Member's conception of a *prima facie* case is. Here we have on the floor of this House—I say dismiss everything else from your consideration—the statement of Lala Hans Raj. My friend Pandit Malaviya was not there on the spot when this thing occurred.

4 P.M. Now tell me—let anybody who has had anything to do with the weighing of evidence tell me—that that statement does not show a very strong case, much more than a *prima facie* case. If I am right, what is the defence, I ask? Two inquiries have already taken place. If you hold a hundred enquiries of the nature you have held, that would not satisfy anybody. You have come now face to face with a situation which demands an open inquiry by a duly constituted committee or tribunal or commission, or whatever you call it, in which people have confidence, which carries confidence by its impartiality, and the personnel of which commands respect. But if you shirk it, if you are not prepared to grant it, then I would entirely agree with my Honourable friend who said that you have lost all sense of decency.

Mr. Arthur Moore (Bengal: European): Sir, I wish to say that most of us here feel exactly like Pandit Motilal Nehru when he described his feelings, that is to say, we regard it as a sad occasion, and we also would prefer to give a silent vote, if there is any necessity for a vote at all. But Mr. Javakar has definitely appealed to the European Group to clear its

position on this point, and he appealed to us on the ground that a Member of the Assembly had died in circumstances which are under dispute, and therefore everybody, without reference to his Party, should join in demanding an enquiry. Now, Sir, I do not think that we yield to any one in our feelings in regard to the solidarity and honour of the House. We know also that there is deep feeling in this matter, and deep sympathies are stirred because Lala Lajpat Rai was so well-known to all of us, and particularly to the Members of this House associated with him publicly; and there is every circumstance to rouse interest and feeling and sympathy in the fact that we have, even here to-day, the actual evidence of people who can bear personal testimony. But, Sir, surely it is not enough to be led by this personal emotion, this feeling and sympathy and interest in this House. On the contrary that is reason why we should proceed in this matter with very great care. Ought we in this House to give the impression that we are not prepared to take the same interest in every man in the same circumstances of his death, if there is some similar allegation made? Therefore, Sir, I think we ought not to distinguish between one of our own number and the general public.

Mr. M. A. Jinnah: I have made it quite clear, so far as I am concerned.

Mr. Arthur Moore: I am referring to Mr. Jayakar. I think that we ought to be careful in considering this matter from an emotional point of view, though naturally, this strong feeling will arise where a man or any person so well known to us is concerned. But as to this inquiry that it proposed, let us now try coolly to consider what it can do and what is the object of it. As I see it, and I speak purely as a layman, it could be constituted for two purposes. The first is to discover whether force was used by the police.

Mr. M. A. Jinnah: That is a fact; it is not a question of "whether"; it was.

Mr. Arthur Moore: Very well, let us take that as one possible object of inquiry.

Honourable Members on the Swarajist Benches: Why "whether"; it is admitted.

Mr. Arthur Moore: If Honourable Members will wait, I will return to the point. Whether force was used by the police. Secondly, whether the force used by the police caused or accelerated the death of Lala Lajpat Rai.

Mr. M. A. Jinnah: No. Was it justifiable? Whether it was justifiable.

Mr. Arthur Moore: I take it also as to whether it caused or accelerated his death.

Mr. M. A. Jinnah: That may be or may not be. That is a subsidiary point.

Mr. Arthur Moore: Well now, as regards the first point, as to whether force was used by the police, I think that there is a tendency to ignore the point that the inquiry which has already been held established that the object of the demonstration was to defy the orders of the District Magistrate.

Pandit Madan Mohan Malaviya: No, no, that was not the object.

Mr. Arthur Moore: I understand from the speech of the Honourable the Home Member that the demonstrators went there with that object.

Pandit Madan Mohan Malaviya: The demonstrators went there to show that there were a lot of people in this country opposed to the Simon Commission, as the Government tried to show by their group, that there were men who welcomed it.

Mr. Arthur Moore: And they were aware that the demonstration had been forbidden under the orders of the District Magistrate.

Pandit Madan Mohan Malaviya: No, the demonstration had not been forbidden. The demonstrators were told they must follow a certain route and not go beyond it, and they did not go beyond the barrier.

Mr. Arthur Moore: But I understand from the Honourable the Home Member's speech that the object was to defy the orders of the District Magistrate.

Honourable Members: No, no!

Mr. President: Facts are in dispute.

Mr. Arthur Moore: At any rate it is quite certain that the object was public non-co-operation, and therefore the police had to take certain necessary precautions.

Mr. M. A. Jinnah: And assault them because they were non-co-operators.

Mr. Arthur Moore: That depends on the force required to deal with the situation.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muham-madan): What was the situation? That is the point. People were standing behind the barricade; that is all.

Mr. Arthur Moore: I think it is quite impossible by any.

The Honourable Mr. J. Orerar: I am sorry to interrupt the Honourable Member, but may I make one statement at this point? It was, as I explained in my speech, a decision arrived at at the public meeting on the 29th October; the decision was arrived at and reported to the Government of the Punjab, that the intention of the leaders of that meeting was to disobey the District Magistrate's orders. —

Mr. M. A. Jinnah: Sir, may I ask one question of the Honourable the Home Member? Is it or is it not a fact that when the people were behind the barbed wire and before the assault took place, they were entitled to be there legally?

The Honourable Mr. J. Orerar: The whole point was that the action of the police was necessitated by the danger of the crowd breaking through the barrier.

Mr. Arthur Moore: Well, Sir, as I was saying.

Mr. M. R. Jayakar: Sir, may I ask the Honourable Member whether it was not a fact that, even Mr. Boyd says in his report, that the crowd was giving no provocation?

Mr. Arthur Moore: My contention is this, that it is quite impossible at this late date for a new inquiry, after we have already had one, to come to any definite decision on this point, and I would ask Honourable Members opposite to remember that a certain amount of restraint is being exercised in other parts of the House. When, while professing to guard themselves against using such phrases, they tell us that the whole country believes that Lalaji was murdered, I think they ought to remember that there is a similarly widespread belief throughout the country among Government servants that two policemen have since been murdered in Lahore as a result. One Englishman and one gallant Indian who went to his rescue were murdered in Lahore as a result of this; and that those two men were murdered no one will even attempt to deny, whatever may be said in this other case. And we must remember one thing in the case of Lalaji which happened on the 30th October. When people talk of his having been murdered or of having been killed, we have got to remember that a week later he came to Delhi.

Pandit Madan Mohan Malaviya: May I ask the Honourable Member if there is anything to show that these murders resulted from the attack on Lala Lajpat Rai?

Mr. Arthur Moore: I have not suggested that there is. In referring to the murders in Lahore, I am not referring to evidence, but I say that when Honourable Members opposite, while professing to guard themselves against using the words, say there is a widespread impression in the country—and more than one speaker has said to-day that the whole country believes it—that the Lalaji was murdered, it ought to be remembered that a certain amount of restraint is being exercised on the other side of this House, because, it is universally believed among Government servants up and down the country that those were two murders.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Does the Honourable Member know that he is referring to a matter which is *sub judice*?

Mr. Arthur Moore: It is not *sub judice*. As far as I know, no one is on trial for murder.

Honourable Members on Swarajist Benches: It is, it is!

Mr. Arthur Moore: Anyhow, what I said is the impression which exists throughout the country. But as regards the Lalaji's death, my point is that Lalaji came to Delhi a week later. He attended the All-Parties Conference. He made speeches and he gave interviews. And I wish to point out a very interesting fact. Whatever he may have said in private conversation, some of which have been repeated to us to-day, as far as his public statements go, they show none of this bitterness which has been expressed against Government. His speeches in that week at Delhi I commend to the attention, not so much of Honourable gentlemen opposite, as to some who are not present to-day.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): What about the medical certificate?

Mr. Arthur Moore: I am quite aware of what the Lalaji said against the undesirability of an "independence" campaign. I am quite aware of what he said as to the position of any Member of this Assembly who has taken the oath of allegiance yet comes here to advocate independence.

An Honourable Member: What has that got to do with the matter?

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan): Do you know what he said about the evidence itself?

Mr. Arthur Moore: I know what he said. I am quite aware and I wish to point out . . .

An Honourable Member: What about the medical certificate?

Mr. Arthur Moore: The Lalaji has gone and it is impossible to have a *post mortem*. There is nothing left but ashes. Therefore it can never be established what connection there was between the two events. None of us can know whether or no the Lahore incident accelerated his death. But this we do know, that he travelled to Delhi afterwards, that he made speeches without bitterness . . .

Pandit Madan Mohan Malaviya: I submit, Sir, he is not speaking with a knowledge of the facts.

Mr. President: The Honourable Member is entitled to speak without knowledge of the facts!

Mr. Arthur Moore: Perhaps, Sir, I know a fact or two. I have read what Lalaji said . . .

Pandit Madan Mohan Malaviya: In his speech at Lahore the same evening?

Mr. Arthur Moore: I have read what Lalaji said when he came to the All-Parties Conference at Delhi. Many of us are firmly convinced that Lalaji was present at Lahore Railway Station, pushed on by immoderate and intemperate men, and that he went against his better judgment; or perhaps in so far as he went there willingly, he went in the hope of restraining them. Therefore, Sir, it seems to me that it is very unfortunate, after a public inquiry to which witnesses were invited, and after the people who could have given the most material help to that early inquiry took no notice of it, that we in this House should be seen trying, shall I say, to make some political asset out of that regrettable story, or trying to fan passion throughout the country and stir up bitterness, of which there must be a harvest later. We all know that, however much you preach non-violent non-co-operation, no one has ever yet succeeded in teaching the masses in this or any other country the art of non-co-operation without violence. Therefore we have got to think of the future, to think of the incidents that are likely to arise in another year if this doctrine continues to be preached. Let us not be seen snatching at opportunities of collision between civilians and authority, or encouraging this experiment of non-co-operation which is, for us as Members of this House, fundamentally incompatible with our position.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I think that any Member who speaks on this Resolution from this side of the House can only rise to his feet with great reluctance; and if in my own case there is any alleviation of that feeling, it is that it enables me to pay my own small tribute of respect to the memory of the

late Lala Lajpat Rai. I did not know him well, but I never once experienced from him anything but the most friendly and courteous treatment, and although of course it would be idle to say that those of us on this side who knew him slightly could have the same feelings at the time of his death as those who sit on the other side and were closely associated with him for many years, inevitably felt, yet I do hope it will be realised that the regret which we on this side feel is perfectly genuine and perfectly sincere. It is my wish, Sir, as I know it has been the wish of other speakers, not to say anything to-day which may embitter feeling and which could not do anything but harm to the causes which we all have at heart. My Honourable friend, Pandit Malaviya, found fault with my Honourable colleague, the Home Member, for what he had said regarding the statements made by Lala Lajpat Rai. Now, my Honourable colleague made it perfectly plain that he did not, for one moment, question the sincerity and truthfulness of the Lalaji any more than he questioned the truthfulness and sincerity of Raizada Hans Raj. It seemed to me that my Honourable friend the Pandit went somewhat further and was inclined to claim for the late Lalaji not only truthfulness and sincerity but something approaching infallibility.

Pandit Madan Mohan Malaviya: I did not.

The Honourable Sir George Rainy: After all it is of common occurrence—every one of us either in the Law Courts or elsewhere—must have come across cases where there has been a conflict of testimony, where quite different accounts were given of the same incident by different people, and yet when one was perfectly satisfied that the witnesses on both sides were endeavouring to tell the truth to the very best of their ability . . .

Mr. M. A. Jinnah: Hence the reason for an inquiry.

The Honourable Sir George Rainy: And if my Honourable colleague suggested as he did, that the statement of the late Lala Lajpat Rai was not necessarily conclusive in point of evidence, I do not think that that justifiably exposes him to criticism from the Honourable Pandit. Now, Sir, the Honourable Pandit went on to say: "Why was not the Honourable the Home Member, if he was not prepared to agree to an enquiry, at least prepared to do this, to get up in his place and accept the statement of the late Lala Lajpat Rai as correct, and on the strength of that to inflict suitable punishment on the various police officers engaged in the incident?"

Pandit Madan Mohan Malaviya: Also of Lala Hans Raj.

The Honourable Sir George Rainy: But, Mr. President, is it claimed in the name of justice that all the evidence on one side is to be taken as gospel and all the evidence on the other side summarily rejected?

Mr. M. A. Jinnah: That is what you have done.

The Honourable Sir George Rainy: I am not referring to the suggestion for an inquiry, but for action which my Honourable friend the Pandit asked the Honourable the Home Member to take. Surely, if my Honourable colleague had seen his way to comply with that invitation, his action would have been obviously and clearly unjust.

[The Honourable Sir George Rainy.]

Now, Mr. President, my Honourable friend, Mr. Jinnah, has said the only inference that can be drawn from the attitude of Government is that we are endeavouring to burke an inquiry. Am I not entitled to ask whether we could not retaliate that accusation? Does it lie in the mouths of those who refused to have anything to do with the public inquiry held by a high official of the Punjab Government

Pandit Madan Mohan Malaviya: An executive officer.

The Honourable Sir George Rainy: Who declined to take the opportunity of appearing before him and to cross-examine witnesses? Does it lie in their mouth to say that it is Government that is burking an inquiry?

Mr. M. A. Jinnah: Yes, because it was not a judicial or an independent enquiry.

The Honourable Sir George Rainy: I will come to the point taken by my Honourable friend, Mr. Jinnah, in a moment. I should like to associate myself with the protest which has already fallen from the lips of my Honourable colleague, the Home Member, against the way in which the term "murder" has been used in this debate; and I was sorry to hear that term from the lips of the Honourable the Leader of the Opposition. But, Sir, let us take it on his own footing. He said that, if the facts were as they had been stated to be, it was nothing short of murder. That is his statement, and putting it at its lowest, the allegations of the other Members who have spoken amount to this, that the police officers were guilty of criminal acts rendering them liable to punishment under the Indian Penal Code. But if so, the Courts are open. If it is a case of nothing short of murder, there is the judicial tribunal available to my Honourable friends opposite

Pandit Motilal Nehru: Is that the position that Government takes in a case where a crime like murder has been committed? Do the police leave it to the relatives of the murdered man to go to Court?

The Honourable Sir George Rainy: It is still open to those who complain that the police are neglecting their duty to bring a complaint before the magistrate and the magistrate can then issue directions

Mr. M. A. Jinnah: May I remind the Honourable Member that it is not open to any private person under the law to institute a prosecution on a charge of murder?

The Honourable Sir George Rainy: It is certainly open to any private person under the law to complain to a magistrate that an offence has been committed.

Mr. M. A. Jinnah: The prosecution can be initiated only by the Government on behalf of the Crown on a charge of murder.

The Honourable Sir George Rainy: I will not argue the point with my Honourable and learned friend

Mr. M. A. Jinnah: I think you had better consult your Law Member.

The Honourable Sir George Rainy: After all, it is a legal quibble.

Mr. M. A. Jinnah: It is not a legal quibble. I may point out to the Honourable Member that no prosecution on a charge of murder can be initiated by any private individual. It can only be done by the Government on behalf of the Crown.

The Honourable Sir George Rainy: Then I may point out to my Honourable friend that the facts alleged on the other side do not necessarily amount to murder, and if they did not, they would certainly amount to the commission of a comparatively minor offence. Does that meet his difficulty? Is not a legal tribunal open to him there?

There is only one other matter, Sir, to which I wish to allude. I did regret it when I heard my Honourable friend Mr. Jayakar say that because the late Lala Lajpat Rai was a prominent man it was necessary that special steps should be taken

Mr. M. R. Jayakar: I never suggested anything of the kind. What I said by way of appeal to the European Group to give us their support for the amendment, was that Lala Lajpat Rai was a Member of the Assembly and their colleague.

The Honourable Sir George Rainy: I heard my Honourable friend say that because Lala Lajpat Rai was a prominent Member of the Assembly

Mr. M. R. Jayakar: I said what is a fact that he was a prominent Member of the Assembly.

The Honourable Sir George Rainy: I have no desire to attribute more to my friend than he is conscious of having said. I do feel that when the charges made are of the kind described, it should not be a question whether a man is a Member of the Assembly or whether he is a prominent Member of the Assembly. Every member of the public is entitled to the same protection against misconduct on the part of the police, and it does not, to my mind, make any real difference whether a particular individual, who is alleged to have suffered, is a prominent man or not. I think, Sir, I will leave it at that and will not weary the House further.

Several Honourable Members: The question may now be put.

Diwan Chaman Lall (West Punjab: Non-Muhammadan): Sir, I had no desire at this stage of the debate, after the very splendid speeches that have been made by the leaders of the various Parties with regard to this deplorable matter, to prolong the debate for any length of time, but I must, coming from the Punjab, enter my protest against the manner in which the Honourable the Home Member and the Honourable the Commerce Member have dealt with this matter. They have signally failed in their duty, as impartial administrators, to deal with the situation which has been created by this Resolution and the amendment moved to it. It was up to them, when a charge was made, and a very serious charge too, that the public in India generally consider that Lala Lajpat Rai's death was due to a deliberate assault being made upon him by the police, it was up to them to institute an impartial inquiry. The Honourable the Home Member will recall the fact that Lala Lajpat Rai himself was willing, when the Boyd Inquiry was appointed, to appear before an impartial

[Diwan Chaman Lall.]

tribunal, a judicial tribunal and an independent tribunal. The words he himself used were these:

"We do not want any departmental inquiry. We do not want any inquiry by a single Indian Civil Service officer. If any inquiry is to be made, it must be an open inquiry by a Commission consisting of two non-officials and one judicial officer."

Does it now lie in the mouth of the Honourable Member over there to say, why did not Lala Lajpat Rai give evidence before the Boyd Inquiry? He did not do so, because he considered he could not get justice from it, and every one of us knows, after the verdict given by the Boyd Inquiry, that that inquiry could not have afforded us any justice. In the nature of things it could not be an impartial enquiry. The executive are the accused and at the same time the judges. What Mr. Boyd has done is to take the verdict from the police and place his signature to it. Now, Sir, here is one statement which I want to bring to the notice of the House which will shew that we could get no justice from Mr. Boyd. Here is the Senior Superintendent of Police, who is being charged with having assaulted Lala Lajpat Rai. He comes before Mr. Boyd to give evidence, and Mr. Boyd, after all the evidence that he has taken, discovers that it is the Senior Superintendent of Police who made the first assault, that he was responsible for the first attack upon the demonstrators, and that in his evidence the Senior Superintendent of Police did not make any mention of the assault which he himself made upon the demonstrators. I want to recall the actual words to the notice of the Honourable the Home Member. It is the police who made the first attack on the demonstrators. The late Mr. Saunders says in his evidence:

"they were rapped on the hands with a cane by the Senior Superintendent of Police and himself."

And Mr. Boyd adds:

"These raps may have accounted for some of the injuries complained of. The Senior Superintendent of Police did not mention this incident, as his evidence related entirely to a subsequent scuffle which occurred about ten minutes later."

Now, Sir, imagine the position of a man who is appointed to inquire into this matter. The Senior Superintendent of Police comes before him to give evidence and hides from the inquiring officer one of the most essential factors in that evidence, one of the most essential incidents in that evidence, and he forgets or ignores to mention the fact that he himself started the assault.

The Honourable Mr. J. Crerar: I am very reluctant to interrupt the Honourable Member, but may I point out to him that the incident to which Mr. Boyd refers as not having been mentioned was not the incident which is alleged against the Senior Superintendent of Police.

Diwan Chaman Lall: I am perfectly well aware of the facts, Sir, and I have said so. I hope the Honourable Member will give me a little credit for intelligence. (Some Honourable Members from the European Group: "Why?") I am perfectly well aware that the incident was the first incident. It was the first incident, as I said, when Mr. Scott, the Senior Superintendent of Police, actually goes out of his way to rap the demonstrators with his cane. That is how the whole trouble originated. Then they

go on to justify what they call the second scuffle, and there are several stories which Government put forward. The second scuffle arose they say because a Sergeant was told to put more barbed wire over the top of the barrier. When he reached the gap Mr. Saunders lost sight of him, and almost immediately afterwards the crowd surged forward and were definitely pushing the constables who were holding the gap. The Report says:

"I am quite satisfied that the scuffle arose because Sergeant Ward was, probably quite unintentionally, jostled and knocked over when stooping down to fix barbed wire to a trestle."

And therefore the police started assaulting. But what I want to drive at is this. Here is the Senior Superintendent of Police, who makes his first attack—and this is also part of the attack—he appears before Mr. Boyd, and does not mention even one word in regard to the attack which he himself first made. He himself was the originator of the whole trouble, and yet he does not mention one word about it in his evidence before Mr. Boyd! And yet, the Senior Superintendent of Police is to be believed as to what he has said, and the inquiry that is conducted by Mr. Boyd is to be believed as a just and impartial inquiry. Sir, I say this Inquiry, this Report is not worth the paper on which it is written.

Now, Sir, I come to the second point. It has been alleged that, without any provocation, an assault was made upon Lala Lajpat Rai and other members of the demonstration. What do the Government themselves say?

"When the crowd reached the barricade, it stopped under the orders of the police, and the different accounts so far seen by the Government agree, firstly, that there was at first no attempt on the part of the members of the procession to rush the barriers, and secondly, that there was no aggressive action by the police."

Now, Mr. Boyd himself says this:

"I am quite satisfied that the scuffle arose because Sergeant Ward was, probably quite unintentionally, jostled and knocked over when stooping down to fix barbed wire to a trestle. But up till that time"—

—this is a very significant remark—

"the crowd was orderly, if noisy, and was behind the barrier, but was being pushed forward from behind . . ."

There is no other evidence. Nobody has ever said that the crowd was being pushed forward from behind. We have three different statements. One set of evidence is to the effect that they were trying to climb over five feet of barbed wire. Imagine anybody daring to climb over five feet of barbed wire in order to go and make an exhibition of himself. Another statement is that they were rushing the gap that was in the barrier. A third statement is—and that is Lord Winterton's statement,—that they were being pushed from behind. Nobody, not even Lord Winterton, could say that any of these demonstrators had crossed the barrier. Has anybody alleged it? Has the Honourable Member alleged it? And yet we have the statement on the other side of the House that the demonstrators over there were orderly; although they were noisy they were peaceful and stopped there under the orders of the police. The story about a certain Ward being jostled is a concoction and would not deceive a child. Then, what is the real basis of all this? The basis, I submit, is perfectly clear.

[Diwan Chaman Lall.]

We have heard the statement of Lala Hans Raj. Does the Honourable Member say that the Punjab Government and its police officials are stating the truth, or that Lala Hans Raj is telling the truth? One set of statements is a lie. Either the Punjab Government and the police are liars, or the late Lala Lajpat Rai, my Honourable friend, Lala Hans Raj, and all those other people who were there at the spot, are liars. It is no good saying it is a question of impression. My Honourable friend, the Home Member says it is an impression. He knows what he is talking about, what he wants to say, though he does not say it, that Lala Hans Raj is a liar . . .

The Honourable Mr. J. Orerar: I deny that absolutely, Sir. That is a most unjustifiable inference.

Diwan Chaman Lall: What is the use of turning round and saying, it was merely an impression? The impression of this man, the impression of a man with a hand that was bleeding, because of an unprovoked assault, the impression of Lala Lajpat Rai, whom I saw with two big scars, as soon as I arrived from Europe, the next day, and I have repeated in the Press and I repeat on the floor of this House that he said that the attack was a deliberate attack made with the intention to murder him! There are four witnesses to this. If the Honourable the Home Member is prepared to have an enquiry, I can produce them. If that was the impression of Lala Lajpat Rai, and if that is the impression in the public mind, may I ask what justification the Honourable Member has for denying us an impartial and judicial enquiry into this matter? If he will not face an enquiry, as pointed out by Pandit Motilal Nehru and by Mr. Jinnah, it is perfectly obvious that the Executive stand condemned in the eyes of every decent Indian, and that they are really trying to shield and shelter people who are guilty of this wanton assault upon the late Lala Lajpat Rai. (Applause.)

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Pandit Dwarka Prasad Misra: Sir, my Leader, Pandit Motilal Nehru, is surprised at the callousness of the Benches opposite. So far as I am concerned, I am surprised at the colossal ignorance that they have displayed in this debate. I have been in this House for over two years but I have never seen the Government Benches so ill-prepared to meet the case of Members on the non-official side as I found them today. I was still more surprised at my Honourable friend, Mr. Moore, standing over there, taking the Honourable the Home Member's ill-informed and ill delivered remarks and trying to make a case out of those remarks. Sir, how can the blind lead the blind? So far as my Honourable friend, Mr. Moore, is concerned, he made an astounding statement. He said that Lala Lajpat Rai lived for 17 days after the assault, but he never showed any bitterness in his speech . . .

Mr. Arthur Moore: I did not say so. I said he made speeches in Delhi without bitterness.

Pandit Dwarka Prasad Misra: Here I read to the Honourable Member, what Lalaji said, just after the assault:

"Every blow that was hurled at us this afternoon was a nail in the coffin of the British Empire."

Is that bitterness or not, I ask the Honourable Member?

Mr. Arthur Moore: It is much more important what he said a week later when he had had time for reflection.

Pandit Dwarka Prasad Misra: All right, if only that will satisfy the Honourable Member, I proceed and tell the House what Lalaji said in Delhi a week later. He said at the meeting of the All-India Congress Committee held a week later in Delhi as reported by the Associated Press:

"He agreed with most of what Pandit Motilal Nehru had said. His wish, however, was to turn out the British from India even by force. They had to gain their freedom by any means which was practicable and available. He declared that the British did not occupy their present position by peaceful and legitimate means. Non-violence as a policy was all right, but it should not be accepted as a creed."

A statement of this nature was never made by Lalaji in all his life before that assault took place. I ask my Honourable friend to tell me if there is bitterness in it or not.

Mr. Arthur Moore: Will the Honourable Member read the end of the passage?

Pandit Dwarka Prasad Misra: Let the Honourable Member do it for himself. So far as my Honourable friend the Home Member sitting opposite is concerned, I again repeat that I have always believed in his sincerity of purpose, and believing as I did I spoke in that way about him. I believed and I said that when he paid a glowing tribute to the late Lalaji on January 28th in this House he did not indulge in the art of polite falsity. But I am sorry to say that while I am prepared to accept that the Honourable Member is sincere he is not prepared even to tolerate sincere words coming from the other side. I tell my Honourable friend that it is only on rare occasions that I take part in debates in this House, but I tell him that whenever I do so he should not expect that all the things that come from this side will always be very smooth and palatable to him. The oath that I took on the first day in this House will remain inscribed in my heart so long as I am in this House, and that oath was to the effect that I would sincerely and honestly perform my duties in this House. I had thought that the Honourable Member would be willing to concede that much honesty of purpose to me . . .

The Honourable Mr. J. Orerar: I made no imputation on the Honourable Member's honesty, and if any expression that I used gave him that impression, I desire to assure him that I had no such intention.

Pandit Dwarka Prasad Misra: I thank the Honourable Member for that. The death of Lalaji is a matter about which we, the youth of India, feel very keenly. I would be less than human if after I found that any of my leaders like Pandit Motilal Nehru, or Pandit Madan Mohan Malaviya or Mr. Jinnah behind whom I have the honour to sit have been assaulted like this, I say I would be less than human, and I

[Pandit Dwarka Prasad Misra.]

would not be loyal to them if I did not raise the strongest voice of protest I could raise in this House. I am sorry that my Honourable friend accused me of unparliamentary language. I am sure, Mr. President, you would have promptly called me to order had I used any such expression. But I really sympathise with my Honourable friend the Home Member, because the same expression against which he protested when used by me has been used by my Honourable friend Mr. Jinnah and Pandit Motilal Nehru who, I am afraid, cannot be accused of ignorance of parliamentary language. I cannot but repeat that in the debate that has taken place in this House today so far as the Treasury Benches are concerned, they have shown colossal ignorance as well as callousness. I tell them that, whatever they might think, say or do, the murder of Lala Lajpat Rai has gone deep into the heart of the nation. So long as these front benchers are here, the Government may be able to hear smooth parliamentary language, but the day is sure to come when they will hear more and more of that unparliamentary language in this House of which the Honourable Member has accused me to-day.

Sir, I have nothing more to add to what I have already said.

The Honourable Mr. J. Orerax: Mr. President, as the hour is late, I do not intend to detain the House with more than a few words. It was inevitable that the Resolution moved by the Honourable Member who has just resumed his seat should rouse a great deal of passion and prejudice, and I fear that, at this stage, no word that I could say will materially affect the passion and prejudice which have been aroused. I only wish to touch on two points and I shall then resume my seat.

The suggestion was made—indeed, something more than a suggestion—that I cast an imputation on the veracity of the late Lala Lajpat Rai, or of the Honourable Raizada Hans Raj. Now, Sir, I had no such intention, nor from any word that I said could such an intention be possibly derived. I merely pointed out that, in a confused and tumultuous situation, impressions may be very honestly derived which nevertheless are not entirely coincident with the actual facts. A further suggestion that was made, which I shall do my best to remove, was that it is part of my case that the police used no force at all. That was never part of my case. It was inevitable, in the circumstances, that some force should have been used, but my case and the case of the Punjab Government—the case which was placed before the inquiring officer—was this, that whether by deliberate attempt on the part of the crowd—and indeed a deliberate attempt was not definitely alleged—or owing to the surging forward of the crowd, the effect was an effect which is very frequently caused not by any deliberate intention by the persons in the front but by the instinctive motion of the large masses of persons behind—the effect was that the barricade was in immediate danger of being forced. (*Honourable Members on the Opposition Benches:* “No, no.”) That at any rate is my convinced impression and the view of the police was that if that took place.

Pandit Madan Mohan Malaviya: It did not.

The Honourable Mr. J. Orerax: a situation—they were omitting the question of the personalities involved—much more serious, from the police point of view, would have inevitably resulted and would have probably rendered it necessary on their part to use a great deal more force

than was actually employed. I myself am convinced that this was the view honestly taken by the police officers concerned—and it was justified by the circumstances. I do not deny nor does anybody deny it. But no force was used which is in excess of the requirements of the situation, and in particular no deliberate force was used on any single individual. That is our case, and I maintain that it has been satisfactorily proved by the facts adduced before the three inquiries which have been made, because I include the debate which took place on the floor of the Legislative Council. I now come to the question of the inquiry. Honourable Members of this House have demanded a further inquiry and I have been told, in the emphatic and impressive phraseology which Mr. Jayakar knows so well how to use, in the incisive and deliberate phraseology which Mr. Jinnah wields with so dexterous an effect, by the Honourable gentleman who leads the opposition and by many others, that if Government refuse this committee of inquiry they will be putting the last nail in the coffin of their credit. I do not know of any occasion when an inquiry has been demanded and when Government have been unable to comply with that request, that that allegation has not been made. But I say that on this occasion the allegation is an unjust one. If an open and public inquiry had not been made, this demand for an inquiry might have arisen. A local and public inquiry has taken place and if those who were concerned to bring home the allegations for which they made themselves responsible, had appeared before that inquiry, and if their evidence had not been treated in a satisfactory manner, if the officer presiding over that inquiry had arrived at unjust findings against the plain weight of the evidence, then again, I say there might have been some reason in this request, but neither of these things is the fact. For these reasons I much regret, notwithstanding the deep and genuine feeling which I am conscious prevails on that side of the House, I find myself unable to comply with that request.

Mr. President: The original Resolution was:—

“This Assembly recommends to the Governor General in Council that he may be pleased to convey a message from this Assembly to the Secretary of State for India, and through him to His Majesty's Government that this House strongly resents the insulting reply of Earl Winterton, the Under Secretary of State for India, given on 26th November, 1928, to questions from the members of the Labour Party regarding the circumstances of Lala Lajpat Rai's death and that this House believes that the death of Lala Lajpat Rai was accelerated by the injury he received at the hands of the police while leading a boycott procession on the arrival of the Simon Commission at Lahore, and is of opinion that the enquiry conducted by the Boyd Committee was unreal and instituted deliberately to justify and whitewash the crimes committed by the police.”

Since which the following amendment has been moved:

“That for the original Resolution the following be substituted:—

“This Assembly recommends to the Governor General in Council that he be pleased to appoint a committee consisting of the Honourable the Home Member, Pandit Motilal Nehru, Pandit Madan Mohan Malaviya, Sir Purshotamdas Thakurdas, Nawab Sir Sahibzada Abdul Qaiyum, Maulvi Muhammad Yakub, and Munshi Iswar Saran to enquire into the allegations which have been made regarding the assault on Lala Lajpat Rai, the Leader of the Nationalist Party in the Assembly, and its effect in causing or hastening his death and to issue instructions to the committee to submit its report within one month of its appointment.”

The question is that that amendment be made.

The Assembly divided:

AYES—57.

Abdool Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur
Haji.
Acharya, Mr. M. K.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sesha.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Chaman Lall, Diwan.
Chatterjee, the Revd. J. C.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Ismail Khan, Mr. Muhammad.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Javakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. D. K.

NOES—45.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Alexander, Mr. William.
Allison, Mr. F. W.
Ashrafuddin Ahmed, Khan Bahadur
Nawabzada Sayid.
Bajpai, Mr. G. S.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Costman, Mr. J.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
French, Mr. J. C.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Graham, Mr. L.
Hira Singh, Brar, Sardar Bahadur,
Honorary Captain.
Jowahir Singh, Sardar Bahadur
Sardar.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday,
18th February, 1929.

Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. S. C.
Mohammad Ismail Khan, Haji
Chaudhury.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza, Saheb Bahadur, Maulvi
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Purshotamdas Thakurdas, Sir.
Rahimtulla, Mr. Fazal Ibrahim.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Roy, Mr. K. C.
Roy, Rai Bahadur Tarit Bhusan
Shafee, Maulvi Mohammad.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Gangadand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar Prasad.
Yakub, Maulvi Muhammad.

Keane, Mr. M.
Lall, Mr. S.
Lamb, Mr. W. S.
Lindsay, Sir Darcy.
Mitra, The Honourable Sir Bhupen
Nath.
Moore, Mr. Arthur.
Mukharji, Rai Bahadur A. K.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rai, The Honourable Sir George.
Rao, Mr. V. Pandurangha.
Row, Mr. K. Sanjiva.
Sams, Mr. H. A.
Sassoon, Sir Victor.
Schuster, The Honourable Sir George.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stevenson, Mr. H. L.
Svkes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

LEGISLATIVE ASSEMBLY.

Monday, 18th February, 1929.

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

QUESTIONS AND ANSWERS.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN KISMAYU, ITALIAN SOMALILAND.

553. *Mr. Gaya Prasad Singh: (a) Is it a fact that in July, 1925, the British Government handed over the territory of Kismayu to the Italian Government, and the Indian residents were assured that their interests had been duly safeguarded? Why was this transfer made?

(b) Is it a fact that on the 1st January, 1926, Captain R. Dick was appointed British Consul at Kismayu, but towards the end of September, 1927, the said Consulate was closed for want of funds?

(c) Are Government aware that there are about 208 British Indian subjects, most of whom had been domiciled in the territory since the advent of the British Government there, and they possess large buildings, stone houses, and are engaged in extensive trade?

(d) Are Government aware that a large number of the Indian residents of Kismayu (Somalia Italiana) sent a representation dated 3rd July, 1927, to His Britannic Majesty's Secretary of State for Foreign Affairs, London, protesting against the closure of the Consulate as detrimental to their interests?

(e) Are Government aware that a large number of Indian residents of Kismayu have also represented their grievances to the Indian Association of Mombasa, regarding the closure of the Consulate there?

(f) Will Government kindly explain how the interests of the Indian residents in Kismayu are safeguarded; and what steps have been taken to revive the Consulate in that territory?

Sir Denys Bray: The facts are generally as stated. British subjects in Jubaland (which was transferred to Italy by His Majesty's Government as part of a general settlement between the two countries) are always able, if they need assistance, to appeal to the Kenya authorities. The Consulate was closed as the expenditure involved was not justified by the amount of work, and there is no present intention of re-opening it; but though Captain Dick is no longer Consul, his assistance and advice are still available.

TREATMENT BY THE ITALIAN AUTHORITIES OF MOHAMEDALI EBRAHIMJI ADAMJI BOHORA, A MERCHANT OF KISMAYU, ITALIAN SOMALILAND.

554. *Mr. Gaya Prasad Singh: (a) Are Government aware that the following cable, dated 16th February, 1928, was sent by the Indian Association of Mombassa (Kenya Colony), to H. E. the Viceroy, to Pandit Madan Mohan Malaviya and to myself:

"British subject Mohamedali Ebrahimji Adamji Bohora, merchant of 50 years' standing in Kismayu, a place handed over by the British Government to Italy in 1925, had on the 15th January last, occasion to visit Collectorate on business, and passing Government House, distance 50 yards, not seeing Governor or Secretary in garden did not salute. Governor observing this, sent Secretary take name, who complied orders, and dismissed Mohamedali. Next day Commissioner sent for Mohamedali, asked why he had not saluted the Governor. Mohamedali replied he neither had seen nor noticed Governor, and that, had he seen the Governor, he certainly would have saluted him in desired Roman style, as salute would not have cost him anything. Governor returned headquarters, and his orders directing deportation of Mohamedali were verbally communicated to deportee who accordingly left the Colony on 19th instant and arrived here. He has a large family and considerable property in Kismayu. Regrettable British Consulate closed in September last for want of funds. The ex-British Consul certifies character Mohamedali exemplary, and facts stated by him true. Same day for similar imaginary offences Ali, Motor Lorry Driver imprisoned one month. Tahirali, passenger, imprisoned 10 days. Abduali owner fined Liras 1,000. Use Lorry stopped one month. Indians in Kismayu terrified. Governor Kenya given full particulars?"

(b) Are Government aware that the said Mohamedali Ebrahimji submitted a petition to H. E. Sir Edward Grigg in February, 1928, which was supported by his affidavit, dated Mombassa, 20th February, 1928?

(c) Are Government aware that Captain R. Dick, the late British Consul of Kismayu, Somalia Italiana, also substantially supported the incident in his letter to the Honourable Colonial Secretary, Nairobi, Kenya Colony?

(d) Have Government made any enquiry, or do they propose to make one and place the facts before the House?

Sir Denys Bray: Yes, Sir, and on receipt of the telegram the Government of India addressed His Majesty's Government, as a result of whose representations the expulsion order against Mohamedali Ebrahimji Adamji has been revoked.

INDIAN EXPORT TRADE TO MAURITIUS.

555. *Mr. Ghanshyam Das Birla: 1. Are Government aware:

(a) that the population of the colony of Mauritius is mostly Indian and is almost entirely dependent for its food-stuff supplies on India and Burma?

(b) that in 1927-28 India's exports to Mauritius were valued at Rs. 190 lakhs while her imports were valued at Rs. 57 thousand?

(c) that the currency of Mauritius consists of Government of Mauritius notes and silver rupees coined in India?

(d) that there is at present an embargo on the export of silver coin from the Colony and its Government provides no facilities for exchange, though it has done so on occasions?

(e) that the Banks in India are generally reluctant to buy bills on Mauritius in the absence of facilities for getting their funds back?

(f) that the Sugar Syndicate of Mauritius form the biggest exporters in the Colony and it is almost impossible for any merchant there to import any commodity from anywhere unless the Syndicate is prepared to arrange for him credits in the country from which the imports are to be made?

(g) that those engaged in the Indian export trade to Mauritius have, as a result of all this, to experience considerable difficulty in arranging finance?

2. If the answers are in the affirmative, are Government prepared to consider the desirability of taking such action as may be necessary for the relief of the Indian merchants?

The Honourable Sir George Schuster: Part 1.—From the particulars which they have been able to collect, for the purpose of replying to the Honourable Member's question, the Government of India have reason to believe that the facts of the situation are substantially as described by the Honourable Member. But they have received no representation on the subject and they have no precise information as to the alleged difficulties of the Indian merchants.

Part 2.—The Honourable Member will appreciate that the matter is not one within the direct control of the Government of India, and I do not know what possible course of action the Honourable Member has in mind. If he has any concrete suggestions to offer, I shall be glad to discuss them with him outside the House.

NON-MILITARY RIFLE PRACTICE CLUBS IN INDIA.

556. *Dr. B. S. Moonje: With reference to the reply given by the Honourable Mr. J. C. Crerar to my question No. 350, will the Government be pleased to collect information from the Provincial Governments on the details as asked for in the question and place it on the table of the Assembly?

The Honourable Mr. J. C. Crerar: The information is being collected.

FORMATION OF AIRCRAFT SECTIONS IN CONNECTION WITH THE AUXILIARY FORCE AND INDIAN TERRITORIAL FORCE.

557. *Dr. B. S. Moonje: (a) Has the attention of Government been drawn to the notes on "Auxiliary Force and Flying" in the Pioneer of 4th February, 1929?

(b) If so, is it a fact that if an "Aircraft Section be started in connection with the Auxiliary Force", it will undoubtedly lead to economy in internal security arrangements and form the nucleus of an efficient reserve?"

(c) Do Government propose to start such an Aircraft Section, and if so, when?

(d) Do Government propose to take the similar claims of the Territorial Force also into consideration?

Mr. G. M. Young: (a) Yes.

(b) The question is hypothetical, but I do not think that there is any reason to anticipate any economy in internal security arrangements from such a proposal.

(c) No, Sir.

(d) Does not arise.

EDUCATIONAL INSTITUTIONS IN THE PROVINCE OF DELHI MAINTAINED BY THE ARYA SAMAJ.

558. *Mr. Mukhtar Singh: Are Government aware that the Arya Samaj in the Province of Delhi maintains the following educational institutions in the Province:

- (a) Gurukula Indraprastha, Tughlaqabad.
- (b) D. A. V. High School, Daryaganj, Delhi City.
- (c) D. N. High School, Patodi House, Delhi City (with its branches).
- (d) Arya Orphanage, Patodi House, Delhi City.
- (e) Arya Kanya Pathshala, Chaori Bazar, Delhi.
- (f) Rajput Kanya Pathshala, Sadar Nala, Delhi City.
- (g) Birla Arya Pathshala, Sabzimandi, Delhi.
- (h) Schools for the depressed classes in the City and the Province?

Mr. G. S. Bajpai: Yes, Sir.

NUMBER OF EDUCATIONAL INSTITUTIONS MAINTAINED BY BODIES REPRESENTED ON THE DELHI UNIVERSITY.

559. *Mr. Mukhtar Singh: (a) Will Government be pleased to state the names of the bodies which have representation on the Delhi University?

(b) Will Government be further pleased to state the number of educational institutions maintained by the aforesaid bodies in the Delhi Province?

Mr. G. S. Bajpai: (a) and (b). A statement giving the information required is laid on the table.

Statement placed on the table in reply to Mr. Mukhtar Singh's question regarding the Delhi University.

- (a) 1. The Municipal Committee, Delhi.
2. The Bar Association, Delhi.
3. The Committees of Management of Juma Masjid and Fatehpuri Mosque, Delhi, jointly.
4. The Khalsa Diwan, Delhi.
5. The Shri Indraprastha Sanatan Dharam Mandal, Delhi.
- (b) 1. The Municipal Committee, Delhi—4 Middle and 38 Primary Schools.
2. The Bar Association, Delhi—Nil.
3. The Committee of Management of Fatehpuri Mosque, Delhi—1 Oriental Institution.
4. The Khalsa Diwan, Delhi—3 Primary Schools.
5. The Shri Indraprastha Sanatan Dharam Mandal, Delhi, maintains 1 High School, 1 Orphanage and several Pathshalas and is also connected with the management of the Hindu College, Delhi.

REPRESENTATION OF THE ARYA SAMAJ ON THE DELHI UNIVERSITY.

560. *Mr. Mukhtar Singh: Is it a fact that the Delhi University Court unanimously recommended that the Arya Samaj be represented on the Delhi University? If the answer be in the affirmative, will the Government be pleased to place a copy of the said resolution on the table?

Mr. G. S. Bajpai: With your permission, Sir, I shall deal with Questions 560 and 561 together. The Court of the Delhi University recommended that of the seven bodies which had been given representation by His Excellency the Chancellor in 1923, five should continue to have representation and for the remaining two, the Arya Samaj, Delhi, and the Delhi Medical Association should be substituted. As no change had taken place since 1923 in the educational status and importance of the two bodies whose replacement was proposed by the Court, His Excellency the Chancellor decided to give his approval to the recommendations in favour of continuing the representation of the five other bodies, and to take no action in regard to the new nominations. It seemed invidious to the other two bodies, which had enjoyed representation since 1923, to approve of their replacement by others without adequate reason. This decision did not, of course, imply any disparagement of the educational importance of the new institutions (of which one was the Arya Samaj), whose representation was recommended. A communication has been received from the Arya Samaj, Delhi, on the subject and is now under consideration.

REPRESENTATION OF THE ARYA SAMAJ IN THE DELHI UNIVERSITY.

†561. *Mr. Mukhtar Singh: (a) Is it a fact that in spite of the unanimous resolution of the Court of the Delhi University and the recommendations of the Vice-Chancellor, the Government did not allow the Arya Samaj to have the representation? If the answer be in the affirmative, will the Government be pleased to state their reasons for withholding their sanction in this behalf?

(b) Is it a fact that great dissatisfaction prevails on account of this decision of the Government?

(c) Has any representation in this behalf been received by the Government from the All-India Aryan League? If the answer be in the affirmative, will the Government be pleased to state what they have done in the matter?

EMPLOYMENT OF MUHAMMADANS ONLY IN THE POST OF SUPERINTENDENT OF POST OFFICES, BHAGALPUR DIVISION.

562. *Mr. Siddheswar Prasad Sinha: (a) Will Government state whether the charge of the Superintendent of Post Offices, Bhagalpur Division, was held from the 10th January, 1916, as follows:

1. Mr. S. M. Mansoor—10th January, 1916 to 18th May, 1919.
2. Mr. Abdul Rahim—19th May, 1919 to 5th August, 1919.
3. Mr. S. A. Haq—14th October, 1919 to 19th December, 1921.
4. Mr. S. A. Majid—21st December to 21st May, 1923, and 17th July, 1923 to May, 1927.

(b) If so, does it follow that the charge was held uninterruptedly by Muhammadan Superintendents for a period of about 11½ years, but for short gaps of 2 months in 1919 and about 1½ months in 1923?

(c) Are Government aware that Mr. J. J. Newton, the then Superintendent of Post Offices, Cachar Division, was transferred from Silchar to Bhagalpur in September, 1919 and again from Bhagalpur to Patna in October, 1919?

†For answer to this question, see answer to question No. 560.

(d) What necessitated the transfer of the officer from Bhagalpur to Patna after so brief a stay at Bhagalpur? Is it a fact that the transfer was ordered to accommodate Mr. S. A. Haq the then Superintendent of Post Offices, Gya Division?

Mr. H. A. Sams: (a) and (b). The facts, as stated by the Honourable Member, and the inference which he draws from them, are approximately correct.

(c) Yes.

(d) At this distant date it is impossible to state the reason definitely, but it seems that the transfer was made at Mr. Newton's own request.

EMPLOYMENT IN THE BHAGALPUR DISTRICT OF MUHAMMAD RAFIQ KHAN, A MUHAMMADAN INSPECTOR OF POST OFFICES.

563. ***Mr. Siddheswar Prasad Sinha:** Will Government state the total period of service of M. Abdul Rafiq Khan as Inspector of Post Offices in the district of Purnea and Bhagalpur separately? Is it a fact that he has been kept on in that division because of there being Muhammadan Superintendents all the while?

Mr. H. A. Sams: The answer to the first part of the question is:

in Purnea 7 years 11 months and 10 days;

and

in Bhagalpur 3 years 19 days up to date;

and to the second part: No.

PROVISION OF A DEAD LETTER OFFICE IN THE BIHAR AND ORISSA POSTAL CIRCLE.

564. ***Mr. Siddheswar Prasad Sinha:** Is it a fact that all the Postal circles in India have a Dead Letter Office each except the Bihar and Orissa Postal Circle? Did the Postmaster General, Bihar and Orissa, propose the opening of one in his circle, and if so, with what result? If the proposal has been rejected, will Government state the reason therefor?

Mr. H. A. Sams: The reply to the first part is in the negative. As regards the second, a proposal was received from the Postmaster General, Bihar and Orissa, but it was not accepted. With respect to the third part, the Honourable Member's attention is invited to the reply given by me to part (b) of Khan Bahadur Sarfaraz Hussain Khan's starred question No. 1992 in the Legislative Assembly on the 3rd September, 1924.

PAUCITY OF HINDUS APPOINTED TO POST OFFICES IN THE BHAGALPUR DIVISION.

565. ***Mr. Siddheswar Prasad Sinha:** (a) Will the Government state whether the following appointments were actually made in the Post Offices in the Bhagalpur Division and on the date noted against each:

1. Abdul Latif—1st August, 1921.
2. Muhammad Arif Hussain—1st August, 1921.
3. Allauddin Khan—1st August, 1921.
4. Muhammad Akhtar—1st September, 1921.

5. Nurul Huda—16th November, 1921.
6. J. A. Quadri—27th November, 1921.
7. Moinuddin Ahmed—2nd May, 1922.
8. Abdul Qudus—3rd June, 1922.
9. A. Rauf—15th August, 1922.
10. Najib Hussain—30th January, 1923.
11. Amir Ali—13th February, 1923.

(b) How many Hindus were appointed during this period?

Mr. H. A. Sams: (a) The facts are not entirely as stated by the Honourable Member. Nos. 6 and 7 were appointed on 10th December, 1923, and 2nd May, 1924, respectively, while the name of No. 9 does not appear on the divisional list.

(b) None.

Mr. Siddheswar Prasad Sinha: Regarding part (b) of my question, is there any reason why no Hindu has been appointed?

Mr. H. A. Sams: I must have notice of the question. I cannot say off hand why no Hindu was appointed.

PROMOTION OF HINDUS AND MUHAMMADANS EMPLOYED IN POST OFFICES IN THE BHAGALPUR DIVISION.

566. ***Mr. Siddheswar Prasad Sinha:** (a) Will the Government state whether the following appointments were made in the Post Offices in the Bhagalpur Division and on the dates noted against their names:

1. H. M. Sinha—13th January, 1924.
2. B. B. Chakravarti—30th January, 1924.
3. Kalimuddin Ahmed—3rd February, 1924.
4. Sk. Abdul Aziz—14th April, 1924.
5. Manzoor Ali—23rd April, 1924.
6. R. B. Jha—14th June, 1924.
7. Rameshwar Prasad—16th June, 1924.
8. S. K. Sinha—12th December, 1924.
9. M. L. Jha—1st May, 1925.
10. K. L. Mandal—28th April, 1926.
11. A. H. Khan—1st July, 1926.
12. A. Majid—1st October, 1926.
13. Fida Hussain—1st November, 1926.
14. Imamuddin—1st November, 1926.
15. Sheonandan Prasad—1st December, 1926.
16. Ashraf Hussain—26th January, 1927.
17. Girdhari Maharaj—26th January, 1927.
18. Nand Kishore Ram—29th January, 1927.
19. C. P. Dutt—31st May, 1927.
20. Aradat Hussain—31st May, 1927.
21. Jahangir Ali—31st May, 1927.
22. Ramjilal Dass—31st May, 1927.

(b) Were these appointments made on a population basis? Did the proportion of Hindus to Muhammadan population in the Bhagalpur Division justify the recruitment of 10 Muhammadans against 12 Hindus?

Mr. H. A. Sams: (a) Yes, except that in some cases the dates given by the Honourable Member are not quite accurate.

(b) The answer to the first part is in the negative. The second part of the question does therefore not arise.

Kumar Ganganand Sinha: Will the Honourable Member kindly say in what respect the table given by the Honourable questioner is not accurate?

Mr. H. A. Sams: I cannot say, Sir, at the present moment in what respect it is inaccurate. I must consult the records.

Mr. Siddheswar Prasad Sinha: What is the reason for the Honourable Member to say that the table given by me is not accurate?

Mr. H. A. Sams: I can only say that on examining the table it appears that it is not accurate. If the Honourable Member wants details, I shall be glad to furnish them to him.

Mr. Siddheswar Prasad Sinha: Will the Honourable Member kindly give a correct table stating the number of Hindus and Muhammadans employed during the period?

Mr. H. A. Sams: Yes, Sir. I shall give a correct table.

RESTRICTION BY THE EAST INDIAN RAILWAY AUTHORITIES OF THE NUMBERS PERMITTED ON THE PLATFORM TO MEET THE PRESIDENT-ELECT OF THE INDIAN NATIONAL CONGRESS.

567. ***Kumar Ganganand Sinha:** (a) Is it a fact that the East Indian Railway authorities refused to allow more than 50 persons on the station platform on the occasion of the arrival of Pandit Motilal Nehru, President-elect of the 43rd session of the Indian National Congress?

(b) If so, is it a fact that no such restriction was made when the President-elect of the previous sessions of the Congress held in Calcutta, arrived or when a public reception was given to any honoured guest?

(c) If the answer to (b) is not in the affirmative will Government be pleased to enquire and state the occasions of such restrictions and the nature of the restriction on each occasion?

Mr. A. A. L. Parsons: I believe that some restriction was placed on the number of persons allowed on the station platform on the occasion mentioned by the Honourable Member, and a similar restriction was also imposed on the occasion of the arrival of the Statutory Commission. I am, however, ascertaining the exact facts for the Honourable Member and will communicate with him on receipt of the Agent's reply.

RUMOURED ALLIANCE BETWEEN BRITISH COMMERCIAL INTERESTS AND THE EXECUTIVE IN INDIA. AND ESTABLISHMENT OF A SYNDICATED PRESS.

568. ***Kumar Ganganand Sinha:** (a) Has the attention of the Government been drawn to the following extract of the "Free Press Beam Service" message dated London December 18 which deals mainly with the Coastal Reservation Bill:

"Lord Inchcape, it is understood, has even suggested that the Coastal Reservation Bill should be made the acid test of British supremacy in India and that, until the Coastal Reservation Bill is got rid of, it might even be advisable to defer the offensive

against banking and insurance. Important pourparlers are expected to take place at Calcutta during the Christmas week between the spokesmen of the Government, British Chambers in India and the British vested interests in England, and a common plan of action is to be laid down. In this connection it is rumoured on high authority in England that certain proposals were made to the head of the Government in Simla during the last Assembly session for an offensive and defensive alliance between the British commercial interests and the Executive, including the promotion and establishment of a syndicated Press, and the scheme fell through on the one hand due to conflict of ambitions of individuals and on the other hand to the refusal of the Head of the Government to pledge the Executive to the blind support of British vested interests in their far-reaching demands to emasculate the Indian Legislature. In Indian circles, which are in the know of the full facts tributes are paid to Lord Irwin for refusing to stoop to conquer. Important disclosures are expected any time."

(b) Will the Government be pleased to state if it is a fact that certain proposals were made to the head of the Government in Simla as reported in the message?

(c) If answer to (b) is in the affirmative will the Government be pleased to state what the proposals were, how the matter developed, how far it progressed and in what stage it is?

The Honourable Sir George Rainy: (a) The Government have seen the Press message.

(b) No.

(c) Does not arise.

SHORTAGE OF CARRIAGES FOR AGRICULTURAL LABOURERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

569. ***Kumar Ganganand Sinha:** (a) Are Government aware of the fact that a very large number of agricultural labourers have to go to the districts of Purnea, Maldah, Dinapur, etc., for harvesting paddy by the Bengal and North Western Railway?

(b) Are Government aware of the fact that the railway has not got a sufficient number of carriages to meet the heavy traffic, and in almost every train a very large number of 3rd class passengers have to travel on the carriage foot-boards at the risk of their lives?

(c) Are Government aware of the fact that the over-crowding and heavy traffic cause great delay in the arrival and departure of trains and consequently annoyance to every one concerned?

(d) Are Government aware of the fact that these passengers have to stay for three or four days at times at the railway stations for want of accommodation?

(e) Are Government aware of the fact that the stations do not generally have arrangements for even drinking water for these passengers?

(f) Are Government aware of the fact that the Bengal and North Western Railway earn a very large amount by the fare paid by such passengers?

(g) Will the Government be pleased to inquire and state why some arrangement is not made for accommodating these passengers?

(h) If no provision for adequate accommodation is possible why are tickets issued in excess of the maximum capacity of the train?

Mr. A. A. L. Parsons: (a) Yes. (f) Yes.

(b), (c), (d), (e), (g) and (h). I am enquiring from the Agent what the position is, and, if there is overcrowding and a lack of facilities for drinking water on these sections of his line, as alleged by the Honourable Member, what steps he is taking to remedy matters. The Railway Board are aware that more third class coaching stock is required on the Bengal and North Western Railway, and provision for its purchase has been made in next year's programme.

HARASSMENT OF PASSENGERS BY CREW TICKET CHECKERS AT HOWRAH JUNCTION STATION.

570. ***Kumar Ganganand Sinha:** (a) Are Government aware of the fact that the travelling public, specially those old men and ladies who hold lower class tickets, are subjected to great harassment by crew ticket-checkers particularly at Howrah junction, who, in spite of the heavy rush of passengers, open the platform gates very late, keep the passage so small that it becomes very difficult even for one man to pass through it, unnecessarily question the weight of luggage, for nothing cause it to be weighed, and do similar things which cause annoyance to them?

(b) If so, what steps are the Government going to take to remedy this inconvenience?

(c) If not, will Government be pleased to state whether Government have at any time verified facts or tried to know public opinion in this matter? If answer to last part is in the affirmative, when? If negative, why?

Mr. A. A. L. Parsons: (a) No; but I am sending a copy of the Honourable Member's question to the Agent of the East Indian Railway, particularly with regard to the complaint made by the Honourable Member that the platform gates are opened too late.

(b) Does not arise.

(c) In 1928 the Railway Board received a statement of cases brought against the crew staff from January to October, 1927, and the results of such cases as had been settled. I shall be very glad to show the Honourable Member this statement if he so desires.

NUMBER OF CRIMINAL CASES INSTITUTED AGAINST CREW EMPLOYEES OF THE EAST INDIAN RAILWAY.

571. ***Kumar Ganganand Sinha:** Will Government be pleased to state how many criminal cases, if any, have been instituted against the East Indian Railway crews during the last three years, how many of them were convicted and against how many, if any one, charges of rape, kidnapping, etc., were proved?

Mr. A. A. L. Parsons: The information is being obtained from the Agent of the East Indian Railway and will be furnished to the Honourable Member.

ALLEGATIONS AGAINST THE BENGAL AND NORTH WESTERN RAILWAY MADE IN THE AMRITA BAZAR PATRIKA.

572. ***Kumar Ganganand Sinha:** (a) Has the attention of the Government been drawn to the letter appearing in "Our Post Bag" section of the dak edition of the *Amrita Bazar Patrika* of Sunday No. 11, 1928 on page 9 under the heading "Bengal and North Western Railway and its employees" written by Mr. Rami Prasad, Secretary, Bengal and North Western Railway Association from Gorakhpur?

(b) Are the allegations contained therein correct?

(c) If the answer is in the negative will the Government be pleased to say in which respect they are incorrect?

Mr. A. A. L. Parsons: (a) Yes.

(b) and (c). Government are aware that the salaries of some of the employees of the Bengal and North Western Railway—including, I may say, the superior staff—are lower than those given on adjacent railways, but they do not accept the arguments which the writer of the letter bases on this fact.

PROVISION OF A DEAD LETTER OFFICE IN THE BIHAR AND ORISSA POSTAL CIRCLE.

573. ***Kumar Ganganand Sinha:** (a) Will the Government be pleased to state if the Director General of Posts and Telegraphs received any representation in December last bearing on the answers given to my unstarred questions Nos. 9 and 10 regarding Dead Letter Office in the Bihar and Orissa Postal Circle answered on the 4th September, 1928?

(b) If so, will the Government be pleased to lay a copy of the same on table?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. One signed by five people of village Bonjaria, Post Murar, District Arrah.

(b) No, as the document contains nothing of general public interest my Honourable friend must have received a copy of the document as one of his questions is based on it.

CORRESPONDENCE REGARDING THE ESTABLISHMENT OF A DEAD LETTER OFFICE AT PATNA.

574. ***Kumar Ganganand Sinha:** Will the Government be pleased to lay on the table a copy of the correspondence between the Director General, Posts and Telegraphs, and Mr. Tulloch, late Postmaster General of Bihar and Orissa Circle, regarding the establishment of a Dead Letter Office at Patna that took place in 1914 or thereabout?

Mr. H. A. Sams: Government do not propose to lay on the table copies of the correspondence referred to which took place 15 years ago and was of an informal character, as they do not consider that any public purpose will be served thereby.

Kumar Ganganand Sinha: May I know, Sir, whether that letter will not throw light on the question of the Dead Letter Office at Patna?

Mr. H. A. Sams: No, Sir. It can throw very little light on it. (Laughter.)

STATUS OF POST OFFICES IN ASSAM AND IN SIND OR BALUCHISTAN.

575. *Kumar Ganganand Sinha: Will the Government be pleased to state if the status of the Shillong range offices for Assam is the same or different from the Sind or Baluchistan circle stating clearly the points of similarity or difference?

Mr. H. A. Sams: The status in the two cases is not the same. The points of difference are chiefly:

(1) Sind and Baluchistan is an independent Circle in direct correspondence with the Director-General: whereas the Shillong Range is a minor charge within the Bengal and Assam Circle.

(2) Sind and Baluchistan is a unified Circle controlling the Postal, Telegraph Engineering and Telegraph Traffic Branches within its jurisdiction, while in the case of the Shillong Range the Deputy Postmaster-General's control is confined to the business of the Post Office.

NUMBER OF CLERKS EMPLOYED IN THE DEAD LETTER OFFICE AT CALCUTTA.

576. *Kumar Ganganand Sinha: (a) With reference to answer given to part (a) of my unstarred question 10 on the 4th September, 1928, will the Government be pleased to state whether or not the information wanted in that question could be given by referring to the establishment files and office copies of the gradation list?

(b) If the answer is in the affirmative, why was no information supplied?

(c) If the answer is in the negative to what kind of paper was a reference necessary which was not available?

The Honourable Sir Bhupendra Nath Mitra: (a), (b) and (c). The information asked for could be compiled only by extensive researches in gradation lists and personal files for a period extending over 20 years, supplemented by personal enquiries. The labour involved would be out of all proportion with the value of the result.

NAMES OF FOUR BIHARI CLERKS APPOINTED IN THE DEAD LETTER OFFICE IN CALCUTTA.

577. *Kumar Ganganand Sinha: With reference to answer given to part (c) of my unstarred question on 4th September 1928, will the Government be pleased to state the names of the four Bihari clerks appointed in the Dead Letter Office, Calcutta, during the last 14 years?

The Honourable Sir Bhupendra Nath Mitra: The names are:

- (1) Harihar Prasad,
- (2) Ahdesb Kumar Lal,
- (3) Mahamad Musa, and
- (4) Monohar Lal.

TEST OF SUITABILITY FOR APPOINTMENT AS MANAGER OF THE DEAD LETTER OFFICE, CALCUTTA.

578. *Kumar Ganganand Sinha: With reference to the answer given to part (e) of my unstarred question 10 on 4th September, 1928, will the Government be pleased to state what was the test of suitability for the post of Managership when vacancies occurred during the last 14 years, which no senior Bihari could satisfy?

The Honourable Sir Bhupendra Nath Mitra: The post in question is filled by selection, the essential qualifications demanded being knowledge of departmental rules, and a capacity for the efficient supervision and control of the staff.

NUMBER OF CLERKS EMPLOYED IN CERTAIN DEAD LETTER OFFICES.

579. *Kumar Ganganand Sinha: (a) Will the Government be pleased to lay on the table a statement showing the number of hands working in the Dead Letter Office, Calcutta, and in the Dead Letter Office, Dinapur, in 1905 and the number of hands working in Calcutta now?

(b) How many hands of the Calcutta Dead Letter Office are required to handle letters of the Bihar and Orissa Circle at present?

Mr. H. A. Sams: (a) Calcutta Dead Letter Office:

1905	...	40
1929	...	87

Dinapur Dead Letter Office:

1905	...	16
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(b) It is not possible to furnish accurate information, as the work for the Bihar and Orissa Circle is not done by a separate unit. **Fourteen may,** however, be regarded as a rough estimate of the number of clerks engaged on the work in the Calcutta Dead Letter Office.

THE DACCA DEAD LETTER OFFICE.

580. *Kumar Ganganand Sinha: Is it a fact that the Dacca Dead Letter Office was converted into an Assistant Managership in 1914, after the abolition of Eastern Bengal and Assam Circle, and it had a staff of only 28 hands?

Mr. H. A. Sams: The case is not as stated. On the formation of the new Circles of Bengal and Assam and Bihar and Orissa in 1914 the Managership of the Dacca Dead Letter Office was abolished and a clerkship in the Calcutta Dead Letter Office was converted into an Assistant Managership. The Dacca Dead Letter Office had a staff of 20 clerks.

COST OF ESTABLISHING A DEAD LETTER OFFICE AT PATNA.

581. *Kumar Ganganand Sinha: Will the Government be pleased to lay on table an approximate estimate of the expenditure involved in establishing a Dead Letter Office at Patna?

The Honourable Sir Bhupendra Nath Mitra: Government do not possess the information, nor do they propose to call for it until they find that the requirements of the public service necessitate the establishment of a separate Dead Letter Office at Patna.

TERMS OF CHARTER BY GOVERNMENT OF THE STEAMER "AHMEDI".

582. ***Mr. W. S. Lamb:** (a) What are the terms upon which the steamer "Ahmedi" has been chartered by Government?

(b) What was the period of the charter and what period now remains?

(c) What is the cargo capacity of the "Ahmedi"?

(d) What are the duties of this steamer?

The Honourable Mr. J. Orerar: (a) Government have hired the "Ahmedi" at the rate of Rs. 23,500 per calendar month. The terms of the charter are briefly indicated in paragraph 6 of the notice dated the 5th of January, 1927, calling for tenders, a copy of which has been placed in the library.

(b) The period of the charter is 3 years from the 19th May, 1927. About 15 months have still to run.

(c) 92,500 cubic feet.

(d) The duties are detailed in paragraph 3 of the notice to which I have referred.

Mr. W. S. Lamb: Is it a fact, Sir, that part of the duties of the steamer is to pay four visits to Burma lights during the monsoon?

The Honourable Mr. J. Orerar: The "Ahmedi" is employed, as required by the Chief Commissioner, to carry cargo to Port Blair from Burma, Madras and Bengal and for performing certain light-house duties and other coastal work.

Mr. W. S. Lamb: Is the Honourable Member aware that during the last monsoon, the ship paid only two visits instead of four and that there was a case of serious illness on one of the lights which could not be evacuated and the delay gravely affected the patient owing to the failure of the "Ahmedi" to pay the proper visits?

The Honourable Mr. J. Orerar: I have received no information to that effect.

UNSTARRED QUESTIONS AND ANSWERS.

POSTMEN KILLED BY TIGERS, DROWNED, ETC.

225. **Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of January 20, 1929, page 25, under the heading "Where they kill the Postman"?

(b) If so, will they please state if the statement made therein, namely, "According to the last Annual Report of the Posts and Telegraphs Department a year's work entailed the killing of two postmen by tigers, four from drowning, eighteen postmen were the victims of highway robbery, four men were murdered" is correct?

(c) If correct, will Government please state the circumstances under which the deaths of postmen, as referred to, were caused and what steps Government have taken or propose to take to save the lives of postmen?

Mr. H. A. Sams: (a) Government have seen the paragraph alluded to. I would point out to the Honourable Member that the article referred to is a reprint of an article appearing in the *Sunday Express* and that it does not refer only to India.

(b) The details in the statement are inaccurate. The casualties shown in the Annual Report of the Indian Posts and Telegraphs Department for 1926-27 include 2 runners who were killed by tigers and 4 deaths from drowning. Only one porter and not 4 was murdered. One runner was killed by lightning, and a village postman jumped out of a running train and sustained severe injuries to which he succumbed. In addition, a runner in one of the 18 cases of highway robbery was fatally wounded.

(c) The two runners who were killed by tigers were conveying mails in the Kalahandi State when traversing the road between the Kalapat branch office and the Ampadar State. Two of the runners were drowned in attempts to cross rivers in boats, which they used in the absence of the boatmen, and the third owing to the river coming down in flood. A postman was drowned owing to his attempting to cross a bridge which was already under water, despite warning from a sub-postmaster and the runners in his company to desist. The murder of the porter occurred when he was not on duty, while the single fatal case in which a runner was done to death was in the case of a dacoity between Bahyapada and Bhopali in the neighbourhood of the Bargharh post office.

It has already been ordered that in specially dangerous places a runner should not travel unescorted, and arrangements have been made that, in localities infested by wild beasts, the road establishment should be supplied with weapons for their defence. In some cases mails travel under escort of overseers who are provided with fire arms.

PAY OF CLERKS TRANSFERRED FROM THE RAILWAY MAIL SERVICE, WESTERN CIRCLE, TO THE OFFICE OF THE POSTMASTER GENERAL, BOMBAY.

226. **Mr. N. C. Kelkar:** (a) Is it a fact that the clerical staff of the late Railway Mail Service, Western Circle Office, transferred to the office of the Postmaster General, Bombay, in consequence of an administrative measure, are not being paid the same pay as their colleagues in the Postmaster General's office?

(b) If so, do Government propose adequately to raise their pay? Is it a fact that their transfers to the town of Bombay were effected on administrative grounds?

The Honourable Sir Bhupendra Nath Mitra: (a) No: they are paid on the same scale, though they may be at different points of the scale from their colleagues who rendered the whole of their service in Bombay.

(b) Government do not see any necessity to alter their pay, which has been determined in accordance with the orders applicable to their cases. The transfers were made for administrative reasons.

PAY OF RECORD SUPPLIERS AND DUFFRIES TRANSFERRED FROM THE RAILWAY MAIL SERVICE TO THE OFFICE OF THE POSTMASTER GENERAL, BOMBAY.

227. Mr. N. C. Kelkar: (a) Is it a fact that the record suppliers and duffries transferred as such from the office of the late Railway Mail Service, Western Circle, to the office of the Postmaster General, Bombay, have been graded with peons?

(b) Has this grading resulted in loss of pay?

(c) If so, do Government propose to issue orders for setting the matter right?

Mr. H. A. Sams: (a) Record suppliers and duffries were grouped with peons in the late Railway Mail Service, Western Circle office, and were in the scale of Rs. 20-1/3-27. They were transferred to the Postmaster General's Office, Bombay, as menials in the same scale and are actually performing duties as menials.

(b) No.

(c) Does not arise.

CURTAILMENT OF CASUAL LEAVE OF CLERKS IN THE OFFICE OF THE POSTMASTER GENERAL, BOMBAY.

228. Mr. N. C. Kelkar: (a) Is it a fact that the policy of the Government of India, so far as leave is concerned, is to give equal treatment to all the subordinate employees in the Provincial as also in the Imperial services? If so, why has the casual leave of the clerks in the office of the Postmaster General in Bombay been curtailed to 12 days?

(b) If the curtailment is due to their enjoying the usual number of holidays in a year as replied to by Government last year to my question No. 87, are not other offices in Bombay, enjoying the same concessions, allowed 20 days' casual leave on account of the peculiar climatic conditions in Bombay?

(c) Is it a fact that Mr. Sams as Postmaster General, Bombay, has himself recommended to the Director-General that no curtailment in casual leave from 20 to 12 days should be made, owing to climatic and peculiar conditions prevailing in Bombay?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, in so far as the Fundamental Leave Rules are of general application. Casual leave however is not recognised leave and its grant is regulated by appropriate special orders.

(b) I refer the Honourable Member to the answer given on the 15th February 1928 to his own unstarred question No. 87. Government have no further information.

(c) The recommendation has not been traced.

PAY OF CLERKS IN CERTAIN OFFICES IN THE POSTAL DEPARTMENT IN BOMBAY.

229. Mr. N. C. Kelkar: What was the scale of pay of the clerical staff in the office of the Directorate before 1920 and that in the office of the Postmaster General, Bombay, before that year? If it was the same for

both the offices before 1920, will the Government state the reasons for the difference in the scales of pay in both these offices after 1920 and up till now?

Mr. H. A. Sams: Before 1920 the scale of pay in the Directorate of Posts and Telegraphs ranged from Rs. 40 to Rs. 600; in the office of the Postmaster General, Bombay, it ranged from Rs. 30 to Rs. 400.

Part II does not arise.

PAY OF CLERKS IN THE OFFICE OF THE POSTMASTER GENERAL, BOMBAY.

230. Mr. N. C. Kelkar: In 1927 did Government give an assurance that the case of clerks doing important work in the Office of the Postmaster General, Bombay, was under consideration; and will the Government state what revision of pay has been effected in consequence? If the reply to this is in the negative, will the Government state what hinders the revision of pay of clerks in the administrative offices in view of the fact that all other branches (including officers) of the Department have been drawing revised pay?

The Honourable Sir Bhupendra Nath Mitra: In the course of debate on the 11th March 1927 it was stated that the case of clerks doing really important work in the postal administrative offices would receive due consideration.

Subsequently the pay of the non-gazetted selection grades, namely, Rs. 145 to 170 and Rs. 175 to 225, was altered to Rs. 160 to 250 in a single scale.

The last part of the question does not arise.

EXAMINATION FOR CERTAIN APPOINTMENTS IN THE POSTAL DEPARTMENT.

231. Mr. N. C. Kelkar: (a) Will the Government state whether there is any examination for higher appointments in the office of the Director General, Posts and Telegraphs, or in both the Imperial and Provincial Secretariats? If not, will the Government state the reasons for imposing an examination for promotion to selection grade appointments in the administrative offices of the heads of Circles of Posts and Telegraphs?

(b) Has the Postmaster General, Bombay, stopped appointing sorting inspectors attached to this office from amongst those of his clerks who may be capable of holding the appointment just as was done in the office of the Deputy Postmaster General, Railway Mail Service, Western Circle, Poona?

Mr. H. A. Sams: (a) Assuming that the Honourable Member refers to higher appointments in the ministerial establishments, the answer to the first part of the question is in the negative, so far as the Office of the Director-General of Posts and Telegraphs and the Government of India Secretariat Offices are concerned; but there is an examination for promotion from the 2nd division to the 1st division in the latter. As regards Provincial Secretariats, Government have no information. In reply to the second part of the question, the examination referred to is for the lowest selection grade appointments and is a departmental measure designed to secure efficiency.

(b) The information is being collected and will be furnished to the Honourable Member in due course.

**RECRUITMENT OF MEN FROM OTHER PROVINCES FOR THE OFFICE OF THE
POSTMASTER GENERAL, ETC., BOMBAY.**

232. Mr. N. C. Kelkar: Is it a fact that men belonging to other Presidencies are being recruited in the Office of the Postmaster General, Bombay, Central Telegraph Office, Bombay, General Post Office, Bombay and Dead-Letter Office, Bombay? Is there a Resolution of the Government of Bombay to the contrary? If so, will the Government state the number of such appointments in each of the offices during the last three years and also the reasons for making such appointment?

Mr. H. A. Sams: The reply to the first part of the question is in the affirmative. The Government of Bombay are not concerned with the methods of recruitment followed in the Post and Telegraph Department. The number of such appointments is as follows:

Office of the Postmaster-General	..	..	3
Central Telegraph Office	..	..	9 (including 3 temporary.)
General Post Office	..	..	7
Dead Letter Office	..	..	1

The reason is the desirability of having in these offices some men with a knowledge of the vernaculars of other provinces.

**REPRESENTATION FROM THE CLERICAL STAFF OF THE OFFICE OF THE
POSTMASTER GENERAL, BOMBAY.**

233. Mr. N. C. Kelkar: (a) Is it a fact that the clerical staff of the Postmaster General's Office, Bombay, has been making representations to Government for the last eight years for the restoration of the status enjoyed by them prior to 1919? Is it a fact that a special officer has been deputed by the Government to inquire into the working of the administrative offices since 1926, and that the case of the administrative offices is under consideration?

(b) If the reply to the above is in the affirmative, will Government please state when the said inquiry is likely to be completed?

(c) Will the Government please also state the expenditure incurred by Government in this inquiry up to now, as also the probable expenditure to be incurred till the inquiry is complete?

Mr. H. A. Sams: (a) Part I. Yes.

Part II. Yes, the special officer has been deputed to inquire not only into the working of the administrative offices but also that of large Post and Telegraph Offices.

(b) The end of August next.

(c) Expenditure up to January 1929 is Rs. 39,322. It will amount approximately to Rs. 54,322 by the time the inquiry is completed.

REPORT OF THE AGE OF CONSENT COMMITTEE.

234. Sir Purshotamdas Thakurdas: Will Government be pleased to ascertain from the President of the Age of Consent Committee the approximate date when he expects (1) to have the Report of the said Committee ready and (2) submit the same to Government?

The Honourable Mr. J. Crerar: The Chairman of the Committee hopes to have the Report ready by the end of April, and to submit it to the Government of India by about the 15th of May next.

**NUMBER OF FRAUDS COMMITTED IN POST OFFICES IN THE BHAGALPUR
DIVISION.**

235. Kumar Ganganand Sinha: Will Government state (a) the number of frauds committed in the Post offices of the Bhagalpur division during the period 1924 to 1926 and (b) the names of the officials involved, and (c) the manner in which those cases were disposed of?

Mr. H. A. Sams: (a) Fourteen.

- (b) (1) Ramlal Bhagat Koeri,
 (2) Kailoo Dhanuk,
 (3) Kameshwar Prosad,
 (4) Golam Nabi,
 (5) Sharafat Husain,
 (6) Momaddin,
 (7) Habibullah,
 Hamid Ali,
 Rishikesh Mitra, }
 (8) Kabirali,
 (9) Basdeo Singh,
 (10) Ulfat Hussain,
 (11) Ahmed Hussain, }
 Sakhawat Ali,
 Rishikesh Mitra,
 Allauddin, }
 (12) Chanchal Jha,
 (13) Abdul Karim,
 (14) Madhosaran, }
 Rajdhari Pershad,
 Fazalalla. }

(c) (1) and (8) are absconding from justice. (2), (3), (4), (5), (6), (10) and (12) were convicted of the offences with which they were charged and sentenced to terms of imprisonment ranging from 3 months to 2 years. (9) was reduced in status from a postman to a mail peon. Pecuniary responsibility was enforced against all the parties mentioned under (7).

Of the parties mentioned under (11) the first three were acquitted of blame while Allauddin was dismissed.

(13) was acquitted while of the three parties mentioned against (14) the first two had pecuniary liability enforced against them and Fazalalla was dismissed.

Mr. H. A. Sams: (1) Yes.

(2) The clerks make their own arrangements; there are no departmental quarters for them at present.

(3) The matter is under consideration.

LATER RECEIPT OF THE CALCUTTA MAILS IN THE KATORIA POST OFFICE, BHAGALPUR.

244. Kumar Ganganand Sinha: Is it a fact that the Calcutta mails are now received at the Katoria Post Office in the district of Bhagalpur one day later than what it was before? If so, has the change been made to the public advantage and if not, what is the gain therefrom?

Mr. H. A. Sams: The answer to the first part of the question is in the affirmative. The change made has resulted in the acceleration of mails exchanged within the sub-division and particularly with the headquarters at Banka.

The Postmaster-General is being asked to restore the arrangements or the direct despatch of mails from Simultala to avoid the delay now offered by the mails from Calcutta.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS, AND THE PANEL FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move:

"That this Assembly do proceed to elect in such manner as may be approved by the Honourable the President, eleven Members from the Assembly who shall be required to serve on the Standing Finance Committee for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance."

The motion was adopted.

The Honourable Sir George Rainy: Sir, I move:

"That this Assembly do proceed to elect in such manner as may be approved by the Honourable the President, a Panel consisting of eight Members from which six shall be selected to serve on the Central Advisory Council for Railways, as provided for in clause 6 of the Resolution adopted by the Legislative Assembly on the 20th September, 1924, on the subject of the separation of Railway Finance."

The motion was adopted.

Mr. President: I may inform the Assembly that for the purpose of election of Members to the Standing Finance Committee for Railways and the Central Advisory Council for Railways, the Assembly office will be open to receive nominations up to 12 noon on Wednesday the 20th February, 1929, and that the elections for both the Committees, if necessary, will take place in this Chamber on Wednesday the 6th March, 1929. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

DEMANDS FOR EXCESS GRANTS FOR 1926-27.

CIVIL.

A.—Expenditure charged to Revenue.

STAMPS.

The Honourable Sir George Schuster (Finance Member): Sir, I move:

"That an excess grant of Rs. 89,127 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Stamps'."

There are 15 items of excess grants to be moved, which are fully dealt with in paragraphs 8 to 13 of the Public Accounts Committee Report and I do not propose to offer any explanations, unless they are asked for by Honourable Members.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, this is the only occasion when recommendations of the Public Accounts Committee come up before the House in a certain form for discussion. In 1926 and in 1927 my redoubtable friend Mr. Rangaswami Iyengar brought to the notice of the previous Finance Member on the floor of this House the question whether the House should not be given an opportunity to discuss the Report of the Public Accounts Committee and that when the demands for excess grants came before the House we could take up the discussion of the Public Accounts Committee's Report. Last year

The Honourable Sir George Schuster: On a point of order, Sir. I suggest that the Honourable Member, on your ruling in the discussion on supplementary grants last year, is raising a question of policy which does not arise on the votes that are being asked for now.

Mr. B. Das: Sir, may I speak before you give your ruling now? Last year you were pleased to give a ruling that on supplementary demands for grants we are not to discuss questions of policy. You quoted, at the time, the Parliamentary practice, where questions of excess grants were also not allowed in the House of Commons; but your ruling was definitely on the supplementary demands for grants. But before you give us to-day a ruling on the demands for discussing excess grants, I would like to draw your attention to what passed before the Public Accounts Committee when the Government witness gave evidence, and certain matters were referred to which ought to be brought to your notice. I refer to the Public Accounts Committee's Report, Volume II—Evidence—on page 4. There was a question by myself:

"I would point out that no day was allotted during the last session to discuss the report of the Committee."

To which Mr. Burdon, the Government witness, replied:

"Sir Basil Blackett fulfilled his promise and had the matter carefully considered. As Financial Secretary, I noted that, if there was to be a discussion in the Assembly, they had yet to solve the problem of the form in which the matter was to be put before the Assembly. 'A discussion followed by a vote seems out of the question, and it seems to me the Assembly might resent having a novel procedure being imposed upon it without being given an opportunity to consider this question of form, and I think we should consult the Legislative Department at once as regards this aspect of the matter.' The Legislative Department were consulted and a reference was made to the President of the Legislative Assembly; and the view of the President was this, that if the Secretary of the Assembly is satisfied that Members desire to have a general debate on the first motion for excess grants, he has no objection. Later I made enquiry as to what happened and the Secretary in the Legislative Department answered 'The reply is in the negative. I would draw attention to the President's ruling of the 27th March'."

[Mr. B. Das.]

That is the ruling to which my Honourable friend just now referred:

"The ruling was that in which it was held that questions of general policy could not be raised or discussed on a motion for a supplementary grant. That means that one avenue for the projected discussion was finally closed; and thereafter the action that has been taken is to refer the point to the officer in the Finance Department who is preparing material for the Statutory Commission. We have in this connection also studied the procedure which is followed in the House of Commons in England."

Sir, my submission is there may be a Statutory Commission, of which I have no knowledge, nor have any other Members on this side of the House any knowledge; but as far as we are concerned we would point out that, in the Government Resolution of the 5th January, 1928 the Governor General in Council decided that they would allot this House a day for discussion of the Report of the Public Accounts Committee. I do not therefore understand how my Honourable friend Mr. Graham stated that there was no desire on the part of Members of this House to have a day for discussion of this subject. My submission is that when Government issue their annual Resolution on the recommendation of the Public Accounts Committee, they ought to allot us a day to discuss that very Resolution on the floor of this House, to discuss important questions of policy and principles raised in that Report. I submit, Sir, that, so far, no day has been given to us, and if your ruling to-day is that we cannot discuss it on excess grants I will bow to your ruling; but I would, on the other hand, ask the Honourable the Finance Member and the Government to give us definitely a day for this purpose. It is no use telling us the matter should be referred to some outside body which is inquiring into certain matters.

Mr. President: Who wants a day?

Mr. B. Das (and others): The House, Sir.

Mr. L. Graham (Secretary, Legislative Department): We have not given any special day for this purpose. Sir, because, so far as I am aware, nobody in any part of the House has asked for it.

Mr. B. Das: We have asked for it on every occasion when excess grants have been discussed on the floor of the House; and here I am suggesting once again that a day should be given. When Government practice is to issue their Resolution on the Report of the Public Accounts Committee, why don't they bring that very Resolution for discussion on the floor, of the House?

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muham-madan Rural): Sir, I am afraid both the Honourable the Finance Member and the Secretary of the Legislative Department are in error as to the exact scope of your ruling. The whole point is this: are we or are we not going to discuss the Report of the Public Accounts Committee in this House, and whether the Government are going to allow us facilities for such discussion or not. Sir Basil Blackett certainly was willing that this House should discuss this Report. In fact he was anxious that we should discuss it, and suggested that, if Members showed a desire to discuss it, he would be able to afford facilities therefor. The matter was somehow allowed not to be put on a proper footing because Government always draw a red herring across the path whenever questions affecting the rights and privileges of

this House are concerned. "The Statutory Commission is coming: we will put every available question between us and the House into the sink of the Statutory Commission!" That is the attitude which the Government have all along taken up. Therefore the result of it is that, when the matter was brought before you, you very properly ruled that it is not right that, on a motion for supplementary grants, any question of policy, any question of general policy of Government should be discussed. But as I understand Mr. Burdon's reply to the question about the matter at the last meeting of the Public Accounts Committee, he said the view of the President was this: that if the Secretary of the Assembly is satisfied that Members desire to have a general debate on the first motion for excess grants, he has no objection. Therefore, Sir, there are only two ways in which the Report of the Public Accounts Committee as such could be discussed, apart from the specific motions for the excess grants that are being made by the Honourable the Finance Member. One is by a kind of general motion which I believe is the practice in Parliament, by which the Honourable the Finance Member moves that this House do now proceed to consider the Report of the Public Accounts Committee; and, arising therefrom, move the several excess grants that have been recommended by the Public Accounts Committee in their Report; or, if that motion is considered superfluous, we can raise the general debate on the Report of the Public Accounts Committee on the very first motion for excess grants.

Mr. President: Can you settle this question on the floor of the House, or should you not rather do it by having a conference with the Finance Member?

Mr. A. Rangaswami Iyengar: I have no objection to consulting the Honourable the Finance Member; and if the Finance Member will give us a day for discussing the matter and is prepared to allow us facilities, I am prepared to agree, I have not the slightest objection. I am waiting to hear what the Honourable the Finance Member has to say.

The Honourable Sir George Schuster: Sir, the passage in the last Report of the Public Accounts Committee dealing with this subject reads as follows:

"Our predecessors recommended last year that Government should consider the best method of giving effect to the strong desire expressed in the Assembly that the House should be given an opportunity to discuss, in general terms, the Report of the Public Accounts Committee on which the excess grants were based. We have been informed that efforts made by Government in this direction have proved infructuous and that steps are being taken in connection with the deliberations of the Statutory Commission to provide a constitutional procedure which would meet the wishes of the Committee in the matter. We desire, however, to reaffirm the recommendation made last year and suggest that the Government of India should reconsider the matter without waiting for the deliberations of the Statutory Commission."

Sir, I think that a constitutional issue is involved in this question and I myself desire to have an opportunity of discussing that constitutional question with the Commission of which Mr. Das and others on that side have no knowledge, but which is actually going to visit Delhi some time after the middle of next month. I propose to take the opportunity to discuss it with them, and after I have had that discussion, I should be very glad to meet any representatives whom Honourable Members opposite might select to discuss this question. Speaking for myself, it is my desire to meet their wishes in this matter, but I am not in a position to say anything further today on the subject.

Mr. R. K. Shanmukham Ohetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, my Honourable friend, the Finance Member, says that he would have to consult the Statutory Commission about the constitutional procedure involved in the discussion of the Public Accounts Committee's Report on the floor of this House. Well, Sir, we know that the Public Accounts Committee is constituted in virtue of the provisions of the Government of India Act itself. I do not know whether there is any constitutional difficulty in enabling the Government to allot a day for the discussion of the Public Accounts Committee's Report in this House. So far as I have been able to read the Government of India Act and the Legislative Rules I do not see that there is any constitutional objection to the Government allotting a specific date for the discussion of the Report in this House. We know, by observing the practice in the House of Commons and other Legislatures, what an important part the Public Accounts Committee and its Report play in the management of the finances of the country; and I take it that, from the very fact that the Government of India Act contains provision for the constitution of a Public Accounts Committee, we must presume that the authors intended that the Report of the Committee, when published, ought to be discussed on the floor of this House and that the Members ought to be given an opportunity of expressing their view-point on the Report. I do not see what difficulty there is for Government, even under the powers vested in this House and the Government of India, under the present Act, to allot a day for the discussion of the Public Accounts Committee's Report in this House, and I really cannot understand what constitutional difficulty there is in the way of the Government of India in acceding to the desire expressed by the House and the Public Accounts Committee in this matter.

Mr. M. S. Aney (Berar Representative): I only wish to add one thing, Sir. I am very glad that this point has been raised by my friend Mr. Das. The Public Accounts Committee is appointed by this House for the sake of scrutinising the accounts and is under the statutory obligation, not only of examining the accounts and making its appropriate recommendations, but is also further entrusted with the obligation of bringing to the notice of this House all the irregularities and the recommendations which they have made, and all the items which they think are irregular and so on; that specific responsibility has to be discharged by the Chairman of the Committee, who is the Finance Member himself, by giving this House a specific day to consider those recommendations. If such a day is not allotted by Government, then the alternative was that the House should avail itself of the opportunity when Excess Demands are made by him. That is the only other remedy. If you, Sir, think that a discussion cannot be raised on the excess demand over the Public Accounts Committee's Report, then I think the Finance Member must find out a clear day for the discussion of the Public Accounts Committee's Report and allot that day to this House; otherwise I do not know how they can satisfactorily fulfil the statutory obligations, or comply with the requirements of the provisions laid down in Legislative Rule 52 (2).

Mr. A. Rangaswami Iyengar: May I say a word, Sir?

Mr. President: The Honourable Member is not entitled to speak twice, as he knows. Is there any rule which the Honourable Member can cite which would enable him to do so?

Mr. A. Rangaswami Iyengar: The Honourable the Finance Member, Sir, made an explanatory statement

Mr. President: The Honourable Member is again making a speech which he is not entitled to do.

Mr. A. Rangaswami Iyengar: I hope I will be excused for interrupting. I said in the course of my observations, when the Finance Member said

Mr. President: The Honourable Member is explaining his own speech. I do not know under what Standing Order or rule I can allow the Honourable Member to do so.

Mr. A. Rangaswami Iyengar: All right, Sir.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I want to say very little on this. Mr. Graham said, that, as far as he was aware, there was no demand from the House for a special day for the purpose of discussing the Committee's Report.

Mr. L. Graham: When I said there was no demand, I meant that nobody had actually asked that a particular day should be given. That I think is not quite the same thing.

Sir Purshotamdas Thakurdas: I do not know how "anybody is actually to ask for a day", but I understand from my friend Mr. Abdul Matin Chaudhury, who represents my Party on the Public Accounts Committee, that he expressed a very strong desire for this—and I understand that representatives of most of the Parties on the Public Accounts Committee were unanimous in this. I want to have it made clear for the guidance of the House, Sir, that if there is any other method which is desired for the purpose of making clear the wish of the various Parties in the House we would like to know it. I myself am very strongly of opinion—and my Party share that opinion—that there should be a day allotted for the Public Accounts Committee's Report being discussed; otherwise the Report serves little useful purpose.

Mr. President: I am sure the House will be grateful to the Honourable Mr. Das for drawing its attention to this most important point. The question raised by him is whether Government should not afford facilities for the discussion of the Public Accounts Committee's Report. The Public Accounts Committee is a creation of this House, and it is only proper that the Report made by that Committee must be discussed on the floor of this House. The procedure to be adopted in doing so is a different matter. The Honourable the Finance Member raises objection to the procedure now proposed to be adopted by Mr. Das, namely, to discuss on this item the question of policy. But as I understand, the implication of what the Honourable Member desires is not that he wants to discuss the particular question of policy involved in this particular grant, but he wants really and frankly a full discussion on the whole of the Report of the Public Accounts Committee

Mr. B. Das: Yes, Sir.

Mr. President: Therefore, the particular ruling quoted by the Honourable Finance Member does not apply to the question raised. I am clearly of opinion that we should establish a practice in this House by which the Report of the Public Accounts Committee can be discussed fully. I know in some of the provinces the practice has been for the Finance Member to

[Mr. President.]

make a motion "that the Report of the Public Accounts Committee be taken into consideration"; and if that motion is carried, he proceeds to make the next motion "that the Report of the Public Accounts Committee be adopted", on which amendments are moved by Honourable Members and carried or rejected on their merits. I think that is a practice which we might well copy in this House. But I see the difficulties of the Honourable the Finance Member. This point has been sprung on him as a surprise I understand. As no notice was given to him, I do not think he was ready to meet this point and it is necessary that we should allow the Honourable the Finance Member to consider the whole question and come out with a definite proposal. I make these observations with a view to enlighten the House and for the Finance Member to consider how best to proceed in this matter and explain what the correct procedure should be. It is not possible in this session, at any rate, to introduce this new departure because we have got the excess grants now before the House, and unless the Honourable the Finance Member is prepared to drop them at present and bring them forward at a later stage, such departure cannot be made. I think however he must have some time to consider the whole question, in consultation with the leaders of Parties. In this view I do feel very strongly that the time has arrived when we must adopt the correct practice of affording opportunities for the discussion of the Report of a Committee which is the creation of this very House, and ask the Government to look into the matter at the earliest possible opportunity.

Mr. President: The question is:

"That an excess grant of Rs. 89,127 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Stamps'."

The motion was adopted.

INTEREST ON MISCELLANEOUS OBLIGATIONS.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 74,283 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

EXECUTIVE COUNCIL.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 42,501 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Executive Council'."

The motion was adopted.

EMIGRATION—INTERNAL.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 1,045 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Emigration—Internal'."

The motion was adopted.

JOINT STOCK COMPANIES.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 3,364 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Joint Stock Companies'."

The motion was adopted.

SUPERANNUATION ALLOWANCES AND PENSIONS.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 28,594 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

MISCELLANEOUS.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 5,22,571 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Miscellaneous'."

The motion was adopted.

CENSUS.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 1,991 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Census'."

The motion was adopted.

B.—Expenditure charged to Capital.

CAPITAL OUTLAY ON CURRENCY NOTE PRINTING PRESS.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 4,839 be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Capital Outlay on Currency Note Printing Press'."

The motion was adopted.

COMMUTED VALUE OF PENSIONS.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 2,87,124 be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Commutated Value of Pensions'."

The motion was adopted.

C.—Disbursement of Loans and Advances.

INTEREST FREE ADVANCES.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 4,25,746 be voted by the Assembly to regularise the expenditure actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Interest Free Advances'."

The motion was adopted.

RAILWAYS.

A.—Expenditure charged to Revenue.

RAILWAY BOARD.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 82,000 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Railway Board'."

The motion was adopted.

COMPANIES' AND INDIAN STATES' SHARE OF SURPLUS PROFITS AND NET EARNINGS.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 4,26,000 be voted by the Assembly to regularise the expenditure chargeable to revenue actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Companies and Indian States' Share of Surplus Profits and Net Earnings'."

The motion was adopted.

B.—Expenditure charged to Capital.

NEW CONSTRUCTIONS.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 13,01,000 be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted grant in the year 1926-27 in respect of 'New Constructions'."

The motion was adopted.

OPEN LINE WORKS.

The Honourable Sir George Schuster: Sir, I move:

"That an excess grant of Rs. 11,65,000 be voted by the Assembly to regularise the expenditure chargeable to capital actually incurred in excess of the voted grant in the year 1926-27 in respect of 'Open Line Works'."

The motion was adopted.

DEMANDS FOR SUPPLEMENTARY GRANTS.

CUSTOMS.

The Honourable Sir George Schuster (Finance Member): I move:

"That a supplementary sum not exceeding Rs. 99,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Customs'."

Sir, this is not a grant from general revenues, but only represents the repayment of Sunday fees money held in trust by the Government of India. The money is to be devoted to assisting in the construction of a building for the Mayo Marine Institute in Rangoon. The question of the application of these Sunday fees was fully discussed before the Standing Finance Committee this year and I have given an undertaking to the Standing Finance Committee that the whole question of the distribution of these fees will be put before the Standing Finance Committee next year.

***Mr. N. C. Chunder** (Calcutta: Non-Muhammadan Urban): With regard to this item, there is one thing which is not quite clear to me and I should like an explanation before I vote on this item. Turning to the proceedings of the meeting of the Standing Finance Committee, it appears that the Committee was asked to approve of a grant of Rs. 78,500, but, as a matter of fact, the grant which is asked for here is Rs. 99,000. How this Rs. 21,000 came to be added requires an explanation.

Mr. K. Sanjiva Row (Finance Department: Nominated Official): The amount of the grant actually proposed to be given to the Institute is Rs. 98,500. It was originally anticipated that it would be possible to meet a sum of Rs. 20,000 by reappropriation from the existing budget grants. (Some Honourable Members: "Louder please".) But later on it was found that it was not possible to meet this amount by reappropriation and so a supplementary grant has been presented for the full amount.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 99,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Customs'."

The motion was adopted.

SALT.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 75,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Salt'."

The motion was adopted.

* Speech not corrected by the Honourable Member.

STAMPS.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 24,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Stamps'."

The motion was adopted.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 8,79,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Indian Posts and Telegraphs Department'."

The motion was adopted.

INTEREST ON DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 21,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Interest on Debt and Reduction or Avoidance of Debt'."

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadian Rural): In connection with this supplementary demand I would like to know from the Honourable the Finance Member whether, as was reported in the papers, it is a fact that about 23 per cent. of this loan, that was raised in London, was left unsubscribed in the hands of the underwriters?

The Honourable Sir George Schuster: My Honourable friend's statement is quite correct.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): May I know what is the reason for it?

The Honourable Sir George Schuster: The reasons for it would take a very long time to explain in detail, but the reason why every responsible borrower that issues a loan in London has the loan underwritten, is because there is a certain amount of risk that the loan will not be subscribed for by the public. The fact that in this case the whole of the loan was not subscribed for by the public shows the value of that provision, which is really an insurance provision. It so happened, as a matter of fact, that the last sterling loan of the Government of India was brought out at a time when there was a certain amount of depression in London owing to the illness of His Majesty the King Emperor, and that accounts partly, for the fact that the whole of the loan is not subscribed. A loan for £10 millions is considered quite a large sum in the London market, and the result of this particular loan, brought out at that particular time was generally considered extremely satisfactory. It is, of course, impossible to choose exactly the moment at which one will bring out a loan of this kind. The loans that have to be issued in

London have to be arranged for in advance and they have to take their place on the list of loans, and one has to take one's place when one can get it. I think, as a matter of fact, the Government of India may congratulate themselves that they did take advantage of the opportunity to issue this particular loan when they did, because financial conditions have become much more stringent since then, and if this particular loan was brought out to-day, there is no doubt that it would have to be offered at a very much lower price and that the response to the offer would not be so favourable as that which we actually received.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 21,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Interest on Debt and Reduction or Avoidance of Debt'."

The motion was adopted.

INTEREST ON MISCELLANEOUS OBLIGATIONS.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 2,51,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

LEGISLATIVE BODIES.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Legislative Bodies'."

The motion was adopted.

DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 8,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of the 'Department of Education, Health and Lands'."

The motion was adopted.

POLICE.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 8,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Police'."

The motion was adopted.

METEOROLOGY.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 45,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Meteorology'."

The motion was adopted.

MEDICAL SERVICES.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 31,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Medical Services'."

The motion was adopted.

PUBLIC HEALTH.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 37,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Public Health'."

The motion was adopted.

CIVIL VETERINARY SERVICES.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 9,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Civil Veterinary Services'."

The motion was adopted.

INDUSTRIES.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 19,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Industries'."

The motion was adopted.

EMIGRATION--EXTERNAL.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 31,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Emigration--External'."

The motion was adopted.

INDIAN STORES DEPARTMENT.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 70,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Indian Stores Department'."

The motion was adopted.

MINT.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 7,77,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Mint'."

The motion was adopted.

STATIONERY AND PRINTING.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 60,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Stationery and Printing'."

The motion was adopted.

MISCELLANEOUS.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 5,89,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Miscellaneous'."

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas: Non-Muhammadan): I rise to move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 5,89,000, to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of Miscellaneous, be reduced by Rs. 3,02,000."

Sir, I do not think that the House needs much persuasion in accepting my motion. The amount by which I want the grant to be reduced represents the sum required for meeting the expenses of the Auxiliary Committee on the Growth of Education and the expenses of the Indian Central Committee. Both of these are Co-operating with the Simon Commission. The House, as it is well aware, has registered its decree against the Simon Commission, and it has affirmed that it shall not have anything to do with the Simon Commission in any shape or in any form. When a motion was made in connection with the Budget votes for the year 1928-29, for a grant to the Indian Statutory Commission, the House is well aware that it refused the grant and it was restored by the extraordinary power that the Governor General has got.

[Kumar Ganganand Sinha.]

Now, these two items did not find a place in the previous budget estimate. It is for the first time that these two items have been brought before the House, and, of course, as these are Committees which are to work in connection with the Simon Commission, I think it is only proper for this House to reduce this grant also.

I need not repeat here the old, old tale about the appointment of the Simon Commission and the insult that was offered to India on that account. The country has amply demonstrated its resentment, and it must be fresh in the memory of the Honourable Members of this House how that Commission was greeted throughout the country, especially at Lucknow and in the Punjab. The Members of the Indian Central Committee

Mr. President: The Honourable Member comes from Bihar?

Kumar Ganganand Sinha: Yes, but I submit that nowhere in this country had the Simon Commission any other reception but that of black flags. I mention particularly the Punjab and Lucknow, because in regard to the Punjab we had just the other day a discussion on the assault committed upon Lala Lajpat Rai and the consequences of it; and in regard to Lucknow we all know how wantonly the police behaved and how the Government was taxed to keep down the demonstrations against the Simon Commission.

Now with regard to those happenings, if the Members of the Central Committee had any respect for their country and their countrymen, they ought to have resigned their seats, without regard to the fact that they had accepted at first to serve on that Committee, but they did not do so and are shamelessly there (Laughter), and it is for us in this House, who have resolved not to have anything to do with the Simon Commission in any shape or form, to give an effective reply to the brazen faced affront that is being shown to us by the Government in asking us to accede to the demand, thereby adding injury to the insult that has already been offered to us.

Sir, I move.

The Honourable Mr. J. Orerar (Home Member): Sir, I intend to reply in the very briefest terms to the observations that have fallen from the Honourable Member opposite.

The circumstances in which the Indian Central Committee were appointed are very well known to the House. The whole question of the policy underlying the matter was fully discussed on the occasion referred to by the Honourable Member, and it would be superfluous for me—indeed I think I would be out of order if I did so—to recapitulate the circumstances even in the most restricted manner.

The Honourable Member opposite cannot expect me to agree with, nor can he expect me to allow his observations to pass without a very strong expression of dissent in respect of the terms which he used with regard to the Members of the Central Committee. Whatever views may be entertained by Honourable Members opposite, my own view and the view of the Government is that those gentlemen performed a very great public service. (Ironical Cheers from the Opposition Benches.) As regards the

other item which the Honourable Member has taken objection to, I shall merely point out that section 84A of the Government of India Act lays special stress upon enquiring into the state of education in the country, and the warrant of appointment of the Committee especially empowered them in that behalf. That the investigations of that Committee and their Report will be of very material assistance both to the country and to everyone interested in the future progress of this country is, I think, a matter which cannot be denied.

Sir, I oppose the motion.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I wish only to add a word in regard to the Central Committee which has been appointed, and the expenses of which are now demanded from us.

It has been said that the appointment of the Simon Commission was an insult to this country, and it has been repeated from a thousand platforms that it was an insult. But, Sir, nothing could be a greater insult, nothing could have gone further beyond all limits of ordinary decency, than the appointment of the Central Committee. The Honourable the Home Member has resented, and entered a strong protest against, the reference made to that Committee by the Honourable Member who moved this amendment. I wish to say, Sir, that that Committee, in accepting the degrading position which has been allotted to them by the Government, have stultified themselves and stultified the whole of this House. We know that the Government had not the courage to come to this House for the election of this Committee. That Committee has been appointed in spite of the wishes of this House and over the head of this House. Now, if these gentlemen who are serving on this Committee only appreciated their responsibility to themselves, and to the House of which they are Members, it was their obvious and plain duty to refuse to act upon it, but they have decided otherwise, and are now touring all over the country giving such assistance as they can to the Simon Commission. They are quite welcome to give whatever assistance they can, but there can be no gainsaying the fact that they have insulted the House and have degraded themselves.

Pandit Hirday Nath Kunzru (Agra Division: Non-Muhammadan Rural): Sir, you have on more than one previous occasion ruled that, the question of co-operation with the Simon Commission having been decided in the negative by this House, it is not open to us to consider it further unless Government choose to bring forward a motion asking the House directly to rescind its former decision. I will not therefore deal with that question now. The Resolution passed by this House, deciding not to co-operate with the Simon Commission at any stage and in any form, therefore stands. Why have then, Sir, Government brought forward a demand for about three lakhs of rupees, asking us to vote money for the activities of certain Committees which are meant to help the Simon Commission in its enquiry? I should like to invite attention to one particular point which, so far as I know, has not been referred to in any of the debates that have taken place in this House in this connection. Lord Birkenhead, in proposing the appointment of the Statutory Commission in the House of Lords, felt himself called upon to reply to the objections of those who were doubtful whether a purely Parliamentary Commission consisting of Britishers, and Britishers,

[Pandit Hirday Nath Kunzru.]

alone, would afford to Indians any opportunity of contributing to the decisions that it might arrive at. He said:

"It may indeed be very reasonably said: 'Are Indians to be denied any opportunity of contributing to these decisions?'"

And he replied to this question as follows:

"It is our purpose that the Commission when it visits India should establish contact with a Committee appointed for that purpose by the Central Legislature. I pause there to point out that constitutionally the Central Legislature is the body who most authoritatively can appoint members from its own Members to confer with the Members of the Commission. I assume that appointment will be made, because I cannot believe that those who are anxious to persuade the Government of this country that they are fit for a further measure of self-government will undertake the deep and most unwise responsibility of refusing to associate themselves with us in the first and genuine efforts which we make to ascertain the road which we must tread in common together if we are indeed to reach that goal. I therefore do not, and will not, assume that they will be guilty of the unwisdom of refusing to appoint such a Committee."

Why was it, Sir, that Lord Birkenhead, whose sympathy with Indian aspirations is so well known, refused to contemplate the contingency that the Central Legislature might decline to have anything to do with the Simon Commission? His object, when he made the speech from which I have quoted, was to assure Parliament that it was the elected representatives of India who would be asked to place their views before the Commission. For him to assume at that moment that the Central Legislature would decline to co-operate with the Commission would have been to give away his whole case. He could not therefore prevail upon himself to consider the possibility of the Central Legislature going against the wishes of His Majesty's Government. If the Central Legislature has done what His Majesty's Government did not expect it to do or did not wish it to do, I ask whether it is constitutionally appropriate, or whether it is politically honest, for Government now, in the face of that declaration made by the Secretary of State, to ask us to vote money for a body which is not elected by the Central Legislature. I know that some of the Members of the Indian Central Committee have been elected by the other House, but the Assembly, which is really the most representative body of the people of this country, has declined to associate itself in any way with this affair. Government possess large executive powers. They could, by the exercise of those powers, have appointed anybody they liked to confer with the Simon Commission. But by choosing men from the Members of this House to co-operate with the Simon Commission, they have tried to show to the world at large that their original expectations have been realised and that it is really the Central Legislature which is co-operating with the Commission. I venture to say, Sir, that Government in doing so have perpetrated a fraud and they cannot expect us to help them in carrying out their object, and thus impose on India and the world at large and make it appear that this House had directly or indirectly reversed its former decision. If there were nothing else, this cause alone, I think, would prevent the House from voting the money that Government has asked for. There are, however, other considerations which ought also to make us stick to the course which we chalked out in February last. They were referred to by my Honourable friend Kumar Ganganand Sinha. Considering the manner in which the Simon inquiry has proceeded, considering the results of that inquiry, so far as the maintenance of law and order are concerned, considering what happened in the Punjab and the United Provinces, from which I come,

I think, Sir, we shall be less than human if we did not view with indignation the attempt of Government to persuade us to vote money for an inquiry which we regard as an absolute violation of our rights, an enquiry which is meant more to consolidate the position of the Britishers than to advance the constitutional position of the people of this country. I, therefore, Sir, associate myself with those who have gone before me and oppose and strongly oppose, this motion, and trust that the House will throw it out.

Mr. M. S. Aney (Berar Representative): Sir, my reason for intervening in this debate is simply this. I am not opposing this motion simply as a Member of a certain Party in this House, or as one who has already opposed it before on behalf of my constituency, but I oppose it now also on behalf of the Government which represents that constituency. (Hear, hear.) It is a well known fact to this House, and to all the Members of this House, I believe, that the Central Provinces Government refused to send any official witnesses before the Auxiliary Committee of the Simon Commission: A demand for a grant for that Committee is being made here in this supplementary demand, but no official witnesses having appeared from my Province before that Committee, I am justified in assuming that the indignation which the Honourable Members on this side of the House feel against the appointment of the Simon Commission, and the appointment of the Auxiliary Committee for which this grant is being demanded here, is shared to a certain extent by the Government of my Province also, and so I maintain that I am echoing the sentiments of my constituency, of my Party, and, to some extent, of the Government of the Province from which I have come. Sir, for these reasons I have to oppose the grant.

Mr. President: The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 5,89,000 to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Miscellaneous' be reduced by Rs. 3,02,000."

The Assembly divided:

AYES—47.

Abdul Matin Chaudhury, Maulvi.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sesha.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Birla, Mr. Ghanshyam Das.
Chaman Lal, Diwan.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Jayakar, Mr. M. R.
Jinnah, Mr. M. A.
Jogiah, Mr. V. V.
Kalkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.

Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mittra, Mr. S. C.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Pandya, Mr. Vidya Sagar.
Phookun, Sriji T. R.
Purshotamdas Thakurdas, Sir.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar Prasad.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr.

NOES—49.

Abdul Aziz, Khan Bahadur Mian.
 Alexander, Mr. William.
 Allison, Mr. F. W.
 Ashrafuddin Ahmed, Khan Bahadur
 Nawabzada Sayid.
 Bajpai, Mr. G. S.
 Bower, Mr. E. H. M.
 Bray, Sir Denys.
 Chalmers, Mr. T. A.
 Chatterjee, the Revd. J. C.
 Chatman, Mr. J.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Crerar, The Honourable Mr. J.
 Dalal, Sardar Sir Bomanji.
 French, Mr. J. C.
 Gavin-Jones, Mr. T.
 Ghazanfar Ali Khan, Mr.
 Ghuznavi, Mr. A. H.
 Graham, Mr. L.
 Hyder, Dr. L. K.
 Jowahir Singh, Sardar Bahadur
 Sardar.
 Keane, Mr. M.
 Lall, Mr. S.
 Lamb, Mr. W. S.

Lindsay, Sir Darcy.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Mohammad Ismail Khan, Haji
 Chaudhury.
 Moore, Mr. Arthur.
 Mukharji, Rai Bahadur A. K.
 Mukherjee, Mr. S. C.
 Parsons, Mr. A. A. L.
 Rainy, The Honourable Sir George.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rao, Mr. V. Panduranga.
 Row, Mr. K. Sanjiva.
 Roy, Mr. K. C.
 Roy, Rai Bahadur Tarit Bhusan.
 Sams, Mr. H. A.
 Sassoon, Sir Victor.
 Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Mohammad.
 Shillidy, Mr. J. A.
 Simpson, Sir James.
 Singh, Rai Bahadur S. N.
 Stevenson, Mr. H. L.
 Webb, Mr. M.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.

The motion was negatived.

Mr. President: The question I have to put is:

"That a supplementary sum not exceeding Rs. 5,89,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Miscellaneous'."

The motion was adopted.

MISCELLANEOUS ADJUSTMENTS BETWEEN THE CENTRAL AND PROVINCIAL GOVERNMENTS.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 1,08,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Miscellaneous Adjustments between the Central and Provincial Governments'."

The motion was adopted.

REFUNDS.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 4,66,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Refunds'."

The motion was adopted.

NORTH-WEST FRONTIER PROVINCE.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 86,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'North-West Frontier Province'."

The motion was adopted.

BALUCHISTAN.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Baluchistan'."

The motion was adopted.

DELHI.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 93,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Delhi'."

The motion was adopted.

FOREST CAPITAL OUTLAY.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Forest Capital Outlay'."

The motion was adopted.

COMMUTED VALUE OF PENSIONS.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 4,76,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Commuted Value of Pensions'."

The motion was adopted.

LOANS AND ADVANCES BEARING INTEREST.

The Honourable Sir George Schuster: I move:

"That a supplementary sum not exceeding Rs. 4,31,14,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Loans and Advances Bearing Interest'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 19th February, 1929.

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GISLATIVE ASSEMBLY.

Tuesday, 19th February, 1929.

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

QUESTIONS AND ANSWERS.

ACCOMMODATION RESERVED SPECIALLY FOR EUROPEANS IN THE NEW PROVINCIAL HOSPITAL AT PESHAWAR.

583. *Mr. Muhammad Ismail Khan: (a) With reference to question No. 729, asked by Doctor B. S. Moonje, on the 20th September, 1928, page 1075, Volume III, No. 13, will Government be pleased to state if it is a fact that, in the new Provincial Hospital at Peshawar, certain sets of accommodation have been reserved specially for the use of Europeans which will not be allowed to be occupied by Indian gentlemen, even if they pay the prescribed fee fixed for these rooms?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state:

(i) the special reasons which necessitated this racial discrimination in providing accommodation for the treatment of patients, and

(ii) if similar racial difference exists in other provincial hospitals such as the Mayo and Ripon hospitals?

Sir Denys Bray: (a) No, Sir.

(b) Does not arise.

STATEMENT BEFORE THE STATUTORY COMMISSION THAT EVERY TWENTIETH PERSON IN THE NORTH WEST FRONTIER PROVINCE IS A MURDERER.

584. *Mr. Muhammad Ismail Khan: (a) Is it a fact that before the Statutory Commission, certain British Officers of the North-West Frontier Province, who gave evidence on behalf of the Government of that Province at Peshawar, stated that every twentieth person in the Province was a murderer?

(b) If the answer to the above question is in the affirmative, will Government be pleased to say whether this is an accurate statement?

Sir Denys Bray: (a) The Government of India are not in possession of any official record of the oral evidence. According to a newspaper report, however, a statement was made by an official that one out of twenty inhabitants in the rural districts is a potential murderer.

(b) The word "potential" reduces the statement to something obviously hypothetical. But even in this form, I should not myself accept it, save as a highly coloured way of putting the notorious fact that the blood-feud is prevalent amongst Pathans.

INCLUSION OF THE INDIAN ARMY BENEVOLENT FUND IN THE BENEFIT OF FETES ORGANISED FOR SUPPORT OF THE EX-SERVICE ASSOCIATION.

585. ***Mr. Muhammad Ismail Khan:** (a) Is it a fact that money is collected from time to time by military and civil officials of the Government for contributing to the funds of the Ex-service Association, which looks after the interests of the British ex-soldiers in England, by organising fetes and military tournaments in which Indian troops also take part?

(b) Do any proceeds derived from such functions go to the Indian Army Benevolent Fund? If not, why not?

(c) Are Government prepared to issue instructions to Government officials to support such functions only when they are held in aid of the Ex-service Association and the Indian Army Benevolent Fund jointly?

Mr. G. M. Young: (a) and (b). The answer is in the affirmative.

(c) Does not therefore arise.

ARMY EDUCATIONAL CORPS.

586. ***Mr. Muhammad Ismail Khan:** (a) Is there in England an Army Educational Corps, and if so, how is it recruited?

(b) Is there a similar corps in this country? If so, how many Indian officers are attached to it?

Mr. G. M. Young: (a) Yes, Sir. At present the majority of the corps is recruited from the regular Army and a few of the officers only are recruited from civil sources. In future it is hoped to recruit University Graduates with Honours Degrees.

(b) No, Sir. A proportion of the Army Educational Corps serve in India and the remaining needs are supplied by officers from the Indian Army, or the British Army serving in India, who possess special aptitude for educational work. The total number of Indian officers employed in Educational Training appointments is 39. These men are selected from regiments and trained in the Indian Wing of the Army School of Education at Belgaum before holding these appointments.

FREER GRANT OF COMMISSIONS IN THE ROYAL ARMY VETERINARY CORPS TO INDIANS.

587. ***Mr. Muhammad Ismail Khan:** (a) Is it a fact that only boys from the Dehra Dun Military College are eligible for commissions in the Royal Army Veterinary Corps?

(b) Have any boys from the Dehra Dun Military College joined this corps as officers?

(c) Is it not a fact that only those boys join the Dehra Dun College who intend to proceed to Sandhurst?

(d) Do Government propose to withdraw this restriction so as to attract more young men?

Mr. G. M. Young: (a) The Honourable Member is referred to the answer I gave on the 25th August 1927, to starred question No. 418. The present position is practically as stated by the Honourable Member, so far as recruitment in India is concerned.

(b) Not yet, Sir. But a cadet from the Dehra Dun College, who qualified at the Sandhurst Entrance Examination of May, 1928, has been selected for a King's Commission in the Indian Army Veterinary Corps. He is at present studying for the M. R. C. V. S. at the Royal Veterinary College in London.

(c) No, Sir: a boy who intended to become an Army Veterinary officer would be eligible for admission to the College.

(d) Not at present. Government consider that the existing system produces the best type of candidate.

GRANT TO INDIAN OFFICERS HOLDING VICEROY'S COMMISSIONS OF POSTS IN THE GRASS FARM DEPARTMENT.

588. ***Mr. Muhammad Ismail Khan:** (a) Are Viceroy's Commissioned officers eligible for posts in the Grass Farm Department?

(b) Is it not a fact that at present sergeants of the British Army are usually given these responsible posts?

(c) Is this so because they are considered more suitable for these appointments than the Indian officers holding Viceroy's Commissions?

Mr. G. M. Young: (a) No, Sir.

(b) The executive charge of the larger grass farms is held by British staff sergeants, warrant and departmental officers, with Indian overseers as assistants. Indian overseers are in independent charge of some of the smaller farms.

(c) Yes, because their dealings are largely with British units, and Viceroy's Commissioned officers do not, as a rule, possess the educational qualifications required.

CAST-IRON AND STEEL SLEEPERS ON INDIAN RAILWAYS.

589. ***Pandit Nilakantha Das:** 1. Regarding cast-iron and steel sleepers used in our railways:

(a) What is their respective estimated durability?

(b) What were their prices according to the tenders accepted last year and the current year?

(c) What are their prices according to the tenders accepted for the coming year? Or, if the tenders have not yet been accepted, what are the various quotations in the tenders?

(d) What is the percentage and amount of actual supply and orders given in (i) value, and (ii) weight, in each case, i.e., in case of cast-iron sleepers and of steel sleepers from (1) India, (2) England, and (3) other countries?

(e) Is it a fact that cast-iron sleepers will be cheaper than steel sleepers in the coming year?

2. (a) Have the Railway Board any control over the orders given for sleepers by company-managed railways?

(b) If they have, will Government please state the tenders they received, (i) last, (ii) current, and (iii) coming years and also the quantity and price of their purchase in percentage and amount from India, England and other countries?

3. (a) Is it a fact that the three Companies, viz., Bengal Iron and Steel Company, Limited (sterling capital, managed by Europeans), Eurn and Company (rupee capital, managed by Europeans), and Tatanagar Foundry Company, a subsidiary concern of Tata Iron and Steel Company, (owned and managed by Indians), mainly manufacture cast-iron sleepers?

(b) Are the Government aware that they are not getting adequate orders to utilise their full capacity?

4. (a) Is it a fact that English and foreign tie-bars, which are subject to duties of Rs. 26 and Rs. 37 per ton, respectively, are being imported as parts of sleepers, or as ordinary bars, and are thus charged a duty of 10 per cent. *ad valorem*?

(b) If so, what steps are Government taking to prevent it?

Mr. A. A. L. Parsons: 1. (a) Approximately 50 years for cast-iron sleepers, except for the steel tie bar and fastenings. Approximately 35 years for steel sleepers.

(b) A statement showing particulars is being forwarded to the Honourable Member.

(c) Contracts have not yet been placed for 1929-30 requirements. I regret that the accepted tender prices cannot be divulged until a decision has been reached.

(d) The statement which I am sending to the Honourable Member shows the weight of steel and cast-iron sleepers ordered, and the percentage value of the contracts placed in India, the United Kingdom and other countries.

(e) Until the tenders for next year's requirements have been examined, it is impossible to state whether it will be cheaper to buy cast-iron sleepers than steel sleepers or *vice versa*. The tenders are in fact now being examined from this standpoint.

2. (a) Under their contracts, the decision rests with the management of Company-managed railways.

(b) Does not arise.

3. (a) The three companies mentioned by the Honourable Member are those which have supplied cast-iron sleepers to the State-managed railways. I am not aware that we have obtained supplies from any other companies.

(b) Government are unable to express an opinion on this point.

4. (a) Tie bars for rails are liable to duty at the specific rates of Rs. 26 per ton and Rs. 37 per ton, according as they are of British or non-British manufacture, under item 150 of the statutory Import Tariff. The only tie bars which are assessable at 10 per cent. *ad valorem* are tie bars for cast-iron universal sleepers which cannot be used as tie-bars for rails. Such tie-bars are dutiable as parts of sleepers under item 61 of the Tariff.

(b) As the actual practice at the ports is in accordance with the law, the question does not arise.

Diwan Chaman Lall: May I ask the Honourable Member if the Railway Board can override the decisions arrived at by Company-managed railways?

Mr. A. A. L. Parsons: In regard to the purchase of sleepers?

Diwan Chaman Lall: In regard to the acceptance of tenders.

Mr. A. A. L. Parsons: I do not think so, Sir.

Pandit Nilakantha Das: As to part 3 (b) of my question, Sir, will the Government kindly inquire and give the information?

Mr. A. A. L. Parsons: I think the Honourable Member will be able to derive the information he wants from the statement which I am forwarding to him.

NUMBER OF ANGLO-INDIANS AND INDIANS APPOINTED AS TEMPORARY ENGINEERS ON STATE RAILWAYS.

590. ***Mr. M. S. Aney:** (a) Will Government be pleased to state the number of persons appointed as temporary engineers on State Railways from January to August, 1928, and from September, 1928, to end of January, 1929, showing separately the number of Anglo-Indians and Indians, as well as the number employed from the register of approved candidates?

(b) Will Government be pleased to give the total number of persons on the list of approved candidates for the posts of temporary engineers till the end of December, 1928?

Mr. A. A. L. Parsons: (a) One Indian between January and August 1928, and one European between September, 1928, and the end of January, 1929. The former was on the register of approved candidates and the latter was specially recommended by the Agent, Great Indian Peninsula Railway, in view of his construction experience; he had previously been employed by the Tata Construction Company.

(b) 45.

APPOINTMENT OF AN ELECTRICAL ENGINEER TO THE CHOLA POWER STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

591. ***Mr. M. S. Aney:** (a) Is it a fact that the Railway Board invited applications by advertising in the English dailies for the appointment of an engineer for Chola Power Station of the Great Indian Peninsula Railway?

(b) Will Government state how many applications were received and how many of them were from Indians, Anglo-Indians and Europeans?

(c) Is it a fact that one Mr. S. A. Gadkary, B.E., A.M.I.E.F. (Lond.), Chartered Electrical Engineer, was called for a personal interview by the Public Service Commission and selected by the Commission as a proper candidate for the post?

(d) Is it a fact that the Railway Board, on the recommendation of the Public Service Commission, offered him "a post in the junior scale of the Transportation (Power) Department of the Superior Establishment of State Railways under the Agent, Great Indian Peninsula Railway"?

(e) Is it a fact that he was asked to appear before the Medical Board at Calcutta, which declared him unfit, after testing his eye-sight in accordance with standard prescribed in the rules as Class "A"?

(f) Will Government be pleased to state whether the Medical Board before whom Mr. Gadkary was asked to appear was duly informed by the Railway Board of the particular post which was offered to him, and was the attention of that Board drawn to the Railway Board Circular No. 3137-E., dated 31st January, 1928, which prescribes different classes of test for different grades of the subordinate and superior services?

(g) Is it a fact that Mr. Gadkary applied to the Railway Board to give him a fresh opportunity to appear before the Medical Board and requested the Railway Board to issue proper instructions to the Medical Board in the matter of his examination?

(h) Will Government be pleased to state whether they have received any letter from the Agent of the Great Indian Peninsula Railway regarding the decision of the Medical Board in the case of Mr. Gadkary, and if so, will they be pleased to place the correspondence on the table?

(i) Will Government be pleased to state whether the post for which Mr. Gadkary was recommended is still vacant or filled and if filled, by whom?

Mr. A. A. L. Parsons: (a) The advertisement was issued by the Public Service Commission.

(b) 23 applications were received for one post of Assistant Power Station Superintendent, of which 16 were from Indians, 3 from Anglo-Indians and 4 from Europeans, and 52 applications for two posts of Shift Engineers, of which 43 were from Indians, 4 from Anglo-Indians and 5 from Europeans.

(c) Yes.

(d) Yes.

(e) He was declared to be medically unfit.

(f) The arrangements for the Medical Board were made by the Agent of the Great Indian Peninsula Railway, and Mr. Gadkary was examined in accordance with the usual regulations laid down for candidates for appointment to the Transportation (Power) Department of State Railways. The Medical Board's attention was not drawn to the Railway Board's letter mentioned by the Honourable Member, as this letter applies only to subordinate and inferior staff.

(g) Mr. Gadkary did apply for another examination.

(h) The Agent of the Great Indian Peninsula Railway reported that Mr. Gadkary had been declared unfit for Government service by the Medical Board, and stated that he had advised him accordingly. There are no other papers to lay on the table.

(i) The post is still vacant.

OPENING OF A PHYSICS SECTION AT THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

592. ***Mr. M. S. Aney:** (a) Will Government be pleased to state if it is a fact that the Pope Enquiry Committee, which reported upon the affairs of the Indian Institute of Science, recommended the early opening of a physics section at the Indian Institute of Science, Bangalore?

(b) If the answer to part (a) is in the affirmative, what steps have Government taken to give effect to the above recommendation? If no steps have been taken will Government be pleased to state the reasons therefor?

Mr. G. S. Bajpai: (a) Yes.

(b) The Indian Institute of Science is a private aided institution and the recommendation referred to by the Honourable Member is the concern of the Council of the Institute.

LICENSING OF COOLIES AT STATIONS ON THE EAST INDIAN RAILWAY.

593. ***Mr. Siddheswar Prasad Sinha:** (a) Is it a fact that the licensing of coolies at some important stations on the East Indian Railway in Bihar and Orissa is made by private individuals?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether any tenders are called for for this purpose or whether it is settled at the will of the authorities with favoured individuals?

(c) Are Government aware that the coolies are compelled to pay exorbitant daily charges and heavy *nazaranas* for obtaining a licence?

(d) Are Government aware that the arbitrary exorbitant charges made by such individuals often result in strikes, to the great inconvenience of the travelling public?

(e) Do Government propose to license the coolies themselves instead of licensing them through middle men?

(f) If the reply to part (e) be in the negative, will Government be pleased to state what other method they intend to adopt in order to afford convenience to the travelling public and mitigate the hardships of the coolies from the exorbitant charges of the individuals who are given the monopoly of licensing coolies?

(g) Will Government be pleased to state the amount of income that has been derived from such settlements in the Dinapore Division?

(h) If there is no income derived, will Government state if it is not possible to get an income from such settlements?

(i) If so, will Government be pleased to state why they have been left to private individuals free?

Mr. A. A. L. Parsons: I am asking the Agent of the East Indian Railway for the information and will supply it to the Honourable Member when his reply is received.

EXTENSION OF THE TERM OF THE PRESENT INDIAN LEGISLATURE AND CONFERENCE OF INDIAN DELEGATES WITH THE JOINT PARLIAMENTARY COMMITTEE ON THE REPORT OF THE STATUTORY COMMISSION.

594. ***Mr. Ghanshyam Das Birla:** (a) Has the attention of the Government been drawn to the following Reuter's message, dated London, the 4th February, appearing in the *Hindustan Times* of February 7, 1929?—

"The question of extending the term of the present Indian Legislatures was being considered for more than one reason, declared Earl Winterton, replying to a question in the House of Commons. 'But I should make it clear', he added, 'that the Indian Legislative delegations or representatives whom, as His Majesty's Government hope, the Joint Parliamentary Committee may invite to confer when the Statutory Commission has reported, need not be identical with the Committees now sitting in conference with the Commission'."

(b) Will Government be pleased to lay on the table a copy of such correspondence as may have passed between the Governor General in Council and the Secretary of State for India on the question of extending the term of the present Indian Legislature and of inviting Indian Legislative Delegations or representatives to confer with the Joint Parliamentary Committee when the Statutory Commission has reported?

The Honourable Mr. J. Orerar: (a) Yes.

(b) The Governor General in Council has had no correspondence with the Secretary of State on either of these two subjects.

EXTENSION OF TIME FOR DISCUSSION OF THE ITEMS OF THE BUDGET.

595. ***Mr. S. C. Mitra:** (a) Is it a fact that not more than a dozen items in the annual budget are taken up for discussion during the budget time?

(b) Are Government aware that, in some of the Provinces, for instance in Bengal, the budget is divided into several parts, and that time is separately allotted to each group of demands, at the end of which the particular group is put to vote by guillotine?

(c) Are Government willing to agree to a similar scheme of guillotine by compartments so that facilities might be given for discussion of all the various items of the annual budget?

The Honourable Sir George Schuster: (a) The number of Demands disposed of before the fall of the guillotine naturally varies from year to year, but for the last two or three years the situation has been substantially as described by the Honourable Member.

(b) Government are aware that, in some of the provinces, separate allotments of time are made within the days allotted for the discussion of Grants, but they have no precise information on the subject.

(c) The number of Demands in the General Budget, excluding the Railway Budget, is 79. Speaking for myself I should always welcome the fullest opportunity for discussion, but I am afraid that, in view of the limitations upon the total time available, adequate discussion of all the various items of the annual Budget would not be secured, even if the Honourable Member's suggestion were to be adopted. I think that the only practical and satisfactory arrangement is that which the Government have adopted in previous years, and which they are prepared to repeat this year, namely, to settle with the leaders of the different parties the order in which the Demands should be taken. If thereafter, the leaders and the members of the several parties give practical effect to the arrangement, in the spirit in which it is conceived, it should be possible to secure an opportunity of discussing all important matters in which the House is really interested. I should add that the practice which we follow here and which I have just described is the practice followed in the House of Commons.

FACILITIES FOR DISCUSSION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

596. ***Mr. S. C. Mitra:** (a) Has the attention of the Government been drawn to the remarks in the Report of the Public Accounts Committee of 1926-27, paragraph 16, regarding giving facilities to the Members of the Legislatures to discuss the Report of the Committee?

(b) Are Government going to give effect to the recommendation?

The Honourable Sir George Schuster: The Honourable Member is referred to the statement which I made in this House yesterday during the discussion of the excess grants, and to the ruling of the Honourable the President, by which the matter was disposed of for the time being. The Honourable the President has decided that it is impossible to discuss the Report of the Public Accounts Committee in the current session, as motions for excess grants have already been before the House. At the same time, taking advantage of a helpful suggestion which fell from you, Sir, I have undertaken to discuss at an early date outside this House the question of devising a procedure by which, on future occasions, it may be possible for the Report of the Public Accounts Committee to be discussed by the Legislative Assembly.

SCHEME FOR ENGAGING APPRENTICES AT THE EAST INDIAN RAILWAY WORKSHOPS AT JAMALPUR AND LILLOAH.

597. ***Pandit Nilakantha Das:** 1. Regarding (i) Jamalpur and (ii) Lilloah Railway Workshops:

(a) What is the system or the scheme of taking apprentices?

(b) Is there any provision for primary or general education for the workmen apprentices? If so, what is the provision?

(c) What is the allowance paid to the several classes of apprentices?

(d) Is there any distinction between (i) Indian and (ii) European and Anglo-Indian apprentices in (i) training and (ii) allowances? If so, what is that distinction and what is the principle of that distinction, if any, besides birth and colour?

(e) Is the qualification test of apprentices subject to any public examination, i.e., examination by outside experts? If not, why not?

2. Will Government please furnish a statement showing in each class the apprentices taken, qualified and provided in (i) Jamalpur and (ii) Lilloah Railway Workshops during the last 10 years, with the character of provision and amount of pay in each case?

Mr. A. A. L. Parsons: 1. (a) Two grades of apprentices are taken in the East Indian Railway Workshops, first grade apprentices, who are required to have matriculated with mathematics as an optional subject, or to have reached the Junior Cambridge Standard, and, at Jamalpur only, third grade apprentices, in whom ability to read, write and subtract and multiply in one vernacular is looked for. Both grades are selected after passing satisfactorily a test of their ability and fitness.

(b) Third grade apprentices, who have already had sufficient primary education to benefit, are given instruction in drawing, arithmetic and very elementary mechanics.

(c) First class apprentices receive a stipend of Rs. 10 per month in the first year, rising to Rs. 30 per month in the fifth and last year of their apprenticeship, and receive free board and lodging in hostels provided by the Railway. Pending the provision of hostels at Lilloah, the first class apprentices there are given an allowance in lieu of free board and lodging.

Third class apprentices receive Rs. 7 per mensem in their first year, rising to Rs. 12 per mensem in the sixth and last year of their apprenticeship.

(d) No.

(e) The educational qualifications, which candidates as first grade apprentices are required to possess, have been stated in the reply to part 1 (a). The subjects of the test examination held at Jamalpur are mathematics up to the standard of the Junior Cambridge and Matriculation Examinations, general knowledge and elementary drawing. This examination is conducted by the Principal of the East Indian Railway Technical School, Jamalpur, and Government do not see that assistance from outside experts is called for or would be of any advantage.

2. Government regret that they cannot undertake to make this very laborious inquiry.

SPEECH BY SIR DANIEL HAMILTON, LIFE PRESIDENT OF THE BENGAL CO-OPERATIVE ORGANISATION SOCIETY ON INDIAN BANKING DEVELOPMENT.

598. ***Mr. B. Das:** (a) Has the attention of the Government been drawn to the speech of Sir Daniel Hamilton, Life President of the Bengal Co-operative Organisation Society, delivered at Chandpur, on the 2nd February, and reported in the dak edition of the *Amrita Bazar Patrika* of the 4th instant?

(b) Will Government be pleased to state if the facts as stated in the following extract are true:

"A few weeks ago Sir George Schuster called a joint meeting of the European and Indian Chambers of Commerce to discuss the question of the development of Indian banking. Were the people's bankers, the Co-operative Registrars, invited to attend this conference? If not, why not? I hope, Sir George is not going to make the same mistake as his predecessor, and provide more honey for the fat men, while the men who need it most, the 250 millions of lean rayats, are left to fatten as best as they can on vinegar."

"As Life President of the Bengal Co-operative Organisation Society, I protest most emphatically against Government giving countenance or encouragement to any scheme of the kind. The people's own banking system, co-operative credit, will provide all the finances required by the people when the queen bee understands its job and begins to lay."

(c) Is it a fact that no representative of the Co-operative Banking Institutions was called by the Honourable the Finance Member to discuss with him about problems of rural banking?

(d) Will Government be pleased to state if they will invite representatives of co-operative banking to the conference that will be shortly held at Delhi?

The Honourable Sir George Schuster: (a) Yes. The Government of India have received a copy of a speech made by Sir Daniel Hamilton on the subject of the "Government of India and the Queen Bee".

(b) It is difficult to distinguish facts from implications in the extract given, but I have been unable to discover any element of truth in either. My Honourable friend, Mr. B. Das, has contributed to this general atmosphere of inexactitude by the form in which the extract is presented, for if the full text had been given, it would have been made clear that the protest in the second part of the extract was directed, not against any

action of Government in connection with the Banking Enquiry, but against some proposal made by an organisation described by the speaker as the "Indian Chamber".

The real facts in the case, which will provide the answers also to parts (c) and (d) of the question, have already been explained to this House. The meeting which I held on February the 16th with the representatives of the Federation of Indian Chambers and of the Associated Chambers of Commerce, was convened as a result of demands expressed by these two organisations at their annual meetings in December. I made it clear at this meeting, as I have also explained on former occasions, that before settling the final plans of the Inquiry, I should also consult representatives of Banking interests as such.

So far as rural banking is concerned, its problems represent, from every point of view, a most important part of the whole field of enquiry. I shall certainly take steps to see that full advantage is taken of the experience of those who have been engaged in the co-operative banking, the development of which offers perhaps the most hopeful line of advance in the matter of developing rural banking facilities.

Mr. Abdul Matin Chaudhury: I understand, Sir, that Mr. Anwar-ul-Azim has written to you authorising me to put the questions standing in his name. So may I put them for him, Sir?

Mr. President (after consulting the Secretary): No.

PAUCITY OF MUHAMMADANS APPOINTED AS SUPERINTENDENTS OF POST OFFICES IN THE BIHAR AND ORISSA POSTAL CIRCLE.

599. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state if in the Bihar and Orissa Province, out of the eleven Postal Divisions, only one Division is in charge of a Muhammadan Superintendent of Post Offices? If so, why is the Mussalman Community so poorly represented in that Province, and what action is proposed to be taken to secure a proper share of the Muhammadans in the postal administration of the Bihar and Orissa Postal Circle?

(b) Is it a fact that, in the Bihar and Orissa Province, there is not a single Biharee Muhammadan employed as a Superintendent of Post Offices? If it is so, why has the only Muhammadan Superintendent who belonged to the Province been transferred to the Bengal and Assam Circle?

(c) Is it an ordinary practice in the Postal Department that, so far as possible, each community is represented in due proportion in each Province by officers chiefly coming out of the Province itself? If so, why has an exception been made in Bihar and Orissa, and why has the only Muhammadan Superintendent who was a Biharee been transferred from his own Province to another Province?

(d) What is the total number of Mussalman officers coming out of the Province of Bihar and Orissa? If the number is so low as only two, why is it not possible for Government to keep even this number of officers in their own Province?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer to the first part of the question is in the affirmative, except that the number quoted by the Honourable Member includes both Postal and Railway Mail Service Divisions. The Posts and Telegraphs Department is not organised on a

provincial basis and Government do not propose to take any action in the matter.

(b) Yes, the Muhammadan Superintendent in question himself applied for a transfer out of Bihar and Orissa.

(c) No. The second part of the question does not arise.

(d) If the Honourable Member refers to the posts of Superintendents of post offices, the answer to the first part of the question is "two"; as regards the second part of the question, the Honourable Member is referred to the reply to the second part of the question at (a).

TRANSFER TO BENGAL OF A BIHAREE SUPERINTENDENT OF POLICE.

600. *Mr. Anwar-ul-Azim: Is it a fact that in the Punjab, in the United Provinces and in Bengal and Assam the great majority of officers come from their own provinces? If so, why has the number of Biharee Superintendents in Bihar and Orissa, where it was very low and far below the proportion, still been reduced by transferring a Muhammadan Superintendent to Bengal? What action do Government propose to take to give to the men of Bihar and Orissa a proportionate representation in their own Province?

The Honourable Sir Bhupendra Nath Mitra: Assuming from the rest of his question that the Honourable Member means Superintendents of Post Offices, the reply to the first part is correct, except in the case of the United Provinces.

The reply to parts two and three of his question is that Superintendents are liable to serve anywhere in India and that their postings are made in accordance with the requirements of the public service. Government cannot undertake to provide for proportionate provincial representation in a gazetted Central service the members of which are liable to transfer from one province to another.

APPOINTMENT OF BIHAREE MUHAMMADANS AS SUPERINTENDENTS OF POST OFFICES IN BIHAR AND ORISSA.

601. *Mr. Anwar-ul-Azim: (a) Will Government be pleased to state the number of Bengalee officers in the Province of Bihar and Orissa as well as the total number of Postal Superintendents including Railway Mail Service Superintendents in that Province? Is there a preponderance of Bengalis in Bihar? If so will Government also give reasons for the preponderance of the Bengalis in Bihar in supersession of claims of the sons of the soil?

(b) Is it a fact that one Biharee Muhammadan Superintendent was lately transferred from Bihar and Orissa to Bengal and Assam and in his place a Bengali Hindu has been appointed in Bihar and Orissa? Will Government state the necessity for this transfer?

(c) Do Government propose to issue orders that at least one Postal Division is placed in charge of a Biharee Muhammadan Superintendent in order to give the community proper representation in the Province of Bihar and Orissa?

(d) Is it true that after 1914 not a single Biharee Muhammadan has been appointed as a Superintendent of Post Offices in the Province of Bihar and Orissa, although a number of vacancies occurred in that particular Postal Circle? Will Government state the reasons for this neglect of the claims of the Mussalmans of Bihar and Orissa?

(e) Do Government propose to issue orders, that in the Province of Bihar and Orissa, the interests of the men of Bihar Province and especially of the Muhammadans, are properly safeguarded, and that the Bengalees who have always predominated in that Province, are not further increased by new appointments or by transfers from other Provinces?

Mr. H. A. Sams: (a) Six out of a total of fourteen (including those working as Assistant Postmasters-General). It is a fact that there is a preponderance of Bengalee officers in the Postal Department in Bihar, but gazetted officers in the Posts and Telegraphs are liable to transfer to any part of India and Burma, and their postings are not made on the basis of provincial domicile.

(b) Yes, the transfer of the Muhammadan Superintendent out of the Bihar and Orissa Circle was at his own request. His place was taken by a Bengali Hindu, already serving as a clerk in the Bihar and Orissa Circle, whose turn for promotion to the grade of Superintendent had arrived.

(c) Government do not propose to issue orders as suggested. As already stated, the postings of Superintendents are not made on the basis of provincial domicile nor are recruitments to the Service made on such a basis.

(d) Yes. In view of what I have already stated, the latter part does not arise.

(e) In view of the reply just given to part (c), Government are not prepared to adopt the Honourable Member's suggestion.

MUHAMMADANS APPOINTED AS PROBATIONARY SUPERINTENDENTS OF THE POST OFFICE.

602. *Mr. Anwar-ul-Azim: Will Government be pleased to state the number of new appointments made as Probationary Superintendents in the post office during the last six months mentioning the names of the Muhammadans, if any were appointed during the same period?

Mr. H. A. Sams: Three; Mr. Hamidullah Alizai.

NEGLECT OF THE CLAIMS OF MUHAMMADAN POSTAL EMPLOYEES IN BIHAR AND ORISSA.

603. *Mr. Anwar-ul-Azim: (a) Is it a fact that, in the Bihar and Orissa Circle, the claims of the Muhammadan postal employees are generally neglected at the time of making acting arrangements in that Postal Circle?

(b) Is it true that very lately in that Circle an unpassed hand was appointed to act as an Assistant Postmaster General in supersession of the claims of a passed and qualified Muhammadan official who was on active service?

(c) Will Government be pleased to state the reasons for such an unprecedented course of action, giving particulars of similar cases, if any, that took place in India during the last 12 months? If no unpassed hand was

appointed elsewhere to act as a Superintendent or as an Assistant Postmaster General, why in Bihar and Orissa were the due claims of a passed Muhammadan officer ignored?

(d) Will Government be pleased to state the name and nationality of the unpassed official who was appointed to work as an Assistant Postmaster General? Is it a fact that in Bihar and Orissa, the number of Bengalee officers is greater than that of the Biharees?

Mr. H. A. Sams: (a) The answer is in the negative, nor is any preference given to Muhammadan employees in the matter of acting arrangements.

(b) Yes, but the question of supersession of claims does not arise in short acting arrangements.

(c) The arrangement is not unprecedented, nor has the Bihar and Orissa Circle been peculiarly singled out in the matter. Government do not propose to collect the information asked for by the Honourable Member since communal representation has no bearing on the point at issue. The appointment was made in a short vacancy as a matter of convenience.

(d) Mr. N. K. Maitra, a Bengali. The answer to the second portion of the question is in the affirmative.

POOR REPRESENTATION OF MUHAMMADANS IN CERTAIN APPOINTMENTS IN THE BIHAR AND ORISSA POSTAL CIRCLE.

604. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the total number of Head Clerks to Superintendents of Post Offices and the number of Inspectors of Post Offices in the Postal Circle of Bihar and Orissa, and mention the number of Mussalmans in the two classes of appointments? What are the reasons for the very poor representation of the Muhammadans in these posts and when was a Muhammadan last appointed as a Head Clerk or as an Inspector in that Province?

(b) How many appointments of Head Clerks and of Inspectors of Post Offices were made in Bihar and Orissa during the last three years, and how many out of them were given to Muhammadan officials?

(c) Are Government prepared to issue orders that in future due regard be paid to the interests of the Mussalmans when the next examination for appointing Inspectors is held?

Mr. H. A. Sams: (a) Head Clerks to Superintendents: 9, Muhammadans—nil. Inspectors of post offices: 27, Muhammadans—3. Recruitment to the appointment of Superintendents' Head Clerks and Inspectors used to be secured by a departmental examination, candidates for which were selected by the Postmaster-General from officials nominated by their immediate superiors, and the poor representation of Muhammadans is therefore presumably due to the failure of members of this community to secure nomination or selection, or to succeed in the examination. The last appointment of a Muhammadan as Inspector was on the 27th December, 1920.

(b) Eleven, out of which no Muhammadans were appointed.

(c) The proposal under consideration for an examination for the lower selection grade does not include a separate examination for Inspectors and Head Clerks of Superintendents. As the examination is for promotion, not for recruitment, it is not proposed to issue any orders on the lines suggested by the Honourable Member.

INCLUSION OF MUSLIM ASSOCIATIONS AND ARYA SAMAJES AS POLITICAL BODIES WHICH GOVERNMENT OFFICIALS ARE PROHIBITED FROM JOINING.

605. ***Mr. Anwar-ul-Azim:** With reference to the replies given by Government to my starred question No. 549 on the 13th September, 1928, will Government be pleased to state:

(a) whether the restrictions laid down in the Government Servants' Conduct Rules, prohibiting officials from taking part in political associations, do not apply to officials taking part in Muslim Associations and Arya Samajes, referred to in the question under reference; and

(b) whether the Muslim Associations, and Arya Samajes come under the category of political bodies?

Sir Denys Bray: Enquiry has been made from the local Administration and the information will be sent to the Honourable Member in due course.

IRREGULARITY COMMITTED BY THE POSTMASTER, PESHAWAR CANTONMENT.

606. ***Mr. Anwar-ul-Azim:** (a) With reference to the reply given by Government to my starred question No. 550 on the 13th September, 1928, will Government be pleased to consider the desirability of making enquiry and of obtaining information regarding the serious irregularity committed by the Post Master, Peshawar Cantonment, as mentioned in parts (5) and (6) of the question and inform the House of the result?

(b) Will Government be pleased to state if there is any special reason why this House should be kept in the dark about questions relating to the general public interest and to the violation of specified discipline laid down by Government?

The Honourable Sir Bhupendra Nath Mitra: (a) The reply is in the negative.

(b) No; but this case does not appear to involve any question of general public interest. It refers to alleged irregularities with which the local officials are competent to deal.

APPOINTMENT OF A LARGER PROPORTION OF MUSLIMS IN THE POSTAL SERVICE OF THE NORTH WEST FRONTIER PROVINCE.

607. ***Mr. Anwar-ul-Azim:** (a) With reference to the reply given by Government to my starred question No. 547, on the 13th September, 1928, will Government be pleased to place on the table a statement showing the number of vacancies which occurred in the post offices in charge of the Postmasters, Peshawar Cantonment and Abbottabad, after the receipt of the general letter No. 516/12/27, dated the 22nd November, 1927, from the Director General of Posts and Telegraphs?

(b) What is the number of Muslims belonging to the North West Frontier Province amongst the recruits?

(c) Will Government be pleased to state whether the Muslim community in the North West Frontier Province form as big a majority of population as 95 per cent.? If so, will Government be pleased to state if the Muslim community of the North West Frontier Province is or is not to be

justly dealt with under the provisions of the Director General's letter mentioned in part (a) namely, reservation of one-third vacancies for the minority community? Are Government prepared to consider the desirability of adopting special measures to give the same its due proportion of service in the Postal Department to redress their long standing grievances?

The Honourable Sir Bhupendra Nath Mitra: Information in regard to parts (a) and (b) is being collected, and when this information is available a reply to the whole question will be furnished to the Honourable Member in due course.

RECRUITMENT OF A LARGER PERCENTAGE OF MUSLIMS TO THE POSTAL SERVICE IN THE NORTH WEST FRONTIER PROVINCE.

608. ***Mr. Anwar-ul-Azim:** Will Government be pleased to state whether the standing orders issued by the former Postmaster General, Punjab and North-West Frontier Province requiring the recruitment of 80 per cent. Muslims of the North West Frontier Province in the Postal Department is being followed in the Province? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: No, because they are no longer in force.

APPOINTMENT OF MUSLIMS TO THE MILITARY ENGINEERING SERVICE IN THE DISTRICT OF KOHAT.

609. ***Mr. Anwar-ul-Azim:** (a) Are Government aware that the establishment serving at present in the Military Engineering Service in the District of Kohat is as follows:

	Number of		Pay.	
	Muslims.	Non-Muslims.	Muslims. Rs.	Non-Muslims. Rs.
(a) Higher grade establishment	0	6	0	1,060
(b) Permanent establishment—				
Overseers	2	6	108	333
Clerks	1	5	62	581
Draftsmen	0	1	0	64
(c) Temporary establishment—				
Overseers	7	10	387	610
Clerks	16	25	1,007	1,330
Draftsmen	11	7	605	554
Accounts branch	5	12	704	982
Total	42	72	2,873	5,504

(b) Is it a fact that the Muslim community of the North West Frontier Province forms 95 per cent. of the population and is therefore a majority community in that Province?

(c) If the answer to part (b) is in the affirmative, are Government prepared to prevent, in consistence with the present general policy of Government adopted in all Departments of the Government of India, the preponderance

of any one community in the Military Engineering Service in the District of Kohat by recruitment of Muslims only in future as is being done in the Postal Department in that Province?

Mr. G. M. Young: (a) The figures quoted by the Honourable Member are not correct, so far as subordinate establishments are concerned. I am sending the Honourable Member the correct figures.

(b) Yes, approximately.

(c) No, Sir. The policy of the Government aims at preventing the preponderance of anyone community, but does not contemplate the reservation of a fixed proportion of vacancies for any particular class. I am informed that the Postal Department have cancelled their orders stopping the recruitment of non-Muslims.

AUDIT OF ACCOUNTS OF EXPENDITURE OF CIVIL OFFICES IN THE NORTH WEST FRONTIER PROVINCE.

610. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that the accounts of the contingent expenses of the civil offices in the North West Frontier Province are not audited by Government auditors, and are left in the hands of Head Clerks, Superintendents, and Registrars of offices to deal with according to their own discretion?

(b) If the answer to part (a) is in the affirmative will Government be pleased to state the reasons why Government auditors should not audit the same in future?

Sir Denys Bray: (a) No. They are audited by the Accountant General, Punjab.

(b) Does not arise.

DISCIPLINARY ACTION TAKEN AGAINST THE STAFF OF THE CHIEF AUDITOR'S OFFICE, NORTH WESTERN RAILWAY.

611. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state why Ch. Vidya Datt, Sub Head, Chief Auditor's Office, North Western Railway, Lahore, was reduced from Rs. 146 to Rs. 75 permanently and why the privileges of the other staff were stopped for a considerable period?

(b) Will Government be pleased to state what particular report was made by Mr. A. Bola Krishna, Assistant Auditor, North Western Railway, about the failure of the Local Goods scheme and scamped work?

The Honourable Sir George Schuster: I propose to reply to questions Nos. 611 and 612 together.

Inquiries are being made and a reply will be sent to the Honourable Member in due course.

CONTINUANCE OF THE "LOCAL GOODS SCHEME" ON THE NORTH WESTERN RAILWAY.

612. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the reasons for which the scheme of Local Goods had been proposed to be run on the East Indian Railway when it had failed on the North Western Railway?

(b) Why has it not been run on the East Indian Railway and for what particular reasons is it again to be run on the North Western Railway?

Mr. A. A. L. Parsons: (a) There has been no failure in working the scheme. The position is that it was first started on the North Western Railway by the Clearing Accounts establishment at Lahore, but was held in abeyance when the Clearing Accounts establishment was transferred to Delhi, until arrangements could be made by the Chief Auditor of the North Western Railway to work it.

(b) It is proposed to bring the scheme into force on the East Indian Railway in connection with the revision of the methods of local goods traffic accounting on all State-managed railways.

EMPLOYMENT OF L. ATMA RAM, ACCOUNTANT, ON THE LOCAL GOODS SCHEME ON THE NORTH WESTERN RAILWAY.

†613. ***Mr. Anwar-ul-Azim:** (a) Are Government aware of the fact that the Chief Auditor of the North Western Railway gave a warning in the report of L. Atma Ram, Accountant, for not bringing the scamped work to the notice of higher officials?

(b) Are Government aware of the fact that the same accountant is again employed to work the Local Goods scheme which has failed under his very supervision and that he has been given a salary of Rs. 400 p. m.?

(c) Are Government aware of the fact that he is another brother-in-law of Mr. Faqir Chand, A.D.C.? Will Government be pleased to state why such a man has been selected for the scheme when he has already proved a failure?

ARTICLE PUBLISHED IN THE TRIBUNE ABOUT THE RAILWAY CLEARING HOUSE EXPERIMENT.

614. ***Mr. Anwar-ul-Azim:** (a) Has the attention of Government been drawn to the article published in the *Tribune*, dated the 8th January, 1928, giving a satisfactory account to the Press about the work of the Clearing House experiment?

(b) Are Government prepared to ask Mr. L. S. Dean, Director, Railway Clearing Accounts Office, to explain whether he is prepared to support the statement made in the speech of Mr. Parsons as to the number of appointments made by him and R. B. L. Faqir Chand, and also whether the appointments were made directly by him or on the recommendation of R. B. L. Faqir Chand?

(c) Are Government aware of the fact that the cards for the use of machines in connection with this scheme were printed either in the *Tribune* Press or in the Press of Khosla Brothers?

(d) Was this done in order to stop the publication of articles in the *Tribune* and *Hindu Herald*?

(e) Were all the other presses of Lahore so overworked as not to be able to take up this work?

Mr. A. A. L. Parsons: (a) No.

(b) Certainly not.

† For answer to this question, see answer to question No. 611.

(c) and (e). A small amount of printing on blank cards was done by local presses including the *Tribune* Press and the Press of Messrs. Khosla Brothers.

(d) No.

NUMBER OF CLAIMS REJECTED SINCE INTRODUCTION OF THE CLEARING ACCOUNTS OFFICE.

615. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state what is the total number of public claims and overcharges preferred by the public in the first half of the year 1928 of the Clearing Accounts Office, and what was the number of such claims within any six months prior to the Clearing House experiment?

(b) What is the total number of such public claims rejected by the Clearing Accounts Office in the first half of the year 1928, and what is the number of such rejected claims in any six months prior to the Clearing House experiment?

Mr. A. A. L. Parsons: (a) and (b). Government regret that they are not prepared to undertake the laborious compilation suggested by the Honourable Member.

ENTRUSTING OF RAILWAY CLEARING HOUSE SCHEMES TO EMPLOYEES ON THE VERGE OF RETIREMENT.

616. ***Mr. Anwar-ul-Azim:** (a) Has the attention of Government been drawn to the fact that the Clearing House scheme was started by Mr. Scott, the ex-Director, only a year before his retirement, and that the Local scheme was about to be run by Mr. O'Callaghan, who is on the verge of retirement?

(b) Will Government be pleased to state why such schemes are entrusted to such officers only whose services are likely to terminate immediately after the schemes are put into practice?

Mr. A. A. L. Parsons: (a) and (b). Mr. Scott has not retired from the service of Government; and Mr. O'Callaghan has been entrusted with the supervision of the revised system for dealing with the local traffic of the North Western Railway, as Government consider him the best qualified officer available for this work.

APPOINTMENT OF MUHAMMADANS AS ASSISTANT POSTMASTERS GENERAL AND DIVISIONAL SUPERINTENDENTS OF POST OFFICES IN CALCUTTA AND HOWRAH.

617. ***Mr. Anwar-ul-Azim:** (a) Will Government be pleased to state the total number of Superintendents of Post Offices, including Assistant Postmasters General and Railway Mail Service Superintendents, stationed in the city of Calcutta as well as in Howrah?

(b) Is it a fact that, out of five Assistant Postmasters General and seven Divisional Superintendents, not even one is a Muhammadan? Will Government be pleased to state the cause of this total absence of the Muhammadan element or the cause of their exclusion from the cities of Calcutta and Howrah?

(c) What action, if any, was taken for observing Government orders relating to the adjustment of communal inequalities when the vacancy caused by the death of the late Mr. Abdur Rahim was filled up?

(d) Is it a fact that a senior Muhammadan Superintendent has been brought to Bengal by transfer from the Bihar and Orissa Postal Circle? If so, why was it not possible for Government to appoint this officer as an Assistant Postmaster General in Bengal?

The Honourable Sir Bhupendra Nath Mitra: (a) Twelve.

(b) Yes. The posting of Superintendents in a Circle is a matter entirely within the discretion of the Head of the Circle. Such postings are made to meet administrative requirements, and communal representation cannot be considered.

(c) The Honourable Member's attention is invited to the reply given to his starred question No. 72 of September, last.

(d) A Muhammadan Superintendent (though not senior) was so transferred. The second part of the Honourable Member's question does not arise in view of what has been stated already in (b) and (c) of this reply.

ADEQUATE REPRESENTATION OF MUSLIMS IN HIGHER APPOINTMENTS IN THE POSTAL DEPARTMENT IN CALCUTTA AND HOWRAH.

618. ***Mr. Anwar-ul-Azim:** (a) Is it a fact that, during the last 12 years, no Muhammadan, besides the late Mr. Bahim, was ever posted to the cities of Calcutta and Howrah in the capacity of a Superintendent or a Personal Assistant or an Assistant Postmaster General? If the reply is in the affirmative, will the authorities be instructed to see that the claims of the Muslim community are not neglected in the future and that they are properly and adequately represented in Calcutta?

(b) Will Government be pleased to mention the period for which the late Mr. Abdur Rahim actually worked in Calcutta proper and the periods for which each of the Superintendents at present stationed in Calcutta have been in Calcutta? Will Government be pleased to furnish the same information in regard to the Personal Assistants and the Assistant Postmasters General?

(c) Will Government please state the names of all the officers of the cadre of the Superintendents, noting against each the total period of their stay in Calcutta during the last 12 years?

Mr. H. A. Sams: I should like to inform the Honourable Member that postings are not made on communal considerations. That being so, Government do not propose to call for information required by him and extending over 12 years as they do not consider that any public purpose will be served by its collection.

WATERPROOFS MANUFACTURED BY THE NATIONAL DYE AND WATER-PROOF WORKS, CALCUTTA, AN INDIAN FIRM.

619. ***Mr. S. C. Mitra:** (a) Are Government aware that there is a purely Indian industrial firm in the name of the National Dye and Waterproof Works, Calcutta, for the manufacture of waterproof articles?

(b) Are Government aware that Mr. A. T. Weston, Director of Industries, Government of Bengal, some time ago tested the "Raynoff" waterproof coats and "Raynoff" waterproof fabrics manufactured by the

National Dye and Waterproof Works through the Deputy Commissioner of Police, Calcutta, and the Government Test House, Alipore?

(c) If the reply to part (b) is in the affirmative, is it a fact, that on the above mentioned tests, all their manufactures were found highly satisfactory?

(d) Are Government aware that the Controller of Purchase, Indian Stores Department, Calcutta Circle, obtained satisfactory reports about the quality of waterproofs of the said firm from the Inspector Generals of Police, Bihar and Assam, respectively?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The Government of India are not aware of the tests carried out by the Director of Industries, Bengal. "Raynoff" waterproof coats and other waterproofed material manufactured by the National Dye and Waterproof Works were tested at the Government Test House, Alipore.

(c) The tests of the "Raynoff" waterproof coats were satisfactory. Government are not aware whether all the firm's manufactures have been tested as yet and are therefore unable to say whether they are all satisfactory.

(d) The answer is in the affirmative.

NON-ACCEPTANCE BY THE EAST INDIAN RAILWAY OF CERTAIN TENDERS OF THE NATIONAL DYE AND WATERPROOF WORKS, CALCUTTA.

620. ***Mr. S. C. Mitra:** (a) Are Government aware that the samples of waterproofs manufactured by the National Dye and Waterproof Works had been tested on various occasions by the Government Test House, Alipore?

(b) Are Government aware, that on all such tests the results have been found highly satisfactory?

(c) Is it a fact that Lord Lytton, the Ex-Governor of Bengal, the Honourable Sir Bhupendra Nath Mitra, Member in charge of the Department of Industries and Labour and many other high officials spoke very highly of the waterproof coats manufactured by the said firm?

(d) Are Government aware that the Governments of Bihar and Orissa, and the United Provinces, the Government Harness and Saddlery Factory, Cawnpore, the Eastern Bengal Railway, the Calcutta Port Commissioners, and the Calcutta Corporation, have placed repeated orders with the National Dye and Waterproof Works for paulins, waterproof coats and waterproof fabrics for the last few years?

(e) Is it a fact that the said firm submitted the following tenders to the East Indian Railway, namely?

(i) Tender No. 85/A/CT of 1st May, 1928 for the supply of waterproof coats, etc.

(ii) Tender No. 86/A/CT of 31st March, 1928 for the supply of waterproof capes, etc.

(iii) Tender No. 220 (Urgent) of 13th August, 1928 for the supply of waterproof coats.

(f) Are Government aware that the said firm was given a small order in respect of the aforesaid tender No. 86/A/CT but that no order was given to the said firm in respect of the aforesaid tenders Nos. 85/A/CT and 220?

(g) Are Government aware that the samples and rates of the National Dye and Waterproof Works in respect of the said tenders 85/A/CT and 220 were more favourable than those of others?

(h) Are Government aware that the order for waterproof coats was given last year by the East Indian Railway authorities to Messrs. Hall and Anderson, Limited, at a much higher rate than that submitted by the National Dye and Waterproof Works?

(i) Are Government aware that the orders for waterproof coats have been given to Messrs. Hall and Anderson by the East Indian Railway authorities for the last fifteen years?

(j) Are Government aware that the National Dye and Waterproof Works submitted samples and quotations in respect of a recent tender No. 526/G. B.-9, on the 4th February, 1929?

(k) Is it a fact that the rates submitted by the said National Dye and Waterproof Works are not lower than those submitted by Messrs. Hall and Anderson, Ltd.?

(l) Will Government be pleased to state if the National Dye and Waterproof Works have been given any order in respect of the said tender No. 526/G.B.-9?

Mr. A. A. L. Parsons: (a) Yes.

(b) The test results have shown want of uniformity; in some cases they were satisfactory, but could not be described as highly satisfactory.

(c) Government have no information, except that Sir Bhupendra Nath Mitra purchased a waterproof coat from the firm some years ago and found it quite serviceable.

(d) Government have no information, but, so far as the Eastern Bengal Railway and the Harness and Saddlery Factory at Cawnpore are concerned, are making enquiries.

(e) to (l). The facts are being ascertained from the East Indian Railway, and I will communicate with the Honourable Member when their reply is received.

RECRUITMENT OF STAFF FOR THE NEW ACCOUNTS OFFICES ON THE NORTH WESTERN RAILWAY.

621. ***Pandit Thakur Das Bhargava:** (a) Has the attention of Government been drawn to the *Hindustan Times*, page 2, dated the 6th January, 1929, in connection with the separation of Audit and Accounts on the North Western Railway?

(b) Will Government be pleased to state the policy they are pursuing in connection with the recruitment of the staff for the New Accounts Offices in regard to:

- (i) Assistant accounts officers,
- (ii) Senior accountants,
- (iii) Junior accountants,
- (iv) Assistant superintendents,
- (v) Sub-heads,
- (vi) Senior clerks, and
- (vii) Junior clerks?

(c) Is it a fact that certain men have been appointed as senior accountants without their passing any railway accounts examination prescribed for either by Agent or Audit?

(d) Will Government be pleased to state—

- (i) what were their posts prior to their appointment as senior accountants,
- (ii) what pay they were drawing before, and
- (iii) what has been allowed now?

Mr. A. A. L. Parsons: With your permission Sir, I propose to reply to questions numbers 621, 622, 623, 624 and 625 together:

The questions are identical with those put by Mr. Rang Behari Lal on the 11th of this month and I invite a reference to the answers that I gave to them.

NOMINATION FOR TRAINING AT CALCUTTA OF EMPLOYEES OF DIVISIONAL ACCOUNTS BRANCHES.

†622. ***Pandit Thakur Das Bhargava:** Are Government aware that in the old engineering districts of the North Western Railway there used to be accounts clerks who were getting Rs. 20 as duty allowance (sanctioned by the Railway Board), in addition to their class pay, and that they were fully acquainted with the details of accounts work in Divisions and are at present working as sub-heads in the existing Divisional Accounts Branch with more staff working under them as compared with the sub-heads, Assistant Superintendents and Junior Accountants of the Audit Offices? Will Government be pleased to state the reasons for altogether ignoring these sub-heads and other capable clerks of the Divisional Accounts Branch for nomination to the Calcutta Training School?

QUALIFICATION OF AUDIT CLERKS SELECTED FOR TRAINING IN CALCUTTA.

†623. ***Pandit Thakur Das Bhargava:** Are Government aware, that among the audit clerks so selected for training at Calcutta, there are certain people who, though holding academic degrees, failed in the accounts examination held by the Agent, North Western Railway, each year and have superseded Class II and III clerks of the Divisional Accounts Branch, although the latter beat them in competition in the above examination?

RECRUITMENT FROM DIVISIONAL ACCOUNTS BRANCHES FOR THE POST OF ASSISTANT ACCOUNTS OFFICER, ETC.

†624. ***Pandit Thakur Das Bhargava:** Will Government be pleased to state if they propose to take steps to safeguard the interests of the Divisional Accountants or Head Accounts Clerks and their Sub-heads and other senior clerks employed in the Divisional Accounts Branches in making appointments for the posts of Assistant Accounts Officer, Senior Accountants, Assistant Superintendents and Sub-heads, which have so far been filled up by nomination from Audit Offices, or Railway Board Offices only?

† For answer to this question, see answer to question No. 621.

EXCLUSION OF THE STAFF OF DIVISIONAL ACCOUNTS BRANCHES FROM FACILITIES FOR TRAINING IN CALCUTTA.

†625. *Pandit Thakur Das Bhargava: Will Government be pleased to state the reasons for a wholesale exclusion of the staff employed in the Divisional Accounts Branches? Is it a fact that the men who have been sent to Calcutta have not had as much experience of executive accounts work as the Divisional Accounts Branch staff have had?

TOTAL NUMBERS OF CERTAIN APPOINTMENTS IN THE INDIAN MEDICAL DEPARTMENT OF THE ARMY.

626. *Pandit Thakur Das Bhargava: 1. Will Government please state the total strength of the following appointments separately in the Indian Medical Department (Sub-Assistant Surgeons) of the Army?

- (a) Honorary Captains,
- (b) Honorary Lieutenants,
- (c) Subedar Majors,
- (d) Subedars,
- (e) Jemadars,
- (f) Warrant Officers.

2. Is it a fact that, in infantry and cavalry regiments, there is one Subedar Major over every eighteen Indian officers?

3. If so, does this rule apply to the Indian Medical Department also? If not, why?

Mr. G. M. Young: 1. The Honourable Member is referred to pages 828 to 845 of the Indian Army List for January, 1929.

2. The statement made by the Honourable Member is approximately correct.

3. No, Sir. The fact that a certain proportion of officers to non-commissioned officers is required in a fighting unit has no bearing on the requirements of a department.

RULES FOR PROMOTION OF SUBEDARS.

627. *Pandit Thakur Das Bhargava: (a) Will Government please state the rule or rules by which promotion to Subedar Majorship from Subedarship is regulated? Is it by selection, seniority in service or according to the present position in the Army List?

(b) If it is according to the position as given in the Indian Army List, are Government aware that such a rule is likely to deprive the Sub-assistant surgeons who joined service in 1895 or 1896, of their rights to get promotion to Subedar Majorships because of junior supernumerarily promoted officers being placed above them in the Army List?

(c) Do Government propose to consider such cases for special grants of land or pension?

Mr. G. M. Young: (a) Promotion is made by selection.

Parts (b) and (c) do not arise.

† For answer to this question, see answer to question No. 221.

OMISSION TO TAKE THE OATH OF ALLEGIANCE BY EX-OFFICIO MEMBERS OF CANTONMENT BOARDS.

628. *Pandit Thakur Das Bhargava: (a) Are Government aware that in several cantonments, nominated and *ex-officio* members of a Cantonment Board begin to perform their functions in the Committees of a Cantonment Board appointed under section 44 of the Cantonments Act before taking the oath of allegiance as prescribed in section 18 (1) of the Cantonments Act?

(b) Has the attention of the Government been drawn to an article headed "Administration of the oath of Allegiance; Its legal value" in the *Cantonment Advocate* of May, 1928?

Mr. G. M. Young: (a) Government have no information. I am examining the legal point raised by this part of the question, and will communicate the result of this examination to the Honourable Member.

(b) Yes.

ORDERS TO VACATE SHOPS BY THE CANTONMENT AUTHORITIES OF CHERAT.

629. *Pandit Thakur Das Bhargava: (a) Is it a fact that in Cherat all the business shops belong to the Cantonment Authority?

(b) Is it a fact that there have been cases in the past in which the Executive Officer, acting under the advice of the Kotwal, has issued notices to certain shopkeepers to vacate their shops without any valid reason?

(c) Are Government aware that, in case of non-compliance with the above notices, the Executive Officer, who is generally also a military officer, has used Government Military Police to get the shops forcibly vacated?

(d) Is it a fact that there is great discontentment and agitation among the shopkeepers for want of permanency in the tenancy of the Cantonment Board shops and the use of the Military Police in getting them vacated whenever the Executive Officer chooses to have them so vacated?

(e) Do Government propose to take steps to remove the grievances of these shopkeepers?

Mr. G. M. Young: The Government have no information. I am making enquiries and will let the Honourable Member know the result.

PROCEDURE OF THE CANTONMENT AUTHORITY FOR PREPARING BILLS, ISSUING CHEQUES, ETC.

630. *Pandit Thakur Das Bhargava: (a) Is it a fact that under the Cantonments Account Manual, the Executive Officer, in his capacity as the head of the office of a Cantonment Authority, prepares bills for the expenditure incurred by him and also issues and signs cheques for the same?

(b) Are Government aware that in all advanced municipalities, the work of "preparing bills" and "issuing cheques" is entrusted to separate officers, and that while the Secretary prepares the bills, it is the Vice-President who issues the cheques after applying such a check to the bills as he thinks to be necessary?

(c) Do Government propose to adopt the same procedure in the case of Cantonments?

Mr. G. M. Young: (a) Yes. The Honourable Member's attention is drawn to rule 30 of the Cantonment Account Code, 1924, which lays down the procedure for the preparation and payment of bills for expenditure from a Cantonment Fund.

(b) The answer is in the negative. I am not aware of the practice in all advanced Municipalities, nor do I know which Municipalities would come within the Honourable Member's definition of "advanced" and which he would describe as "backward".

(c) No, Sir. Government see nothing objectionable in the practice enjoined by the Cantonments Account Code.

PROPOSED DEMOLITION OF THE BAZAAR ATTACHED TO THE HARDINGE LINES,
AMBALA CANTONMENT.

681. ***Pandit Thakur Das Bhargava:** (a) Are Government aware that there is a small bazaar attached to the Hardinge Lines, in Ambala Cantonment?

(b) Is it a fact that, to benefit the coffee shop contractor, there is a proposal to demolish the bazaar? Does the contractor pay some rebate to the regiment?

(c) Are Government aware that this bazaar has been in existence ever since the establishment of the Cantonment, and its demolition is likely to cause great hardship and resentment to the shopkeepers of the bazaar who have been occupying it and serving the troops for 3 or 4 scores of years?

Mr. G. M. Young: The Government have no information. I am making inquiries and will let the Honourable Member know the result.

REPORTED DISCOURTESY OF THE EXECUTIVE OFFICER, SAUGOR
CANTONMENT.

682. ***Pandit Thakur Das Bhargava:** (a) Are Government aware that the Executive Officer, Saugor Cantonment, addressed a notice to the owner of house No. 5/10, Sudder Bazar, Saugor, as "To Ghansham, owner of house No. 5/10"?

(b) Is it a fact that one of the recommendations of the Government of India Reforms Committee appointed in 1921 to report about the changes necessary in cantonment administration was that the notices issued by the Cantonment Authority should be couched in polite language and should be addressed with due courtesy? Have Government issued any instructions in this behalf? If not, do they propose to do so now?

(c) Have Government seen the article headed "Brown Autocracy at Saugor Cantonment" published in the *Cantonment Advocate* of November, 1928, in which the above discourtesy has been severely condemned?

Mr. G. M. Young: (a), (b) and (c). Government have seen the article referred to. It appears that a notice relating to the clearance of a private latrine was sent by the Cantonment Authority to a house owner: and that the notice was addressed in the manner described. Government have no reason to suppose that any discourtesy was intended. The recommendation of the Committee mentioned in part (b) of the question related to forms of notices prescribed under the Cantonments Acts, and not to modes of address.

RECOGNITION OF THE SAUGOR RESIDENTS' ASSOCIATION.

638. ***Pandit Thakur Das Bhargava:** (a) Are Government aware that in October, 1928, the Honorary Secretary of the Saugor Residents' Association addressed a communication to the Executive Officer on the subject of the proposed imposition of a new tax on private latrines and that the communication in question was returned by the Executive Officer with the remark "I don't recognise this Association"?

(b) Is it a fact that after the above communication was received back with the above remark of the Executive Officer, all the house-owners, whom the proposed tax affected, signed the communication and submitted the same to the President informing him that in future all correspondence concerning all matters of a public nature relating to Cantonment residents, would be conducted by the "Residents' Association, Saugor"?

(c) Are Government aware that the Saugor Residents' Association is a properly constituted branch of the All-India Cantonments Association?

Mr. G. M. Young: Government have no information. I am making inquiries and will let the Honourable Member know the result.

IGNORING OF NON-OFFICIAL OPINION ON THE CANTONMENT BOARD AT
AMBALA.

684. ***Pandit Thakur Das Bhargava:** (a) Is it a fact that an application submitted for putting up iron-bar doors in the verandah of a house in the Sudder Bazaar, Ambala, at the meeting of the Cantonment Board, Ambala, held on 30th October, 1928, was opposed by Colonel Williams, the then Health Officer of the Cantonment, on the ground that the putting of iron-bar doors would prevent light and air?

(b) Are Government aware that the application was supported by all the non-official members?

(c) Is it a fact that, in spite of the united non-official support, the application was rejected by the majority of the official members?

(d) Are Government aware that, as a protest against this spurning of non-official opinion all the non-official members present in the meeting walked out of it after making a statement of protest?

Mr. G. M. Young: I am making enquiries and will inform the Honourable Member of the result.

DELEGATION TO THE EXECUTIVE OFFICER OF THE CANTONMENT BOARD OF
POWER TO INSTITUTE CASES UNDER THE CANTONMENT ACT.

635. ***Pandit Thakur Das Bhargava:** (a) Is it a fact that in some Cantonments power to sanction and launch cases under the Cantonments Act has been delegated by the Cantonment Board to the Executive Officer?

(b) If so, will Government be pleased to state the section of that Act under which a Cantonment Board is empowered to delegate such a power to the Executive Officer?

Mr. G. M. Young: (a) Government have no specific information, but are prepared to accept the fact as stated.

(b) The number of the section is 268.

DISCHARGE OF CANTONMENT FUND SERVANTS.

636. *Pandit Thakur Das Bhargava: (a) Are Government aware that in several cantonments some old Cantonment Fund servants have been discharged on three months' notice at the initiative of the Executive Officers of those places, under an incorrect interpretation of rule 6(1) of the Cantonment Fund Servants Rules?

(b) Is it a fact that the rule in question does not give the Cantonment Authority any power to discharge a Cantonment Fund servant, but only lays down that a servant so discharged should be given three months' pay?

(c) Is it a fact that the All-India Cantonments Association represented to the Army Secretary to the Government of India the erroneous interpretation put upon the rule by some Cantonment Authorities and requested him to issue instructions that no Cantonment Fund servant should be discharged, except when his post is brought under reduction, and that if a Cantonment Fund servant is incompetent, dishonest, or disobedient, he should be dealt with according to rules 9 and 10 of the Cantonment Fund Servants Rules?

(d) Are Government aware that, in his letter No. 86 (A. D. 4), dated the 11th January, 1929, the Army Secretary has issued instructions that a Cantonment Authority can discharge a Cantonment Fund servant on notice as it has an inherent right to do so "under the ordinary law of master and servant"?

(e) Are Government aware that those instructions have created consternation among the Cantonment Fund employees in all cantonments and have encouraged certain Executive Officers to turn out some very reliable and competent Cantonment Fund servants in order to make room for their own protégés?

Mr. G. M. Young: (a) Government have no information.

(b) Rule 6 does not actually confer the power to discharge, but by providing that every servant shall be entitled to three months' notice before discharge it plainly implies the existence of that power.

(c) Government received a representation from the Association asking for a correct interpretation of the rule.

(d) Yes.

(e) Government have no information, but I think it is most unlikely that any Executive Officer has acted in the manner suggested.

PROVISION OF A HOSPITAL FOR THE CIVIL POPULATION AT RISALPUR CANTONMENT.

637. *Pandit Thakur Das Bhargava: (a) Are Government aware that the Risalpur Cantonment has no hospital maintained from the Cantonment Fund to administer medical relief to the civil population of that place?

(b) Is it a fact that, under the Cantonments Act of 1924, it is one of the obligatory functions of the Cantonment Authority to provide medical relief to the people of the Cantonment?

(c) Is it a fact that the Cantonment Authority in Risalpur makes some contribution from the Cantonment Fund to the Indian Station Hospital of that place to render medical aid to the Cantonment people?

(d) Is it a fact that the Indian Station Hospital is at a distance of more than a mile from the Sudder Bazaar and that the sick and the injured from among the civil population find it very inconvenient to go to that hospital and have to wait for hours even when they go there, for the medical authorities there attend to them only when they have leisure from their own legitimate work?

(e) Is it a fact that the civil population of Risalpur Cantonment cannot get medical aid in time on account of this unsatisfactory arrangement and that they have represented this grievance to the Government through the All-India Cantonments Association? If so, do Government propose to open a separate hospital?

Mr. G. M. Young: (a) Yes, Sir.

(b) Yes, so far as the funds at its disposal permit.

(c) Yes.

(d) Government are not aware exactly how far the hospital is from the bazar, but they have no reason to believe that any great hardships or delays are entailed by the present arrangement.

(e) Government received a representation from the All-India Cantonments Association on the subject, but on inquiry they were informed that the only grievance of the inhabitants of Risalpur was that they were too highly taxed, and that, even with the present taxation, the Cantonment could not afford to provide its own hospital.

ACTION OF THE CANTONMENT AUTHORITIES OF AMBALA IN A CASE OF CHOLERA IN THE CANTONMENT.

638. *Pandit Thakur Das Bhargava: (a) Is it a fact, that on the 14th November, 1928, there was an imported case of cholera in the Sudder Bazaar of the Ambala Cantonment and that the person suffering from that disease was the old mother of one Lala Raja Ram, a respectable resident of that Cantonment?

(b) Is it a fact that immediately on the arrival of his mother from the Kurukshetra Eclipse Fair, where she got the cholera infection, Lala Raja Ram made all arrangements for her isolation and treatment in his house?

(c) Are Government aware that, in spite of those arrangements having been made, Captain R. C. Gaulatia, Medical Officer in charge of the Cantonment General Hospital in those days, served a notice upon Lala Raja Ram, under section 175 of the Cantonments Act, to bring his mother to the Cantonment General Hospital, after he had examined her at his house?

(d) Is it a fact that on Lala Raja Ram's not complying with the above notice, owing to the patient's being not in a fit condition to be removed to the hospital, Captain R. C. Gaulatia approached Brigadier General E. C. Gepp, Commanding Sirhind Brigade Area at Ambala and persuaded him to issue a notice on Lala Raja Ram to leave the Cantonment within 24 hours under section 176 of the Cantonments Act?

(e) Are Government aware that a copy of the notice referred to in part (d) was sent to the Police Inspector, Ambala, to forcibly evict Lala Raja Ram from the Cantonment after the expiry of 24 hours from the time of the issue of the notice?

(f) Is it a fact that when the notice mentioned in part (d) was issued, the mother of Lala Raja Ram was dead and he was engaged in the performance of her cremation and funeral ceremonies?

(g) Are Government aware that the issuing of this notice created consternation among the people, as section 176 empowered the Officer Commanding the Station to issue a notice on a 'person suffering from cholera' and not upon his attendant?

(h) Is it a fact that, in view of the strong public feeling roused by this action of Brigadier General E. C. Gepp, some non-official members of the Cantonment Board approached the Executive Officer and pointed out to him the illegality of the affair, and on that representation the notice in question was cancelled by Brigadier E. C. Gepp, on the condition that Lala Raja Ram would attend the hospital and stay there for six days?

(i) Are Government aware that Lala Raja Ram was then forced to attend the hospital for some days and that this greatly interfered with the performance of the funeral ceremonies of his dead mother?

Mr. G. M. Young: The information asked for by the Honourable Member is being collected and will be supplied to him.

CONSTITUTION OF A CANTONMENT BOARD AT RISALPUR.

639. ***Pandit Thakur Das Bhargava:** (a) Is it a fact that Risalpur Cantonment is "corporation sole" in spite of its having a population of 4,888?

(b) Are Government aware that the civic administration of that place is carried on by different military officers who are required to do the work of the Executive Officer from time to time in addition to their own duties?

(c) Are Government aware that, on account of this constant change of Executive Officers, there is no continuity of policy in the administration, and that the people have, since the creation of the "corporation sole", suffered seriously for the above reason?

(d) Is it a fact that, under the provisions of section 14, it is intended that every cantonment having a civil population of 2,500 or over should have a Cantonment Board?

(e) Do Government propose to constitute a Cantonment Board at Risalpur? If not, why not?

Mr. G. M. Young: (a) Yes, Sir, the Cantonment Authority is a Corporation Sole. I do not know the precise number of the civil population.

(b) Yes.

(c) Some inconvenience may be caused by the unavoidable changes of officers, but Government have no reason to believe that the cantonment population has suffered seriously on that account.

(d) No, Sir. The effect of the section is that a Cantonment with a civil population of over 2,500, if it is administered by a Board at all, is administered by an elected Board, except in the North-West Frontier Province and British Baluchistan, where there are no elected Boards.

(e) Government will consider whether it is advisable to constitute a nominated Board in Risalpur.

INVALIDITY OF NOTICES TO SHOPKEEPERS ISSUED BY THE EXECUTIVE OFFICER OF RISALPUR CANTONMENT.

640. ***Pandit Thakur Das Bhargava:** (a) Is it a fact that notices under section 210 (8) (a) were issued by the Executive Officer, Risalpur, under his own authority to about 18 shopkeepers of that Cantonment and that prosecutions were subsequently launched against them for non-compliance with the notice in the Court of the Assistant Commissioner, Nowshera?

(b) Are Government aware that the above Court discharged all the persons prosecuted on the ground that the notices issued were not valid and should have been issued under the authority of the Cantonment Authority, as expressly provided in the section quoted in part (a) above?

(c) Is it a fact that the Commanding Officer of that Cantonment took objection to the discharge, and the Assistant Commissioner, Nowshera, in his letter No. 1859, dated the 3rd August, 1928, informed the Executive Officer that the notices should have been issued by the Cantonment Authority and that the Cantonments Act did not allow the delegation of that authority to any one else?

Mr. G. M. Young: Government have no information. Enquiries are being made and the Honourable Member will be informed in due course.

SYSTEM OF LEASING VEGETABLE AND MEAT MARKETS IN THE CANTONMENT OF RISALPUR.

641. ***Pandit Thakur Das Bhargava:** (a) Is it a fact that in Risalpur Cantonment there are the Vegetable and Meat Markets of the Cantonment Authority and no vegetables or meat of any kind can be sold there outside the market?

(b) Is it a fact that the Cantonment Authority of Risalpur leases out these markets to one man by auction, with the result that he thus secures the monopoly of that trade?

(c) Is it a fact that, though there are several stalls in those markets, yet the lessee does not rent the stalls not used by him and keeps them vacant with a view to secure a monopoly?

(d) Are Government aware that this system is causing hardship to the poor people who have to pay high prices for vegetables and meat, for want of competition?

(e) Under the circumstances, do Government propose to direct that, instead of the market being auctioned, only stalls should be auctioned?

Mr. G. M. Young: I am making inquiries and will let the Honourable Member know the result.

ALLEGED IRREGULARITIES AT THE MEETING OF THE CANTONMENT BOARD, AMBALA.

642. *Pandit Thakur Das Bhargava: (a) Are Government aware that Lieut.-Colonel Williams, Commanding the Indian Station Hospital, Ambala, was permitted by Brigadier E. C. Gepp, President, Cantonment Board, Ambala, to occupy the *ex-officio* seat of the Health Officer in the Cantonment Board meeting of the 26th November, 1928?

(b) Is it a fact that Colonel Kelly held the post of the Health Officer on that day and was out on manœuvres with the troops in that capacity?

(c) Is it a fact that the Vice-President of the Board brought to the notice of the President that, as the post of the Health Officer was held by Colonel Kelly on that day, Lieut.-Colonel Williams, even if performing his routine duties at Ambala, could not, under section 14(1) of the Cantonments Act, take the seat of the Health Officer on the Board?

(d) Are Government aware that the President, Brigadier E. C. Gepp, overruled the objection of the Vice-President and allowed Lieut.-Colonel Williams, though not holding the post of the Health Officer, to participate in the proceedings of the Board, as an *ex-officio* member?

(e) Do Government propose to take steps to ensure that such irregularities are not allowed to be repeated?

Mr. G. M. Young: (a) Yes.

(b) No, Sir. The Honourable Member's attention is invited to section 2 (xiv) of the Cantonments Act. While Colonel Kelly was away from the Cantonment, he could not hold the post of Health Officer.

(c) and (d). The facts are more or less as stated by the Honourable Member, except that apparently Lieutenant-Colonel Williams did hold the post of Health Officer Ambala Cantonment, on that day.

(e) On the information before the Government of India, no irregularity took place.

REJECTION BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT, OF APPLICATIONS FOR REBUILDING OLD HOUSES.

643. *Pandit Thakur Das Bhargava: (a) Is it a fact that cases have recently occurred in which the Ambala Cantonment Board, acting on the advice of the present Executive Officer, has rejected applications for rebuilding of old existing houses on a more sanitary plan simply because, according to the Executive Officer's reading of the survey plan, a portion of the house is shown as "open Cantonment land" in the survey plan?

(b) Is it a fact that in the years 1925, 1926 and 1927 such cases were always decided on their merits and the building applications were sanctioned after the Board had satisfied itself about the *bona fides* of the old existing house?

(c) Is it a fact that the Army Secretary, Government of India, has issued more than one circular that the Cantonment Board should not reject applications for construction of buildings on the existing site in private occupation or for re-construction of an old existing building simply because the Executive Officer considers the part of the site to be the Government property?

(d) Is it a fact that the procedure suggested in such a case by the Army Secretary is for the Board to sanction the application and simultaneously to give a notice that, since a portion of the land is being contested by the Government, the person building such houses would proceed with the construction at his own risk?

(e) If the above be a fact, do the Government propose to enquire why these instructions are not being carried out in Ambala?

Mr. G. M. Young: There appears to have been some misunderstanding of the instructions issued by Government, the gist of which has been correctly quoted by the Honourable Member.

The matter was recently brought to the notice of Government and I understand that the necessary instructions have now been issued by the local authorities to set matters right.

PROVISION OF SCHOOLS IN RISALPUR CANTONMENT.

644. *Pandit Thakur Das Bhargava: (a) Is it a fact that Risalpur Cantonment has a civil population of 4,833 according to the recent Government census figures?

(b) Are Government aware that there is no Girls' School in Risalpur and that there is only one Boys' Primary School in that Cantonment in a very unsuitable building used previously for residential purposes?

(c) Is it a fact that the school attracts only a very limited number of boys?

(d) Is it a fact that the total Cantonment Fund receipts in Risalpur are approximately rupees seventy thousand a year?

(e) Is it a fact that the people of Risalpur Cantonment have approached the Government, through the All-India Cantonments Association, for better arrangements for education?

(f) Will Government be pleased to state what action they have taken in the matter so far, and if none, what steps they propose to take to ensure that primary education is provided free to all the boys and girls of school-going age in Risalpur Cantonment?

Mr. G. M. Young: (a) According to the 1921 Census, the population of the Risalpur Cantonment, including troops and their followers, was 8,499. No separate figures for the civil population are available.

(b) Government understand that there is one primary school in the Cantonment whose staff is under the direct supervision of the Education Department of the Local Government and is paid for by the District Board. The school is accommodated in a residential building which has been remodelled according to educational requirements.

(c) Government have no reason to believe that the school is unpopular.

(d) Yes, Sir.

(e) and (f). This was one of the matters mentioned in the representation from the All-India Cantonments Association to which I referred in answering Question No. 637.

On inquiry it was found that the complaint was not confirmed by the inhabitants of Risalpur. It is the duty of the Cantonment authority to make provision for primary education so far as funds permit. The Government of India have already issued instructions to local authorities

drawing their attention to this provision of the law and urging them to provide educational facilities on a scale approximating as closely as possible to that in force in the neighbouring municipalities.

FAILURE OF THE AMBALA CANTONMENT BOARD TO PROCEED WITH MEASURES OF PUBLIC IMPORTANCE.

645. *Pandit Thakur Das Bhargava: (a) Are Government aware that for some years past the Ambala Cantonment Board has been putting off urgent measures of public weal in its efforts to comply with the instructions of the Northern Command to balance its Budget?

(b) Is it a fact that, in balancing the Budget for 1929-30, the Cantonment Board had to give up such important measures, as the opening of Ayurvedic and Unani Branches in the Cantonment General Hospital, provision of a metalled road to the cemetery for depressed classes, provision of drains in the "no drain, no road area" in that Cantonment, the provision of a "Ladies' Park" in the maidan near the Sudder Bazaar, the training of 'dais' and the appointment of a Lady Health Visitor?

(c) Is it a fact that the non-official members of the Board made a joint request to the Command, to recommend some grant-in-aid for the Cantonment, or at least to move the Government to waive its quarter share of land revenue in the case of Ambala, to enable the Board to take up the above measures of great public importance?

(d) Are Government aware that, instead of making some recommendation on the request made, the Command has returned the Budget duly approved, with no provision for the above measures?

(e) Is it a fact that, after a careful and prolonged enquiry, the Cantonment Board has informed the Government that in Ambala, with its dwindling population and trade, and its garrison considerably reduced, there was no possibility of imposing a new tax or making any increase in the existing taxation?

(f) Are Government prepared to enquire into the matter and to accede to the request of the non-official members to waive their quarter share in land revenue?

Mr. G. M. Young: (a) to (e). The Government of India are aware that the budget of the Ambala Cantonment for 1929-30 has been sanctioned by the General Officer Commanding-in-Chief, Northern Command, and that it does not include provision for the measures referred to. They have not however seen the correspondence between the Board and the Command on the subject.

(f) I will make the inquiries suggested, but I can give no assurance that the request will be granted.

ISSUE OF LICENCES TO SHOPKEEPERS IN RANIKHET CANTONMENT.

646. *Pandit Thakur Das Bhargava: (a) Is it a fact that the Station Staff Officer of Ranikhet recently wrote to the Executive Officer of that place not to issue new licences or to renew old ones under section 210 of the Cantonments Act, to the shopkeepers, unless the approval of the Officer Commanding the Station for the same was obtained beforehand?

(b) Are Government aware that this step has been taken for the benefit of the coffee shop contractor of the regiment?

(c) Is it a fact that section 210 of the Cantonments Act does not lay down that any such approval of the Officer Commanding the Station is necessary for issuing new or renewing old licences?

(d) Will Government please state why the Officer Commanding the Station has interfered in Cantonment administration without due authority?

(e) Do Government propose to take steps to stop such interference in future and take action against the offending "Officer" in this case?

Mr. G. M. Young: Government have no information. Inquiries are being made and the result will be communicated to the Honourable Member.

RESIGNATION OF NON-OFFICIAL MEMBERS OF THE SAUGOR CANTONMENT BOARD.

647. *Pandit Thakur Das Bhargava: (a) Is it a fact that all the elected members of Saugor Cantonment walked out of the meeting of the Cantonment Board held on the 28th August, 1928, as a protest against the proceeding of the official members in passing a resolution by their sheer majority, for increasing taxation in that Cantonment in the face of the united protest of the elected members and the people?

(b) Are Government aware that, after the walk-out, all the elected members resigned their seats on the 29th August 1928?

(c) Is it a fact that, though about five months have elapsed, yet the resignations of the members have not been accepted nor bye-elections held to fill up the elected seats thus vacated?

(d) Are Government aware that under the Cantonments Act, such resignations should have been forthwith accepted by the Local Government and bye-elections held to fill up the seats?

(e) Do Government know that this abnormal delay on the part of the Central Provinces Government in accepting resignations and holding bye-elections has led to the Cantonment Administration of Saugor being conducted for the last five months solely according to the wishes of the official members, in direct contravention of the spirit of the reforms intended to be introduced in the Cantonment Administration by the Cantonments Act of 1924?

(f) Do Government propose to ask for an explanation from the authorities concerned as to why this unusual delay has taken place in the matter and take steps to have the bye-elections expedited?

Mr. G. M. Young: Government have no information. The matter is one that primarily concerns the Local Government, to whom a copy of this question and answer is being communicated.

RECONSTITUTION OF AN ELECTED BOARD FOR KAMPTEE CANTONMENT.

648. *Pandit Thakur Das Bhargava: (a) Is it a fact that, after the separation of the Sudder Bazaar from the Cantonment of Kamptee, the elected Board in that Cantonment has been substituted by a nominated Board?

(b) Are Government aware that this substitution has caused great dissatisfaction among the people?

(c) Is it a fact that, even after the separation of the Sudder Bazaar, the civil population of Kamptee Cantonment is over 2,500?

(d) Will Government be pleased to state the reasons for the abolition of the elected Cantonment Board?

(e) If the civil population of Kamptee may still be found to exceed 2,500, do Government propose to take steps to re-create an Elected Board there?

Mr. G. M. Young: (a) Yes.

(b) No.

(c) No.

(d) Because the civil population, according to the latest census is under 2,500.

(e) The question is hypothetical, but I may say that Government have no intention of contravening the provisions of the Cantonments Act.

ISSUE OF DISTRESS WARRANTS IN CANTONMENTS FOR ARREARS OF RENT.

649. ***Pandit Thakur Das Bhargava:** (a) Are Government aware that in some Cantonments, the Executive Officers have been issuing distress warrants for the recovery of arrears on account of rent due for Cantonment land?

(b) Is it a fact that, under section 259 of the Cantonments Act, an application can be made to the Magistrate for realising money due to the Cantonment Authority by the distress and sale of the movable property of the "defaulter", only when that money is recoverable under the Act?

(c) Is it a fact that, by its circular No. 31080/3-A. D., dated the 8th May, 1926, the Government of India in the Army Department have conveyed clear instructions that recovery of land rents can only be effected by instituting a civil suit and not by issuing a distress warrant under section 259 of the Cantonments Act?

(d) Is it a fact that, even in spite of the Government of India circular quoted in part (c), the Executive Officer of Ambala Cantonment has, without the knowledge and permission of the Cantonment Board, issued distress warrants under section 259 to effect recovery of land rents?

(e) Has this action of the Executive Officer led to litigation with some of those served with distress warrants, and was this course objected to by the non-official members?

(f) Do Government propose to invite the attention of the Executive Officers of Cantonments to their Circular No. 31080/3-A. D., dated the 8th May 1926?

Mr. G. M. Young: (a) Government have no information to the effect stated.

(b) Yes.

(c) Yes.

(d) and (e). I am making enquiries and will let the Honourable Member know the result.

(f) All Executive Officers have already been supplied with a copy of the communication quoted.

REJECTION BY THE EXECUTIVE OFFICER OF A CANTONMENT OF THE PROPOSAL OF AN ELECTED MEMBER OF THE CANTONMENT BOARD.

650. ***Pandit Thakur Das Bhargava:** (a) Has the attention of Government been drawn to the Bareilly news published on page 35 of the *Cantonment Advocate* of July, 1928?

(b) Is it a fact that the news refers to a proposal sent by Mr. S. M. Idris, an elected member of the Board, and returned by the Executive Officer with the remark "not necessary"?

(c) Will Government be pleased to state, under what section of the Cantonments Act, or the regulations framed under the Act, it is within the power of an Executive Officer to reject proposals received from the members and not to include them in the Agenda?

Mr. G. M. Young: (a) I have seen the article.

(b) Government have no information.

(c) There is nothing in the Act or rules to prevent a member from bringing proposals before the Cantonment Board. I am not aware of the subject of the proposal referred to, nor of the circumstances or intention of the remark attributed to the Executive Officers; but the member could have made the proposal at a meeting if he had wished.

REMOVAL FROM THE CANTONMENT BOARD OF DEOLALI OF MR. H. C. LEVITT, DUE TO HIS EMPLOYMENT BY THE EX-OFFICIO PRESIDENT OF THE BOARD.

651. ***Pandit Thakur Das Bhargava:** (a) Is it a fact that Mr. H. C. Levitt is a member of the Cantonment Board, Deolali?

(b) Is it a fact that he is also employed as a Surveyor under the Military Estate Officer, Deolali?

(c) Is it a fact that on account of this employment of his, Mr. H. C. Levitt becomes a servant of the Officer Commanding the Station, who is the *ex-officio* President of the Board?

(d) Is it a fact that, under the Cantonments Act of 1924, the servant of a member of a Cantonment Board cannot himself be a member of that Board?

(e) If the answer to part (c) be in the affirmative, are Government prepared to take steps to remove Mr. H. C. Levitt, from the Board?

Mr. G. M. Young: (a) Yes.

(b) Yes.

(c) No, Sir. He is a servant of Government.

(d) Yes.

(e) Does not arise.

CIRCUMSTANCES OF THE DISMISSAL FROM THE MILITARY ENGINEERING SERVICE AT LANDIKOTAL OF THE PRESENT DEPUTY SUPERINTENDENT OF THE JAIL AT PESHAWAR.

652. ***Mr. Muhammad Ismail Khan:** (a) Is it a fact that the present Deputy Superintendent of the Jail at Peshawar was, some time before his appointment to the present post, employed in the Military Engineering Service at Landikotal, and that he was dismissed from the latter service?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state:

(i) the circumstances of the case in connection with which he was dismissed; and

(ii) whether his dismissal from Government service was not a bar to his appointment to the present responsible post carrying high pay?

(c) Is it a fact that he has since been suspended? If so, will Government please state the circumstances of the case and the result thereof?

The Honourable Mr. J. Ozerar: The information has been called for from the Chief Commissioner, North-West Frontier Province, and will be supplied to the Honourable Member on receipt.

OFFICIATING APPOINTMENT OF DIRECTOR OF PUBLIC INSTRUCTION IN THE NORTH-WEST FRONTIER PROVINCE.

653. ***Mr. Muhammad Ismail Khan:** (a) Will Government be pleased to state the qualifications necessary for an officer of the Indian Education Service for an appointment as a Director of Public Instruction in a province?

(b) Is it a fact that there was no officer in the Education Service possessing such qualifications available in the North-West Frontier Province to succeed the present Director of Public Instruction when he proceeded on leave last year?

(c) Will Government be pleased to state the special reasons justifying the selection of an officer of the Indian Education Service from such a remote province as Bihar to take up the officiating appointment of Director of Public Instruction in the North-West Frontier Province last year?

(d) Will Government be pleased to state how the seniority and other qualifications of the officers of Indian Education Service in the North-West Frontier Province compare with those of the officer imported from Bihar?

Mr. G. S. Bajpai: (a) It is impossible to define precisely the qualifications required for the post. But, as in the case of other headships of Departments, experience and knowledge of the problems of administration peculiar to the department, energy, efficiency and tact are important.

(b) That, Sir, was the opinion of the Chief Commissioner who is best in a position to appraise the merits of his own officers.

(c) The reason has already been given in answer to part (b) of the question.

(d) A statement giving the information required is being placed on the table.

Statement showing the seniority and other qualifications of Messrs. Inayatullah Khan and T. C. Orgill.

Mr. Inayatullah Khan.

Mr. T. C. Orgill.

Date of appointment to Indian Educational Service ..	17th October 1919	..	1st May 1913.
Posts held in Indian Educational Service ..	(i) Headmaster, Government High School, Peshawar.	(i)	Headmaster, Zilla School, Patna.
	(ii) Principal, Training College, Peshawar (Officiating).	(ii)	Registrar of Examinations and Inspector of European Schools.
		(iii)	Principal, Greer Bhumihar Brahman College, Muzaffarpur (Officiating).
		(iv)	Assistant Director of Public Instruction.
		(v)	Deputy Director of Public Instruction.
		(vi)	Director of Public Instruction (Officiating).

Punjab.

Cambridge.

Academic qualifications ..	B. A., class II, 1906	..	Classical Tripos, Class II, division I, 1906.
	M. A. (Mathematics), class I, 1907.		

Cambridge.

Mathematical Tripos, Part I, class I, 1909 (Wrangler).

Natural Sciences Tripos, Part I, class III, 1911.

Oriental Languages Tripos, class I, 1911.

Mechanical Sciences Tripos, class II, 1912.

SPECIAL TREATMENT GRANTED TO A LIFE CONVICT IN THE JAIL AT PESHAWAR.

654. ***Mr. Muhammad Ismail Khan:** (1) Is it a fact that a life convict, Abdul Ghafar by name, a Khan of Mardan who had committed the crime of murder, was:

(a) absolved from hard labour in the jail at Peshawar by appointing him to work as an orderly to the Superintendent of the jail;

(b) furnished all along with comfortable quarters having electric fans and lights meant for the residence of European prisoners;

(c) provided with the services of another convict named Ghulam to prepare special food for him not authorized by the jail regulations; and

(d) transferred to Abbottabad Jail last summer in order to enjoy the cool climate of that place?

(2) Will Government be pleased to state why this special treatment was meted out to the life convict and who is responsible for allowing him these facilities in contravention of jail regulations?

The Honourable Mr. J. Orerar: The information has been called for from the Chief Commissioner, North-West Frontier Province, and will be supplied to the Honourable Member in due course.

REFUSAL OF PERMISSION TO REVERT TO THEIR SUBSTANTIVE APPOINTMENTS TO CERTAIN CLERKS OF THE 1ST (RISALPUR) CAVALRY BRIGADE OFFICE.

655. ***Mr. Muhammad Ismail Khan:** (a) Will Government be pleased to state whether clerks having substantive appointments in the military staff offices, long before the formation of the Indian Corps of Clerks, are liable to be dismissed from Government service if, as probationers in the Corps, they happen to be unsuccessful in the examination prescribed for the Corps?

(b) Is it a fact that, under the Army Instructions (India), such probationer clerks as have failed in the Indian Corps of Clerks' examination are permitted to revert to their substantive appointments which had been given to them after they had passed the usual test examination and had qualified themselves for the same in the first instance?

(c) Is it a fact that such clerks as mentioned above, who had been dismissed from Government service, had recently been reinstated by the Adjutant General in India on the ground that their dismissal was illegal?

(d) If the answer to part (c) is in the affirmative, will Government be pleased to state why the reinstated clerks were compelled subsequently to appear again in the Indian Corps of Clerks' examination and again dismissed from Government service on failing to pass the examination, and whether the action was not against the decision of the Adjutant General in India mentioned in part (a)?

(e) If the answer to part (b) is in the affirmative, will Government be pleased to state whether the Muslim clerks in the 1st (Risalpur) Cavalry Brigade Office who had:

(i) some years permanent service,

(ii) received increments for satisfactory work,

(iii) their service books and character rolls free from any entry regarding the efficiency, and

(iv) being reinstated by the Adjutant General in India, were not allowed to revert to their substantive appointments which required no further test examination? If not, why not?

Mr. G. M. Young: (a) No; but a clerk may be discharged for inefficiency at any time irrespective of whether he belongs to the Indian Corps of Clerks or not.

(b) A permanent clerk who was employed in a military staff office before 1928 and who elected to be enrolled in the Indian Corps of Clerks on the formation of this Corps was required to pass a prescribed examination. Failure to pass such examination indicated a certain amount of inefficiency and if, after further trial, the clerk was found to be inefficient to perform his clerical duties he was liable to be discharged.

(c) It is a fact that certain Indian clerks in military staff offices were irregularly dismissed on account of inefficiency. Discharge and not dismissal should have been resorted to and their reinstatement was ordered.

(d) These clerks were subsequently discharged because, after further trial, they were found to be inefficient. Their discharge was not contrary to the orders of the Adjutant General.

(e) All clerks in military staff offices, whether belonging to the Indian Corps of Clerks or not, were liable to undergo an examination to test their efficiency or knowledge; and permanent clerks of the 1st (Risalpur) Cavalry Brigade, as well as all other clerks, were liable to be discharged at any time for inefficiency. I think I know the case which my Honourable friend has in mind. If so, I can assure him that it was fully considered at Army Headquarters and there was no doubt whatever about the inefficiency of the clerk in question.

APPOINTMENT OF MUSLIMS TO VARIOUS CLASSES OF RAILWAY ESTABLISHMENTS IN THE NORTH-WEST FRONTIER PROVINCE.

656. ***Mr. Muhammad Ismail Khan:** (a) With reference to the reply given by Mr. A. A. L. Parsons to part (c) of my starred question No. 393, asked on the 11th September, 1928, will Government please place on the table a statement showing the total strength of the various classes of railway establishments (excluding menial staff), serving at present in the North-West Frontier Province, and the number of Muslims among each class?

(b) Is it a fact that recently there had been certain vacancies of Traveling Ticket Examiners' appointments in the Rawalpindi Division? If so, was the policy of Government stated to be in force in the Railway Department, regarding redress of communal inequalities, duly observed when they were filled up? If not, why not? Will Government please state to whom the vacant appointments were given, and on what consideration, viz., seniority, merit, etc.?

Mr. A. A. L. Parsons: Government regret that they cannot undertake the detailed inquiry needed for a reply to the first part of the Honourable Member's question. The information for which he asks in the second part is being obtained from the Agent of the North-Western Railway, and will be sent to him on receipt.

APPOINTMENT OF MUSLIMS TO VARIOUS CLASSES OF RAILWAY ESTABLISHMENTS.

657. ***Mr. Muhammad Ismail Khan:** (a) Will Government be pleased to place on the table a statement showing the total number of vacancies which occurred and of Muslims recruited in various classes of railway establishments (excluding menial staff) in the North-West Frontier Province, since the receipt of Government orders regarding communal representation?

(b) Will Government be pleased to state:

- (i) the amount of allowance granted to the Railway employees serving on the lines in the North-West Frontier Province;
- (ii) the number of cases of smuggling of opium, *charas* and cocaine detected by Pathan and Railway employees in the Peshawar District;
- (iii) why the services of Pathan employees now serving on the lines in the Punjab are not availed of in the North-West Frontier Province?

(c) Will Government be pleased to state the best means which they propose to adopt to give practical effect to the policy of Government to redress communal inequalities so far as the North-West Frontier Province is concerned?

Mr. A. A. L. Parsons: (a) Government regret that they cannot undertake the extremely laborious inquiries needed for a reply to this part of the Honourable Member's question.

(b) (i) I am ascertaining for the Honourable Member what the various allowances given to railway employees in the Rawalpindi Division are. The sections of the North-Western Railway in the North-West Frontier Province are included in this Division.

(ii) Government have no information. The departmental returns do not show the particular community to which a detecting officer belongs.

(iii) It would not be in the interests of the Railway Administration, or even of the Pathan employees themselves, to establish a hard and fast rule that the latter should be employed only in those parts of the Rawalpindi Division which fall within the North-West Frontier Province.

(c) Government have no reason to believe that under the policy now in force, Muslims residing in the North-West Frontier Province will not succeed in securing a fair proportion of appointments in the railway services.

EMPLOYMENT OF LOCAL RESIDENTS IN THE IRRIGATION DEPARTMENT OF THE NORTH-WEST FRONTIER PROVINCE.

658. ***Mr. Muhammad Ismail Khan:** (1) Is it a fact that orders issued by the present Chief Commissioner apply to the Irrigation Secretariat Office, prohibiting the recruitment of non-residents of the North-West Frontier Province, and directing the employment of local persons in the Irrigation Department?

(2) If the answer to part (1) is in the affirmative, will Government be pleased to state why:

- (a) 2/3rds portion of the establishment has been allowed to be monopolized by the non-resident Muslims; and
- (b) the claims of the local Muslim Tehsildars and Extra Assistant Commissioners are overlooked when suitable persons are not available from among the local zilladars serving in the Department?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I shall take questions 658 and 660 together.

The information asked by the Honourable Member is being collected and will be furnished to him in due course.

EMPLOYMENT OF LOCAL RESIDENTS IN THE IRRIGATION DEPARTMENT OF THE NORTH-WEST FRONTIER PROVINCE.

659. ***Mr. Muhammad Ismail Khan:** (a) Are Government aware that the appointments of the Superintendent of the Irrigation Department in the North-West Frontier Province, and of the Head Clerks of the Divisions in that Province have all along been monopolized by the non-resident non-Muslims?

(b) Is it a fact that on the 30th July, 1926, the local Muslim Association forwarded to the Irrigation Secretary a copy of its resolutions informing him of the pitiable plight of local Muslim zilladars and clerks at the hands of the non-resident Muslim and non-Muslim Deputy Collectors, Sub-Divisional Officers, Superintendents, Head Clerks and Head Munshis, and requesting an impartial enquiry into the cause and source of their general discontent? If so, was an enquiry made? If not, why not?

(c) Is it a fact that the grievances of the local Muslim zilladars and clerks had been published recently in several local and Punjab vernacular newspapers?

The Honourable Sir Bhupendra Nath Mitra: (a) The men employed in the senior portion of the clerical staff of the Irrigation Department started service when the North-West Frontier Province Irrigation was still under the Chief Engineer, Irrigation Works, Punjab, and when no local clerks trained in Irrigation office work were available for employment.

(b) The reply to the first part of the question is in the affirmative.

The reply to the second part of the question is in the negative.

As regards the third part of the question, the statements made in the resolutions were known to be incorrect.

(c) Government have no information.

GRIEVANCES OF ZILLADARS OF THE NORTH-WEST FRONTIER PROVINCE.

660. ***Mr. Muhammad Ismail Khan:** (a) Are Government aware that the five zilladars, residents of the North-West Frontier Province, who had qualified themselves by undergoing regular training and passing test examinations, had been dismissed from service on a charge of inefficiency during the last few years?

(b) Is it a fact that complaints are being made as usual against other local zilladars too?

(c) If the reply to part (b) is in the affirmative, is it a fact that Muhammad Afzal, Muhammad Sharif and Rizwan Ali, who are non-Frontier persons, have since been appointed zilladars, *vice* Frontier zilladars dismissed?

(d) Are Government aware that recently a sixth local experienced zilladar having 20 years' service, and promoted to first grade zilladarship gradually up to 1923, on the recommendations made half-yearly by the then Executive Engineers, has been compelled to retire on compassionate allowance without a charge sheet being framed against him and without giving him an opportunity to put up his defence? If so, will Government please state why in this case the usual procedure prescribed by Government has not been followed?

† For answer to this question, see answer to question No. 658.

(e) Is it a fact that, up to 1923, the individual mentioned in part (d) had worked mostly under European Sub-Divisional Officers, when he was reported on favourably, but that, after 1924, when he worked under non-Frontier Muslim and non-Muslim Deputy Collectors and Sub-Divisional Officers, his work was reported unsatisfactory?

(f) Are Government prepared to:

(a) appoint a board of superior officers to enquire into the grievances of the local persons and to report the result, and

(b) to consider the propriety of gradually replacing the non-Frontier employees by local persons?

CONSTRUCTION OF AN ISLAMIA HIGH SCHOOL OUTSIDE PESHAWAR CITY.

661. *Mr. Muhammad Ismail Khan: (1) Is it a fact that the Sikh and Hindu communities of Peshawar have constructed their denominational schools outside the town of Peshawar, and that the present Islamia High School, which has no hostels, has been declared by the Director of Public Instruction to be insanitary and unsuitable for educational purposes?

(2) Is it a fact that the Khawanin, and the Indian ex-military officers of Peshawar District are in the habit of sending their sons to the Islamia High School in the Peshawar City for education?

(3) Are Government aware that in 1927 a representative deputation consisting mostly of Indian ex-military officers, Nawabs and Khawanin of Peshawar District, waited upon the Honourable the Chief Commissioner, and submitted to him a memorial for the grant of a piece of land situated about 250 yards away from Edward's Gate, Peshawar City, for the construction of a suitable Islamia High School and hostel for the education of their sons, and the same deputation waited upon the General Officer Commanding, Peshawar District, for the same purpose?

(4) Is it a fact that the District Headquarters refused the grant of land applied for on the ground that it was left open as a sanitary cordon between the Cantonment and the City?

(5) Is it a fact that British and Indian troops have their lines in the Cantonment of Peshawar about two miles away from Edward's Gate of the town?

(6) Are Government aware that the refusal to grant the land for public educational purposes has caused great disappointment to the Indian ex-military officers, Nawabs, Khawanin and the Muslim community of the district?

(7) Are Government prepared to consider the propriety of acceding to the legitimate request made by the deputation by granting them the piece of land free of rent on lease in perpetuity?

Mr. G. M. Young: (1) Government have no information as regards the first part. It is a fact that the educational authorities regard the site and the buildings of the present Islamia School in Peshawar City as unsuitable.

(2) Government have no information.

(3) and (4): The answer is in the affirmative.

(5) The military lines are some distance from the city wall, but there are many Cantonment buildings which are close to the city.

(6) Government have no reason to believe so.

(7) No, Sir. It would be undesirable to build off the small amount of open space inside the Cantonment on the side nearest the city. Moreover, I understand that the site required would be unsuitable for a Cantonment school, however convenient it might be for those who live in the city, and there are several suitable plots of land outside the city wall and also outside the Cantonment limits which the Managing Committee of the Islamia School could purchase if it felt so inclined.

DISCUSSION OF THE HILTON YOUNG REPORT IN LONDON.

662. *Pandit Hirday Nath Kunzru: (a) Is it a fact, as reported by Reuter, that Sir Donald Cameron, Sir Edward Grigg and Sir Alfred Hollis, who are at present in London, are in daily consultation with Mr. Amery and Mr. Ormsby-Gore regarding the Hilton Young Report?

(b) Have the Government of India been invited to send Indian representatives to discuss the Hilton Young Report with the Colonial Office and the representatives of the East African Colonies?

Mr. G. S. Bajpai: (a) Government have no information, Sir, beyond what has appeared on the subject in the Press.

(b) No.

Pandit Hirday Nath Kunzru: Have Government made any inquiries on the point?

Mr. G. S. Bajpai: No.

Pandit Hirday Nath Kunzru: Will they now make inquiries?

Mr. G. S. Bajpai: I have no objection to making inquiries, Sir.

Pandit Hirday Nath Kunzru: Will they ask the Secretary of State to receive either a deputation from here or send a Colonies Committee there?

Mr. G. S. Bajpai: Well, as regards the suggestion made by my Honourable friend just now, I think he will remember that he was a member of the deputation which waited on His Excellency the Viceroy two years ago, and the suggestion was then made that when the report appeared, the Government of India might consider the desirability of sending somebody to wait upon the Secretary of State for the Colonies in order to put the views of the Government of India before the Secretary of State for the Colonies. That suggestion is before the Government of India, and if after the informal discussion which we are trying to arrange with the members of the Standing Emigration Committee and Party Leaders, it is considered that action should be taken upon that suggestion, action will be taken.

REVISION OF THE PAY OF THE BRITISH SOLDIER.

663. *Pandit Hirday Nath Kunru: Are Government aware of the statement made by the *Civil and Military Gazette* of Lahore, that the high authorities are taking a deep interest in the question of the revision of the pay of the British soldier and in the suggestions that have been made for ameliorating his condition? Is it proposed to increase the pay of the British soldier? Will Government be pleased to make a full statement on the subject?

Mr. G. M. Young: The answer to the first part of the question is in the affirmative.

The pay of the British soldier in India is the same as his pay at home. The home rates were reduced in 1925 to correspond with the decrease in the cost of living in England. Living in India may be more expensive than living in England and it is the duty of Government to see that the British soldier receives in this country is the equivalent of what he would receive at home. There is, however, no proposal under consideration for increasing the pay of British soldiers in India.

REVISION OF THE FURLOUGH PAY OF INDIAN ARMY OFFICERS.

664. *Pandit Hirday Nath Kunru: Are Government considering the revision of the furlough pay of the Indian Army officers? If so, on what grounds and what will be the additional burden by the new rates on Indian revenues?

Mr. G. M. Young: The answer to the first part of the question is in the affirmative. As I have already explained in this House the reason that the rates of furlough pay in England are much lower than the rates of furlough pay in India. Military officers, particularly young married officers, are unable to take furlough in England without running into debt and the effect on recruitment is not good. The proposals, which have not yet been finally approved, will probably cost about Rs. 9 lakhs a year.

Colonel J. D. Crawford: Could the Honourable Member give us any idea as to when the new rates will be sanctioned?

Mr. G. M. Young: I should think, Sir, within a week from now.

NUMBER OF SUBORDINATE AND LOCAL TRAFFIC SERVICE EMPLOYEES PROMOTED TO THE SUPERIOR TRAFFIC SERVICE.

665. *Pandit Hirday Nath Kunru: (a) What is the total number of members of the subordinate services who have been promoted to the Superior Traffic Service since they were made eligible for promotion to the service along with members of the Local Traffic Service in 1926?

(b) What is the number of Local Traffic Service men promoted to the Superior Traffic Service during the same period and how many of these were directly recruited to the Local Traffic Service?

Mr. A. A. L. Parsons: (a) Two.

(b) Five, of whom two had been recruited direct into the Local Traffic Service.

UTILIZATION IN INDIA OF STEEL SCRAP AT PRESENT EXPORTED TO JAPAN AND ITALY.

666. *Pandit Nilakantha Das: (a) Are Government aware that rails manufactured by Tatas, not approved to be of B. S. S. standard by the Government Metallurgical Department at Jamshedpur, are purchased by Japan in large quantities?

(b) To what use are they put in Japan?

(c) Are Government prepared to examine and see if such materials can be used for purposes other than main lines, such as, sidings and yard lines, yard extension, etc.?

2. (a) What is the approximate quantity of steel scrap exported each year from India to Japan, Italy, and other countries?

(b) Are any arrangements being made to utilise that steel scrap in this country?

(c) Are Government prepared to patronise concerns which make arrangements for re-melting this steel scrap for other purposes?

Mr. A. A. L. Parsons: The Railway Board have authorised the use in sidings and yards of Indian railways of rails termed "second-class rails" which fail to pass the Railway Board's specification for first class rails in certain respects, but are suitable for use where there is no fast running. This answers part 1 (c) of the Honourable Member's question. With regard to parts 1 (a) and (b), I am afraid I cannot undertake to inquire what particular use rails, not up to the Railway Board's specifications, are put to in Japan if they are exported there; the sea-borne trade accounts do not show that there is any export.

2. (a), (b) and (c). I am sending to the Honourable Member a statement showing the exports of "Iron or Steel—Old for re-manufacture" to the countries mentioned by him during the five years ending 1927-28. Railways have themselves more steel scrap than they can utilise and generally sell the balance in the scrap market. I am sure that they in no way feel themselves debarred from placing an order with any particular concern because it has arrangements for re-melting steel scrap.

Pandit Nilakantha Das: As this is a question which relates primarily to the Department of Industries and Labour, will the Honourable Member in charge of that Department kindly inquire and say if the steel scrap could be put into use in India, if not in rails, in any other form?

The Honourable Sir Bhupendra Nath Mitra: I should like the Honourable Member to give me notice of that question.

TOTAL STRENGTH OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

667. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state the strength employed in each of the different Railway Audit Offices, for the same amount of work before it was transferred and centralised in Railway Clearing Accounts Office located at Delhi?

(b) Will they be pleased to state the number of persons taken from each of the different Railway Audit Offices for the work transferred from such offices to the Railway Clearing Accounts Office?

(c) What is the total strength of the Clearing Accounts Office employed at present for the same amount of work? Has the staff been increased, and if so, by what proportion of the original strength?

(d) Has the work of the Railway Clearing Accounts Office increased more than the work that used to be done by the different audit offices before centralisation? If so, what are the reasons for such increase of work and by what proportion has the work increased?

Mr. A. A. L. Parsons: (a), (c) and (d). A complete memorandum giving full information on the points raised by the Honourable Member and showing that a reduction of 16 per cent. in the number of the subordinate establishments of the State-managed Railways has been effected, as a result of the constitution of the Clearing Accounts Office, has been circulated to the members of the Standing Finance Committee for Railways and will shortly be available to the Honourable Members of this House.

(b) The number of persons transferred from the audit and accounts offices of the various Railways to the Clearing Accounts office is as follows:

North Western Railway	..	..	..	234
East Indian Railway	..	..	..	190
Eastern Bengal Railway	..	..	..	65
Great Indian Peninsula Railway	..	..	..	158
Bombay, Baroda and Central India Railway	..	..	..	171

LATE OFFICE HOURS OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

668. ***Mr. S. C. Mitra:** What are the office hours fixed for the Railway Clearing Accounts Office? Is it a fact that the staff has to work late hours owing to pressure of work? If so, is any remuneration paid for such extra labour? If not, why not? Is there any time test of work for fixing the work of each individual, as exists in the Post and Telegraph Offices? If not, do Government propose to fix such standard time test of work for each individual?

Mr. A. A. L. Parsons: With your permission Sir, I propose to answer questions Nos. 668 and 669 together.

The Office hours are from 10 A.M. to 4-30 P.M. with half an hour's interval for meals. The staff are not required to work for longer hours, but at times individuals do so of their own accord in order to complete the work

allotted to them. No extra remuneration is paid in such cases. Government have already placed an officer on special duty, with a view to fixing scales of work to be performed within specified periods by each class of the establishment.

Diwan Chaman Lall: May I ask the Honourable Member whether it is a fact that members of the staff do work till 6 and 7 sometimes in the evening?

Mr. A. A. L. Parsons: If that is so, it is under the conditions I mentioned in my main reply, namely, that at times individuals stay of their own accord in order to complete the work allotted to them.

Diwan Chaman Lall: Do I take it that the Honourable Member admits that there is too much work for them and that is why the staff have to stay late?

Mr. A. A. L. Parsons: That is not my information. As I have said, an officer has been placed on special duty to fix scales of work to be performed within specified periods.

EXCESSIVE WORK ALLOTTED TO INDIVIDUALS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

† 669. ***Mr. S. C. Mitra:** Are Government aware that each individual is given more work than one can do and thereafter the men are declared unfit if they have to put in extra hours than the regular office hours in order to finish their allotted work? If not, do Government propose to enquire into the matter? If not, why not?

ALLEGED MALTREATMENT OF THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

670. ***Mr. S. C. Mitra:** Are Government aware that there is a strong feeling of discontent amongst the Railway Clearing Accounts Office staff owing to maltreatment of the staff by one Rai Bahadur Faqirchand? If not do Government propose to enquire about the matter? If not, why not?

Mr. A. A. L. Parsons: The answer to the first part of the question is in the negative.

As regards the second part of the question, Government do not propose to make any enquiry as they are satisfied with the report of the Director of the Clearing Accounts Office that there is no truth in the allegation that the staff of the office have been maltreated by Rai Bahadur Faqirchand.

METHOD OF RECRUITMENT OF THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

671. ***Mr. S. C. Mitra:** Will Government be pleased to state what method is employed in the recruitment of staff for the Railway Clearing Accounts Office?

† For answer to this question, see answer to question No. 668.

Mr. A. A. L. Parsons: Recruitment is made in accordance with the policy laid down in Appendix D to my memorandum on the proposal to adopt as a permanent measure the system of separation of accounts from audit on Indian Railways.

ALLEGED FAVOURITISM IN RECRUITMENT OF STAFF FOR THE RAILWAY CLEARING ACCOUNTS OFFICE.

672. ***Mr. S. C. Mitra:** (a) Are Government aware that direct recruitment on higher pay is made in the Railway Clearing Accounts Office by means of nepotism of one Rai Bahadur Faqirchand?

(b) If so, what steps do they propose to take to stop this nepotism and favouritism?

(c) If the answer to part (a) is in the negative, do Government propose to enquire and place the result of the enquiry on the table? If not, why not?

Mr. A. A. L. Parsons: (a) No such appointments have been made by Rai Bahadur Faqir Chand.

(b) Does not arise.

(c) No.

MEMORIAL FROM THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

673. ***Mr. S. C. Mitra:** (a) Is it a fact that the staff of the Railway Clearing Accounts Office submitted a memorial to be forwarded to His Excellency?

(b) Is it a fact that the said memorial was not forwarded?

(c) If the answer to part (b) is in the affirmative, will they be pleased to state under what rules the memorial was withheld?

(d) Is it a fact that the Assistant Directors, and especially one Rai Bahadur Faqirchand, had the memorial withdrawn by threats of dismissal and punishment?

(e) If so, do Government propose to inquire into the matter and place the result of the inquiry on the table of the House?

(f) Are Government aware that the Assistant Directors, and especially one Rai Bahadur Faqirchand of the Railway Clearing Accounts Office, asked the memorialists to withdraw certain paragraphs of the memorial before they forwarded the same to the Government to be placed before His Excellency?

(g) If not, do Government propose to inquire into the matter and place the result of inquiry on the table of the House?

(h) Do Government propose to appoint a committee of inquiry to go into the different grievances detailed in the copy of the memorial forwarded by me to the Member in Charge of Railways? If not, why not?

Mr. A. A. L. Parsons: The Director of the Clearing Accounts Office explains that a small number of clerks submitted a memorial addressed to His Excellency the Viceroy, but withdrew it in writing when he suggested to them that it would require to be revised in order to conform to the rules relating to the submission of memorials. In view of this explanation, Government do not propose to take any action in the matter.

GRANT OF HOUSE RENT IN LIEU OF QUARTERS TO EMPLOYEES OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

674. ***Mr. S. C. Mitra:** (a) Is it a fact that the men of the Railway Clearing Accounts Office have not been supplied with quarters?

(b) If so, are Government aware of the hardships of the men concerned?

(c) Do Government propose to sanction a house rent allowance in lieu of the quarters? If not, why not?

(d) Will Government be pleased to state what other Government servants transferred from other stations to Delhi have not been provided with quarters?

(e) Will they be pleased to state whether any other class of Government servants not provided with quarters are granted house rent in lieu thereof? If so, which are they?

Mr. A. A. L. Parsons: (a) Yes, not yet.

(b) Government propose to provide quarters for one thousand clerks of the Clearing Accounts Office.

(c) Government do not consider that sufficient grounds exist for payment of house rent allowance.

(d) and (e). Information will be obtained and supplied to the Honourable Member.

The Revd. J. C. Chatterjee: May I ask when Government will be able to build these quarters?

Mr. A. A. L. Parsons: I hope they will be completed some time next winter, possibly by the beginning of October or November, but I am not quite sure.

The Revd. J. C. Chatterjee: Has the land been actually purchased? If so, may I ask where it has been purchased?

Mr. A. A. L. Parsons: There is no necessity to purchase land. The site for the quarters is already owned by Government.

The Revd. J. C. Chatterjee: Where is the site?

Mr. A. A. L. Parsons: Near the old Kingsway station.

Diwan Chaman Lal: May I ask the Honourable Member what sufficient grounds in his opinion would enable the Government to allow these clerks to draw house rent?

Mr. A. A. L. Parsons: If there was real hardship at present, that would be a sufficient ground; but the position is that concessions, including increases of pay to be absorbed in increments as they fall due, have already been granted to all employees who have been transferred to the Clearing Accounts Office.

Diwan Chaman Lall: May I ask the Honourable Member whether it is not a fact that many of them draw between Rs. 37 and 45 a month?

Mr. A. A. L. Parsons: The Honourable Member will no doubt realise that he must give me notice of that question.

Diwan Chaman Lall: Do I take it that, if the facts are as stated by me, he would be prepared to consider the grant of house allowance to these people?

Mr. A. A. L. Parsons: Not necessarily. I should have to take into consideration the allowances which they may receive in addition.

RECRUITMENT OF STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

675. ***Mr. S. C. Mitra:** Is it a fact that matriculates and non-matriculates have been recruited direct in Class I and Class II in the Railway Clearing Accounts Office? Is it a fact that men with higher educational qualifications, such as graduates with longer experience in Railway Audit, are available in the said office for promotion to Classes I and II? If so, will Government be pleased to state the reasons for overlooking their claims to promotion and for bringing outsiders above their heads?

Mr. A. A. L. Parsons: The answer to the first part of the question is in the negative; the second part, therefore, does not arise.

STATEMENT LAID ON THE TABLE.

EDUCATION OF THE CHILDREN OF STATE RAILWAY EMPLOYEES.

The Honourable Sir George Rainy: (Member for Commerce and Railways): I would ask your permission to lay on the table a statement which I promised to lay in reply to a supplementary question a few days ago.

In accordance with a promise given by me in answer to a supplementary question asked in connection with Pandit Hirday Nath Kunzru's starred question No. 389, on the 4th February, I lay on the table a copy of a paper giving details of the scheme proposed by the Railway Board for the future assistance to be given by the administrations of State-managed railways towards the education of the children of their employees, as amended, after discussion with the Central Advisory Council for Railways.

(i) With certain exceptions mentioned in (v), (vi) and (vii), the future assistance given by the administrations of State-managed Railways (apart from the grant of passes to children going to and from school) towards the education of the children of their employees, should be confined to payments to those employees in order to enable them to take advantage of the educational facilities provided by Local Governments, local bodies, or private enterprise, and railway administrations should not undertake the obligation of providing, maintaining or managing educational institutions.

(ii) This future assistance should be confined to employees who draw pay below a fixed maximum and are stationed in places where they cannot obtain education of the requisite standard for their children; and should be limited to education for the period covered by the primary and middle standards, i.e., for about seven or eight years for each child. The assistance thus given should be granted entirely irrespective of the community, race or creed of the particular employee.

(iii) The assistance should take the form of the grant to the employee of a fixed proportion of the board and tuition fees of the school to which the child is sent, the proportion depending on the pay drawn by the parent and falling as the pay increases, and the monthly amount payable for each child being limited to a suitable maximum. The scale on which assistance is given should apply, entirely irrespective of the community, race or creed of the particular employee.

It would appear sufficiently generous if the proportion of the board and tuition fees payable were in no event to exceed one-half.

(iv) Arrangements should be made as soon as feasible to transfer the present railway schools to the educational authorities of the various provinces on terms to be arranged individually in each case. These terms should include provision for the retention by existing employees of such rights of admission as they may now possess.

(v) Primary schools have been established by railways in certain places where either there is no local authority to take them over or where the local authority's resources are not sufficient for the maintenance of the school. Special grants out of railway funds specifically allotted for the purpose might be authorised for the maintenance of such schools either by local authorities or by private bodies.

(vi) A separate scheme should be prepared to deal with the Oakgrove School, with the object of handing it over to some other authority (which may have to be specially constituted) so that the present liability in regard to that institution may be liquidated and the present direct connection with railway management abolished.

(vii) Notwithstanding the adoption of the new policy, existing benefits under the rules in force on the State-managed railways should not be withdrawn from any of their present railway employees hurriedly or without giving them a *quid pro quo*. The liability should be accepted of continuing such benefits to existing employees in respect of their children; but all new employees of State-managed railways engaged after the 1st February, 1929 will not be entitled to the continuance of the existing benefits after the new policy has been brought into force.

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President: The Assembly will now proceed to elect Members, not exceeding fourteen in number, to serve on the Standing Finance Committee for the financial year 1929-30. There are 19 candidates, whose names are printed on the ballot papers which will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.)

RAILWAY BUDGET FOR 1929-30.

The Honourable Sir George Rainy (Member for Commerce and Railways) : It falls to me, Sir, to submit to the Assembly for the second time the Railway Budget, and to explain to the House the financial position of the Railways. In the form of the statements submitted there is but little change as compared with last year, but in response to the wishes expressed by certain Members, details have been given by railways under Demand No. 4—Administration, and Demand No. 5—Working Expenses: Repairs and Maintenance and Operation. Similar details have also been given under Demands Nos. 7, 8, 9, 10, and 15 dealing with capital and depreciation fund expenditure. The Railway Board's memorandum presents the important facts and figures in a clear and succinct form, and in it the details of the Budget are examined more fully than it is possible for me to attempt now without trespassing unduly on the patience of the House. It is my privilege to present the Budget, but as every one knows, the main burden of its preparation falls, not on me, but on the Financial Commissioner, Mr. Parsons, who has proved himself as indefatigable as ever, not only in the Budget season, but throughout the year. To him and to the Members of the Railway Board I desire to express my indebtedness, and I should like also to acknowledge most cordially the valuable assistance we have constantly received from the Members of the Standing Finance Committee for Railways.

2. In previous years Honourable Members who have given notice of motions for reduction have been good enough to add a few words to indicate the questions they wish to raise. May I express the hope that on this occasion they will follow the same course and thereby lighten the task of the Government Members who have to reply?

Financial Results of 1927-28.

3. When I submitted the Budget for the current year to the House, we anticipated that the surplus for the year 1927-28—that is the year then drawing to its close—on all lines would be a little over Rs. 11 crores. This estimate was very nearly realized, the actual surplus being about Rs. 24 lakhs less. Both receipts and expenditure were somewhat higher than was expected, but the differences were not important and do not call for detailed explanation. I pass on at once, therefore, to the figures for 1928-29.

Revised Estimates for 1928-29.

4. In our Budget estimate of receipts for the current year we had to balance the normal growth of traffic against the substantial reductions in rates and fares which we were making, and the net result we believed would be a decrease of rather over half a crore in the gross traffic receipts of the commercial lines. Actually we have done rather better than our forecast, and we now expect that the receipts will exceed those of 1927-28 by about Rs. 1½ crores. This is the more satisfactory since neither the industrial nor the agricultural conditions of the year have been ideal from the railway point of view. The partial failure of the monsoon in the Punjab and the United Provinces, the unexpected and serious shortage of the wheat crop of 1928 in the former province and the prolonged stoppages in the Bombay cotton mills and the Iron and Steel Works at Jamshedpur were all unfavourable factors. Nevertheless, the traffic in almost all classes of commodities has risen, and the quantity of goods transported seems likely to increase by

nearly 4 per cent. For all classes of agricultural traffic, for which separate figures are maintained, that is, grain and pulses, oilseeds and cotton, the loadings have been from 5 to 10 per cent higher than in the previous year, and there has been an appreciable, though smaller, increase of the loadings of what are known as 'miscellaneous smalls' and miscellaneous full wagons which can usually be taken as an index of the activity of general trade. The single exception is coal. Here the number of wagons loaded has fallen off by about 4 per cent, though the actual decrease in the volume of traffic is somewhat smaller owing to an increase in the average weight of a wagon load. Since the beginning of 1929, however, the coal traffic has been on the up-grade, the demand for wagons is insistent and the resources of the railways have been taxed to the utmost to meet the needs of the situation.

5. The traffic variations in the course of the year have shown few features of interest and I do not propose to dilate upon them, but it may be useful to indicate how far the reductions in rates and fares made last year have contributed to the increase in traffic which we anticipated. Passenger earnings are down by Rs. 7 lakhs only, as compared with an estimated decline of Rs. 21 lakhs, and though the number of passengers carried was less by 4 millions during the first seven months of the year, the passenger miles increased by 49 millions, which means that the average journey travelled was longer. This is the effect which the reduction in long distance third class fares might be expected to produce. The reductions in the rates for oil cake, petrol and jagree were followed by marked increases in traffic, but it is still too early to say whether the increases were due to the reductions. The traffic in kerosine oil, on the other hand, actually declined during the early months of the year, though the coincidence of lower rates and lower prices should naturally have led to an increase.

6. In the budget estimates of the current year we anticipated that the working expenses would be stationary at about Rs. 62½ crores. They are now expected to be about Rs. 2 crores higher and in excess of the actuals of 1927-28 by Rs. 1½ crores. About three-fifths of this excess is due to abnormal causes. The payment of special gratuities to the staff dispensed with on reduction of establishment in the workshops of the South Indian and Bombay, Baroda and Central India Railway Companies is responsible for 35 lakhs; and a further 46 lakhs of the excess is due to special adjustments in the accounts of the Great Indian Peninsula Railway. For the rest, the increase in working expenses is the natural result of the additional miles of line to be staffed, and the larger volume of traffic carried.

7. When I spoke last year, I laid special stress on the measures taken to secure fuel economy and the savings effected by the modernization of our workshops. I do not propose, on this occasion, to dwell upon them at any length. Members who are interested in these subjects will find a number of interesting details in the Railway Board's memorandum. I will only say this, that this year we expect to reduce our expenditure on the repair and maintenance of rolling stock by Rs. 14 lakhs, although a considerably larger number of locomotives, carriages and wagons will be repaired than in 1927-28, and that the consumption of coal per gross ton mile is still steadily falling. In both directions there is still much scope for economy and the House may rest assured that no effort will be spared to bring about that result.

[Sir George Rainy.]

8. The financial results of the current year may now be briefly summarized. The total receipts of the commercial lines we put at Rs. 105½ crores, which is nearly Rs. 2 crores higher than the receipts of the previous year. The total expenditure at Rs. 95 crores is up by Rs. 3½ crores, but of this sum more than Rs. 2 crores is accounted for by the increase in our interest charges. The surplus of receipts over expenditure on the commercial lines is Rs. 10½ crores, against Rs. 12½ crores in 1927-28. Out of this surplus the loss on the strategic lines absorbs Rs. 1½ crores, and of the balance Rs. 5½ crores goes to general revenues under the operation of the convention and Rs. 3½ crores will be added to the Reserve Fund. Such is the financial position in which we face the coming year.

Rates and Fares.

9. Last year it was my good fortune to announce important reductions in third class fares and in the freight rates on various commodities involving a sacrifice of revenue of about Rs. 3 crores in a full year. I was not sanguine enough to expect that I should be able on this occasion to announce a series of reductions on the same scale, but I should have been disappointed if the results of the year had made it impossible for us to do anything to assist trade. Actually our financial position seems to us strong enough to justify four measures which will, we hope, prove useful. Two of them are of minor importance and require only a brief notice. In the first place, there will be reductions in the rates for forest produce, such as timber, firewood and charcoal, on the Eastern Bengal and Great Indian Peninsula Railways, and in the second place substantial reductions will be made on three of the State-managed railways in the rates for fresh fruit and vegetables. After making allowance for the growth in traffic which is expected, the net loss in earnings is put at Rs. 7 lakhs for those two proposals together. The remaining measures must be explained in greater detail.

10. When the long distance fares on three of the State-managed railways were reduced last year, no change was made in the third class fares on the Eastern Bengal Railway, which remained at their present level of 3½ pies per mile for all distances. It has been decided to introduce on this railway a telescopic scale, the existing rate being retained for distances up to 150 miles while for longer distances the rate will be reduced to 2½ pies per mile from 151 to 300 miles, and 1½ pies per mile for distances over 300 miles. It is believed that these reductions will stimulate passenger traffic appreciably, and allowance being made for that, the loss in earnings is estimated to be Rs. 5 lakhs a year. I am glad that we have been able to bring the Eastern Bengal Railway into line with the other State-managed railways in this respect.

11. The other important reduction is in the rates for coal. This is a matter to which I personally have always attached great importance, for the development of industries in India is largely dependent on cheap coal, and owing to the distances which separate many industrial areas from the coalfields, cheap coal is impossible without low freights. I promised last year that the question would be fully examined and this has been done. The last reduction in our coal rates was made in 1928, and the results have been such as to encourage us to take another step in the same direction. On the East Indian Railway the tonnage carried for distances

over 400 miles was 31 per cent. more in 1927-28 than it was two years earlier and the earnings 33 per cent. more. It is a very significant fact that the earnings on the long distance public coal should show a greater increase than the tonnage, notwithstanding the reduction in charges, for it means that the average distance the coal was hauled must have increased substantially. The present rates for distances over 400 miles are calculated on the following telescopic scale, the rates being given in pies per maund per hundred miles :

15 pies for the first 200 miles,

7 pies for the next 300 miles,

6 pies for the portion of the journey in excess of 500 miles.

The new scale, which we are about to introduce, makes no change in the rate for the 1st 200 miles, but reduces the rate to 6 pies per 100 miles, from 201 to 400 miles, and to 5 pies per 100 miles, for the portion of the journey in excess of 400 miles. I have had the new rates compared with the rates charged in 1913-14 to a number of centres, and I find that the increase over the pre-war rates varies from 8 per cent., in the case of Amritsar and Karachi, to 9 per cent., in the case of Delhi and Ahmedabad, 10 per cent., in the case of Bombay and Madras, and 12 per cent. in the case of Cawnpore. I have every hope that the reductions will stimulate the traffic in long distance coal, and that it will do something to promote the development of industries in areas remote from the coalfields. The reduction in gross earnings, due to the lower rates for coal is estimated to be Rs. 53 lakhs, but there will be a substantial set off owing to the saving in the freight paid by railways for the conveyance of the coal they use.

Budget Estimates for 1929-30.

12. I turn now to the budget estimates for 1929-30. Our total receipts we put at Rs. 107½ crores, a figure which is higher by Rs. 159 lakhs than the total receipts of the current year. The normal growth of traffic, given a normal monsoon, should give us an increase of Rs. 120 lakhs after allowance is made for a loss of Rs. 65 lakhs owing to the reductions in rates and fares, interest on the balances of the reserve and depreciation funds should go up by Rs. 20 lakhs and the Government share of profits from subsidised companies by Rs. 19 lakhs. The last item is a windfall and arises from the fact that owing to the purchase of the Southern Punjab Railway with effect from the 1st January, 1930, we shall receive our share of the surplus profits for nine months in 1929-30 instead of in 1930-31.

13. On the expenditure side, working expenses are taken at Rs. 65½ crores, which is half a crore in excess of the figure for the current year. This excess is more than accounted for by an increase of Rs. 58 lakhs in the allocation for depreciation which under the rules of the fund automatically increases with the growth of the capital at charge. The estimate also includes a special provision of Rs. 28 lakhs, the reason for which I can more conveniently explain when I have disposed of the purely financial questions. Apart from this special provision, the estimate under Administration would be less by Rs. 10 lakhs and under Operation by Rs. 5 lakhs than the revised estimates for the current year, while under repairs and maintenance we are budgeting for a decrease of Rs. 40 lakhs partly because the special debits to revenue on the Great Indian Peninsula Railway will not

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recur, and partly because we expect a saving of Rs. 17 lakhs in the cost of repairing rolling stock. Interest charges go up by Rs. 97 lakhs owing to the increase in the capital at charge, while the surplus profits paid to Indian States and Railway Companies are down by Rs. 54 lakhs owing to purchase of the Burma Railways. The final result is that we expect a surplus of Rs. 11½ crores as against Rs. 10½ crores in 1928-29. Of this surplus Rs. 1½ crores is required to meet the loss on the strategic railways, and of the balance, Rs. 6½ crores will go to general revenues, leaving Rs. 3½ crores to be added to the Reserve Fund.

Capital Expenditure.

14. We expected to spend during the current year Rs. 28 crores for capital purposes, including Rs. 4 crores as the purchase price of the Burma Railways, which were taken over by the State on the 1st of January last. The figure of Rs. 28 crores was a net figure arrived at after deducting Rs. 4½ crores as probable savings from the total allotments to the various railways. Our present anticipation is that the actual expenditure will be Rs. 30 crores. The railway organisation can now cope expeditiously with all projects for new capital expenditure, and in the coming year the deduction from the capital allotment on the ground of probable savings has been cut down to Rs. 65 lakhs. This expedient of over-allotment, coupled with a lump sum deduction for probable savings, was introduced after the war owing to the inability of the railways to spend anything like the sums which the Agents believed they could spend at the beginning of each year. It has now, I think, very nearly outlived its usefulness and is likely to play a very subordinate part in future budgets. The excess over the budget figure is partly accounted for by more rapid progress in the completion of new lines under construction. In 1927-28 we expected to open 900 miles of new lines, but actually completed only 438 miles. This year our estimate of the new lines to be opened was 800 miles, whereas the actual figure promises to be 1,100 miles. The most important lines opened this year are perhaps the Daltonganj-Barkakhana section of the Central Indian Coalfields Railway, the Kangra Valley line on the North Western Railway and the Dindigul-Pollachi line on the South Indian Railway.

15. In next year's budget we are providing Rs. 33½ crores for capital expenditure, including an allotment of Rs. 7 crores for the purchase of the Southern Punjab Railway. The acquisition of this line is not only very desirable on administrative grounds, but will, we believe, increase our net revenue by Rs. 47 lakhs. The estimated expenditure for normal capital purposes is Rs. 26½ crores, which is about the same amount as we shall spend in the current year. The provision for open line works is a little over Rs. 18 crores and includes Rs. 6 crores for rolling stock in addition to Rs. 4½ crores from the depreciation fund. Full details of the work which is going on are given in the Railway Board's memorandum, and I cannot attempt to summarize its contents now. The only new work of major importance to be commenced is the remodelling of the Jamalpur workshops on the East Indian Railway, while of the works commenced in previous years the most important which are likely to be completed in 1929-30 are the construction of new workshops for the South Indian Railway at Trichinopoly and the Bombay, Baroda and Central India Railway at Dohad, the new central station of the latter railway in Bombay, and the electrification of the Ghat section of the Great Indian Peninsula Railway between Kalyan and Poona.

16. Under the head of new construction, the allotment for 1929-30 is Rs. 8½ crores. Much the greater part of this sum will be devoted to the completion of the new lines already under construction, and the allotment for new lines to be commenced during the year has been kept down to Rs. 35 lakhs. This policy of concentrating on a limited number of new lines and carrying them to completion as rapidly as possible is the natural corollary of the new situation created by the ability of the railways to spend up to their capital allotments, for there is no longer the same necessity to have a large number of projects in hand simultaneously. The disadvantage of a dissipation of energy over a number of projects is that it means slow construction and prolonged delay before a return is obtained on the capital expended. If, on the other hand, the energies of the railway administrations are concentrated on a limited number of works, commitments are reduced and the situation is far more easily controlled if for any reason a reduction of expenditure on new construction becomes necessary. It is expected that about 600 miles of new line will be opened during 1929-30 leaving 2,100 miles under construction at the end of the year. The lines likely to be opened include 83 miles of the Raipur-Parvatipur line which is to connect the Central Provinces with the new port at Vizagapatam and about 127 miles of line under construction by the Burma Railways. Of the entirely new projects much the most important is the Dacca-Aricha line in Eastern Bengal which is expected to cost about Rs. 2 crores. A sum of Rs. 27 lakhs has been allotted for the commencement of this line in the estimates for next year.

17. What I have said about capital expenditure concludes my annual review of railway finance. The year has been reasonably prosperous from the railway point of view, but there have been few features calling for special comment either in respect of revenue or of expenditure. The Railway Board have spared no effort to promote increased economy and efficiency in the railway management, but in doing so they have proceeded on the lines of policy laid down in previous years, and there are no novel measures calling for special comment here. In these circumstances, I have not thought it necessary to enter into great detail, but have been content to notice briefly the outstanding points of interest. There are, however, certain features in the budget for next year to which I have not yet referred, but which are nevertheless of great importance. To these I now turn.

18. During the last two years the railways have had their share in the unrest which has troubled the labour world, and the attention of Government has frequently been drawn to various matters in respect of which the conditions of railway service are held to be unsatisfactory. On the complaints made I will not dwell, for they are not for the moment germane to my purpose, but I will say at once that in various directions Government are anxious to do what is possible to remove legitimate grievances and to better the conditions of service, especially for the lowest paid men. We have to recognise that in many matters accepted standards are being raised and what would have been regarded as satisfactory even 10 years ago is no longer sufficient. The change may be slow, but it is quite perceptible. Our third class passengers now expect higher standards of accommodation and greater amenities in travel and our working men hope for improved conditions not only in respect of wages, but also in respect of housing, provident funds, medical relief, education and other matters. Faced with a situation of this kind, I have no doubt as to the attitude which Government should take up. It will not do to consider merely what are the minimum concessions which

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will suffice to stave off for the moment insistent demands. More than that is needed. The true line of approach is to consider what is the most we can do without injustice to other interests which Government is equally bound to safeguard. Indeed I have felt for the past year that if it proved possible to make further reductions in rates and fares, we ought to consider simultaneously what provision would be made to better conditions for the men who work for us.

19. I have spoken of other interests which Government is equally bound to safeguard and I have done so deliberately. When we are dealing with schemes for improved conditions on the Indian Railways, and indeed with expenditure of any kind which does not increase earning power, we have constantly to remember whose money it is we are spending. All such expenditure must be met sooner or later from rates and fares, and these must rise and fall according to the expenditure incurred. But when fares are raised almost nine-tenths of the burden falls on the shoulders of the third class passengers, and that means on the shoulders of those who, judged by any standard, are for the most part poor men. If rates are raised, the costs of industries are increased, the earnings of the merchant are diminished, for the volume of trade tends to decline, the price which the cultivator receives for his crops decreases, and the consumer everywhere has to pay higher prices for what he buys. Sooner or later the greater part of the cost will be paid by those whose conditions of life are in no respect superior to those of the railway workmen. I do not urge this as a reason why we should hold our hands and abandon any attempt to make things easier for the railway staff, but I do urge it as a reason why we should proceed step by step, and not by sudden and radical changes, remembering always that we have to balance the need for improving the standard of living of railway employes against the cost of dearer transport to the people of India as a whole.

20. What we propose to do is this. We shall set on foot a systematic examination of the service conditions of our lower paid employes in order to ascertain what are the measures which are most urgently called for in order to bring about an improvement. That will cover not only rates of pay and wages but also reductions of working hours, which would of course involve the employment of additional staff, the extension of provident fund benefits to classes who do not at present enjoy them, improvements in the housing conditions and so on. We have had some preliminary consultation with the Agents of Railways on the subject, but it is certain that the investigations to be made will take time, and we do not anticipate that the schemes likely to be sanctioned in 1929-30 will cost more than Rs. 50 lakhs in a full year, and of course the expenditure in the first year will be smaller. On that basis we have included in the budget a sum of Rs. 28 lakhs (Rs. 10 lakhs under Administration and Rs. 18 lakhs under Operation) and we have also provided a sum of Rs. 30 lakhs under Capital for the building of additional quarters where they are found necessary. The sums I have mentioned should not be regarded as our final conclusion on what may be found to be required, but merely as our estimate of what will be spent next year. It seems to me that there is ample justification for these proposals, and I do not doubt that they will be endorsed by this House.

21. What I have said leads up to what, in my view, is the most important proposal included in the present budget, I mean the addition of a new

Member to the Railway Board. A majority of the Standing Finance Committee for Railways found themselves unable to approve this proposal, and for this reason it will be desirable, I think, that I should deal with it at length. It is a proposal to which I attach the highest importance and which I would commend to the most earnest consideration of the House. It will be desirable, I think, that I should at the outset state briefly the existing organisation of the Board which it is proposed to modify.

22. Apart from the Financial Commissioner, who has a definite sphere of his own, the Railway Board consists of three persons, one of whom—the Chief Commissioner—is concerned with every aspect of the railway administration and is the recognised adviser of Government on all railway questions which may come up for decision. The division of responsibility between the other two Members is roughly indicated by the names by which they are usually described, namely, the Member, Technical, and the Member, General. Of the former I need say little, for he is necessarily occupied to a large extent with technical and engineering problems, and in such matters, if work increases, it is at present comparatively easy to provide the assistance needed without increasing the numbers of the Board. The position of the Member, General, is, however, very different. Since the railways exist for the conveyance of passengers and goods, his primary concern is with the movement of traffic, for if the traffic ceases to move, then the railway has ceased to function. When the last comes to the last, it is the transportation problem which has the primary claim on his time and attention. The second main branch of his work is commercial and might, I think, be summed up under the name of 'salesmanship', if we give a somewhat extended meaning to that word. The Commercial Superintendent of a big line is a man who has transportation to sell and must have constantly before him the demands of his potential customers. That is the position of the General Member, and his work includes the whole problem of rating, which means the fixing of such rates and fares as will secure the maximum volume of traffic. The interests which he is concerned to safeguard are those of the passenger and the merchant, because they are the customers for whom he is bound to provide.

23. The third branch with which the General Member has to deal is establishment, which covers the rates of pay and conditions of service of every grade of official employed on the railways of India, who now number more than 800,000 men. He must be prepared to grapple with the intricacies of pay and allowances when schemes of reorganisation have to be carried out, and with the special problems which arise when a Company-managed railway is taken over by the State and its staff has to be incorporated in the State railway services. He must also be prepared to deal with all the multitudinous questions that may be summed up under the general heading "the welfare of labour", which includes housing, provident funds, leave rules, medical attendance, assistance towards education, hours of work, the recognition of trades unions and the relations between the management of railways and the staff employed by them. For the reasons I have already given, this is a class of work which is of steadily growing importance and year by year must put a heavier burden on those who are responsible for the management of the Indian railway system.

24. It will be obvious from what I have said, Mr. President, that the duties of the General Member are not only heavy but also extremely multifarious, and it is the latter point on which I would lay special stress. The General Member, as I have said, must on the commercial side pay particular regard

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to the interests of the railway customers, and his main anxiety must be to keep down costs so that rates and fares may be kept at a level which will attract the maximum volume of traffic. But if staff questions are approached solely from that angle, there must be a danger that other interests for which the Railway Board is equally responsible may receive inadequate attention, or that factors not directly commercial may be given insufficient weight. Since, as I have said, railways exist for the conveyance of goods and passengers, it is essential that one of the Members of the Board should be an expert in traffic and in commercial operations, and the selection for the appointment of General Member must be regulated accordingly. But the qualifications of a good commercial manager are not necessarily those which are likely to fit an officer to deal with labour questions, and indeed in so far as his interest is engaged mainly in commercial problems he may be unfitted to handle questions in which due allowance must always be made for the human factor.

25. For the last two years the work of the Railway Board has been under my close observation, and what I have said reproduces the impression left in my mind by what I have seen. It has become more and more clear to me that the General Member is being asked to perform impossibilities, and that it is idle to expect that any one man should possess all the qualifications required for dealing with the various aspects of his work. When therefore it became necessary to decide what arrangements should be made on the retirement of Mr. Sheridan, who has for the last five years rendered most distinguished service to the Government of India as a Member of the Board, it became necessary to decide also whether the existing organisation could continue unchanged, or whether some modification was necessary. The conclusion at which the Government of India arrived, was that the General Member should be set free to devote his whole time to those matters which are his primary concern, namely, transportation and the commercial management of the railways, and that a new Member must be added to the Board, who would be specially charged with responsibility for all establishment questions and for the welfare of labour and of the staff generally. They considered whether it might not suffice in the first instance to appoint an additional Director to the staff of the Railway Board, but they came quite definitely and deliberately to the conclusion that this would not suffice, and that, if important interests were not to suffer, it was necessary first that the commercial management of the railways should engage the whole time and attention of one Member and that similarly establishment and labour questions should have a Member of their own.

26. It may perhaps be useful if I attempt to indicate the nature of the problems which have to be solved and in the solution of which we have not made such rapid progress as we might have done, had not our organisation imposed on a single individual most onerous and disparate duties. On the transportation side, questions are constantly coming up as to the measures to be taken to facilitate the movement of traffic by the re-modelling of stations and marshalling yards or the doubling or quadrupling of lines. These must be handled by a Member of the Board who can speak with authority to the Agents. On the commercial side there are the ever present problems of rates and fares, complicated as they are by the fact that two most important company-managed lines in India have been taken over for direct management by the State. This means that

whereas in former days each railway system was a separate entity, whose managers were concerned to defend the interests of their own system, their own customers and their own shareholders, we have now to look upon all these systems as for many purposes constituting a single system, so that each problem has to be approached from a new point of view. Thus, for example, when the railways were managed by Companies, they entered into route-agreements, by which the traffic of a given area was divided between them with the result that part of the traffic between particular places was conveyed by a longer and more expensive route and part by a shorter and cheaper route. If these arrangements are retained under State management, unnecessary expense is incurred by the railways as a whole. Similarly, we are constantly being urged to recognise the unity of the State Railway system by extending the system of through rates over all the State-managed railways, a system which at present is applied only to coal. Now these problems cannot be left to the Agents of individual lines, because they affect more than one line, and inasmuch as vested interests have grown up under the old system, and alterations in rates may mean entirely unexpected and unintended diversions of traffic from one line of railway to another, and consequently from one port to another, they require the closest and most careful study, if they are to be dealt with successfully. It is of the highest importance that they should be handled by an expert Member of the Board who can give adequate time to their consideration.

27. On the establishment side, the need for a full time Member is equally apparent. It is not merely that the last two years have been characterised by a great deal of unrest and trouble amongst the railway workmen, for it is no doubt true that such periods of unrest come and go and do not necessarily represent any permanent change. But if any Member of this House takes the view that the new importance given to labour questions and the urgency with which they are pressed is a superficial and transient phenomenon, then I do not hesitate to say that he is deceiving himself. Here in India we have to deal—wisely if we can—with a permanent change in the conditions under which industries and commerce must be carried on, and we must be ready to deal with the problems which are impending as well as with those that have already presented themselves for solution. Here it may suffice to give only one or two illustrations of the kind of question which, under our existing organisation, it is almost impossible to handle adequately or expeditiously. One is the organisation of the method by which labour disputes on the railways should be handled and the relations of the railway management with the trades unions. From the nature of the case, these are matters which must frequently engage the attention of this House, and in which the Railway Member will frequently be called on to explain and justify the attitude of Government. It is not, I think, too much to ask that in dealing with such matters he should have the assistance of an officer of not lower rank than a Member of the Board, with whom he can maintain direct relations and who can devote his whole time to carrying out the policy which commends itself to Government. In this aspect of the case, an additional Director would be of little use, for since the Railway Board is responsible as a body for the administration of the railways in India, it is with the Members of the Board that the Railway Member of Council must deal and it is wholly impracticable that he should go behind the back of the Members of the Board to discuss labour questions with the Director of Labour. The other illustration which I would give is the obligations the Government of India have incurred under the Washington and Geneva Conventions for the 60-hour week and the

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weekly day of rest. We have not yet succeeded in fully carrying out these obligations, and it is clearly a matter of urgent public importance that there should be no further delay; but I do not hesitate to say that if we had had in the past a Member of the Board who could give his whole time to staff questions, we should have solved our difficulties at least eighteen months ago.

I must apologise, Mr. President, for the length to which I have spoken on this subject and bring my remarks to a close. Whatever differences of opinion there may sometimes be between the Government of India and the Members on the other side of the House as to methods, I have no doubt at all that we are united in our aims. We all of us wish to see the railways of India so administered as to provide the cheapest possible transport to meet the needs of agriculture, industry and commerce, while on the other hand we are equally united in desiring to secure a reasonable standard of life for the great body of the Indian railway servants whose duty it is to work the railways. It is in the belief that the appointment of an additional Member of the Railway Board is the best means towards the effective and speedy attainment of both objects that the Government of India are putting forward their proposal. Some Members, I know, are apprehensive that the administration may become top-heavy and of the dangers which may attend the accumulation of officials at headquarters. On the other hand, we must remember how gigantic a transport system the Indian railways have become and how grave the consequences may be of a failure at headquarters to keep abreast of the times and to provide adequately for the stimulation and co-ordination of effort on the Indian railways.

The Assembly then adjourned till Eleven of the Clock on Wednesday the 20th February, 1929.

LEGISLATIVE ASSEMBLY.

Wednesday, 20th February, 1929.

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

QUESTIONS AND ANSWERS.

REGULATION OF HACKNEY CARRIAGE TRAFFIC AT CUTTACK RAILWAY STATION.

876. *Mr. Ram Narayan Singh: (a) Has the attention of Government been drawn to a report published in the *Searchlight* of Patna in its issue of the 6th February, 1929, that at the Cuttack railway station, all hackney carriages have always gone up to the main gate of the station to let down or take passengers since the establishment of the station there, and that the railway authority of the station, at the instance of the Sub-Divisional Officer of Cuttack, has recently passed orders making it compulsory for all hackney carriages to be kept at a very long distance from the said gate, thus causing a great inconvenience to passengers?

(b) Do Government propose to take any steps in the matter?

Mr. A. A. L. Parsons: (a) Yes.

(b) No. The matter is one for the local civil authorities to decide in consultation with the railway authorities.

Mr. Ram Narayan Singh: May I know whether the servants of the Railway have to obey the orders of the local executive officers?

Mr. A. A. L. Parsons: I imagine so, if it is a matter of traffic regulation outside railway premises.

NUMBER OF MONEY ORDERS DELIVERED TO WRONG PERSONS IN BENGAL AND BIHAR AND ORISSA.

877. *Mr. Ram Narayan Singh: (a) Will Government be pleased to state the number of ordinary postal and telegraphic money orders, with their respective amounts, which, either through mistakes or dishonesty of the officers in charge, have been delivered to persons other than the actual payees in the two provinces of Bengal and Bihar and Orissa within the last five years?

(b) Has the Postal and Telegraph Department refunded the money to the sender in each case? And if so, what is the departmental procedure which is generally followed before making such payments, and from what item of the budget is the expenditure met?

(c) In how many cases, did the enquiry result in finding officers of the department guilty of embezzlement, and what further steps were taken in each case and with what final results?

The Honourable Sir Bhupendra Nath Mitra: The detailed information asked for by the Honourable Member is not readily available and, as it would involve a great deal of labour to compile it, I do not propose to put this in hand. The procedure generally followed, before making payments in such cases, is that the particulars of the case are investigated by the local postal officials, and as soon as the liability of the department has been established, payment is made promptly to the person entitled to it. Losses entailed by such payments are charged off against the revenues of the Posts and Telegraphs Department under the headings "Losses, etc., written off—Irrecoverable overpayments".

Mr. Ram Narayan Singh: With your permission, Sir, I inform the Honourable Member that a telegraphic money order No. 4930 for Rs. 50, dated Hazaribagh, 6th February, 1928, remitted by one Ramsewak Sukul has not been delivered to the proper person and although the fact has been inquired into and proved to the satisfaction of the department, the money has not been yet refunded to the remitter.

The Honourable Sir Bhupendra Nath Mitra: If the Honourable Member will be kind enough to bring the facts of that individual case to my notice, I shall do my best to expedite matters.

Mr. Gaya Prasad Singh: And pay out the money also? (Laughter).

INSTRUCTIONS ISSUED BY THE AGENT, NORTH WESTERN RAILWAY, REGARDING THE SUBMISSION OF MEDICAL CERTIFICATES BY THE RAILWAY STAFF.

678. *Mr. Gaya Prasad Singh: (a) Will Government please state whether it is a fact that instructions have been issued by the Agent, North Western Railway, that medical certificates recommending Railway staff for leave issued by Railway medical officers other than the medical officer in charge of the section in which their headquarters are located, will not be accepted, and that disciplinary action will be taken against the Railway staff who present such certificates? If so, why?

(b) Is it a fact that, under these instructions, in the event of staff falling sick away from their headquarters section, the medical officer in charge of the section in which they happen to be, will not recommend them for leave, even if it is absolutely desirable and urgently needed, but will give them such treatment as is considered necessary by him, and instruct them to return to their headquarters as soon as they are considered fit to travel for reporting to the medical officer in charge of the section in which their headquarters are located? If so, what is the object of these orders?

(c) Do Government propose to order cancellation of these instructions and order acceptance of medical certificates from all medical officers wherever the Railway staff concerned happen to be?

Mr. A. A. L. Parsons: (a) Yes. The instructions apply to medical certificates recommending the grant of long leave for change of air.

(b) Yes. Staff reporting sick away from their headquarters are not required to return to their headquarters until they are fit to travel. Medical officers in charge of sections have instructions to report to the Chief Medical Officer for orders any case in which it is considered that strict adherence to the rules would inflict hardship on the employee.

(c) No. The issue of the orders referred to was found to be necessary on account of the difficulties caused to the administration by the production of certificates obtained irregularly recommending long leave.

RECRUITMENT OF RAILWAY "CREWS" IN THE LUCKNOW DIVISION.

679. *Mr. Muhammad Ismail Khan: (a) Is it a fact that in 1927 Mr. Gulam Mohammed Khan was deputed by the Agent, East Indian Railway, with the consent of the Railway Board, to organise the Crew Department in the Lucknow Division?

(b) Did the candidates recruited to the supervising staff possess the necessary qualifications?

(c) How many of them were Mussalmans and are they still serving in this Department?

(d) How many Mussalmans were taken as crewmen and crews, and is it not a fact that most of them have been reverted since the appointment of the present crew officer?

(e) Was Captain B. F. Williams put in charge of this Department? If so, why has he been reverted?

(f) Does the present crew officer possess the necessary qualifications for the post to which he has been appointed?

(g) Is it a fact that the vacancy of a crew-in-charge has been filled up by direct recruitment and that the claims of senior ticket collectors have been overlooked?

Mr. A. A. L. Parsons: (a) and (b). Yes.

(c) to (g). Except that the officer mentioned in part (e) was at one time in charge of the Department and has now been posted to some other appointment, Government have no information. They will, however, make enquiries with regard to parts (c) and (d) of the question and will let the Honourable Member know the result.

INCONVENIENCES AND ENHANCED RENTS OF BUNGALOWS FOR ORTHODOX MEMBERS IN FEROSHSHAH ROAD, NEW DELHI.

680. *Mr. S. C. Mitra: (a) Is it a fact that rents of bungalows for orthodox Members on Ferozshah Road have been considerably enhanced this year? If so, what is the reason for it?

(b) Is it a fact that occupants of the Ferozshah Road bungalows are required to make their own arrangement for sweepers, unlike occupants of other quarters? If so, what is the reason for this difference?

(c) Is it a fact that no table lamps or plugs are provided in Ferozshah Road bungalows? Are not other quarters provided with reading lamps and plugs?

(d) Is it a fact that servants' quarters and store rooms in these bungalows are not provided with lights? If so, why?

(e) In view of the enhancement of rents in these bungalows this year, do Government propose to remedy these inconveniences?

The Honourable Sir Bhupendra Nath Mitra: (a) There has been a slight enhancement of rent which represents a distribution of the charge on

account of certain work charged establishment (namely, farashes and a supervisor of quarters) whose services were omitted to be charged for last year, though they were similarly charged in respect of other quarters occupied by Members of the Legislature. For the rest, there has been a change of practice, as the rents now include the cost of electrical energy, water consumed and the replacement of electric bulbs, which was billed for separately in the past.

(b) By an oversight, certain sweepers were omitted to be engaged for some time. The omission has now been supplied and a refund will be made in respect of the pay of the sweepers which was included by mistake in the rent already recovered.

(c) No quarters of this type of bungalows (namely Orthodox D) are provided with table lamps or plugs; nor does the rent include any charges on this account. Quarters of other types include this provision, on which additional rent is recovered.

(d) The provision does not exist in any bungalows of this type.

(e) (b) is being remedied; (c) and (d) will be remedied if there is a general demand for the provision of these conveniences and on the understanding that additional rent will be payable on this account.

PAY IN THE ACCOUNTS DEPARTMENT OF EMPLOYEES HOLDING CERTAIN DEGREES.

681. *Mr. Siddheswar Prasad Sinha: (a) Will Government be pleased to state if Bachelors of Commerce carry the same value in respect of pay for recruitment in Government service, especially in the Accounts Department, as those holding the B.A. and B.Sc. degrees, stating reasons for differential treatment, if any?

(b) Is it a fact that those holding the B. A. and B. Sc. degrees start on higher salaries than Bachelors of Commerce in the office of the Accountant General, Central Revenues?

The Honourable Sir George Schuster: Enquiries are being made and a reply will be sent to the Honourable Member in due course.

DELAY IN GRANTING CASUAL LEAVE TO EMPLOYEES OF STATE RAILWAYS.

682. *Mr. Siddheswar Prasad Sinha: (a) Are Government aware that employees in the State Railways have to wait for a long time to obtain permission to avail themselves of casual leave, even for urgent work; thus defeating the purpose for which leave is sought?

(b) Is it a fact that employees in State Railways are not allowed to avail themselves of leave on account of shortness of relieving hands? If not, what are the other reasons for such unusual delays?

(c) Are Government aware that railway servants have to suffer great loss and hardships for such delays?

Mr. A. A. L. Parsons: I would refer the Honourable Member to the reply which I gave to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No. 140 on the 28th of January, 1929. Casual leave cannot of course be claimed as of right, but Government are aware that, at any rate on the East Indian Railway, it may be necessary to appoint more relieving staff in certain branches, and this question is being examined.

RACIAL DISCRIMINATION IN RULES FOR ENTERING THE TAJ MAHAL, AGRA.

683. *Mr. V. V. Jogiah: (a) Are Government aware, that at the entrance of the Taj Mahal at Agra, Indians are asked to leave their shoes, while the Europeans are allowed to go with shoes on into the Taj?

(b) If so, will Government state why this racial discrimination is made? If not, will Government be pleased to enquire and issue orders to make no such discrimination if the facts as stated are true?

Mr. J. A. Shillidy: Under rules framed by the Local Government under section 15 (1) of the Ancient Monuments Preservation Act, visitors to the Taj Mahal are required, as a matter of respect, either to remove their shoes or to take off their hats. This rule has apparently been framed to provide for differences of national custom in such a matter.

Diwan Chaman Lall: May I ask the Honourable Member whether it is the national custom nowadays for Indians to take their shoes off?

Mr. J. A. Shillidy: I understand it is more or less the national custom. Those who do not take off their shoes will take off their hats.

Diwan Chaman Lall: Does the Honourable Member realise the absurdity of this?

Mr. J. A. Shillidy: I am afraid I am unable to realise the absurdity of it.

Diwan Chaman Lall: Will the Honourable Member take steps to have this rule removed?

Mr. J. A. Shillidy: If necessary, we will inquire into that matter.

EXCESSIVE WORKING HOURS OF TICKET COLLECTORS AND GRANT OF UNIFORMS TO MENIALS AT MUTTRA STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

684. *Mr. V. V. Jogiah: (a) Is it a fact that at Muttra, on the Great Indian Peninsula Railway, about 42 trains pass within a period of 24 hours daily, and every day 6 out of the 14 ticket collectors attend to them?

(b) Is it also a fact that each ticket collector is made to work for 12 hours on week days and 18 hours on a Sunday?

(c) If so, are Government prepared to reduce the working hours of each ticket collector to 8 hours?

(d) Is it a fact that at Muttra, on the Great Indian Peninsula Railway the menial staff and some of the other officials of the Railway are entitled to get uniforms every winter?

(e) If so, are Government aware that the menial staff could not get the same this winter, though the winter season has almost passed?

(f) Do Government propose to set right the matter by granting them this year's uniforms even now and directing that the uniforms should be supplied to them hereafter in time before the winter begins?

Mr. A. A. L. Parsons: I am making enquiries from the Agent of the Great Indian Peninsula Railway, and will let the Honourable Member know the result.

Diwan Chaman Lall: May I ask the Honourable Member when he got notice of this question?

Mr. A. A. L. Parsons: I have not got the exact date—I suppose about n days ago.

Diwan Chaman Lall: Does it take all that time to make inquiries in a matter of this kind?

Mr. A. A. L. Parsons: Yes, certainly. If the Honourable Member will ask the question, he will discover that the inquiry must go to the Agent who would have to repeat it to Muttra.

UNSTARRED QUESTION AND ANSWER.

EXAMINATION FOR APPOINTMENT OF INSPECTORS, HEAD CLERKS, ETC., IN THE POSTAL DEPARTMENT.

245. **Mr. C. S. Ranga Iyer:** (a) Will Government be pleased to state whether it is a fact that the lower selection grade examination for the appointments of Inspectors, Head Clerks to Superintendents and in the general line was introduced in the Postal Department last year and was thrown open to senior willing officials, without any restriction of age limit and hindrance of nomination, on the basis of ten times the number of estimated vacancies each year in a Circle?

(b) If so, will Government be pleased to state whether it was deferred twice and finally postponed *sine die*?

(c) If the reply to part (b) is in the affirmative, will Government be pleased to state the circumstances leading to the postponement, and furnish the probable date when the examination will be held in its originally proposed form as stated in part (a)?

(d) If the original scheme has been abandoned, will Government be pleased to state the reasons for its abandonment without giving it a trial and are Government considering the advisability of holding an examination of Inspectors and Head Clerks to Superintendents on the old lines? If so who will be permitted to appear in it, and will there be any restrictions? If so, why?

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

(b) The examination was first fixed for December, 1928. It was postponed till March, 1929, and again postponed *sine die*.

(c) The first postponement was directly due to non-receipt from the Press of certain newly published departmental books of reference which could not be obtained for the use of candidates in time for the examination. The second postponement was due partly to the same reason, partly to administrative reasons. As the whole matter is under reconsideration Government regret that they cannot at this stage state definitely, either the probable date of the examination, or whether it will be held in its originally proposed form.

(d) In view of what has been said in answer to part (a), this question does not arise.

NOMINATION OF MEMBERS FOR THE STANDING ADVISORY COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. President: I have to inform the Assembly that up to 12 noon on Wednesday the 18th February, 1929, which was the time fixed for receiving nominations for the Standing Advisory Committee for the Department of Education, Health and Lands, only six nominations had been received. As the panel will consist of nine members and only six have been nominated, I appoint a further period up to 12 noon on Thursday the 21st February, 1929, within which nominations will be received. The election if necessary will take place in this Chamber on Monday the 4th March, 1929.

ELECTION OF MEMBERS FOR THE STANDING FINANCE COMMITTEE.

Mr. President: I have to inform the Assembly that the following Members have been elected to serve on the Standing Finance Committee:

1. Mr. S. C. Mukherjee.
2. Sir Darcy Lindsay.
3. Dr. B. S. Moonje.
4. Diwan Chaman Lall.
5. Mr. Gaya Prasad Singh.
6. Haji Chaudhury Mohammad Ismail Khan.
7. Mr. Amar Nath Dutt.
8. Maulvi Sayyid Murtuza Sahib Bahadur.
9. Revd. J. C. Chatterjee.
10. Colonel J. D. Crawford.
11. Nawab Sir Sahibzada Abdul Qaiyum.
12. Mr. Muhammad Ismail Khan.
13. Rai Bahadur Tarit Bhusan Roy.
14. Mr. Sarabhai Nemchand Haji.

BILL PASSED BY THE COUNCIL OF STATE LAID ON THE TABLE.

Secretary of the Assembly: In accordance with Rule 25 of the Indian Legislative Rules, I lay on the table a Bill further to amend the Presidency-towns Insolvency Act, 1909 for a certain purpose, passed by the Council of State at their meeting held on the 19th February 1929.

THE PUBLIC SAFETY BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Mr. J. Orerar (Home Member): Sir, I beg to present the Report of the Select Committee on the Bill to check the dissemination in British India from other countries of certain forms of propaganda.

THE ABOLITION OF DEFERRED REBATES BILL.

Mr. Sarabhai Nemchand Haji (Bombay Central Division: Non-Muham-madan Rural): Sir, I beg to move:

"That the Bill to provide for the abolition of the deferred rebates in the coasting trade of India be referred to a Select Committee consisting of the Honourable Sir George Rainy, Mr. Ghanshyam Das Birla, Colonel J. D. Crawford, Mr. C. Duraiswamy Aiyangar, Mr. A. H. Ghuznavi, Haji Abdoola Haroon, Mr. Jamnadas M. Mehta, Mr. K. C. Neogy, Sir Purshotamdas Thakurdas, Maulvi Muhammad Shafee, Mr. R. K. Shanmukham Chetty, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, the Bill which I now have the honour to move for reference to Select Committee is one which, in more senses than one, is complementary to the Bill for the Reservation of Coastal Traffic which is now before the Select Committee of this Honourable House.

Sir, the two Bills put together may be said to touch upon two important aspects of the important question of the development of an Indian mercantile marine. Nothing could be better than the simultaneous passing by this House of both the Bills at about the same time, but I claim that the Bill now before the House is one which is necessary in the interests of Indian shippers and shipowners, and of Indian trading generally, irrespective of the fate of the other Bill.

Sir, this Bill, though it is co-related to the other, is not contingent upon the passing of the Coastal Bill. The deferred rebates system is a system which is operating in the coasting trade of this country and elsewhere and it has done already a lot of harm in the past both to the shippers and to the new shipowners, and it is likely to do still more harm as the desire for an Indian mercantile marine grows in this country, and would most certainly be checked if the deferred rebates system is not abolished by law. The abolition of this system is necessary in order to enable the entry of new lines into the coasting trade, in order to facilitate the growth of a national mercantile marine which has to fight, under present-day conditions, powerful combinations. They may be combinations of Indians only, or they may be combinations of non-Indians only, or they may be combinations of both.

I claim, Sir, that whether it is a combination between one set of ship-owners or the other, it is a monopoly, and the operation of that monopoly is of such a vicious character that every step should be taken to abolish that monopoly, and the best way to do so is to abolish the deferred rebates system. The deferred rebates system is the method by which a shipping conference continues to exercise its hold on the shipper. The hold is permanent, and as a result we have the transformation in the Indian coastal trade of one or two shipping companies into a powerful monopoly, which, in its own interests, prevents the further advent of new tonnage owned by rival owners in the trade concerned.

Sir, I could not do better than draw the attention of this Honourable House to the fact that this question of shipping rings and deferred rebates was examined at great length in 1907 in England, when a Royal Commission was appointed to go into the whole subject, and, with your permission, I will just read to this House the definition of a shipping ring or a conference as given in the Report of this Royal Commission:

"A Shipping 'Ring' or 'Conference' is a combination more or less close of shipping companies formed for the purpose of regulating or restricting competition in the

carrying trade on a given trade route or routes. The vessels employed by these companies are usually of the class known as liners, i.e., vessels of high class and speed, sailing and arriving at fixed dates advertised beforehand. In addition to mail steamers and passenger steamers, they include vessels which carry cargo only and are known as cargo-liners. In some cases vessels which operate elsewhere and at other times as tramps are also employed by the Conference Lines."

This will make it clear to the House that the conference system is an alliance between one or more ship-owners in order to control the operations of shipping in a certain specified area. The area with which this Bill is concerned is the coasting trade of this country, and I claim that, in order to develop an Indian mercantile marine on what I might call a small scale development, it is necessary that this system should be abolished and the existence of a conference, of which the nature I have just pointed out to the House should be made impossible.

Sir, the deferred rebate system is relatively a modern innovation. We have it on the high authority of Sir Thomas Sutherland, who was at one time Chairman of the Peninsular and Oriental Company:

"Conferences, pooling arrangements, and rebates were unknown in the Eastern trade until some years after the Suez Canal was opened. The carrying trade was free at all points to whosoever might choose to put his capital into it, and yet rates of freight were then higher than they have ever been since. This state of affairs was due to the fact that the supply of steam tonnage was then limited. But in a very few years an entire change in the situation was evolved"—

This is the point of importance,—

"by what was called the compound engine, and the tonnage in the Eastern trade soon outstripped its requirements. The natural result was impoverished rates and a struggle for existence, which led to several lines withdrawing from the field, although they had entered under fair enough auspices. It was in the late seventies that the remaining lines, then engaged in a hand to hand competition, began to draw together so as to stave off disaster by coming to arrangements between themselves and with their customers."

It should be noticed that the beginnings of the conference and of the rebate system are to be traced to a time when, owing to the development of science, there was such a keen competition among the shipowners that the rates began to go down. At that stage in the evolution of shipping, instead of allowing the natural forces to apply, the shipping companies combined together to stave off, as it is said, the disaster by evolving the conference system and the deferred rebate system. As I said before, the first conference was started in the seventies of the last century and I will just give you, Sir, a few historical details so as to give you an idea as to how that system grew almost by leaps and bounds in a few years following the date of origin. The first shipping ring—and here it is interesting to observe that its beginnings were laid in the trade of this country—the first shipping ring, the Calcutta Conference, was formed in 1875. It consisted of the Peninsular and Oriental Company, the British India Company and one or two other lines in London, George Smith and Sons, the City Line of Glasgow, Rathbone Bros. and Co. and T. & J. Harrison of Liverpool. After experimenting with various forms of contract between the shippers and shipowners, the system of deferred rebates was introduced in 1877 and applied to the shipment of Manchester piece goods. Having benefitted by the system, the shipping companies lost no time in extending the system to other trades and routes. It was introduced in the China trade in 1879, in the Australian trade in 1884, in the South African trade in 1886, in the West African trade in 1895, in the River Plate and South Brazil trades in

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1896, in the North Brazil trade in 1895 and in the trade to the west coast of South America in 1904. Practically, Sir, by the beginning of this century there was no overseas business with the exception of the Atlantic trade, and the carriage of cargoes of coal outward from the United Kingdom, that had not come under the operations of this vicious system. The result of this has been that in the early years of this century, this rebate system was further introduced into the coasting trade of India and we have had the evidence of Indian merchants before the Indian Mercantile Marine Committee to show that, ever since its introduction, the deferred rebate system has worked in the putting of various hardships upon the merchants and in the prevention of new companies being able to get into the coasting trade. Sir, with your permission, I would draw the attention of the House to the definition of the deferred rebate system which is given in the Bill and I will just point out how the system works in operation. Its operation results in the shippers being, so to say, enslaved by the shipping company practically for good. The system of deferred rebates works in practice as under. The companies issue a notice or circular to shippers informing them that, if at the end of a certain period, usually four or six months, they have not shipped goods by any vessels other than those despatched by the members of the conference, they will be credited with a sum equivalent to a certain part, usually 10 per cent. of the aggregate freights paid on their shipments during that period, and this sum will be paid over to them, if at the end of a further period, usually four or six months, they have continued to confine their shipments to vessels belonging to the members of the conference. The sum so paid is known as deferred rebate.

I will now give a practical illustration. In the Indian coastal trade at the present day the amount of rebate payable may be said to be approximately 10 per cent. of the freight paid by the shipper. Now rebates are calculated in respect of two six monthly periods ending with 30th June and 31st December respectively, but their payment to the shipper is not due until a further period of six months has elapsed. That is to say as to the shipments made between the 1st January and 30th June the rebates are payable on the 1st January following and as to shipments made between the 1st July and 31st December, rebates are payable on 1st July next. It follows therefore that in every case it is practically impossible for a shipper to get away from the particular shipping company or the Conference without a great loss to himself. As a matter of fact, he cannot get away unless he is prepared to lose the rebate locked up with the shipping company. The amount of rebate may vary according to the importance of the shipper, say from Rs. 5,000 to Rs. 50,000. Thus, Sir, it will be noticed that the result of the operation of the deferred rebate system is to keep the shipper tied to the shipowner in perpetuity. It is impossible for a man to get out of the clutches of the conference once he has been taken in. It is quite clear therefore that the system acts in a way to restrain the freedom of the trader, and moreover, by so restraining his freedom, it prevents, particularly, the Indian shipper, from encouraging Indian shipping companies, because if he does so his rebate locked up with the shipping conference will be forfeited.

I am aware, Sir, that it is usual for shipowners to urge that there are very many advantages of this system and that therefore it should be allowed to continue to operate. But my study of this subject, both with regard

to the Royal Commission's Report and later developments, the Report of the Imperial Shipping Committee on this subject in 1923, as also my study of the opinions that were expressed by Indian merchants before the Indian Mercantile Marine Committee, and lastly the opinions expressed by Indian Merchant Associations on this Bill, my study of all these together with my practical knowledge of the working of the system does not show that in any one of these cases, unless I am greatly mistaken, the Indian merchants, as such, have welcomed the conference system or its operation. I am aware, Sir, that there are merchants and probably some of my friends here in the European group are included among them—who favour the continuance of the deferred rebates system. But, as has been pointed out by a number of witnesses before these Committees and Commissions, shippers who take up the cause of the shipowners in connection with the question of the deferred rebates are generally people who are interested not only as shippers of goods but also as agents of shipping companies. No doubt it is true that the conditions prevailing in India to-day are also to be found in other parts of the world; but in India the combination of powerful non-Indian shipping companies with equally powerful non-Indian shippers, has resulted in the Indian merchants being brought into submission by the shipping Conference, and the Indian shipowners being driven out of the field, with the result that you have in operation to-day even a Conference system, whose main purpose—it may be more difficult to fulfil it now than perhaps it was hitherto owing to awakened public opinion—whose main purpose it is to prevent the entry of new companies into the coasting trade of India. It is usual to claim that—and I have no doubt it will be claimed by some of my friends who will speak against this motion—the deferred rebates system enables the shipping company to provide for the shippers regular sailings of high class steamers at stable and uniform rates of freight. With your permission, Sir, I should like to examine more fully these so-called advantages of the deferred rebates system.

Sir, with regard to the regular sailings, it is a fact that there were regular sailings in the trade long before the conference system was inaugurated. We have, for example, a statement of Sir Stephen Demetriadi, a prince of merchants in England, to the effect that regular sailings were known before the deferred rebates system was introduced. Moreover, Sir, where the sailings are regular, on a closer examination we find that the regularity is not the result of the goodwill of the shipowner towards the shipper, but usually the result of the payment of the mail subsidy, one of the conditions of which is that the sailings must be regular. Therefore, it is unfair to allocate to the Conference system the advantage which accrues from subsidy payments in connection with the carriage of mails. Moreover, Sir, it is said that one of the benefits of the deferred rebates system is that very high-class steamers are provided; even cargo steamers, have come to be regarded as cargo liners. But, Sir, this is not due to the operation of the deferred rebates system at all. If there are large vessels available to-day and if the comforts of passengers are much greater than, say, in the middle of the last century, and if the speed is higher and the sailings are regular—all these advantages have accrued because of progress in scientific achievement and the higher standard demanded both by the shipper and the passenger. And it is a fact which cannot be challenged that, even today, in those trades where the deferred rebates system does not operate, equally high-class steamers giving equally regular sailings are to be found. So far, Sir, as the coasting trade of India is concerned, I

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challenge any Honourable gentleman to prove that any vessels other than passenger vessels belonging to companies getting mail subsidies provide regular sailings. After all, even where regular sailings are provided, they are sailings between one or two important ports. So far as service along the coast is concerned, it would be incorrect to say that the steamers the cargo steamers particularly to which the deferred rebates system mostly applies, arrive at stated hours or stated days and leave at stated hours or stated days. Nothing of the kind, Sir. What happens is that a ship arrives at a port only when there is a demand and leave a port only when the shipowner thinks that the ship has been filled up or that there is a demand for the ship at another port. Therefore, Sir, I fail to understand how it is possible to claim for this system those advantages which have resulted, as I said, from the progress of civilization and the demands of the customers. As a matter of fact, Sir, even where this system of deferred rebates, as has been stated before, does not operate, there are afforded all these advantages and I claim that if the system of deferred rebates is abolished, the advantages will continue to operate irrespective of the existence or non-existence of the Conference and the deferred rebate systems.

It is, moreover, stated, Sir, that the deferred rebate system enables the shipowner to give the shippers the advantages of uniform and stable rate of freight. Now, I shall be the last man in the world to discount the importance of stable and uniform rates; but, Sir, it should be remembered that these stable rates are pitched very high by the shipowners in their own interests, and their uniformity lies in the fact that they are high throughout the trades in which the system operates. I will give you an example showing certain facts of Indian trade as put before the Imperial Shipping Committee in 1923, I believe, by Sir Stephen Demetriadi to the effect that in the trade between Bombay and the United Kingdom, and Calcutta and the United Kingdom, there has been an enormous disparity in the rates owing to the fact that, while in the Bombay trade there is no Conference or deferred rebate system, in the Calcutta trade, at least since 1919, the rebate system has been introduced. Here, Sir, I have got figures to show that while on 1st December, 1920, the rate from Bombay to the United Kingdom was 56s. 3d., the rate from Calcutta was 115s. On the 15th December, 1920, the Bombay rate was 43s. 9d., and the Calcutta rate was 115s. On the 3rd January 1921, the Bombay rate was 31s. 3d., while the Calcutta rate was 85s., because Calcutta has the Conference system and Bombay has not. On the 15th January, 1921, the Bombay rate was the same, viz., 31s. 3d., and the Calcutta rate was 70s., and even where the rates have come down in Calcutta, they have not come down to that level which would have been normal if natural competitions had been allowed to operate. We find that on the 15th February, 1921, while the Bombay rate remained the same as before, namely, 31s. 3d., the Calcutta rate was 55s. On 1st March, 1921, the Bombay rate was 31s. 5d., and the Calcutta rate was 55s. Now, Sir, it is stated that the Calcutta voyages are at least one week longer than the voyages from Bombay, but that means that Bombay to the United Kingdom takes say 4 weeks, Calcutta to the United Kingdom must take 5 weeks. That would account only for an addition of one-fifth to the Bombay rate. If the freedom of shipment were guaranteed to the shippers on the parity of the Bombay rate of 31s. 3d.

the Calcutta rate should not exceed 40 shillings at the most as against which we find the Calcutta rate to be 55. I have in these figures which I have taken from the Report of the Imperial Shipping Committee found that the necessary modifications have been made in connection with the quoted rates because the measurements and other factors in Calcutta are different from those in Bombay. Taking the two rates on an absolutely uniform basis the Calcutta rate was in March, 1921,—a date when all shipping rates were coming down—higher than the Bombay rate by 15 shillings and in boom times the difference varied from 40 to 60 shillings. The only fact which can explain this big difference is the existence of the rebate system in the Calcutta trade from 1919 onwards and the absence of that system in the trade from Bombay. I shall not weary the House with present day figures because I want to put before you authenticated statements which have been made by responsible people in England and which have been reproduced in the Report volumes of authoritative English Committees. It is therefore not at all to be wondered at if we find that whenever shippers' opinion has found expression on the subject that opinion has always been against the operation of a deferred rebate system. In 1907, Sir, when the question of deferred rebates was being considered by the Royal Commission in England steps were taken to get the opinions of Indian shippers and other people interested in the Indian trade for the benefit of the Royal Commission, and we find that in the course of those opinions, officers of Government or of public bodies, like the Collector of Customs and Port Officers at various ports, have expressed opinions hostile to the deferred rebate system. Not only that, but I shall be glad to quote you the opinion of, I think, a Government officer, the Collector of Customs, Calcutta, wherein it is stated that he was aware of the use which a shipping company was making of the deferred rebate system to get out of competition an Indian rival in the trade. But, Sir, it is not only Indian merchants who are opposed to this system. I find on going through the pages of the Evidence volume of the Royal Commission's Report, that besides the Government officers I mentioned before, we have in opposition to the deferred rebates the Calcutta firms of Messrs. G. Atherton and Co., Messrs. Ralli Bros., Messrs. Birkmyre Bros., the Secretary of the Jute Fabrics Shippers Association, Calcutta, the Calcutta Baled Jutes Association, the Rangoon Trades Association, the Indian Tea Association, and the Association of my Honourable friend Sir Victor Sassoon, the Millowners' Association of Bombay. I rather miss him today because if he had been present I think I would have succeeded in getting his vote in my favour.

Moreover, Sir, there is one point which I should like to draw your attention to, and that is an interesting fact which we come across in the pages of the Royal Commission's Report to this effect. It is stated in the evidence of the Millowners' Association that the Nippon Yusen Kaisha and the late Mr. J. N. Tata began two lines of steamers in 1893. The combination of the Peninsular and Oriental, the Austrian Lloyd and the Rubbattino proved too powerful for the new line. Mr. Tata had to retire from the field and the Nippon Yusen Kaisha had to join the combine. Observe, Sir, that whenever anything is stated in this House with regard to the curtailment of the privileges of British shipowners in this country, we are told that they are British subjects whose interests must be safeguarded; but here we have British shipowners allying themselves with Italian and German shipowners in order to oust an Indian rival from the

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field. This, Sir, is a case where the deferred rebate system has enabled powerful foreign interests to keep out Indians even of the eminence of the late Mr. J. N. Tata, from the overseas trade of this country. But, as I stated before, I now come to the opinion of the Collector of Customs, given for the use of the Royal Commission, in which there is a very pathetic story. It relates, Sir, to the Bengal Steam Navigation Company. In regard to this Company the Collector of Customs, Calcutta, says:

"The Bengal Steam Navigation Company are making a bid for the Rangoon-Chittagong-Calcutta traffic. The Company is a *swadeshi* one with a capital of 45 lakhs and has at present two steamers plying and two more building. Fares lower than those of the British India and Asiatic Combination are accepted, and the Line is obtaining freight from Rangoon but not from Calcutta. This is believed to be due to fact that the combination mentioned has its principal Calcutta shippers under a three years' agreement, upon which a 10 per cent. rebate depends."

The Chairman of the Port Commissioners of Chittagong referring to this particular Company says:

"I have seen many signs that the other Companies, namely, the British India and the Asiatic Steam Navigation Co. Ltd., desire to get rid of this rival."

And, Sir, they did get rid of this rival, because we find Maulvi Muhammad Nur-ul-Haq Chaudhuri, the son of this Indian pioneer of shipping, stating in his evidence before the Indian Mercantile Marine Committee, in reply to a question from the President:

"I belong to a mercantile family; my father floated the ill-fated Bengal Steamship Company, which carried on trade between Calcutta, Rangoon and Chittagong in competition with the British India. I represent the Labour Association and the Inland Steamship Association as its President. I come from Chittagong, where you get seamen in plenty."

Somehow the President of the Indian Mercantile Marine Committee was annoyed with this gentleman because he had referred to the unholy combination between shipowners in order to oust Indian shipowners. So the President says:

"In your replies you have used terms like 'unholy combination' which are objectionable; while criticising the Government you have to refrain from using objectionable terms. In the company which your father floated, how many ships were there?"

and so on. Sir, this witness probably lost his wits when the President began to cross-examine him so severely; but when he was being examined by another member, in reply to this question—"You say that your family is connected with some ill-fated steamship company: will you please give the history of that company?" this gentleman says:

"It was a purely Indian venture. The British India and Asiatic Companies were at that time trading between Rangoon, Akyab, Calcutta and Chittagong. Our company had only two steamers in which we used to carry passengers to Rangoon and from there to Calcutta Chittagong and Akyab. When the English companies found an Indian company brought into existence they cut down their freights as well as their passenger fares to such ridiculously low amounts as eight annas and sometimes they would take passengers free and sometimes they would give a handkerchief as present to the passengers in addition to their being carried free. Owing to this cut-throat competition our company had to be liquidated."

Sir, in reply to another question further on, he proceeds to say:

"The President of the company did not like the running of the ships and so he got them attached. We were told that the British India had a great hand in the matter of attachment."

Such, Sir, has been the fate of the Bengal Steamship Company, which I believe was the first Indian company floated under the impulse of

swadeshi in the first decade of the present century. And what has been true of this unfortunate Indian company will probably be true in the next few months of another Indian shipping company, which is operating today passenger vessels between Rangoon and Chittagong. This company is now faced with a very virulent rate-war by the non-Indian interests and I understand that even at this moment a big rate-war is on, and it is only a question of months, or perhaps weeks, before which another Indian concern will have met with an untimely end because of the practices of conference liners in this country.

But, Sir, it is not merely the opinion of an individual witness before the Indian Mercantile Marine Committee that I want to draw your attention to. I find that a large number of Indian Merchants' Associations have in their evidence before the Committee expressed a desire for the abolition of the deferred rebates system, not only in their own interests as shippers but as Indians, in the interests of the development of an adequate national mercantile marine for India. Sir, we find the demand for the abolition of this system coming from the following Associations:

The Bombay Rice Merchants' Association.

The Indian Merchants' Chamber, Bombay.

The Grain Merchants' Association, Bombay.

The Karachi Buyers' and Shippers' Chamber.

The Indian Association, Calcutta.

The Bengal National Chamber of Commerce, Calcutta.

The Southern Indian Hides and Skins Merchants' Association, Madras.

In addition to them, there are men belonging to firms well-versed in the details of coastal trade, brokers' firms, like Messrs. Pitamber and Company of Bombay; and we also have Indian shipowners condemning this system, e.g., the Bengal River Steam Navigation Company, and the Scindia Steam Navigation Company of Bombay. We find, Sir, that so far as Indian shippers are concerned, so far as the small British shippers in India are concerned, so far as the Indian shipowners themselves are concerned, all these interests have combined to demand the abolition of this system; and if one finds opposition to this abolition from large European shippers, the conclusion is to my mind inevitable that that opposition results not merely from the point of view of themselves as shippers, but also that they are directly or indirectly interested in large ship-owning organisations either as agents or on any other basis. This is a case where we find, as I stated a short while ago, European Associations and European merchants allying themselves with Indian public opinion for the abolition of this system. Not only that, but in addition to European Associations in India, the Associations in England of men who are interested in Indian trade also are opposed to this system; for example, we find it recorded before the Imperial Shipping Committee that the East Indian and Oil Seeds Association and nine other Associations in the United Kingdom interested in the Indian trade made a joint representation against the rebate system as obtaining in the Calcutta home-ward trade. But more than that, the following Associations in India made representations before the Imperial Shipping Committee against the rebate system—

The Calcutta Jute Fabrics Shippers' Association;

The Baled Jute Shippers' Association; and

The Wheat and Seed Trade Association.

[Mr. Sarabhai Nemchand Haji.]

No wonder, then, Sir, that this Bill, when it was first brought up before the Central Legislature by the late Mr. T. V. Seshagiri Ayyar, to whom at this stage I would like to pay my homage, and when it was afterwards circulated for eliciting opinions thereon, we find in the copies of opinions, which, I daresay are in the hands of Honourable Members, that the association, both Indian and non-Indian, support the Bill—some of them wholly, and some partly—say that the details should be changed, but they are all in favour of the principle of this measure. Those associations are:—

The Bangalore Trades' Association,
The Indian Chamber of Commerce, Lahore,
The Chinese Chamber of Commerce, Rangoon.
The Burmese Chamber of Commerce, Rangoon,
The Rangoon Trades' Association,
The Bengal National Chamber of Commerce,
The Marwari Chamber of Commerce,
The United Provinces Chamber of Commerce,
The Indian Merchants Chamber, Bombay, and
The Millowners Association of Bombay.

Now, Sir, it is the opinion of the Millowners' Association to which I would like to draw the particular attention of this Honourable House. I hope that now that my friend Sir Victor Sassoon is here, at least in connection with this Bill he will not, as he did in Simla, try and play with words and say that there is a difference between the principle underlying the Bill and the principle of the Bill, because those of us who were present to hear, shall I say, his jovial remarks

Sir Victor Sassoon (Bombay Millowners' Association: Indian Commerce): Jovial! Very serious. !

Mr. Sarabhai Nemchand Haji: Very well—serious remarks—I should like to remind the Honourable Member of what he said: he said that if the opinion of the Millowners Association had been that they approved of the principle of the Bill, he would have voted for my motion

Sir Victor Sassoon: I never said that.

Mr. Sarabhai Nemchand Haji: I knew the Honourable Member would make that statement. I have got with me the authoritative report. Sir Victor Sassoon speaking on the motion to refer the Coastal Reservation Bill on the 20th September 1928 said that some people in his Committee were anxious that the Committee should commit itself to supporting Mr. Haji's Bill. "My Committee refused to do so"—this is what Sir Victor Sassoon said—"and so the suggestion was then made that it should commit itself at any rate to approving the principle of the Bill and with one dissentient voice the Committee turned it down and merely said that it would approve the principle underlying the Bill". So I take it

Sir Victor Sassoon: That my constituency and I agreed.

Mr. Sarabhai Nemchand Haji: Are you with me?

Mr. President: Order, order.

Mr. Sarabhai Nemchand Haji: The only ground, however flimsy, on which it is possible to understand the opposition of the Honourable Bombay Baronet against that motion in September last can be arrived at in his own words. This is what he said, and that is what most of us understood him to say, that if his Association had said that they approved of the Bill then he would have voted for the motion, but as they said they approved of the principle underlying the Bill he was justified in opposing it. Anyhow, I do not want to go into the details, but I should like to leave Sir Victor Sassoon to his conscience and to the opinion of his Association, which is contained in these papers. Sir, The Mill Owners' Association said as follows:—

"While my Committee are in entire agreement with the principle of the Bill, it is thought that its details will probably need some alterations and amplification before they prove an effective safeguard."

The words here are "My Committee are in entire agreement with the principle of the Bill". The motion to-day amounts to this that this House do commit itself to the principle of the Bill and send it to the Select Committee in order that necessary modifications may be made there. Of course, it would be possible for the Honourable the Bombay Baronet to find out some reason

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): He is supporting you.

Sir Victor Sassoon: I do not object.

Mr. Sarabhai Nemchand Haji: If I should get his vote in favour of my effort, I should consider myself fortunate, and should he vote with me he would be doing so not only for himself but also according to the desires of the Association of which he is such a distinguished Member.

But, Sir, we find on a perusal of the opinions on this Bill, that even some of the Governments of Provinces and Chief Commissioners of big Divisions are all in favour of this measure. I know, Sir, that all of them have found themselves unable to agree with the details, but I will just mention the names of some of the Governments that directly or indirectly in some way or other bless the general tenor of the Bill, and among these Governments I may mention the Governments of Assam, Bihar and Orissa, the Punjab, United Provinces and Bombay. With regard to Bombay, Sir, with your permission, I should like to draw the attention of the House to the Minute of Dissent which they have sent while expressing their opinion on this subject; out of the four Executive Councillors in Bombay I have got here the support of two Members, and they say that they are in favour of the principle of the Bill though some details require modification. This being the case, Sir, I do hope that the Government of India will consider from their own point of view the advisability of supporting the motion that I now make. The more so, Sir, because, as we are all aware, the Honourable the Commerce Member—at least so I understood him—accepted the motion, perhaps under certain reservations

The Honourable Sir George Rainy: What motion?

Mr. Sarabhai Nemchand Haji: The motion of Mr. Neogy about the Inland Steam Navigation Bill.

The Honourable Sir George Rainy: Government accepted the motion to refer that particular Bill to the Select Committee.

Mr. Sarabhai Nemchand Haji: Thank you, Sir. One of the items under that particular Bill was and is the question of deferred rebates. In that Bill, Sir, the Government have swallowed how many things. The question of rates, rebates, minimum and maximum rates under reservations and so on. Now, Sir, when I ask the Government for their approval of this motion which refers only to Deferred Rebates, one out of the four big things which Mr. Neogy asked for, and which the Honourable the Commerce Member agreed to, I trust I shall get his support, which is due to this small measure. It is not only, Sir, that the Association of Indian and European Merchants are opposed to the Deferred Rebate System but we find that in some of the modern countries, definite legislation has already been put on the Statute Book against the operation of this system in the trades that they control. In the United States of America, in addition to the State Laws which, as Honourable Members are aware, are very strict against monopolies, they have definitely made the deferred rebate system illegal by the Merchant Shipping Act of 1916, which was later amended by the American Marine Act of 1920. In France, Austria and Germany before the war, the system was rendered ineffectual by special or general laws or by case law. Sir, even within the British Empire itself, in Australia, the Industries Preservation Act of 1906-10 makes the use of the rebate system illegal. In South Africa they have tackled the problem in an indirect manner. There they have passed a law under which no shipping Company that operates the deferred rebate system will be entitled to carry the mails of the South African Government. The Act in question is called the Post Office Administration and Shipping Combinations Discouragement Act of 1911, and it says this:

"Provided that no ocean mail contract will be entered into with a party that gives any rebate upon condition of the exclusive shipment of goods by vessels of particular lines."

This Act was so efficacious that the shipowners have had to enter, since the passing of the Act, into a more equitable by-lateral arrangement with the shippers under which both the shipowners and the shippers have mutual privileges and obligations. Lastly, Sir, the deferred rebates system results, and is intended to result, in the creation of a monopoly and I feel that even on this general ground, we are entitled to oppose the operation of that system. Sir, if I may, I will just quote a statement I made before the Indian Mercantile Marine Committee in this connection. I stated:

"Water transport in modern times, largely conditioned by the laws of joint cost and increasing returns, is peculiarly amenable to large scale production. To prevent such economic evolution is neither necessary nor desirable. If, however, large scale production leads to a complex organization emerging in a monopoly, it is time for the Government to take notice of its existence and if necessary to control its activities. A monopoly requires a cautious watch, a foreign monopoly requires a vigilant watch; a foreign monopoly thwarting indigenous enterprise deserves immediate abolition."

It has been the experience of the people of this country that powerful non-Indian interests have, by the use of the conference system and the deferred rebate method, prevented the entry of new Indian shipping companies in large numbers. Moreover, not only have they penalised the Indian shippers, but they have done incalculable harm to the trade of this country. It is with a view that such harm may not be done in future that I make my motion. Sir, I move.

Sir James Simpson (Associated Chambers of Commerce, Nominated Non-Official): Mr. President, I regret to have to oppose this motion and this Bill. I say regret, Sir, because I know beforehand that my opposition, and the opposition of the interests which I represent here, has been condemned already, so to speak. The Honourable Mover did so while he was speaking and I have no doubt many Honourable Members opposite will consider our opposition insincere, if not actually dishonest. It has become the fashion of late, Sir, for non-commercial Indian politicians to characterise British merchants as foreign exploiters, not only for their own selfish ends and oblivious or blind or worse to the real economic interests of India. That, Sir, is where the regret comes in, because we are convinced that our opposition to this particular measure and to similar legislation is conceived, not in our own interests, but in the highest interests of India's trade and commerce. It is not legislation such as this, Sir, that has brought India's commerce to the fifth place in the whole world as it stands to-day. On the contrary, I hold that it is legislation such as this and the other two measures that the Honourable Member referred to, the Coastal Reservation Bill and the Bill to amend the Indian Steam Vessels Act, that endanger the position of India's trade and commerce. It is co-operation that is required to-day for India to continue to occupy that place and not discrimination, which will ruin it. Mr. President, things are not always what they seem, and this Bill is one of those things. I admit that it is not such a bad Bill as the former Bill that was introduced and has been before the country for five years. The present Bill drops the clauses dealing with the question of maximum and minimum rates, and I welcome the exclusion of that very vicious and bad principle. That principle obtains in the Inland Steam Vessels Amendment Bill that we discussed last week, and which you will recollect, Sir. I refrained from speaking at length upon. The other day, in his long speech, our friend Mr. Ranga Iyer referred to the Defence of the Realm Act, "DORA", as it is called in Britain. That Act is in the last stages of being abolished, and the trade and commerce of Great Britain are welcoming freedom from Government control, interference and trammels. Here the selfless patriots of India are trying to enmesh themselves, give themselves over bound hand and foot in Government control and interference. I do not say this particular measure goes as far as that, but there is sufficient Government interference and control of trade and commerce in this Bill to warrant my opposing it on that ground alone. I want emphatically to warn the House against the dangers of inviting Government interference and control of trade and commerce and private enterprise. I will not follow the Honourable Mover in his references to the opinions evoked by this Bill. I noticed one Honourable Member opposite was feeling very like myself that he only got these opinions last night.

Mr. President: Order, order. Honourable Members know very well that these opinions were supplied to them during the Simla session. It was for the second time that copies were supplied to them yesterday.

Sir James Simpson: Yes, Sir, those opinions were recorded five years ago. I have them in an old file here, and while I will not traverse all that the Honourable Mover has said in giving opinions against the deferred rebate system, I would just like, with your permission, to read a few short extracts which are in favour of the system which is well known to trade and commerce and has been tried and, I maintain, not found wanting, over a long series of years. The Honourable Mover said that the matter has been inquired into by a Royal Commission. Let me read, Sir:

"It has been inquired into by two Royal Commissions within recent years. These included representatives of both shippers and shipowners. They examined a large number of witnesses representing shippers and shipowners drawn from all parts of the British Empire. The general conclusion arrived at was that, in order to ensure a regular service at regular rates over a period making modern business possible, there must be some tie between the shipowner and the shipper, by which the latter, in return for such services, undertook to confine his shipments to the former. The deferred rebates system appeared to these committees to be the best system available in the interests of both parties. The principal advantages of the deferred rebates system are:

1. It secures regular services at rates fixed for a period, rendering forward business possible.
2. It ensures that, at a time when there is a strong demand for tonnage, as in the case of a famine, the shipper will not have the freight market put up against him.
3. It secures to the shipper a regular supply of tonnage at times when it would be more profitable to the shipowner to divert his tonnage to other trades.
4. It gives the shipowner the security as to support, which enables him to sink capital in ships of a type suitable for a particular trade with a view to developing that trade.
5. It protects the small shipper as he gets tonnage at the same rate as the large shipper, the terms of the contract as to freight, etc., which are known, being the same for both.

It is true that at times a shipper not bound by contract might get cheaper tonnage, but on the other hand, when tonnage is scarce, he is at the mercy of the market as to rates, and may in fact be unable to get tonnage at all.

It is said that the deferred rebate has been used to keep Indian Companies out of the coasting trade of India. This is true, but it has not been used against them because they are Indian Companies, but because they are breaking into a trade which has been built up by British Companies during the last 55 years. These Companies have taken all the risk entailed in sinking capital in ships and building up the trade, and they naturally defend it against outside Companies of whatever nationality, which, having waited until the trade has been developed by others, have tried, after it has been built up and there is no risk in entering it, to force their way into and obtain a share of it. These British Companies have been given no monopoly as is so often stated. They took up the trade when no one else thought it worth while to do so, and have developed it. They have taken all the risks and naturally desire to protect themselves against others who have taken none of the risks and desire only to share in the profits.

It is not suggested that the rebate system benefits the shipper only. It benefits both the shipper and the shipowner, and it makes trade conditions more stable as it eliminates the factor of violent fluctuations in freight either way. It has the advantage of being in the open. If it did not exist there would be nothing to prevent secret agreements between shipowners and shippers in which large shippers would have a great advantage over small shippers."

These, Sir, are the practical business like advantages, against the purely theoretical and political advantages and reasons advocated in favour of this Bill, and it is because of these practical and business like advantages of the deferred rebate system that I strongly oppose this Bill.

Mr. W. S. Lamb (Burma: European): Sir, I rise to join with my Honourable friend, Sir James Simpson, in opposition to this Bill, and I do so because I think the Bill is against the best interests of shippers and shippers alone. Perhaps, before I come to the remarks I have to make, I might say that I have no interest in the matter either as a shareholder or as an agent in any way whatever.

Now it appears to me that there is a plain issue before the House, and it is not whether or not we should have deferred rebates, but whether the Indian-controlled Mercantile Marine is to be forbidden by law to be under obligations to anybody except their own shareholders.

The principle of this Bill, Sir, so far as I can see it, is that in the coastal traffic in India there will be no tie of any nature whatsoever. The Honourable Mover did not actually address himself to the question whether there should be ties, but he recited the history of early happenings and asked us to believe that, when there were no rebates of any kind there were regular sailing, there were stable freights, etc. And perhaps he thinks that the business can be done and should be done without any ties.

Now I should like to refer him and the House to the final Report of the Imperial Shipping Committee on the Deferred Rebate System. On page 18 it is stated:

"We have carefully considered the question of the necessity for a 'tie' and it appears to us that there is a clear mutual obligation—the shipper wants the ship on the berth without fail and the shipowner wants the goods on the berth without fail. Hence we find that it is necessary for the Conference to have some assurance of continuous support from shippers such as will constitute an effective method of preventing intermittent and irresponsible competition for berth cargo by outside ships."

That is from the Imperial Shipping Committee on this particular question.

Mr. Sarabhai Nemchand Haji: Does the Report not state that the deferred rebate system is open to objections?

Mr. W. S. Lamb: I am coming to that. That is the view of the Imperial Shipping Committee.

My Honourable friend, Sir James Simpson, has told us the advantages, the undoubted advantages, there are in the deferred rebate system. You have regular steamer trade, you have ships coming and going in the manner to which shippers are now accustomed. You have the fact that all shippers, whether big or small, will be treated alike. You have also the decided advantage that you know positively that shipowners will not fill up their own ships with goods and so compete with the shippers. The effect of this Act, if it is passed, into law, will be that, with a properly constituted Indian-controlled Mercantile Marine, the only obligations of the shipowners will be to their own shareholders. The shipper will have no guarantee that there will be any ships at all. If there are ships he will be as free as air to ship how he likes, just as if he owned the ships himself. But under this measure, it is by no means certain that there will be any ships, so

[Mr. W. S. Lamb.]

that what it amounts to is this, that assuming the Coastal Traffic Bill is accepted, and that this further one before us also succeeds, you will have the worst kind of monopoly. By this measure Indian shippers will be entirely in the hands of the Indian Mercantile Marine. There will be no opportunity for shippers to ship by any other line, and if trade becomes depressed after these Indian ships have been established, there would be nothing to prevent them from leaving the coastal traffic and seeking other places where they could secure better and more profitable freights.

On the other hand if this Indian-controlled Mercantile Marine is not constituted and conditions are very much as they are at present, you will have a different kind of situation, and with regard to that I will quote again from this official Report of the Imperial Shipping Committee:

"It is also clear that if a trade becomes open to competition by outside ships, the cutting of rates becomes a normal operation and all stability is destroyed. This would render it difficult for shippers to make forward contracts with any degree of certainty, and would introduce that speculative element which is detrimental to modern commerce and which shippers desire to avoid. Further, individual lines, anxious to secure their own positions as far as possible, would gradually be driven to make preferential contracts with customers controlling large amounts of cargo, and such contracts would naturally give a large merchant considerable advantage over his smaller competitors."

That is the opinion of the Imperial Shipping Committee on deferred rebates. That describes the situation if this Bill is passed and goes into law before there is constituted an Indian-controlled mercantile marine. That is the position, Sir. It is perfectly true, as the Honourable Member reminded me, that this Imperial Shipping Committee declared there were objections to the deferred rebate system. They considered another system in the nature of an agreement which was in operation in the South African trades. They have also taken objections to that system of agreement. But they say that they were convinced that there must be "ties" and that what they would suggest to meet the situation would be that each shipper should be given the option, if he so desired, to come to an agreement based on the South African agreement system or that they could at the same time continue the deferred rebate system. Therefore, I suggest that that is a reasonable recommendation for us to consider. The Fiscal Committee, in 1921-22, discussed the matter of freights and suggested that the Government should undertake investigations into the question of rates and rebates. They have not done so. But whether they are right or wrong in delaying the matter, the fact remains that, at the present moment, notwithstanding what has been said by the Honourable Member, in the face of what you know has happened elsewhere, and in the face of what would certainly happen if shippers were left in the hands of owners, the fact remains that there is nothing to justify passing this Bill. If it is clearly understood that the effect of the Bill will be that the shippers would be wholly in the hands of those who have a monopoly in shipping in Indian-controlled vessels, if it is remembered that these shipowners will have no obligations beyond their own shareholders, if this is borne in mind I think the House will show its disapproval by throwing out this Bill.

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): Sir, I rise to support the motion of my Honourable friend Sarabhai Haji. This House, Sir, having, by a record majority, pledged itself to the principle of the Coastal Reservation Bill, it is only right that it should agree to pass measures logically arising out of it. In order to

supplement the Coastal Reservation Bill, it is of utmost importance that this Bill also should soon become law. One of the means, and the most deadly and effective of them all, by which the alien monopolists of the Indian Coastal trade, have stifled the birth and expansion of indigenous competition, has been through the operation of the immoral, I had almost said, scandalous, system of deferred rebates. Like opium gangs and other similar rings the close combines euphemistically called Conference Lines, have debased coastal trade into another traffic in a vicious circle. Sir, the system of deferred rebates has operated as a menace, as I have said, to the development of Indian shipping, and what is more dreadful, it particularly ruins the prospect of smaller shipping companies ever rearing their heads. This Honourable House would nullify its own vote if, after passing the Coastal Reservation Bill, it does not also take steps to prevent powerful Indian companies from pursuing the same objectionable tactics that their British models are doing today. The comparison that I have instituted between the present method of coastal trade and traffic in vice is very close. I say so, Sir, because the system of deferred rebates means holding shippers in perpetual bondage by the exploitation of their cupidity. An objection was heard in this House, Sir, when my Honourable friend Mr. Haji's motion to refer his Coastal Reservation Bill to a Select committee was debated, that one of the most formidable dangers that would arise from the passage of his measure would be the concentration of the attention of the Indian shipping lines on a few major ports. The Honourable Mr. Haji however took very good care to counter that argument by pointing out that it is today that that unfortunate state of affairs prevails and it is due wholly to the existence of a monopoly in the coastal trade. It is clear therefore, Sir, that the minor ports and the non-seasonal trade must continue to suffer if the present monopoly is simply replaced by an indigenous variety of it. I do not pretend, Sir, that some of the Indian shipowners are more angelic than their British confreres and will, out of their overflowing charity, go out of their way to make rivalry more easy, and thus the curtailment of their own profits more certain. They will behave in identically the same way as happens now. And they will have the benefit of the experience and success of their predecessors in exploitation. They will employ big tonnage, concentrate on the more profitable ports, and save themselves the worry of serving other trade. The development of smaller shipping companies therefore, as this House will see, is of paramount urgency. That can only be done if the law steps in to prevent improper competition and protects the small company against the rich. I congratulate my Honourable friend, Mr. Haji, who I see is not here now, on his having come forward with the logical corollary to the Coastal Reservation Bill. On the floor of this House, the unfortunate suggestion was made that he was interested in a particular shipping concern and that his Coastal Reservation Bill was intended to promote an indigenous monopoly. His motion today however, is an effective answer to that unbecoming accusation. He has more than amply justified his Bill for the Reservation of the Coastal Trade by bringing up the Deferred Rebates Bill thereby seeking to prevent monopoly, Indian or alien. In the interest of the healthy development of indigenous coastal traffic, this House must pass this motion.

Sir, I support the motion.

Mr. C. Duraiswamy Aiyangar (Madras ceded Districts and Chittor: Non-Muhammadan Rural): Sir, it will almost be surprising that one who

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is not in the line, neither as a shipowner nor as a shipper but one who has spent most of his life in a court of law, should rise in support of the Bill which has been brought forward by my Honourable friend Mr. Haji.

Sir, this Bill and the Coastal Reservation Bill were both born as twin sisters, but were immediately handed over to bottle nursing without the advantage of the mother's breast; and I am glad, Sir, that during the last three years, my Honourable friend Mr. Haji has taken to his own bosom his two children. During the stage of that wet nursing I had my own humble duty to perform, to sit at least at times by the side of the cradle. Now, Sir, I am glad that these two children of Mr. Haji have well developed, and I hope we will very soon find them very vigorously working as well built adults in this country.

Sir, among the several criticisms that have been received to the former Bill of Mr. T. V. Seshagiri Ayyar, I have found several persons wishing heartily to kill these Bills; but at the same time they are very exuberant in their sympathy and exuberant in their eloquent expressions for the growth of the Indian mercantile marine. The more determined a man is for killing the Bill, the more exuberant he has been to bestow his hearty wishes for the growth and development of the Indian mercantile marine. I have been unable to reconcile both these and I am unable to see how these two processes can go on hand in hand. To-day, Sir, I am surprised to find my Honourable friend Sir James Simpson introducing a political element and a political colour into this Bill, a Bill which has been moved in a very calm manner and in a very businesslike manner by my Honourable friend Mr. Haji, and I expected a similar reply from Sir James Simpson. On the other hand he seeks to introduce into this an element of politics, and thereby wants to create an atmosphere around it in order to get the sympathy probably of those who sit on his side and think like him. Perhaps Sir, this is not the first occasion when such an attempt has been made, as I find from among the criticisms that have been offered on the Bill of Mr. Seshagiri Ayyar, a letter from the Secretary of the Bengal Chamber of Commerce to the Secretary to the Government of Bengal, Marine Department, wherein he says:

"Every newly established owner will however want to attract them somehow; and, so far as the Committee can see, there is nothing in the Bill to prevent his using means that will be far more objectionable than the charging of low freights. And it is only reasonable to expect that, if shippers are to be denied the advantages of competitive rates, they should also be protected against pressure being brought to bear upon them by political or social boycott, or by the force of religion or other means tending to compel them to ship by a particular Line or Lines."

This has been hinted at by that gentleman then, and it is probably echoed by the Honourable Sir James Simpson to-day. I do not really see, at this particular moment, what political connection there is between this Bill, which is intended purely to develop a mercantile marine in this country, and has absolutely nothing to do with boycott and politics. But, Sir, a stage may come when it may be necessary even to boycott the foreign ships, relying upon the strength of the Indian ships, and we will not then hesitate to make even a political use of such a situation. But this opportunity will come only when we have all the necessary conditions, and I am surprised, therefore, that my Honourable friend Sir James Simpson should have introduced it at a time when my leaders on this side are not here to cross swords with him.

Now, Sir, among the criticisms, I also find that many do object to the various details of the Bill. Some have condemned the Bill as the worst drafting they have ever seen—probably they are not aware of even worse drafting coming even from the Government Benches—but on the other hand, there are persons who commend the principle and at the same time condemn the details. But, Sir, this is not the time for us to go into this class of criticisms, and it is quite a sufficient answer that was given by my friend Mr. Haji, that this Bill may be referred to a Select Committee, where it may be amended and the clauses also may be put into proper shape. But there is one point, Sir, I want to refer to at this stage, and that is, that there is, in some of these criticisms, a constructive suggestion to replace the control of the Governor General in Council by that of some statutory bodies as we find in the United States of America. This is the first time that the European Bench and the Commercial Bench have lost all confidence in the Governor General! They are prepared to appreciate the powers of the Governor General in Council in the matter of deporting people without trial; they would rely upon his competency in the matter of condemning people unheard; but when a question comes up about settling the point as to whether a particular agency or a steamship company is carrying on any unjust transactions by iniquitous methods in order to kill Indian enterprise, then they think it is not competent for the Governor General in Council to judge all these matters and decide, but that there should be a special tribunal. They even recommend the High Courts of Calcutta, Madras and Bombay in preference to the Governor General in Council in a matter like this; but they would not think of these High Courts when the question of the Public Safety Bill comes up or any deportation Bill comes up. Sir, as I said, it is not necessary that we should go into these details at present; but so far as the principle of the Bill is concerned, it cannot be doubted for one moment that the principle is very good, and it has been found good in various other countries. Sir James Simpson today congratulated Mr. Haji on his having omitted some of the clauses from the previous Bill, that is the Bill introduced by Mr. Seshagiri Ayyar, and I am sorry that my Honourable friend Mr. Haji also put it in a sort of apologetic tone to this House that he has taken care to omit some of the clauses which appeared as a red rag on previous occasions, notably the clause relating to the fixation of minimum and maximum rates. I am sorry, Sir, I cannot agree with Mr. Haji in his omission of these particularly important clauses, particularly in view of the fact that British steamship companies which have established a repute of strength, as they call it, are now trying to kill and bring down Indian infant companies by a rate-war. As I was coming to Delhi, two pamphlets were put into my hands at Samalkot, two pamphlets printed in Telugu, intended for being read by the masses. They are intended as a crusade against a petty infant concern started by a Muhammadan capitalist in Bengal, I understand. Sir, of the two pamphlets that I have in my hands, one is a decent pamphlet canvassing passengers for the British India Steam Navigation Company, and it starts with a big illustrated diagram of a nice steamer which they own, and calls upon people to resort to that steamship company for transport purposes. It also gives the tonnage, the carrying capacity of the steamship, the names of the ships, S.S. "Cocanada" and S.S. "Chilka," and this is subscribed to by three gentlemen who call themselves the "B. I. S. N. Co., recruiters." Side by side with that, Sir, we find another pamphlet, printed by the same press at Cocanada, which is anonymous and which is full of the most despicable Billingsgate

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language, in order to encourage the people to go to the British India Steam Navigation Company and kill the other small company which has been started by a Muhammadan gentleman recently. I do not wish to take the time of the House, nor is it even decent for me to quote or to translate to this House the whole of this worthless and despicable pamphlet; but I would read out from it only one sentence. I shall read it in Telugu first and then give the substance in English:

"Para purushudi thaggaraku vellithēy pancha bhakshya paramānnālu pedathā-dugathā! Avi āsa padinālu ippudu kothagā vechi kalla bollikaburlu cheppāy kotha-cum-peny steamerlalo ekkadum munchithē kāthugathā? Kothamagadu ragassumannā-lā pedathādu. Aāyini pomundā antādu! Aāmostharugāne charteru anagā ennāttu ākotha compenēvāttē steameru atheku puchchu kunnāsō annāttu elō mayakaburlu cheppi ā tharuvātha kattū cheythulu challapadi thellamohamvēsi chathikilobadathāru. Appudu mattee pāthamagadu Kosum thiriginattu B. I. Company ādalakōsum prardhin-chavalasi vasthumthe."

Sir, I shall now give the substance of it in English. It is to the following effect:

"Just as women seek paramours in the desire to get rich and sumptuous meals, it is not proper to get into new steamers believing the lies uttered and the inducements offered. The new husband may keep you as long as he has his youth, and then drive you away. Similarly when the chartered period for the new ship is over you will be driven back to the old husband the B. I. S. N. Co."

This is by a company which calls itself a company of eighty years' standing, a company of repute; and is this the manner in which it has to canvass passengers? And I am told, Sir, that it is competing with the small steamship company by taking passengers at lower rates, sometimes at very cheap rates, and sometimes freely, and sometimes even by offering presents, not of handkerchiefs which Mr. Haji read out to this House a few minutes ago, but in ways more despicable than that. I am sorry, Sir, that this kind of line is to be adopted by the emissaries of a respectable company, and yet my Honourable friend Mr. Haji is prepared today to omit a clause regarding the fixation of maximum and minimum rates. I therefore appeal to this House to send this Bill to Select Committee with power even to add the clause which is not there: I am sure, if the principle is once accepted, any clause which may be thought necessary to carry out that principle can be added by the Select Committee, and I hope Honourable Members of this House will take this point particularly into consideration and give their hearty support to the motion made by my Honourable friend Mr. Sarabhai Nemchand Haji.

The Honourable Sir George Rainy: Member for Commerce and Railways): Sir, my Honourable friend Mr. Haji described this Bill as being complementary to his earlier Bill, now before a Select Committee of this House, for the reservation of the coastal trade. I have found a good deal of difficulty, after listening to this speech, in determining in exactly what sense he regards the one Bill as complementary to the other. When the original Bill—or rather, the predecessor of this Bill—was introduced in the first Assembly by Mr. Seshagiri Ayyer, it was made plain in the Statement of Objects and Reasons—and I think in the preamble—that its primary object was the building up of an Indian mercantile marine.

I think also that in the Statement of Objects and Reasons and in the preamble of the present Bill it would be true to say that all the emphasis is laid on that side of the case.

Now, if the object of this Bill is to be taken to be the building up of an Indian mercantile marine, then we are in this difficulty, that, so far as this House is concerned, the House has expressed its opinion that the proper way to provide for the building up of an Indian mercantile marine is by the reservation of the coastal trade. If that be so, if we are to provide for our object by direct means, it becomes unnecessary and superfluous to provide for the same object by indirect means. I do not wish to be misunderstood. I made the attitude of Government on that Bill plain when I spoke on it in this House, but the House having accepted the principle of that Bill, so long as it is at its present stage, it seems to me to block the way, and to rule out other measures proposing to attain the same object by indirect means.

My second comment on this Bill is that, if its object is the building up of an Indian mercantile marine, it is ineffective for its purpose; and I should like to explain why I think that it must be so. In the first place, my Honourable friend Mr. Haji would be the first to admit that the existence of the deferred rebate system has not prevented the admission of an Indian company to the Coastal Trade Conference. It is evident therefore that it is possible, without abolishing the deferred rebate system, for an Indian company to establish itself. In the second place, the instance quoted by my Honourable friend this morning seems to be dead in the teeth of his own argument. He referred to the case of an Indian firm which had started a goods and passenger service between Rangoon and Chittagong, and he said that the firm was in danger of extinction owing to the rate-cutting competition of the British India Company. Well, if I have understood the facts correctly, the existence of the deferred rebate system did not prevent that firm from starting its service, and the existence of that system was not sufficient to enable the British India Company to prevent its carrying on its business, and for that reason it found it necessary to start a rate war. That, I think, is the inference to be drawn from the facts as stated by my Honourable friend. But this Bill will do nothing to stop rate wars. Mr. Seshagiri Ayyer's Bill would have, or might have done so, because that Bill included provision for the imposition of maximum and minimum rates, and in the Statement of Objects and Reasons it was specifically stated that one of the objects of the Bill was the prevention of rate wars by common carriers engaged in the coasting trade of British India. Now, Sir, the preamble to the present Bill does not contain these words, and the Bill does not contain the clauses providing for the imposition of maximum and minimum rates. Presumably, therefore, these words and these clauses were deliberately left out by the Honourable Mover of the Bill, and the object he has in view, is more restricted than the object which the original Bill was designed to attain. That, therefore, is my second criticism of the Bill, that, in so far as its object is to build up an Indian mercantile marine, it is likely to be ineffective for its purpose.

My Honourable friend, Mr. Vidya Sagar Pandya, in his speech, explained in what sense this Bill could be regarded as complementary to the previous Bill introduced by my Honourable friend Mr. Haji,

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namely, that since it has been urged that the reservation of the coastal trade for Indian vessels might lead to the establishment of a monopoly quite as dangerous and quite as injurious to trade as any monopoly that exists at present, since that had been argued, Mr. Haji had made perfectly plain that this was not his object, or the object of the Company with which, I understand, he is connected, and that the abolition of this system of deferred rebates would be just as necessary if the coastal trade were reserved as it would be if that trade is not reserved.

Now if that is the position from which we are to argue, if we are to proceed on the assumption that this Bill is a desirable Bill, even though the coastal trade is to be reserved for Indian vessels, my first criticism would be this, that I think we want a great deal more discussion of the economic facts of the situation before the House commits itself to the principle of the Bill. I have read through the opinions received when Mr. Seshagiri Ayyer's Bill was circulated, and what interested me most was this, that those bodies or associations or individuals who might be considered as speaking from the point of view of the shipper and who supported the Bill, did so, so far as their expressed opinions were concerned, almost entirely from the point of view of building up an Indian mercantile marine. There was very very little said indeed on the

1 P.M. purely economic side as to the effect which the abolition or the retention of this system might have on trade. In fact there was only one sentence that quite definitely gave an opinion on a purely economic question, and that was in the opinion expressed by the minority of the Bombay Chamber of Commerce, who held that advantage had been taken of the system in the past to fix freight rates higher than were necessary. Now, Sir, it seems to me that the economic side of the question was unduly neglected when the Bill was circulated, and this is natural enough for it is easy to understand that the question of building up an Indian mercantile marine is a matter likely to attract far more attention and far more interest than the somewhat dry and difficult economic details of a system like the deferred rebates system. But if we are to put aside the more popular and patriotic aspect of things and discuss the Bill on the basis of what is good for Indian trade, once the coastal trade is reserved for Indian vessels, then I do think that the question requires a great deal more discussion from the economic side than it has yet received. My Honourable friend, Mr. Haji, remarked that he had always made a point of this, that there was a great part of the coastal trade of India where what was required was not a regular service of large vessels, but a frequent service of small vessels. If he was referring to the west coast of India, right down to Malabar, I should be inclined to agree with him. But I should like to point out to him that so far as my information goes the deferred rebate system is not in force in connection with the Malabar ports. Therefore the abolition of the system would produce no change so far as that area is concerned. Whereas on the other hand, in the case of a trade like the trade between Calcutta and Rangoon, it might be of great importance for the maintenance of a regular service—assuming that the trade was reserved for Indian vessels—it might be of great importance that it should be possible for the shippers and the shipowners by agreement in one form or another, to provide for a tie

between them so that a regular service could be maintained. My Honourable friend, Mr. Haji, said that there was no regular service of that kind maintained except in connection with passenger steamers. Well, Sir, that might be a point for investigation. But I cannot help thinking that the probability that a regular service can be maintained will be very greatly increased if, in addition to the passenger service, the shipowners were in a position to rely on getting a regular shipment of cargo on the days on which their ships sail. For practical purposes, the one thing is a corollary to the other, and if the shipowner is to start his ship on a fixed day at a fixed hour, then he on his part will require that the cargo should be waiting for him, so that he can get it on board at once, and will not frequently have to sail with an empty ship so far as cargo is concerned.

My Honourable friend, Mr. Haji, did not dwell at any length on the detailed provisions of his Bill; and I was not surprised at his reserve on that subject. When the Bill was originally circulated in 1923, the various clauses of the Bill incurred a good deal of rather pungent criticism, not only those clauses which have been eliminated, but also those which are still retained; and I think in a case of this kind, when the author of the Bill, or rather the god-father of the Bill—because Mr. Haji himself was not the original author of this Bill—wishes to bring it forward again, the House is entitled to expect that some attempt should be made to meet the more obvious and damaging criticisms before the Bill is again brought forward. My Honourable friend, Mr. Duraiswami Iyengar, compared the unfavourable attitude of the European group to this Bill with the attitude they assumed on the Public Safety Bill. Well, Mr. President, it seems to me that the powers proposed to be conferred on the Governor General in Council by the Public Safety Bill are absolutely nothing compared with the powers which my Honourable friend, Mr. Haji, is prepared to confer upon the Governor General in Council by this Bill. I have been surprised not to see Members springing up from every part of the Opposition Benches demanding from Mr. Haji a solemn pledge that he will agree to judicial safeguards, to a Bench of three Judges and to various other precautions of that kind, because otherwise they would be unable to support his Bill. Now, Sir, what are the provisions to which I refer? I do not wish to go into great detail and I will deal with them briefly

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): You can suggest them in the Select Committee.

The Honourable Sir George Rainy: The Governor General in Council is given power to determine whether any person, joint-stock company, corporation or association engaged in the coasting trade of India has violated any provision of section 3 which is the main section of the Act, or is a party to any combination for that purpose. It is true that the Bill leaves resort to the Courts still open on this particular point. But it also puts in the hands of the Governor General in Council, after he is satisfied that the law has been violated, power to refuse such person, joint-stock company, corporation or association the right of entry for any common carrier, directly or indirectly under his or its control, into any port of British India. This is not a case of removing one or two persons and sending them home on a steamer; this is a case of refusing

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to admit steamers into any port of British India altogether. That seems to me a very extraordinary power to be conferred upon the executive; and the resort to the Courts may not be much of a safeguard because, before the Courts decide the question whether the decision of the Governor General in Council is correct or not, considerable damage and injury might be inflicted not only on the common carrier, but also on the passengers, presumably mostly Indian, whom it was carrying, and who would be denied access to their native country.

The other very summary power which it is proposed to confer on the Governor General in Council is this: he may by order disapprove, cancel or modify any agreement or any modification or cancellation thereof, whether or not previously approved by him, that he finds to be unjustly discriminatory or unfair as between carriers, shippers, exporters and importers or to operate to the detriment of the commerce of British India or to be in violation of the Act. That is a more sweeping power than, so far as I know, has ever been proposed to be conferred upon the Executive Government without any safeguarding clause whatever.

Now, Sir, I regard this matter as of some little importance. It is quite true that obvious defects of this kind can be put right in the Select Committee. It is true, that when the drafting of a Bill is imperfect, the task of drafting can be finished in the Select Committee; but my criticism of this Bill is that its drafting has not yet been begun. I do not think that there is one sentence in this Bill that would emerge from the Select Committee unchanged. It does not seem to me quite reasonable that the authors of private Bills should expect the whole of the work, which naturally falls on them to be done for them in the Select Committee. It is inflicting an unfair burden upon the officials and non-officials concerned.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Why was this procedure adopted with regard to Mr. Sarda's Bill? As far as I know, the whole Bill was re-drafted in the Select Committee.

The Honourable Sir George Rainy: I know the Bill to which my Honourable friend refers though I had not the privilege of being a Member of that Select Committee. I do not say that there may not be particular cases in which a procedure of that kind would be justifiable, but my friend Mr. Haji is rather making a practice of making his Bill undergo somewhat extensive revision in the Select Committee

Mr. A. Rangaswami Iyengar: We have no Secretariat.

The Honourable Sir George Rainy: I do not wish to weary the House with any prolonged disquisition upon the economic aspects of the rebate system. I quite recognise that a good deal has been said and can be said both for and against the system, but I do maintain that it is quite clear from the Report of the Royal Commission and from the Report of the Imperial Shipping Committee that, directly connected with the existence of the system, there are three distinct advantages, namely, the maintenance of regular services, the stability of freight rates and equality of treatment for all alike, that is to say, the big shipper and the small shipper,

are given exactly the same rates of freight. My Honourable friend Mr. Haji will not differ from me on the last point, because his own Bill contains provisions the express object of which is to prevent discrimination between the large shipper and the small shipper, a danger which he thinks is likely to arise if the deferred rebate system is abolished. But the main objection to this system, and my Honourable friend Mr. Haji has referred to it, is the fact that unquestionably it gives the shipowner a continuous hold over the shipper. Perhaps I may be pardoned if what I am going to say does to a certain extent repeat what Mr. Haji has already said. The system works like this. If at the end of four months, shippers have not shipped goods by any vessels other than those despatched by the members of a shipping conference, they will be credited with 10 per cent. of the aggregate freights paid on their shipment during that period, and this sum will be paid to them at the end of a further period of four months, but the shippers have to confine all their shipments to vessels despatched by the Conference. Now, the House will see that it means the shipowners have always at least four months' rebates in hand. That makes it very difficult for the shipper to break away from the Conference because, if he does so, he must sacrifice four months' rebates and the time when he can break away without loss never occurs. That is a feature of the system which tends directly to the creation of a monopoly, and some modification would clearly be desirable. Now, some sort of solution to this difficulty was found in the Straits Settlement Homeward Trade Conference, where an agreement was arrived at in 1911 by which the Conference undertook that, once in every three years, the overlapping rebates should cease, and the shippers should be free to leave the Conference without loss of rebates. I understand that this opportunity was given regularly at three years intervals from 1911 to 1920. Now, if anything similar could be arranged in the case of the Indian coasting trade, I think the main objection which my Honourable friend Mr. Haji has been able to adduce against the deferred rebate system would to a large extent be removed. The Indian Coasting Trade Conference includes, I understand, three companies, namely, the British India Steam Navigation Company, the Asiatic Steam Navigation Company and the Scindia Steam Navigation Company. I am in a position to say, Mr. President, that the first two of these three Steamship companies, namely, the British India Steam Navigation Company and the Asiatic Steam Navigation Company, are prepared to consider an arrangement of that kind; that is, they would be prepared to agree that the overlapping rebates should cease once in every three years in order that shippers might be free to leave the Conference without any loss of rebates. I have not consulted the Scindia Steam Navigation Company about that suggestion, but I have not the least doubt from the line which my Honourable friend Mr. Haji has always taken on this question that that company will be perfectly willing to enter into an agreement of that kind.

I hope that the House will consider well what I have said in this matter. On general grounds it is very undesirable, until the Coastal Reservation Bill is out of the way and it has been finally settled whether it is to become part of the law or not, that we should proceed with further legislation simultaneously on other aspects of the case, and since the main objection to the deferred rebate system will to a large extent be removed, so far as the coastal trade is concerned, by the readiness of the

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companies in the Conference to agree to this system by which it will be possible for shippers to leave the Conference without loss of rebate. I hope, Sir, that my Honourable friend Mr. Haji will not press his motion to a division today: If he does so, I can only make it plain that it will be necessary for Government to oppose it.

Sir Victor Sassoon: Sir, the constituency that I represent happens to be a mixed one, and therefore probably has the advantage of viewing these questions more particularly from the economic standpoint and not from the political standpoint, and therefore I propose to deal with this Bill from the former point of view. Honourable Members of this House should appreciate the point that the question of deferred rebates is not one which shipowners can force on their customers. Naturally some customers may prefer to have it, and as there is a distinct opposition in certain quarters to the deferred rebate system, we may also take it that another class of customer would prefer not to have this form of agreement. It will probably be found that among those who, like the large body of the members of my constituency, carry on their business at a large terminal port where one can generally count on a large and even flow of tonnage, whether regular or tramp, there is a general feeling of, shall we say, impatience at the system of these deferred rebates, because, as has been admitted, there is little doubt that some of the large lines do take advantage of the power which this system gives them to impose conditions on customers which are resented. Therefore those who are at a large terminal port and are not so dependent on a regular traffic, from say, one or two lines, are naturally more impatient and more anxious that there should be free competition, and therefore view any suggestion of disallowance of deferred rebates with sympathy. It may be a selfish point of view, and therefore when my constituency supports the principle of this Bill I must say frankly that we are not in the position of being hurt by it as may be those having to trade in smaller ports, or places round India which are not served by regular visits of tramp steamers, as well as the usual Conference lines. We prefer to have as much open competition as possible, and really, in view of Mr. Haji's other Bill for coastal reservation, it is rather attractive to feel, that the more or less monopoly, which it appears will be created under that Bill, might not have its path rendered too easy by allowing them to institute deferred rebates—another reason why I feel in sympathy with this Bill. But I am not here only as a representative of the Millowners' Association. I am here as a Member of this Assembly, and I therefore feel that I must, at any rate in argument, if not in vote, put forward the points of view of other parts of India as well as that of my own constituency. I do see that, if there were to be no deferred rebate system, and if there were no other similar system by which some agreement could take place between a group of shippers and some line of steamers, the group of shippers in a small port might find themselves suffering very severely by not finding tonnage to take away their goods when they want to remove them or perhaps not find sufficient tonnage, and they might find their cargo lying at the port for an indefinite period of time simply because the line of ships that used to serve that port find that they can make more money by taking tonnage from other ports. I therefore feel that there ought to be some safeguard by which the traders in these small ports can be assured of having some sort of definite service.

The House must not forget that, in return for tying shippers down under this scheme, the shipowners have got the obligation to run the ships to these ports whether any tonnage happens to be available or not.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore cum North Arcot): Is that a legal obligation on the part of the shipowner?

Sir Victor Sassoon: I do not say there is a legal obligation, but that is what they give to the shippers in return for this system.

An Honourable Member: Is a legal obligation laid down?

Sir Victor Sassoon: It may be done by a form of contract. If there were no form of contract and if these steamship companies do not give regular service, there would really be no point in anybody taking advantage of what was offered. It is no good offering me a rebate on tonnage if I am not going to be supplied with sufficient tonnage to take my goods away. My friend Sir James Simpson is an authority in these matters. I understand that, under the contract, the shipowner undertakes to supply the tonnage required for the trade, and if he cannot supply this from his own fleet, he must charter outside, and he has to take the risks of the market. In other words, there are two sides to this agreement. Now, let us assume that this Bill passes through, and let us assume that a certain group of traders come to some agreement and say to the steamship line: "You will run a regular service from this port to some other port, and in return for that we will ship all our goods which we have available by your line, because otherwise you will ask us definitely to say 'You will ship so many tons per month or per year' ". Of course that can be done if the shipper is in a position to contract with the shipowner and say "We will have so much cargo available at a particular time". That is a straightforward agreement. The rates will be fixed, the ships will come and pick up the cargo. But suppose the shipper says: "I know we will have about so many tons a season to ship, but we cannot definitely say whether they will come down from up-country by a certain date when the ship is waiting. What we ask you to do is to supply the tonnage and take our produce when it is there and take the risks of having to go empty if the cargo is not there. We in return will ship all our goods by your line, because we are assured of our tonnage". Surely, it is not unfair for the shipowner to say: "In case you fail to do this, there must be some fine", and this deferred rebate is really a form of fine. Something of that kind must be allowed. Are you going to say that these groups of shippers must not be allowed to contract in some form or another, in order to be assured of tonnage? Surely that cannot be the view of this House, because otherwise the unfortunate shipper will find that he is not getting the freight when he wants it. I hope too, that when this Bill goes into Select Committee, one thing at any rate will be done. That is, that the Select Committee will agree in this case, as in the case of the Select Committee on the Public Safety Bill, which has nothing whatever to do with this question, but has been referred to, there should be a time limit, because I should like to see how a Bill of this kind is going to work in practice. When all is said and done, Bills like this are not mere gestures. This Bill is going to affect the trade of the country. If it has a bad effect, I take it that the House does not want that bad effect to continue, because that cannot be to the advantage of the trade of this country. I take it that this Bill is not merely intended to benefit the Indian steamship lines. I take it that it is

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intended to benefit the trade of this country. I do not pretend to be an authority on these matters, because I have not had the training or the time to deal with it. I would therefore suggest that, if we are going to have a Bill of this sort, we should have a time limit in case it is found that it is a mistaken measure. On the other hand too, I do suggest that a large number of safeguards should be put into this Bill. I do not like to give the powers that are given here to the Government. I am surprised at Mr. Haji being so ready to give these large powers to the Government to interfere in the business in which he is interested. If I had anything to do with the steamship companies, I should be very nervous of allowing the Government—especially such a Government, (Laughter and Applause)—such powers. I am going to argue the point of view of my friends opposite: let us suppose that a new steamship company is started under the auspices of my friends on the extremist side, and let us say that sometime during their dealings, it is found that there has been a discriminating agreement. My friend, the Honourable Sir George Rainy, who is noted for his sense of humour, says "This contravenes the section of Mr. Haji's Act." He will then be able to say that this perfectly good *Swarajist* company shall not be allowed to put their ship's nose into any port in British India. Of course I don't know if that is what Mr. Haji wants. Perhaps it is a very subtle way to make sure that no new company finds its way to compete with him. I do feel that, from the point of view of my friends opposite, they ought to see that there are some safeguards, and very stringent safeguards, introduced in this Bill. My own personal view is that, as a trader having business in a terminal port, I can afford to take risks, which I might not perhaps be prepared to do if in a smaller port. If this Bill is going to affect any section of the business community detrimentally, it is more likely to do so in smaller ports. I do not want to oppose the Bill going to Select Committee, but I do feel, as a Member of this Legislature, that there should be very drastic changes in it before it is allowed to go on the Statute-book.

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.

Mr. President: The Assembly will now resume the further consideration of Mr. Haji's motion to refer the Bill to provide for the abolition of the deferred rebates in the Coasting Trade of India to a Select Committee.

Mr. Sarabhai Nemchand Haji: Sir, with your permission, I will now deal briefly with some of the points that have been raised in connection with this question of deferred rebates. I think it was my Honourable friend Mr. Duraiswamy Aiyangar who drew the attention of the House to the fact that some of the clauses in the Bill dealing with the minimum and maximum rates, which were present in the Bill introduced by the late Mr. Seshagiri Aiyar, were not to be found in this Bill. The reason why these clauses were omitted by me was that there was a consensus of

opinion against the principle, as also the drafting of those clauses. But I should be quite prepared, speaking personally for myself, to have these points of minimum and maximum considered by the Select Committee, and I hope they will emerge out of the Select Committee as part of the Bill. Attention was drawn by my Honourable friend Mr. Lamb to the fact that the Fiscal Commission did not express any opinion on the Bill, and the inquiry which the Fiscal Commission had asked the Government to conduct had not yet been undertaken. But, Sir, we have here the definite opinion of the Fiscal Commission to the effect that the system of shipping rebates is one of the strongest buttresses of monopoly, and if any thing more than this was required, it has been more than amply provided by the various opinions favouring this Bill and also in favour of the abolition of the deferred rebate system to which I drew the attention of the House this morning.

Moreover, Sir, the Indian Mercantile Marine Committee have also adverted to this question. They say with reference to the Licensing Authority, the institution of which they recommend, in condition 4 of the licensing clause that:

"The Licensing Authority may also be vested with power to take such steps, with the approval of the Government of India, as may be considered advisable to deal with deferred rebates, rate wars and any conditions which unduly put a restraint on trade."

These facts, Sir, show that, even in the opinion of the Members of the Indian Mercantile Marine Committee, the deferred rebate question was one which hampered the development of a national marine for India and should therefore be considered by the Government of India when the license was granted to a shipping company to ply in the coastal trade. As regards the details of the procedure by which the abolition of the evils of the system in the coasting trade of India is to be achieved, I think it will be quite open to the Select Committee to consider in place of Government control that I have suggested, control by a statutory body, as suggested by my Honourable friend Mr. Duraiswamy Aiyangar. Or the Select Committee might solve the whole problem on the lines of providing licenses for engaging in the coastal trade of India. These points of detail I am sure can be taken up by the Select Committee.

I will now come to the remarks that were made by the Honourable the Commerce Member. He said that he did not quite see how the Coastal Bill and the present Bill were complementary to each other. To my mind the co-relation is quite clear. With the aid of the Coastal Reservation Bill you get your development, however partial, of the Indian mercantile marine. But in order that that development of a national marine should not be synonymous with the development of one or two large companies only, but should allow of a normal development, whether of large ships, small ships, whether of small companies or large companies as required by the economic conditions of trade, it is necessary that this rebate system should be abolished. That is the reason why I want the deferred rebate system to be abolished side by side with coastal reservation, so that a proper national shipping might develop in the economic interest

[Mr. Sarabhai Nemchand Haji.]

of this country. The Honourable the Commerce Member further asked, why employ both direct and indirect methods at once? I am rather surprised at that charge, because I claim that both the Bills are examples of indirect methods. Direct methods, so far as I know in shipping literature, are generally said to consist in the payment of mail subsidies, in the payment of construction subsidies, in the payment of navigation subsidies and so on. The abolition of deferred rebates and the reservation of coastal trade and similar methods are indirect methods of developing national shipping and I claim that these two indirect methods are necessary in order that we might get an early realisation of our hopes that at least the coastal trade of India should be properly served by vessels owned and controlled by Indians. The Honourable the Commerce Member further stated that, after all, the deferred rebate system was not quite so bad. Had it not allowed one Indian company to get into the Conference line? But, Sir, he forgets that, as against that one Indian shipping company that has got into that Conference line, there are 25 and more Indian shipping companies that have been destroyed in the past by the non-Indian monopoly. What about the Indian capital of almost ten crores of rupees that has been wasted, lost for good, because the deferred rebate system has crushed new Indian liners attempting to enter into the coastal trade? That is why I feel, Sir, that we should have this system abolished, if we do not want to see repeated the experience of the past in connection with the entry and continuance of new Indian ships in the coastal trade. Moreover, Sir, I think it was the Honourable the Commerce Member who said that the economic side of this deferred rebates question was not discussed by the witnesses before the Indian Mercantile Marine Committee, which also had not paid any attention to the economic side of this question. I am rather surprised, Sir, that the Members on the Government Benches talk of the general neglect of the economic aspects of different questions that come up for discussion or acceptance before this House, all the time oblivious of the fact that the people who make these recommendations that is, in this case, the merchants who ask for the abolition of the deferred rebates system, actually breathe the business atmosphere all the 24 hours of the day (Hear, hear) and know quite clearly what the economic aspect means. They are not the people who could afford, like the Honourable the Commerce Member, to take only an intellectual interest in these questions, for they are the people affected by all the grinding done by the Conference system; and if they go to the committee appointed by the Government and give out their bare conclusions, it does not mean that those conclusions have no economic value. It is futile, therefore, to say that there is no economic background behind the opposition to the deferred rebates.

I was rather glad to find, Sir, that at least in the case of this Bill, the Honourable the Commerce Member thinks that the Government of India is an institution of such a type—I will not use any obnoxious adjective—that it cannot be trusted, that it should not be trusted, with very wide powers. I am glad that that point has been made clear, and I hope he and his colleagues will remember this point when they come to tackle political problems like those involved in the passing of the Public Safety Bill. (Hear, hear.)

An Honourable Member: Not yet passed!

Mr. Sarabhai Nemchand Haji: As regards the Rebates Bill, Sir, if it is found at the consideration stage, or in the Select Committee, that the powers proposed to be given to the Governor General in Council should be invested in some other body, or that those powers should be curtailed, or that a system of control on the deferred rebates system should be introduced in a manner different from the two or three systems suggested here—these are all points for discussion in the Select Committee; and I am sure that a satisfactory conclusion can be reached thereon.

Then, Sir, there is one point with which I should like to say here that I do not agree. I find that the Honourable the Commerce Member has been authorised by the British India and the Asiatic Companies to say that they agree to the operation of some such system as is prevalent in the Straits Settlements today. Now, Sir, it is rather an intricate point, but with your permission, I shall just say a word or two about it. This system, which is prevailing in the Straits Settlements homeward trade—I think that is what the Honourable Member referred to—is described in the report of the Imperial Shipping Committee at page 11. This is what is stated there:

"In 1911, an agreement was arrived at in London under which the Conference undertook that once every three years the overlapping of rebates should cease and shippers be free to leave the Conference without loss of rebates. This opportunity was given in 1911, 1914, 1917 and 1920."

Sir, it will be found that this system, though it gives freedom to the shipper every three years, is still a system that does not give him as much liberty as he is entitled to. The very fact that the authoritative report of the Imperial Shipping Committee says nothing more on the subject than merely to indicate that they have merely considered this system among others shows that they wanted fully to solve the problems which we are now considering. If any system is to be introduced, that system, in my mind, should be the one which has been not merely considered but also approved of by the Imperial Shipping Committee and that system, Sir, is the "Agreement system". The Agreement system, as recommended for adoption throughout, I suppose, the British Empire, by the Imperial Shipping Committee, is the system which prevails in South Africa today. Its prevalence in that country has an interesting bit of history behind it. The Agreement system came into operation in South Africa after the abolition of the deferred rebates system resulting from that Act of 1911, which I referred this morning. That is the system, Sir, which it may be desirable to introduce in this country, and for the introduction of which it is certainly necessary to create an atmosphere in this country. That atmosphere can be created only by the abolition of the deferred rebates system. Even under the suggestion thrown out by the Honourable the Commerce Member, the rebate is deferred for three years. Moreover, that particular arrangement is only uni-lateral in practice. All the rights and privileges which belong to the Conference Lines today will continue. The shipper has no privileges today, and that state of affairs also will continue. All that will happen is, that instead of the hold of the shipping company upon the shipper being permanent, it will be restricted to a period of three years. So, Sir, this is a system to which I for one am not prepared to agree; because it is necessary, if you are going to give freedom to the shipper, that a bi-lateral arrangement or agreement, with mutual

[Mr. Sarabhai Nemchand Haji.]

obligations and privileges, should be introduced as "between the shipowner and the shipper, in order that the shipper may have freedom, say after six months, to go to another company if he chooses to do so. This can only be done by the mutual agreement system. This system, Sir, is referred to in page 10 of the report of the Imperial Shipping Committee as follows:

"As a result of the new legislation in South Africa it became necessary for the Union Castle Mail Steamship Co., Ltd., who held the mail contract between the United Kingdom and South Africa, to discontinue the deferred rebate system, and it was also dropped by the other Lines in the South African Conference. It has been replaced by the 'Agreement system' to which we shall have occasion to refer later."

So, Sir, if you want an "Agreement system" introduced in the Indian coastal trade, the essential preliminary is the abolition of the deferred rebate system.

I will now say a word or two with regard to the Agreement system, as it has been evolved during the last 15 years or more in South Africa. It is a system which has now got the blessing, after full consideration of all the alternatives, of the Imperial Shipping Committee, and it is a system which to my mind is the minimum to which the shippers of India are entitled. Referring to the system of agreement in South Africa, the report of the Imperial Shipping Committee of 1923 says:

"Since the issue of the Royal Commission's Report, however, a new method of tying the shippers has recently come into operation. We refer to the South African Agreement. When the South African legislation, which we have mentioned above, forced the liner companies trading to South Africa to relinquish the rebate system, an agreement was drawn up after negotiations between the South African Trade Association and the South African Shipping Conference. A copy of the agreement is attached as Appendix IV. The individual shippers who sign it agree to give their entire support to the regular lines in the Conference. In return, the lines undertake to maintain regular berth sailings at advertised dates, the ships to sail full or not full, and to provide sufficient tonnage for the ordinary requirements of the trade; and, further, to maintain stability of freights, which are definitely prescribed in the agreement, and equality of rates to large and small shippers alike. Arrangements are made for consultation between the Association and the Conference regarding any revision of freight rates and other matters, and also to meet any disturbances caused to the stability of rates through the cutting of rates by outside lines. The agreement is for one year and is terminable by either party at any time thereafter at six months' notice."

An agreement system like the one now prevailing in South Africa would take in almost all the points that it is desirable should be taken in in the interests of the shippers in the event of any agreement system being introduced in India. On the other hand a system like the one prevailing in 1911 in the Straits Settlements is one-sided and just as bad as the deferred rebate system, except that the period is restricted to three years. That is not a satisfactory method at all. In this connection, Sir, I should like to make it clear that there is no justification for the statement made by the Honourable the Bombay Baronet to the effect that the deferred rebate system means an agreement between the shipowner and the shipper, under which the shipper has a legal claim. Nothing of the kind. The shipper has no legal claim. If the shipper gets regular sailings, uniform rates and so on and so forth, they are simply in the nature of voluntary gifts from the shipping company to the shipper. I want that the shipper should have rights and privileges to which he is entitled by law as not the case to-day. For example, I will just draw your attention to

the form in which the deferred rebate is claimed. I have got here the form which was used when the deferred rebate system was first introduced in the coastal trade between Bombay and Rangoon. The shipper had to forward the following letter to the shipping company:

"Annexed we beg to hand you a list of our shipments of cargo by your line of steamers to Rangoon during the six months ending . . . on the freight of which we claim a rebate of 10 per cent. in consideration of our not having made or held any interest whatever in other shipments from Bombay to that port by vessels other than those belonging to the British India Steam Navigation Company, Ltd., and Asiatic Steam Navigation Company, Ltd., during the past twelve months."

Where are the rights and privileges of the shipper here? Where is it possible for the shipper to have any legal right to, say, damages if his requirements are not satisfied? That is why I claim, Sir, that if the Government are in future to bring their influence to bear upon the interests concerned, to get a modification of the present system, that influence should be wielded—and nothing else will be satisfactory—that influence should be wielded to get for the shippers an agreement system on the basis of the South African model. Merely reducing the period of rebate, of deferred payment, to three years, as I said before, will not do.

There is one further point to which, before I resume my seat, I should like to draw attention and it is this. I hope I have got the words of the Honourable the Commerce Member correctly—and if I am wrong I hope he will correct me—but I think he used words to the effect that no progress in shipping matters was possible until the Coastal Shipping Bill was out of the way.

The Honourable Sir George Rainy: I do not recollect using those words, Sir, or words conveying that meaning.

Mr. Sarabhai Nemchand Haji: I am very glad of the correction, Sir, particularly because the wrong impression that I had in my head has now been removed. But now that I have mentioned the other Bill, I should like to say that, though the Coastal Trade Reservation Bill and the Deferred Rebates Bill are, as I think I made it quite clear this morning, complementary, the Deferred Rebates Bill is not contingent upon the other Bill passing. That is why I say that the question of the Deferred Rebates Bill, though analogous in nature to the question of the Coastal Reservation Bill, in so far as both aim at developing an Indian mercantile marine, should be separately regarded on its own merits when Honourable Members of this House make up their minds in connection with the voting on the present motion. Sir, I beg to move the motion standing in my name.

The Honourable Sir George Rainy: Sir, my Honourable friend Mr. Haji did not, I think, quite appreciate the point I made in my previous speech when I was pointing out that the economic aspects of the case required further examination before the House committed itself to approval of the principle of the Bill. I was dealing specifically with the opinions which were given by various commercial bodies and others at the time that Mr. Seshagiri Ayyar's Bill was circulated. I had not definitely in my mind the evidence given before the Mercantile Marine Committee. My Honourable friend's reply however is that, when we get an opinion from a mercantile association, we must assume that it is thoroughly permeated with the economic aspects of the case, because the merchant breathes the economic atmosphere twenty-four hours of the day. Well, Mr. President, I am inclined to ask the question, what atmosphere the writers of the letters we

[Sir George Rainy.]

receive from mercantile associations sometimes breathe, because I have seen letters, the writers of which, I should have been tempted to say, must have been breathing a political atmosphere. Therefore, Sir, I adhere to what I have already said on that point, and one of the reasons for my opposition to the Honourable Member's motion to-day is that, in my view, the question whether the deferred rebate system—apart altogether from the question of an Indian mercantile marine or a British mercantile marine—has worked well or ill, or for the good or evil of trade. I think that there is a great deal more which requires investigation before we are justified in coming to a final conclusion on that subject. Speaking for myself, I am not in the least satisfied that the retention of the deferred rebates system would be for the benefit of India as a whole. My Honourable friend referred to the Indian companies which he said had been driven out of existence owing to the operation of the deferred rebates system. All I can say about that is, that that is not my information. My information is that, when there has been competition between the older British companies and the newer Indian companies, and the Indian companies have failed to survive, it has been due to rate wars and not to the operation of the deferred rebate system; and, as I have already pointed out, this Bill contains no provision for preventing rate wars. I was a little surprised to hear my Honourable friend say—he will correct me if I have not got his attitude correctly—he was inclined to favour the agreement system which grew up in South Africa after the deferred rebates had been abolished by law. I think he was inclined to regard that system as a reasonably good one. But he said: "Before you can get that system, you must abolish the deferred rebates." That historically is what took place in South Africa, but I do not in the least understand why the course of events here should be the same, and the Imperial Shipping Committee did not take that view at all. What they said was this:

"Impressed by the possibilities of the agreement or general contract system as an alternative to the deferred rebate system, we explored the idea of an option being given to shippers to choose between the two systems, and as the attitude of the ship owners has led us to believe that they would be genuinely anxious to fall in with the views of their customers in any practical scheme, we brought this question to the notice of the Chamber of Shipping."

Then in another place they say:

"On further consideration, we have accordingly come to the conclusion that in the adoption of such an agreement system as an alternative, a solution or at least an avenue to a solution, of this vexed question of deferred rebates may be found. The deferred rebates system is plainly open to certain objections, and although the agreement system is equally open to objections, we recommend that it should be given to shippers as a running choice. Individual shippers should have the choice (a) of binding themselves by means of an agreement over a certain period or of a running agreement subject to a certain period of determination, or (b) of remaining under the deferred rebates system."

There is no question there of the rebate system being abolished as a necessary preliminary to the adoption of the agreement system. What the Committee contemplated was that both systems should exist side by side, some shippers, if they preferred, coming under the deferred rebate system, and others coming under the agreement system. Therefore the fact that my Honourable friend looks with favour on this agreement system is really no argument for his Bill at all.

I do not think, Mr. President, that I should be justified in treating the case at greater length to-day. I tried to explain in my previous speech what the reasons were which made it impossible for Government to accept this motion. As a means for building up an Indian Mercantile Marine, they regard this measure as ineffective and unlikely to secure its object; while we have to discuss it in the position that the House has already given its approval to a more direct method of building up an Indian mercantile marine. Looked at from the point of view that the Bill might be necessary to prevent the growing up of a monopoly, even if the coastal trade were reserved, my answer to that is that there again I am not satisfied that it would be effective, and I am not satisfied that the abolition of the deferred rebate system would really be for the economic good of the country. Finally, Sir, I pointed out that the Bill, as drafted, was such that it would have to be drafted all over again before we can make any progress with it. For all these reasons, Mr. President, I am unable to accept the motion of my Honourable friend that the Bill be referred to a Select Committee.

Mr. President: The question is:

"That the Bill to provide for the abolition of the deferred rebates in the coasting trade of India be referred to a Select Committee consisting of the Honourable Sir George Rainy, Mr. Ghanshyam Das Birla, Colonel J. D. Crawford, Mr. Duraiswamy Aiyangar, Mr. A. H. Ghuznavi, Haji Abdoola Haroon, Mr. Jamnadas M. Mehta, Mr. K. C. Neogy, Sir Purshotamdas Thakurdas, Maulvi Muhammad Shafee, Mr. R. K. Shanmukham Chetty 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 Assembly divided.

AYES—52.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. M. S. Sesha.
Badi-uz-Zaman, Maulvi.
Balvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Chaman Lal, Diwan.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. N. C.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Ghuznavi, Mr. A. H.
Goswami, Mr. T. C.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Hans Raj, Lala.
Iswar Saran, Munshi.
Iyengar, Mr. A. Rangaswami.
Jaysakar, Mr. M. R.
Jogiah, Mr. V. V.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kumar, Pandit Hirday Nath.
Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mittra, Mr. S. C.
Moonje, Dr. B. S.
Murtuza Saheb Bahadur, Maulvi.
Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Pandya, Mr. Vidya Sagar.
Phookun, Srijut T. R.
Purshotamdas Thakurdas, Sir.
Rajan Bakhsh Shah, Khan Bahadur.
Makhdum Syed.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Roy, Rai Bahadur Tarit Bhusan.
Sassoon, Sir Victor.
Shafee, Maulvi Mohammad.
Shah Nawaz, Mian Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar, Gangadhar.
Sinha, Mr. Rajivaranian Prasad.
Sinha, Mr. Siddheswar Prasad.
Yusuf Imam, Mr.

NOES—42.

Abdul Aziz, Khan Bahadur Mian.
 Alexander, Mr. William.
 Allison, Mr. F. W.
 Ashrafuddin Ahmed, Khan Bahadur
 Nawabzada Sayid.
 Bajpai, Mr. G. S.
 Bower, Mr. E. H. M.
 Bray, Sir Denys.
 Chalmers, Mr. T. A.
 Chatterjee, the Revd. J. C.
 Coatman, Mr. J.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Crerar, The Honourable Mr. J.
 Dalal, Sardar Sir Bomanji.
 French, Mr. J. C.
 Gavin-Jones, Mr. T.
 Ghazanfar Ali Khan, Mr.
 Graham, Mr. L.
 Jowahir Singh, Sardar Bahadur Sardar.
 Keane, Mr. M.

Lall, Mr. S.
 Lindsay, Sir Darcy.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Moore, Mr. Arthur.
 Mukharji, Rai Bahadur A. K.
 Mukherjee, Mr. S. C.
 Parsons, Mr. A. A. L.
 Rainy, The Honourable Sir George.
 Rao, Mr. V. Panduranga.
 Row, Mr. K. Sanjiva.
 Roy, Mr. K. C.
 Sams, Mr. H. A.
 Schuster, The Honourable Sir George.
 Shillidy, Mr. J. A.
 Simpson, Sir James.
 Singh, Rai Bahadur S. N.
 Stevenson, Mr. H. L.
 Sykes, Mr. E. F.
 Webb, Mr. M.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 552.)

Pandit Thakur Das Bhargava (Ambala Division: Non-Muhammadan):
 Sir, I beg to move:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 552) be circulated for the purpose of eliciting opinions thereon."

Sir, the provisions of section 552 have not got a very long history behind them. In the year 1882, when the Code of Criminal Procedure was consolidated, these provisions became part of the law of the land, and from that time, the only time when they have undergone alteration was in the year 1923, when the age of girls was increased from 14 to 16. It is true, that in some of the earlier Acts, I mean in the local Acts in Bengal and other provinces there were provisions which empowered Courts to liberate young girls from certain kinds of detentions, but the provisions in their present form were for the first time enacted in the year 1886 in a Bengal Act, and the words which existed previously in those earlier Acts, *viz.*, "adultery, concubinage, prostitution, deflowering or disposing her in marriage", were substituted by the words "for an unlawful purpose". Now the present section 552 only provides for certain contingencies. A perusal of the section would establish that in certain classes of cases only the provisions of section 52 could be made use of. To start with, it is only the cases of women and girls below the age of 16, provided they have got guardians to look after them, "parent, husband or other person having lawful charge" which are provided for. Secondly it is only the Presidency Magistrate or the District Magistrate who is empowered to act under the provisions of this section. Further, it is only in certain circumstances

that this power can be exercised by the Presidency Magistrate or the District Magistrate, and that is in cases of abduction or unlawful detention for an unlawful purpose. Now, a perusal of the provisions of the Bill which I introduced would show that I want that the present section should be substituted by another section and the main points of difference are:

- (1) that the words "for an unlawful purpose" be deleted;
- (2) that the powers be made exerciseable by a Presidency Magistrate, District Magistrate, Sub-Divisional Magistrate and a Magistrate of the first class specially empowered in this behalf;
- (3) that instead of women and girls below 16 being protected, all men and women, and boys and girls of the age of less than 18 be protected.

I have made further provision in this Bill for the protection of those who have neither got husband, parent nor any other kind of guardian, i.e., orphans. At present there is another section in the Code of Criminal Procedure which is analogous in its provisions to section 552, and that is section 100. According to section 100, a Presidency Magistrate, Magistrate of the first class or Sub-Divisional Magistrate, if he has reason to believe that any person is confined in such circumstances that the confinement amounts to an offence, can issue a search warrant, and after the confined person is brought, he can pass any order which he considers proper. Now a comparison of these two sections would establish that these provisions overlap each other. In section 100 it is clear that the confinement should amount to an offence. Now it would be difficult to think of cases in which there will be abduction or unlawful detention for an unlawful purpose and such detention will not be criminal. So that, practically speaking, when we are able to distinguish between these two provisions, we have to decide between Tweedledum and Tweedledee. To me it looks that there is a distinction without a difference. Now in a ruling, 16 Calcutta, page 487, these words "for an unlawful purpose" were interpreted by the High Court of Calcutta. That was a case in which a Hindu girl of the age of 14 went to a mission and the missionaries kept that girl with a view to convert her to Christianity. The husband of that girl and the mother of that girl applied to the District Magistrate for the restoration of her liberty and the District Magistrate held that, on the facts found, even taking it to be true that the girl went of her own accord to the mission, still the circumstances of the case attracted the operation of the provisions of section 552, and he held that there was unlawful detention in the sense that that detention was against the will of the guardians of that girl. And he further held that that detention was for an unlawful purpose because the purpose behind that detention was conversion, but when the case went up to the High Court, the learned judges of that Court held that these words "unlawful purpose" meant immoral purpose and conversion was not an immoral purpose. Therefore the Honourable Judges of the Calcutta High Court were pleased to hold that, though the detention was unlawful, the purpose being not unlawful, the lower Court should not have passed an order for restoration. They further held that, because an order for restoration was passed it was not discreet to restore the girl to the mission. So that to-day the law is that, even if it is proved that the detention is unlawful, yet

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[Pandit Thakur Das Bhargava:] The provisions of section 552 are ineffectual for getting liberty for the person unlawfully detained. Now, Sir, I do not think that I should lay much stress on the fact that, according to the provisions of the Habeas Corpus Act, it is unlawful detention which by itself has been taken to constitute an evil of great magnitude. I find that in the Habeas Corpus Act of 1816 the words used are that, whenever any person is restrained in his liberty, or whenever he is confined, he is entitled to be released. Similarly if we turn to the provisions of section 456 of the old Code of Criminal Procedure, we find these very words used. In section 491 of the Code of Criminal Procedure also, the words used are "when any person is improperly or unlawfully detained", so that it is clear that it is not unlawful detention for any unlawful purpose only which is the care and concern of the State to eliminate, but unlawful detention by itself has been regarded as sufficient to attract the protective provisions of the Code of Criminal Procedure. Now, Sir, so far as this aspect of the case is concerned, I will go further and say, that if these words "for an unlawful purpose" are allowed to remain on the Statute-book, the beneficial effect of the provisions contained in section 552 is to a very great extent diminished. At present it happens that boys and girls are abducted and yet the law is ineffectual in giving them liberty. I may tell this House that the criminal law of this land, section 362 of the Indian Penal Code, does not make abduction by itself an offence, unless it be attended with some object which has been regarded by law to be criminal. Abduction by itself constitutes no offence. The main difference between the provisions of section 552 and section 100 is that, whereas section 100 provides for confinements which amount to an offence under the law of the land, section 552 is only restricted to cases in which unlawful detention or abduction as such does not amount to an offence. If that is so, I would submit that, according to the provisions of the Habeas Corpus Act, these unnecessary words should be taken away from the section. Now, it happens that young boys and girls of immature age are taken away by missionary societies of all religious denominations, be they Christian, Hindu or Muhammadan for conversion. I am not here to accuse any particular society, but this is a fact which we cannot ignore, that communal conflicts and religious feelings are excited on account of abductions of young boys and girls. What happened in Bombay? There was a kidnapping scare. Some time ago I remember that the same kind of feelings were excited in Lahore.

Now if there is a handy provision and the local Courts can grant speedy remedy to the aggrieved persons, such feelings will not be excited, whereas according to the present law, as conversion by itself is not unlawful, no Court would be justified in giving liberty to such abducted or unlawfully detained persons.

Now, the second illustration that I would like to give is about brothels.

Mr. President: Order, order. This is not the stage when the Honourable Member is entitled to go into details. He knows perfectly well—as the House also does—that in making this motion he does not ask the House to commit itself to the principle of the Bill.

Pandit Thakur Das Bhargava: Without going any further into details of the question, I respectfully submit that the other purpose that would be served by this Bill would be to fill the gap regarding orphans and to

provide for cases which are not today provided for by any section of the Indian Penal Code. At present the Court has no such power in regard to orphans, and if the House agrees to the principle that such powers should be given to a Court, the Courts will enjoy such powers and protect the class of people who are at present without any protection. In this country there exist many societies for the protection of children, and they could very well take charge of such children. I know that there are some local Acts in Bombay and Calcutta which aim at the protection of children, but still a perusal of those Acts would establish that they do not go as far as the provisions of this Bill go.

The other important change that this Bill seeks to make is the increase of the age from 16 to 18. I will not go into the merits of the question whether it is a proper age or not, but I will only point out at this stage that, for certain sections of the Indian Penal Code, this House has already accepted the age of 18, for instance section 366(a). I am divulging no secret if I tell the House that the general opinion of the country is that girls of the age of 18 should be protected. (*Interruption by an Honourable Member indicating that other Members wished to introduce their own Bills.*)

I understand that other gentlemen are anxious to introduce their Bills, and I will not therefore weary the House by entering into details. The principle of the Bill briefly is this.

Mr. President: Order, order. We have nothing to do with the principle of the Bill. The Honourable Member is not asking the House to accept the principle of the Bill. The question is why you want the House to agree to this Bill being circulated for opinion.

Pandit Thakur Das Bhargava: I thought at this stage some mention of the principle would not be out of place. However, I commend my motion to the House.

Mr. J. A. Shillidy (Home Department: Nominated Official): **Mr. President,** while accepting, on behalf of Government, this motion for circulation, in accordance with your ruling I wish to make it quite clear that Government are not committed in any way to the principle of the Bill. The reason why they have accepted this motion for circulation is that they recognise the kind-hearted motive—perhaps the somewhat sentimental motive—behind the Mover, and that he has come across a few hard cases and wishes to make provision for them. Government do not wish to oppose hard-heartedness to the kind-heartedness on the opposite side. Therefore I am quite willing that what is now put down in the Bill, should be circulated and subjected to general examination.

There are various reasons, however, which I think I might point out, why we may anticipate a not too favourable reception to the Bill when the reports come back to us. The Mover of the Bill has given us a long history of it, and would like us to believe that after all he is doing nothing more than perhaps what our forefathers did before us. I don't know that we can go quite so far as that. We have to take the law as it stands, and it must be pointed out that, once the Bill excludes the words "for unlawful purposes", it changes the whole character of that section. Those words "for unlawful purposes" have been construed by a Court to mean for immoral purposes, and I submit that the section taken in that form had a very pertinent reason for its existence. If a girl, a

[Mr. J. A. Shillidy:]

woman, or a female child under the age of 16 has been abducted or unlawfully detained, and if thereafter the magistrate receives a complaint that the real object of that abduction or unlawful detention is for an immoral purpose, surely it is right and proper that he should be allowed, in view of the great danger that threatens that woman or child, to set her at liberty, or to make proper provision for her protection and custody. (An Honourable Member: A little louder, please.) I am so sorry. But when you go beyond that and leave out the words "for unlawful purposes" I submit that you are likely to put the magistrate in a very difficult position. If, after all, he is going to adjudicate on the question of abduction, or unlawful detention, and you ask him at an early stage to go into the question whether that person was taken away from lawful guardianship, and to decide the guardianship to which the child should be committed, then you are in great danger of forcing the magistrate to pronounce on the main issue of the case. I am quite certain that this difficulty has been overlooked, and it will certainly be pointed out to us in the many opinions that we shall receive after circulation.

Then he goes on in the third paragraph of the second clause to say:

"the Court may commit the child to the care of a suitable person or society for the protection of orphans and children", etc.

I have only to say with regard to this, that I am afraid he is a little bit more optimistic than I am. I would like to think that, whenever a magistrate is faced with this problem, he should always be able to say, without any difficulty, "Such and such a person is a suitable guardian", or "There is a society to which I can send the child." Unfortunately these societies are somewhat scarcer than mushrooms and cannot be found in every place. A magistrate will be in considerable difficulty. When Pandit Bhargava asks us to believe that it is a simple matter, I think we ought to accept his statement with a little caution. I do not say that there are no societies. I admit that there are societies, but I do not think that they are so widely spread as he suggests. But I think beyond that there is a graver objection, and that brings us down to the new sub-section 552-A. This Code of Criminal Procedure, if I may say a very obvious thing, is concerned with procedure. Now what the Honourable Pandit is asking us to do is really to introduce into it a law of very important substance, that is children's protection. Is it right and appropriate that you should bring into a Code which deals almost entirely with procedure, provisions which are really intended for the protection of children, and which in all countries and from our own experience in India require very special machinery, very special Courts and very special inquiry? All those difficulties occur to one. The sentimental urge behind the Pandit is so strong that he will not see these little difficulties. I admire him for the excellent, I hardly know the correct word to use but the excellent reasons actuating him. At the same time, he has let his sentiments outrun his discretion. I would ask the House to look at the words of the new sub-section 552-A:

"Whenever during any proceedings under this Code or otherwise any Magistrate exercises jurisdiction in any case in which any child under the age of eighteen years is concerned as a witness, accused or otherwise and whenever any child is brought before any Magistrate, he may make an *ad interim* or final order for the proper custody of child"

If you bring that section in and make it law in this form, there will be many outlying districts where the parents will be afraid to let their children come into Court in any capacity whatsoever. There is nothing under this section to prevent a magistrate, when he sees a child before him, from making a final order for the custody of the child. That is, as the section is drafted at present; and I submit it can hardly have been the Pandit's intention. Admirable as his intentions are, here his intentions have even outrun his discretion.

As I said before, a section of this kind should not really have been put in. If you are anxious to give this special protection to children, it may be very necessary indeed, and about this I do not wish to express any opinion now, but if you are going to give protection to children, you want something less sweeping than this. You do not want—at least if you do, I am rather surprised to hear this House wants—a magistrate to have such a completely free hand, I submit that, when you want to deal with such a question, you must deal with it very much more carefully in the manner of a Children's Protection Bill.

I have nothing very much more to say on this Bill. I want to make the position of Government clear. We are not committed in any way whatsoever to the principles of this Bill. In recognition of the motives which have inspired the Honourable Mover of the Bill, we are quite prepared to receive opinions by circulating the Bill. But I may say quite clearly that we hold ourselves absolutely free to take any action we consider proper when we have received those opinions, and if I may hazard a prophecy or private opinion, I have little doubt that those opinions will be very heavily against the Bill. (Hear, hear.)

Mr. President: The question is:

"That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 552) be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

Mr. President: I am quite prepared to sit till Half Past Four, but I do not think the next motion* is likely to be put through within that time I am entirely in the hands of the House.

The Honourable Mr. J. Orerar (Home Member): I am afraid, Sir, that this is a motion which we cannot accept.

Mr. President: The Government has decided to oppose this motion and it is not possible to finish it in half an hour.

Mr. Amar Nath Dutt: In that case the Bills awaiting introduction may be taken up.

Mr. President: The House stands adjourned.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 21st February, 1929.

* "That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of sections 205 and 540A), be referred to a Select Committee consisting of the Honourable the Home Member, Mr. L. Graham, Mr. S. C. Mukherjee, Mr. Anwar-ul-Azim, Mr. Abdul Matin Chaudhury, Munshi Iswar Saran, Mr. Lalchand Navalrai, Mr. K. C. Neogy, Mr. Jamnadas M. Mehta, Mr. D. V. Belvi and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

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LEGISLATIVE ASSEMBLY.

Thursday, 21st February, 1929.

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

STATEMENT OF BUSINESS.

The Honourable Mr. J. Orerar (Leader of the House): With your permission, Sir, I should like to make a statement as regards the probable course of Government business in the week beginning Monday, February, the 25th. As I have already informed the House, Monday the 25th, Tuesday the 26th and Wednesday the 27th, have been allotted by His Excellency the Governor General for the voting of Demands in connection with the Railway Budget. His Excellency the Governor General has also appointed Thursday the 28th February at 5 P.M. for the presentation to the Assembly of the Statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of subjects other than Railways. The House will not sit on Friday the 1st and Saturday the 2nd March.

I may also take this opportunity to inform Honourable Members of the further days which have been allotted by His Excellency the Governor General for the general discussion and the voting of Demands in connection with the General Budget. Monday the 4th March and Tuesday the 5th March have been allotted for the general discussion. Thursday the 7th March, Monday the 11th March, Tuesday the 12th March, in the alternative Wednesday the 13th or Thursday the 14th March, and Friday the 15th March have been allotted for the voting of Demands. The need for allotting Wednesday the 13th March or Thursday the 14th March in the alternative arises from the fact that it is not yet known on which of these days Id-ul-Fitr will be celebrated.

ELECTION OF MEMBERS FOR THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President: I have to inform Honourable Members that the number of candidates nominated for election to the panel for the Central Advisory Council for Railways is equal to the number required, and therefore I announce that the following Members are declared to be duly elected:

1. Khan Bahadur Nawabzada Sayid Ashrafuddin Ahmad.
2. Khan Bahadur Haji Abdullah Haji Kasim.
3. Revd. J. C. Chatterjee.
4. Rai Sahib Harbilas Sarda.

[Mr. President.]

5. Pandit Thakur Das Bhargava.
6. Mian Mohammad Shah Nawaz.
7. Mr. W. M. P. Ghulam Kadir Khan Dakhan.
8. Haji Abdoola Haroon.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Is that for the Central Advisory Committee on Railways, Sir?

Mr. President: The Central Advisory Council for Railways.

Sir Purshotamdas Thakurdas: I am afraid there is an oversight, Sir. Because, I know my name was proposed and seconded and it was put in on the first day. If you do not mind holding this over until the department inquires into it, I would request you to do so, Sir. Mr. Matin Chaudhury handed my nomination paper in on the very first day, and the Notice Office refused to accept it on the ground that you had not made any announcement about it. I then sent word that you had made the announcement in the House that same morning, and the nomination paper was thereafter accepted.

Mr. President: This is a matter for inquiry; in the meantime, I must recall the announcement.

Sir Purshotamdas Thakurdas: Thank you, Sir.

THE RAILWAY BUDGET—GENERAL DISCUSSION.

Mr. President: The House will now proceed with the general discussion of the Railway Budget. It is not necessary to fix the time limit in view of the fact that Honourable Members are very considerate.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, the Railway Budget, the second of its kind presented by the Honourable Sir George Rainy, is, to my mind, satisfactory as far as the surplus to the taxpayer is concerned. I need hardly tell the Honourable Member how pleased we all on this side are, that he has been able to present a satisfactory budget from the point of view of what is generally called "dividend to the shareholders", namely the taxpayers of this country.

In the ordinary course, Sir, I am sure there will be many remarks made in the course of the debate today regarding the Indianisation of the railway staff, on which point this side of the House is not yet satisfied with the results put forward by the Railway Board. The question of an Indian Member on the Railway Board is another question which, I am afraid, owing to the attitude taken up by the Government of India, is becoming a sort of hardy annual at these budget debates. The further question of an additional Member for the Railway Board, to which the Honourable Member has devoted a substantial portion of his speech, is yet another important question. I wish to refer to the last one at least on the pertinent Demand for a grant, and I do not think I need dwell on this point now at this stage.

There is, another very important item which, I know, interests many Members of this House, and that is the question of educational facilities for the children of the members of the railway staff. The Central Advisory Council have gone into this question at some length and in some detail at their meetings both at Simla and here, and I am sure we will hear something about it in the course of the debate. But as I took some part in discussing this subject in the Central Advisory Council, I do not propose to put forward my own views on this subject today. I wish, however, to mark my sincere appreciation of the broad minded spirit in which the Honourable Member in charge undertook on the Central Advisory Council to look into this question. The figures regarding the amount spent on the education of children of the Indian staff of the railways will not, Sir, warrant constant repetition as from the point of view of any credit to the railway administration. As in the military service, Sir, so on the question of education of the children of our Indian staff on railways and the children of the European staff, the cost per head is marked by its enormous difference. It has been admitted by the railway administration that what we see today is the remnant of what has been in vogue since the railways were started in India. I do not think that criticism of the past is called for in view of the fact that the Honourable Member is—and as I understood from him, the whole Railway Board are—of the firm opinion that the expenditure on the education of the children of the European staff should be considerably reduced and there should be an immediate advance regarding the amount spent on the education of the children of the Indian staff of the railways. I know that there still are important details to be worked out; but I wish particularly to refer to the great necessity for ensuring that the education which is being imparted in railway organizations to the children of the Indian staff is of a quality and of a standard not lower than that of the education which is being given in the respective provincial Government schools in each of the various provinces. The difference between the pay of teachers in provincial Government schools and teachers in railway schools—and here I refer to the Indian schools—is marked; and I understand that, at the last meeting of the Central Advisory Council held in Delhi, the Honourable Member gave a full assurance that this was being made up for, and that the pay of teachers in railway schools (Indian) was being brought up to the level of the pay of teachers in respective provincial Government schools. I mention this particularly in order, if I can, to stop any acrimonious debate on this question, which I know has a shady history behind it, but for which our sole consolation is and must be that the railway administration have definitely made up their mind to set matters right forthwith.

Sir, there is one more subject I would refer to before I deal with what I consider to be the main theme of my remarks today, that is, in connection with Local Advisory Committees in the various provinces. I think, in my remarks on the budget last year, I suggested that, with the papers that are circulated to us, there should also be circulated a small statement showing how these various Advisory Committees in the provinces work. I do not remember, whether the Honourable Member in charge agreed to it or not, but I have an idea—a recollection, if I may say so—that the Honourable Member did view the suggestion with approval. I dare say that he may have overlooked it, but I wish to impress upon him the great necessity of informing this House how the various provincial Advisory Committees work, because I attach the greatest importance to their proper working. As far as

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real touch in the various provinces with the respective railway administrations is concerned, I look forward to the proper working of these Committees to remove many of the misapprehensions and misunderstandings, and, what is their natural corollary, grave exaggerations which at times prevail. Unless there is any special objection to accepting this suggestion of mine, I hope that next year, before the Railway Budget is presented, there will be a small pamphlet containing information as to how many meetings were held at each centre of these local Advisory Committees, indicating particularly the important items discussed at these meetings. There is no use hiding the fact, Sir, that at some of these centres the Agents of railway administrations do not look up to these bodies with the respect and with the consideration due to them. In fact, I heard only very recently that at least at one centre, and perhaps at two centres, the members of the Advisory Committees felt that they were being treated rather in a summary manner with this sort of impression: "you are a nuisance, but as you must meet once a month I should like you to dissolve within half an hour!" That can hardly be the spirit which this House will tolerate in regard to these Advisory Committees and I hope the Honourable Member in charge will arrange for the House being supplied in future with detailed information regarding the working of these Committees.

Sir, the prosperity of the Railway Budget has, either by a coincidence or owing to other reasons, occurred almost simultaneously with the separation of the Railway Budget from the General Budget of the country. I do not think that, since the separation, there has been a single budget presented to this House in which the Railway Administration has shown any deficit. The convention entered into between the railways and this House is now under examination by a committee appointed by this House. Many and important are the points raised by various Members for consideration before this convention is revised. I know that there is a feeling among some of us that the Committee for this purpose should have been appointed much earlier than it was. When we met last we found that there were so many questions of a very serious nature which have to be examined, that I am not sure that it will take the House by surprise if I say, it is likely the Committee may not be able to submit a report perhaps till the end of this year. I know Mr. Jamnadas Mehta is one of those who think the Committee should be able to submit a report at Simla; but Mr. Jamnadas Mehta also wants that the report should be as thorough, as exhaustive, as comprehensive, as we can possibly make it. Knowing that to be what he is aiming at, I am afraid Mr. Mehta himself, before long will feel that any extra time given to the revision of this convention will be time very well spent.

Sir, the Railway Depreciation Fund is now estimated to stand at about 19 crores of rupees. The Reserve Fund is estimated to stand at something over 22½ crores of rupees

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): The Depreciation Fund is 13½ crores.

Sir Purshotamdas Thakurdas: And the Reserve Fund is 22½ crores. Between these two, there is, with the Government of India, very close upon 35 crores of rupees to the credit of the railways of India. This certainly is one of the satisfactory results of the separation, and the Committee going into this convention will be examining the question whether the maximum amount up to which the Reserve Fund should be allowed to accumulate

should be fixed or not. I, Sir, appreciate the efficiency of the Railway Board which has been responsible for such large accumulations in the two Funds; but I do not think that anybody will consider me in any respect to minimise the just appreciation due to the Railway Board if I say that these results, which we have been seeing for the last four years, were to a certain extent more or less inevitable. The reduction in rates and fares since 1922 has been certainly not on the extravagant side, and I feel that what is now required by this House at least, is an enquiry into the question, "whose money is it that we are accumulating?" Sir, regarding the question of spending more on labour, the Honourable Member reminds us in paragraph 19 of his speech that we have to ask ourselves the question "Whose money it is we are spending?" In the following sentence he tells us how important it is to bear in mind that if rates are raised the ultimate persons who pay for it are the producers and the masses of India. I am sure that this very high ideal and this noble precept which the Honourable Member has laid down meets with the approval of us all and I hope that he will always have it before his mind whenever he has any problem to tackle in connection with additional receipts for the Railway Administration.

I am sure that the House appreciates and agrees with what the Honourable Member has said regarding the solicitude of Government to do more for the poorly paid subordinate staff on railways. The first proposal to earmark Rs. 50 lakhs this year, in order to give a start in this direction, must be welcome to all of us. I am not sure that there will not be a few friends of mine on this side of the House who may consider that the amount earmarked for this year is on the low side. But I would very much like the Honourable Member to make a start, even though with a comparatively small amount, according to some, and chalk out the lines on which Government propose to raise the standard of payment and presumably the standard of comfort of the lower-paid staff.

But the question which, Sir, I wish to emphasize is the question whether the rates and fares which are being charged today are the rates and fares which are necessary for the purpose of a standard revenue and for the purpose of that profit to the railways of India which alone they are entitled to make, and not an additional surplus for the purpose of accumulating funds beyond the necessary point. Sir, the State in India has practically if not absolutely, excepting one or two small instances, a monopoly of the railway transport in this country. The State can, without much effective protest in any case, and in some cases even without a protest, go on raising through its railways an additional revenue from the taxpayer, additional to what may be required to meet its actual expenditure, plus a reasonable profit on the capital employed in railways. I feel, Sir, that those who are strong protagonists of State ownership and State management of railways, have now come to a point where it is necessary to examine whether the State is not drawing from the people, that is the public, their customers, anything more than what they would allow an outside body like a fully-fledged and genuine company owning a railway to draw. If efficiency and economy are to be ensured in State management, there is need for laying down what should be the normal return from railway working which will not be regarded as an indirect tax on the people of India. If the people are to have a voice in this matter, the need for legislative enactment to lay down

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a well-considered formula for standard revenue of Indian railways is, to my mind, paramount. The rates and fares and charges by means of which such a standard revenue may be raised have necessarily to be fixed by an impartial body of men commanding the qualifications necessary for this work. In India where agriculture is a staple industry and the masses are illiterate, organised and concerted action on the part of traders and agriculturists, as in England and in America, is almost impossible, and the duty of watching their interests is on the Governor General in Council and on this House. It is for us to see that the railway administration, working with an average efficiency and economy, earns a proper return on the largest investment of the Indian taxpayer, simultaneously affording the maximum facilities for Indian industries and agriculture. The necessity of fixing what is a reasonable return on the capital of Indian railways has been recognised and roughly understood till now. The British Parliament took this up very satisfactorily by the Railway Act of 1921, and devised a method of protecting the public in England against excessive charges, affording a reasonable return on the capital of the English Railways which, being genuine companies, were grouped into four great systems. The need for being meticulous in this respect is all the greater in India where the Railway Board, corresponding to the Ministry of Transport, is responsible for the very working of the railway system. I feel, Sir, that the time is ripe for a Rates Tribunal in India to examine our existing rates and fares and to report to the Government whether they are on the high side or not. I am aware that there is a Rates Advisory Committee appointed by Government, in modification of the recommendation of the Acworth Committee, for a Rates Tribunal on the lines of the Rates Tribunal in England. I have had during the last year the privilege of being nominated as the commercial member on the Rates Advisory Committee for one of the cases before them. I have therefore had an opportunity of a little inside knowledge of both the difficulty of this Rates Advisory Committee and of the responsibility devolving upon them. The difficulty of that Advisory Committee is that it can only go into the question of preference or whatever may be alleged and not beyond that. What I think is required is a full inquiry into the question whether the rates charged *per se* are reasonable in the sense of being necessary in order to ensure an adequate return to the railway company concerned. Sir Narasimha Sarma, who gives of his best on that Committee as its President, is very much awake to the handicap that devolves upon him in view of the limited powers and the advisory capacity of that body. I have an impression that when Sir Charles Innes modified the Acworth Committee's recommendation regarding the Rates Tribunal and gave us what I think is a compromise in the shape of the Rates Advisory Committee, he had indicated that that was only a stepping stone to a properly constituted Rates Tribunal inquiring into the reasonableness or otherwise of rates and freights as then prevailing. I expect that the railway administration have now got a fairly good idea of the necessity of a full tribunal as indicated in the Acworth Committee Report and I would very much like to learn from the Honourable Member as to what the Government of India have in mind regarding the next and final step to be taken in this direction.

I notice, Sir, that regarding the concessions or reductions which have been indicated in the Honourable Member's budget speech, that they are

all restricted to State-managed railways. May I inquire why the Government of India did not think it necessary to make any reductions in the rates charged by the company-managed railways?

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Because that is not theirs.

Sir Purshotamdas Thakurdas: Yes, that is true; it is not theirs for management; but it is theirs as far as proprietary interest goes because the State owns anything between 75 per cent. and 95 per cent. of the capital. I wonder, Sir, whether the Honourable Member and the Railway Board feel that they cannot easily induce company-managed railways, with their interest in the capital of these railways to the extent only of 5 to 15 per cent. at the most—whether they find it difficult to induce these company-managed railways and their directors to fall in line with what is good enough for the Government of India who own 100 per cent. of the capital in the State-managed railways.

Sir, I would in this connection like to remind the Honourable Member in charge what the Acworth Committee have said in Chapter V of their Report. I do not wish to inflict on this House any long quotation from this Report, but I would only refer to the headings. The first is "Rates and Fares"; the next heading is "Companies' existing powers", and then they deal with "Need for greater control". I will, Sir, with your permission read a few sentences from paragraph 147. This is what they say:

"Our attention was called to the fact that the contracts of the most important Companies appear to give to the Secretary of State further control over rates and fares than is given by the clause which we have quoted. In their case there is an additional section of the clause after the words cited which runs as follows:—

"as well as the extent to which, within the maxima and minima so authorised, the Company may vary the said rates in respect of the distance or weight or special conditions under which such conveyance takes place or services are rendered." When we were in Delhi we discussed this matter with the Railway Board, and invited their opinion as to the effect of this additional provision, in respect of the Companies in whose contracts it appears. They informed us that their opinion, after taking legal advice, was that these words did not deprive the Companies of the legal right to vary rates at their discretion within the prescribed maxima and minima. The Board have naturally acted on this interpretation of their powers."

Here by the word "Board" they mean the Railway Board. Continuing further the Acworth Committee say this:

"But we are not wholly satisfied that their view is correct. The clause is badly drawn, and legal authorities in England whom we have consulted have difficulty in interpreting it. But we have no doubt what its intention was. It was meant, in our opinion, to give power to the controlling authority, not merely to fix the maximum and minimum of each class, but to say what consideration should be given to length of haul or size of consignment or other special circumstances in varying the rates within these limits.

"Whether, however, the clause, if tested by legal proceedings, would be found to have the effect which we believe it was intended to have, is not of great consequence. We have no doubt whatever that further power to control rates ought to exist and be exercised by some appropriate public authority."

But if modifications, namely, reductions in this case are made by an enactment of this House, the Company-managed Railways cannot possibly refuse to comply with these reductions. I wish to ask, Sir, whether it has been considered by the Government of India, why the areas in the

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country which are served by Company-managed Railways should be the unfortunate areas unable to enjoy these reductions. And during the last two years the Honourable the Railway Member has been consistently making a few reductions here and there. I feel, Sir, that the question of insisting upon Company-managed Railways as to their falling in line with what the Government of India consider to be good enough for State-managed Railways, must be looked into, and the reference to the Acworth Committee's Report, from which I have just read a few extracts, will show that the Government of India have the power of enforcing their careful decision arrived at after taking cognisance of everything pertinent, on the Company-managed Railways as well. I do not wish, Sir, to disturb these Company-managed Railways in the rights and privileges vested in them according to their contracts. In fact I would be the last person to come in the way of any contract legally entered into, but I cannot help feeling that where we have, as in the case of some Railway Companies, contracts extending up to 1950, no one will ask us to have the patience until 1950 in order that the Government of India's decision as to what the country needs by way of reductions in railway fares and freights is enforced. I feel therefore that this aspect of the matter should be carefully inquired into, and I will look forward to what the Honourable Member in charge has to say as to why all these reductions have been made only in State-managed railways and not in company-managed Railways. In any case, Sir, I think the House may congratulate itself that the first Assembly which worked from 1921-24 did by the country at least this substantial good that in spite of all persuasion from the Government Benches they voted for State management ("Hear, hear" from the Swarajist Benches) which alone has enabled us to have reductions in fares and freights.

It cannot, I am sure, be urged that the company-managed railways cannot afford to make the reductions which the State-managed railways have been asked to accept. I saw, Sir, only a few days back a report in one of the leading financial papers, and if I am not very wrong in my recollection, I read there that the Bengal and North Western Railway, the euphemistic Railway, which I think has earned the nick name of what we call the "pit" class in theatres, a Railway which does not regard the comfort or convenience of passengers or anyone else, has declared a dividend of 19 per cent. per annum for a public utility service which refuses to carry through any reductions which are supposed to be good enough for the taxpayer of this country who owns the other State-managed railways! Sir, while we wish the shareholders of the Bengal and North Western Railway the fullest benefit of their investment, I think it is time that this 19 per cent. dividend should be looked into with a view to see why they will not fall in line with the very extremely modest reductions which we make in our State-managed Railways. I think I can quote the dividends of some other railways too, but I quote particularly the dividend of the Bengal and North Western Railway for two reasons. It may be very well managed as far as the shareholders and their dividends are concerned, but as far as the public which it serves is concerned, that railway is the one railway which has frightened us, the Indian public, with regard to any reconciliation to the idea of company management at all.

These Sir, are the salient points which should now be borne in mind. To put the matter in a nutshell, while we congratulate the Honourable the

Commerce Member and the Railway Board on the handsome results which have been put forward, whilst we congratulate them on the very appreciable funds which they have been able to set aside, as representatives of the taxpayer, as representatives of the commercial community, and if I may claim, as those who have got the best interests of the agricultural class at heart, we want a substantial step to be taken by the Government of India to make sure that the existing rates of fares and freights which bring us these very handsome results are what one would call reasonable rates and not rates which may justifiably be called profiteering by the sole monopolist of railway transport in India, viz., the State.

Mr. R. K. Shanmukham Chetty: Sir, this is the fifth budget that the Railway Administration has presented to this House after the convention which this House agreed to with regard to the separation of the Railway Budget from general finance. My Honourable friend Sir Purshotamdas Thakurdas pointed out how during these five years the Railway Administration has not found it necessary to draw upon the reserves for meeting the contributions to the general revenues, and to that extent I might join my Honourable friend in congratulating the Railway Administration. But, Sir, merely from this fact that the Railway Administration has very regularly and promptly paid its contribution to the general revenues, it cannot be said that our railways in India have attained the maximum standard of efficiency and economy. For one thing, the various factors in the Railway Budget make it very difficult to make comparisons between the results of one year and another year. Students of railway economy know that, in the items that go to make railway expenditure, there are what might be called variable and constant items of expenditure. Items of expenditure like administration, interest charges, and the provision for depreciation fund may be considered as constant items of expenditure, constant in the sense that the amounts set apart for these items of expenditure are the same whatever may be the volume of traffic carried on the railways. But to judge the efficient and economic working of a railway system it is necessary to find out whether, in those variable items of expenditure any increase of traffic has been met by correspondingly economic operation charges. And when I attempt to look at the Railway Budget from this point of view, I find it very difficult to arrive at proper conclusions. For one thing, Sir, new lines are added every year, and on account of this factor it is very difficult to judge how far the increase in traffic and the corresponding increase in the operation expenditure are due to the opening of these new lines and how far these items are to be accounted for by the increase of traffic on the existing lines. The provision for depreciation fund is another factor which makes comparison very difficult. The House will remember that, after the acceptance of the convention, we are providing now for our new capital expenditure a depreciation fund calculated under certain rules. This was not done in previous years. This factor again makes it difficult to make scientific comparisons and arrive at correct conclusions as to the efficiency and economy observed in the railway system. It would greatly facilitate this comparison if, in presenting the Railway Budget to this House, the Railway Administration will give us some indication as to what allowance must be made for these new factors that have crept into the Budget.

Speaking on the discussion of the Budget of 1927-28, I drew attention to the report of the Committee which was appointed by the Railway Admin-

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istration to enquire into the management of the railway workshops, and I then pointed out how, if those recommendations were given effect to completely, the Railway Administration would save something like Rs. 4½ crores on the repairs and maintenance of locomotives and coaching vehicles. I find from the Budget Memorandum that in 1927-28, the expenditure on repairs and maintenance of locomotives and coaching vehicles was Rs. 9.28 crores, in 1928-29 it was Rs. 9.10 crores, and in 1929-30 it is expected to be Rs. 8.93 crores. The revised estimate of 1928-29 is therefore Rs. 14 lakhs less than the previous year, and for 1929-30 it is expected to be Rs. 17 lakhs less than the current year. In so far as the railway workshops are now in a position to maintain the repairs of locomotives and coaching vehicles at a cheaper rate than it has been done hitherto, the Railway Administration certainly deserve our congratulations, but if I may draw my own conclusions from the report of the Raven Committee, I would draw the attention of my Honourable friend, the Commerce Member, to the fact that there is still very great scope for improvement and economy in the management of the railway workshops. I sincerely hope and trust that the Honourable the Commerce Member and the Railway Administration will constantly keep in mind what a great saving can be made if only the railway workshops are run on the most economic and efficient lines.

My Honourable friend, Sir Purshotamdas Thakurdas, drew attention to the fact that on the 31st March, 1930, our railway reserve fund will stand at about Rs. 22½ crores and the depreciation fund at about Rs. 18½ crores. Sir, on a previous occasion I asked of the Honourable the Financial Commissioner of Railways how these reserves are invested and what return we get from the Government of India on these reserves. I was told on that occasion that these reserves are merely merged in the general cash balances of the Government and that we get interest at about 1 per cent. less than that at which the Government of India borrows, and I was further told that, considering the fact that, from the point of view of the Government of India this is to be considered as call money, the rate of interest that we get is more than reasonable. Theoretically, no doubt, I can see the soundness of the argument of my Honourable friend, the Financial Commissioner, but I would put it to him whether in practice this reserve which is to the credit of the Railways is to be considered as simply call money by the Government of India. I hope that when the labours of the Committee which has been appointed to review the working of the separation of railway from general finance are finished, we will arrive at some arrangement by which we would get a reasonable rate of interest for the reserves accumulated by the Railway Administration. Last year, during the discussion on the General Budget, we discovered that the Finance Member of the Government of India had unceremoniously considered these reserves as having helped him to wipe off the unproductive debt of the Government of India. In that attitude of the Finance Member there is very great danger for the railway reserve that we are accumulating, and against this danger it would be essential for the House to devise some safeguard. If the railway reserves are to be used for wiping off the unproductive debt of the Government of India, then we cannot be justified in accumulating these reserves. I hope that the Committee that is now reviewing the separation convention will go into this question also.

Honourable Members will remember that, at the time the convention was arrived at, one of the objects which the House had in view, in agreeing to the accumulation of a reserve fund, was that the reserve ought to be utilised in reducing fares and freights. In the first two years of the working of the convention we were told by the then Commerce Member that the size of the reserve did not justify our launching on any policy of reduction of fares and freights. Last year, my Honourable friend, the present Commerce Member, initiated a healthy policy in this direction, and this year, again, in the announcement that he has made about a reduction of fares and freights, he has continued that policy. Honourable Members will remember that it was pointed out that the new reduction proposed to be brought into force next year would result in a loss of about 65 lakhs of rupees to the railways and I put it to the House and to the Honourable the Commerce Member whether, in view of the fact that we have got about 22½ crores in reserve, the policy of the Honourable the Commerce Member is not really too conservative. I would say, Sir, that the size of our reserve warrants a bolder and a more forward policy in the direction of reducing freights and fares. On the general question of freights and fares, my Honourable friend Sir Purshotamdas Thakurdas drew the attention of this House to the necessity for fixing a standard revenue which railways ought to earn and then to decide what ought to be the reasonable rates to ensure the earning of that standard revenue from the railways. I entirely endorse what Sir Purshotamdas Thakurdas has said in this matter. In answer to a series of questions, addressed to the Honourable Financial Commissioner for Railways the other day, he told this House that the Secretary of State had fixed maximum and minimum rates about 15 years ago, and he further said that there was no necessity to revise the maximum and minimum rates, because they were sufficiently elastic as they exist at present. Sir, I would submit to the Honourable Financial Commissioner that the very fact that there is great elasticity between the maximum and minimum rates will go to defeat the very object of fixing a reasonable rate. I would say that, if Railway administrations are to fix a reasonable rate, they ought not to be given so much elasticity between maximum and minimum rates. The very fact that maximum and minimum rates have been fixed does not necessarily ensure that reasonable rates will be charged for certain classes of commodities, because the fallacy of the argument is that a maximum rate is necessarily a reasonable rate. The time has therefore now come when the whole policy of maximum and minimum rates which were fixed 15 years ago should now be reviewed in the light of recent developments, in the light of the standard revenue which we have asked the Railway Administrations to contribute to the general revenues. In this connection, Sir, I would like to draw the attention of the Honourable the Finance Member to a concrete case which will illustrate my contention that this great elasticity that is given to the railway administrations in the fixing of rates has in many cases resulted in inequality and injustice. I have been told that the railway freight for yarn bales from Coimbatore to Madras, which is a distance of about 306 miles, is Re. 1-1-0 per maund, but the railway freight from Madura to Madras, which is 348 miles, that is 42 miles more, is 0-6-11. Now, in the face of this inequality, how is it possible for the mills in Coimbatore to compete in the Madras market with the mills in Madura. My friend Mr. Sessa Ayyangar, who comes from Madura, tells me that the reason is obvious. I do not want to impute motives to anybody, but the fact remains that in Madura there is a huge

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mill which is an English concern, whereas in Coimbatore the mills are managed by Indians. I do not wish to suggest that, in fixing these rates, the Railway Administration wanted consciously to give undue preference to the English-managed mill at Madura but then the fact remains that for a distance of 306 miles you charge 1-1-0 and for a distance of 348 miles you charge 0-6-11 per maund. Well, Sir, this was discovered unfortunately by the Coimbatore mills only very recently, especially after the opening of the Pollachi-Dindigul line. What we do now in Coimbatore is this: we send the yarn from Coimbatore via Pollachi, Dindigul, Madura, to Madras, a distance of 491 miles, and it costs us only 15 annas. Yet my Honourable friend the Financial Commissioner would say that the railway administrations have got sufficient elasticity in the maxima and minima rates fixed by the Secretary of State, and therefore there is no necessity for revising these rates. This is a very good concrete case which must convince the Railway Administration that the time has now come, not only to revise maximum and minimum rates but also to see that the maxima and minima do not give so much elasticity to the railway administrations as to charge rates which are in many cases inequitable and unjust.

Sir Purshotamdas Thakurdas: You can multiply these instances.

Mr. R. K. Shanmukham Chetty: My Honourable friend Sir Purshotamdas Thakurdas was telling me the other day that the cotton freight from Hubli to Bombay via Nagpur was a similar case in point. It might be said that a Rates Advisory Board has been set up and it is open to Indian merchants to bring these cases to the notice of the Board: but, as my friend Sir Purshotamdas Thakurdas pointed out, the agriculturist, who is primarily affected by this disparity in rates, is not organised, nor is he sufficiently educated to take advantage of the existence of the Railway Advisory Board. It is therefore all the more necessary on the part of the Railway Administrations to see that the freights and fares are so fixed that they would be considered reasonable, and at the same time ensure what my Honourable friend called a standard revenue to the State. Sir, I do not think at this stage of the discussion it is necessary for me to touch on more topics.

Mr. H. G. Cocke (Bombay: European): I have listened with considerable interest to the excellent speeches of Sir Purshotamdas Thakurdas and Mr. Chetty.

Sir Purshotamdas Thakurdas: For once we agree.

Mr. H. G. Cocke: Yes, for once we agree. We often agree when the discussions in this House are on business topics but possibly we do not so often agree when they are on political topics. Political debates are great fun sometimes but I must say I like to get to a business discussion for a change. Sir, it is rather interesting in the matter of railways to delve a little into the past, particularly in view of the reference to a 19 per cent. dividend which Sir Purshotamdas Thakurdas mentioned just now. I do not know the details of the Bengal and North Western Railway. One often hears that a large dividend is declared, but I doubt very much whether many people reap that rate of dividend; that is to say, people who have held

shares since they were at par have perhaps only received in all an average return of 2 or 3 per cent. People who bought shares a short time back have got 19 per cent. on their nominal holding, but possibly only 12 Noon. four or five per cent. on their purchase price.

I tore myself away yesterday from the interesting matter of deferred rebates and went into the Library to look up the past history of Indian Railways.

Sir Purshotamdas Thakurdas: Including railways under State management?

Mr. H. G. Cocke: Railways as a whole. In 1845, which is going back a long time, I see that three experimental lines were sanctioned. In 1853 Lord Dalhousie, in his Minute, recommended that railways should be developed and the provinces linked up. In 1859 contracts were entered into for 5,000 miles of railway. In those days capital was not available in India and 5 per cent. had to be guaranteed by the State. The early results were very disappointing, and up to 1869 a deficit of 166 lakhs was shown. In the year 1880 there were only 8,500 miles of railway, and I find that in 1900, for the first time, the railways showed a small gain, so that it may not be entirely inapposite to raise these points about the distant past. If you are going to review the return from your railways, you must recollect that where an industry has had a very bad time for a considerable number of years, a certain amount of good harvest is expected in after years.

On the subject of the return on capital outlay, I quite agree that it is a subject that deserves investigation, as to whether we are not obtaining somewhat too high a return on our capital. I see that in the last six years this return has varied between 4.38 and 5.85 per cent. For the last year it was 5.41, so that you can figure it as averaging from $5\frac{1}{2}$ to $5\frac{1}{2}$ per cent. in recent years.

Sir Purshotamdas Thakurdas: Will the Honourable Member kindly tell me who paid the losses till 1900, the taxpayer of India or the shareholder abroad?

Mr. H. G. Cocke: I do not want to go into ancient history further.

Sir Purshotamdas Thakurdas: But you yourself raised the question.

Mr. H. G. Cocke: I was merely sketching out what had happened in the past.

Sir Purshotamdas Thakurdas: At the expense of the taxpayers!

Mr. H. G. Cocke: Our railways in the early days produced very indifferent results. One has got to recognise now that railways are becoming much more an all-India business, and whether it is a question of rates or policy or timings or salaries or staff quarters, you have got to look upon the railways as an all-India organisation, and not to look to any one or two systems.

This point comes up particularly in connection with the suggestion for a new Railway Member. I do not wish to discuss this subject at any great length because it is sure to be discussed when the Demands for Grants are taken up. At the same time it is one of the principal items included in the budget and I should like to point out, having been present at the preliminary discussion when this matter was brought up, that it does seem

[Mr. H. G. Cooke.]

to me that we have got to take a present-day view of our railways. We have got to realise that railway labour problems have come to stay. We must deplore that, in the past year or two, the General Member has been engaged very little on transportation work. It is obviously false economy to have that Member, who is an expert in transportation, taking up a very large part of his time on labour subjects, and I therefore trust that that aspect of the matter will be considered very carefully by the House when the time comes to debate it.

The question of the carriage of fuel is one on which I should like to make one or two remarks. The Honourable Member will remember that in Calcutta, in December, the Associated Chambers asked for a reduction in various things, coal, oil fuel, cotton, etc. We have been met to some extent in the matter of coal, but oil fuel has not received any concession; neither has any reference been made to it in the Honourable Member's speech. Obviously coal and oil fuel are items which ought to go more or less side by side. It would be a very great benefit to the country if some announcement of policy could be made for the future, because a manufacturer is very inclined, and perhaps does change over from coal to oil fuel because it pays him to do so. If you reduce the rates on coal he may be sorry and may be forced to change back. Oil fuel in particular is used largely by agriculturists for small oil engines, and freight rates are very high indeed. We gave one example in Calcutta, namely as between coal carried from Jharia to Ahmedabad at 2.16 pies per ton mile, and oil fuel carried from Bombay to Ahmedabad—which is one-quarter of the distance, but which costs nearly six times the amount,—at 12.56 pies per ton mile. Mr. Chetty has given us striking examples of a difference in freight which at the moment it is difficult to understand. Possibly the Honourable Railway Member may be able to give us a reason why that extraordinary difference exists.

Mr. Chetty referred to the question of the Raven Committee, and the improvements that have been made in railway workshops. No doubt there has been a vast improvement, and I am glad to see from the budget that the definite improvements of which we were told last year, are being continued. For instance, on the Eastern Bengal Railway, the average cost of a standard locomotive repair is two thousand rupees less. We are told that these improvements were obtained by definite economies, made possible by the modernisation of railway workshops.

I agree with Mr. Chetty that there is probably still a very large field for future progress in those directions, because after all the Raven Committee only came out three or four years ago, and it takes a long time to modernise workshops and get them into thoroughly modern ways, and even then, you always are having new inventions and improvements to put in which will further reduce the cost. Incidentally, of course, those improvements lead to labour being dispensed with in certain directions, but that is unavoidable in these days.

I am very glad to see from the budget that amenities to passengers have received considerable attention, and that 1½ crores have been provided in 1929-30, which include 182½ lakhs for the betterment of the lower class carriages.

Sir Purshotamdas Thakurdas referred to the question of Education. I join with him in congratulating the Government on what is being done in that matter. The present condition of things has been growing up for many years past, and is difficult to put right in a short time.

As regards improvements for the staff, that again is a subject which will have the whole-hearted support of this House, but of course it is a matter which has got to be done very carefully and gradually, because if you have received complaints from a railway in Madras and you are induced to put up your wages one rupee per day for a certain class of labour, that reacts over the whole of India, and you have to consider, before giving an enhancement, the effect in other parts of the country and the total cost.

With regard to the matter of stores balances, I regret the upward turn that has been taken. We remember that it was a matter which was referred to by the Incharge Committee, who pointed out that the stores balances were exorbitant.

The amount in 1921-22 was 23 crores, and since then the figures came down gradually to 14½ crores. Now, this year, we see them jumping up to 17½ crores. No doubt a reason is given for that, but I trust that that figure will not be maintained. The claims paid are very satisfactory, and one rather wonders why one could not have had better results in years gone by especially when the claims paid came down from 120 lakhs to 9½ lakhs between 1923 and 1928. I should like to know what reasons are given for the continued betterment here, whether large amounts are being spent on watch and ward, on fencing stations and so on, for as I said, the fall from 120 crores to 9½ crores in the course of five years is a very substantial fall and as between 1926-27 and 1927-28 the percentage fell from .24 to .14. These are the points which struck me in going through the budget papers. There are many others, but I have endeavoured to touch only on some important points which have not been touched upon by the two previous speakers, and the Honourable Member, I know, likes to have a vast number of items to reply to in the course of his remarks.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Sir, before I touch the purely financial aspect of the budget, I should like to have information on certain items included in the memorandum accompanying the budget. The East Indian Railway is a line where, as a result of the separation of audit from accounts, we were expecting large economies in the administration and cost of operation. But the position of the East Indian Railway seems to be deteriorating as the operating ratio has gone up by nearly one per cent. since 1927-28. I should have expected that it would go down, but I am somewhat disappointed.

Then, Sir, my second point is about the heavy stores balances and the crores of rupees locked therein. The reasons given for this increase are not quite satisfactory.

Then, the third point on which I want information is the exact meaning of the sum of 58 lakhs, as shown in the memorandum to the Railway Budget, page 6, which is said to be the value of the income-tax concessions on certain lines, part of the proceeds of which were devoted for railway purposes. This means that the railways will pay to the general finances, in addition to what they pay by way of contribution, a further sum of 58 lakhs this year. I want to understand whether this sum of Rs. 58 lakhs represents the charge for a single year, or whether it represents the consolidated debit for several years past.

Mr. A. A. L. Parsons (Financial Commissioner, Railways): It represents the charge that we expect we shall pay in the current year, that is to say, in 1928-29. The amount for next year is, I think, a little less because one of the income tax loans has recently been paid off.

Mr. Jamnadas M. Mehta: That means the railways have begun to pay to the general revenues a sum of over half a crore more per year, in addition to the already heavy contributions which the railways are making. I think so important a point might have been brought up earlier before the Railway Standing Finance Committee and its opinion thereon taken which was not done.

I am sorry to find that my Honourable friend Mr. Cocke regards political debate as mere fun.

Mr. H. G. Cocke: Sometimes mere fun.

Mr. Jamnadas M. Mehta: Political questions are matters of life and death to us, while it seems they are sometimes mere fun to Europeans. That is the vast gulf which divides us both. Satisfaction has been expressed by some Honourable Members, at the high figures of the surpluses and the small reductions in rates and fares. But if we examine the real position, this superficial satisfaction will have to be considerably mellowed and modified. The railways are not really, after all, making any progress in their earning capacity. They are, if not steadily declining, virtually stagnant since the last four or five years. Whether you look at the return per mile, or whether you look at the percentage of return on the capital at charge, the fact cannot be denied that the railways are earning less than they used to do five years ago. This fact has been admitted in the Annual Report for Railways for 1927-28. We find that the highest return which the railways made was 5.85 per cent. in 1924-25, and to-day they barely earn 5.40 per cent. They used to earn much less during the interval, or practically the same. Though this difference might appear small when Rs. 100 are concerned, yet when you consider that we have now nearly Rs. 700 crores invested in railways, you will find that the gross receipts are down by six crores of rupees and the net receipts are down by nearly 3½ crores. I am all the more surprised at this dwindling return from railways in view of the fact that there are nearly 12 or 13 causes why railways should look up and not down. In the first instance, we have nearly 8,000 miles of added mileage during the last five years. We have also acquired many company lines with the termination of their contracts, so that, whatever profit or surplus profit used to go to the shareholders of the company, and whatever expenditure was incurred on the London Board, have now ceased and the whole profits of these lines should have come to us and gone to swell our surpluses. The normal expansion of traffic should have further added to our income and also the recent publicity campaign of the Railway Board, which at least costs us several lakhs of rupees a year. In spite of these four causes, which ought to swell our revenues, we have not appreciably increased our receipts. Then there are eight other reasons why the economies we are supposed to have been practising in the various departments should go to dwindle the expenditure. We have a reduction in the cost of repairs in our modernised workshops, of which various figures are given. Rs. 2,000 per locomotive sent up for repairs is supposed to be the saving now. The cost of operation is said to have decreased owing to the extensions of marshalling yards and stations. We have also the

fall in prices of stores and materials; we have a fuel economy campaign, as it is called, for which we have now given a special staff; we have general retrenchment and economies; and in addition we have three important administrative reforms which we were promised would lead to substantial economies; these are the divisional systems of administration on the Great Indian Peninsula Railway and the North Western Railway, the establishment of the Clearing House Office, and the separation of the State railway audit and accounts. Instead of these twelve or thirteen reasons between themselves making for higher earnings and lower costs, we find that the return on the capital outlay has remained stationary or has decreased, so that while we incur lakhs of rupees expenditure on administrative changes and crores of rupees on investments for extensions and new constructions, the net return from the railways is, on Government's own admission, not even keeping up to the mark reached in the year 1924-25. While I say that the railways are not improving their earning capacity I do not thereby say that the railways are not charging higher rates and fares than they ought to. It is unfortunate that, while the rates and fares charged are excessive, the income that is obtained from these railways is not keeping pace. I say, Sir, the rates and fares are excessive, because, in the last six years, in addition to the sum of Rs. 22.50 crores that is in our reserves, as pointed out by my Honourable friend Sir Purshotamdas Thakurdas and my friend Mr. Chetty, we have paid as much as 30 crores to the general revenues and about 8 to 9 crores as loss on strategic railways. All these come from the railway revenues, after the cost of operation, depreciation fund and the interest charges have been provided for. It is a commonplace in railway economics, Sir, that so soon as working expenses, depreciation and interest charges are paid, all surpluses should go to relieve the Railway rates. Railway experts have again and again pointed out that any excess income beyond these three elements of cost means a tax on transport, which should not be levied except in extreme emergent cases. 30 crores, contribution to the general revenues, 9 crores, loss on strategic railways, 22.50 crores, reserve taken in excess of the actual cost of transportation. I make no mention of the depreciation fund because it may be necessary. The only point I want to make regarding the depreciation fund is that if the lives of the various assets of Railway property are longer than what they are assumed to be for the purpose of charging depreciation, the depreciation fund rules will have to be altered accordingly. Otherwise, the depreciation fund is not an improper charge on the railway income. So, barring the depreciation fund, 22.50 crores of reserves and about 40 crores of contribution to the general revenues and for meeting the loss on the Strategic lines, that is, a sum of over 60 crores in the course of six years, has been taken out of the traveller, the trader, the merchant and the agriculturist, in fact everybody who travels, whether he is a worker or an agriculturist or anybody else. There was an abundance of sympathy—almost overflowing—in the speech of the Honourable the Railway Member for the agricultural masses and the industrial classes. If he was in earnest, he should stand aghast at the fact that in six years, a sum of over 60 crores has been taken from these unfortunate individuals in excess of what the true cost of transport in this country is. I say that only the true cost of transport, which comprises working expenses, interest and depreciation, should be charged and nothing more. The last six years have shown that transport is costing the people of this country much more than what its actual cost ought to be, and the need for a radical revision of rates and fares is therefore urgent.

[Mr. Jamnadas M. Mehta.]

My Honourable friend Sir Purshotamdas Thakurdas referred to the Standard Revenues Act of 1921 (regarding railways) so far as England is concerned, and I should like to know what percentage is fixed there as the standard revenue for railways, beyond which they are not entitled to make any profit. I am told, Sir—and I am speaking subject to correction—that 4½ per cent. is the standard rate of income for railways in England. Sir, that we are taking much more than what the normal cost of transport is, is clearly evident. For these reasons, the demand of my friend Sir Purshotamdas Thakurdas for having some statutory provision for rates and fares has come none too early.

Sir Purshotamdas Thakurdas: Overdue.

Mr. Jamnadas M. Mehta: Well, Sir, six years of experience shows that we can carry on our railway administration with efficiency and meet all cost of transport, and yet give relief to the agriculturist, the trader and others, if only we have some statutory safeguard against excessive rates and fares.

Now, Sir, I have only one more point to make. The Honourable the Railway Member, with that sweet and gentle persuasiveness of which he seems to be a past master,—which disarms even a man like myself (laughter)—has argued at length the case for an additional Member. I think the Honourable Sir Bhupendra Nath Mitra might add a feather to his cap because so soon after his Trade Unions Bill, one half of which was controversial and the other half of which was non-controversial, the Honourable the Railway Member has brought out a budget speech, half of which is absolutely featureless while the other half is absolutely controversial. I do not wish to dwell at length today on the *pros* and *cons* of the fifth Railway Board Member; but I would ask the Railway Member to remember that, during the last several years, the Agents of the various railway administrations have got immense powers delegated to them, which used to form the subject matter of communications between the Railway Board and these Agents. The Railway Board in turn have got several important powers delegated to them by the Secretary of State, which also rendered it necessary to make protracted and heavy references to that august individual. We have strengthened the Railway Board superior staff by nearly 50 per cent. since 1922; we have delegated certain functions to the Rates Advisory Committee, to the Director for Wagon Pooling, to the Chief Mining Engineer for coal purposes and to the Railway Conference Association. All these used to occupy the time of the Railway Board before in one respect or another but are now made over to these bodies who are performing the function delegated to them, which would formerly have been performed by the Railway Board itself. Added to that, Sir, as I said, we have strengthened our staff by 50 per cent. and if you yet need one more Member, the case for it would require to be made out far more strongly than it appears to be in the Railway Member's speech. As I wish to advert to this question again on Saturday next I do not think I should occupy the time of the House in dealing with it today. In the meantime, Sir, I repeat that the railway position requires to be very carefully examined from the point of view of earning capacity, on account of the various factors that I have mentioned, and to see whether, in view of the several crores of capital we have spent on the extension and rehabilitation of our railways, the

show any improved earning capacity, or whether they do not. If they really show an improvement, and that improvement has been swallowed up by other expenses, then we have gone from the frying pan to the fire. We find that, in the miscellaneous section attached to these statements, there is an endless number of special officers and special committees, swallowing up lakhs and lakhs, and I often wonder whether part of the reduced profits of the railways is not due to the extraordinary army of special officers and special committees. Sir, I have done.

Mr. Mukhtar Singh (Meerut Division: Non-Muhammadan Rural): Sir, congratulate the Honourable the Commerce Member on the prosperous year that we had in the administration of the State Railways.

At the outset I may be permitted to complain most emphatically of the unjust and unfair treatment meted out to the members of this House in the presentation of the Railway Budget. Only 48 hours have been given us to study and make our observations on the Railway Budget. It is too short a period to digest the huge amount of literature supplied to us and to scrutinise the figures contained in the different kinds of books. It is too much to expect to give sufficient thought over this important budget, unless we are allowed a breathing time to form our definite ideas. The situation becomes much more difficult for non-officials, who have no establishment at their disposal, to go into the intricacies of different figures, and who are further asked to attend the Assembly even on the day intervening. I hope and trust that in future due regard will be made to his complaint and sufficient time will be allowed to the members to study the Railway Budget before they are asked to express their opinions on the same.

Now, being afraid of the shortness of time at my disposal, I come straight to the budget. The first thing that strikes me is that the proposed income in the budget is not warranted by the situation in the country. In the same way the expenditure proposed is too high and we are asked to vote for it in the hope that, after defraying all the expenditure, the net gain will be sufficiently high. I may say, Sir, that the expenditure proposed will have to be incurred, no matter whether the income falls short of the proposed figure or not. It seems to be very objectionable procedure to increase the expenditure on the proposed income. Not only will the expenditure proposed affect the budget year, but it will also affect the years to come.

I shall take first the income side. The actuals of income in 1927-28 from passenger and goods earnings were 110 crores and we budgeted for 108 crores. As a matter of fact now we are expecting an income from these sources to 111 crores, i.e., about 3 crores more than we budgeted for last year. In the earnings of coaching vehicles from passengers we have got about 40 lakhs less, but in the case of goods earnings we have got three crores more. Though we have got 40 lakhs less in passenger traffic still we have budgeted for 6 lakhs more than the budget of the last year and 42 lacs more than the revised estimate. I may submit that, owing to the hard competition in short distance travel between motor services and railways, and owing to famine conditions in the United Provinces and the Punjab, it cannot be safe to budget for more than the revised estimate of the current year. This will reduce the income side from coaching vehicles by about 48 lacs. Coming to the goods traffic, the Honourable the Commerce Member has not told us the reasons on

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account of which he has come to the conclusion that the income from this source will not even be equal to the income during the current year, but a bit more. Further he has not told us the reasons as to why the income under goods during the current year has abnormally increased over the budgeted amount. I shall try to show, Sir, that the income proposed from goods traffic is too high. The *rabi* crop in the United Provinces and the Punjab is expected to be very poor. The large import of Australian wheat, which has increased from 40,500 tons of 1926-27, to 69,200 tons in 1927-28, will also affect the movement of Indian wheat. In the case of cotton, we cannot expect the same huge traffic that we have witnessed in the current year. It may not be impertinent on my part to invite the attention of the Honourable Member to the remark on page 68 in the Review of the Trade of India for the year 1926-27 from which he will find that the prices in the year 1926-27 were very low, and so the stocks were held up, but during the year 1927-28, as stated on page 62 of the Review of Trade for that year, the prices went up. This explains the large amount of earnings from cotton transport. This year there is already a large stock of cotton held up in Bombay, owing to the slackness in export demand, for we cannot expect a heavier traffic this year in this commodity also. Besides this, in spite of the huge paraphernalia of agricultural exports, the Department of Agriculture has miserably failed to discover long staple cottons suitable for Indian soils and climate. The Indian mills are increasing the spinning of finer counts and thus they are importing a large quantity of cotton from America. The import of cotton, which was only 18,000 tons in 1925-26, increased to 46,000 tons in 1926-27, and it has further increased to 66,000 tons in 1927-28. Thus it is quite clear that we cannot base our estimates of income on the abnormal increase from goods earnings during the current year. On page 4 of the explanatory memorandum we find the remark:

"It is in our opinion too early yet to gauge the effect of the reductions which have been made in the rates on kerosine oil, manures, and oil cakes, jagree and petrol."

From kerosine oil the income has been disappointing; perhaps it is due to the fact that crude oil, which is replacing the kerosine oil in oil engines, has not got the advantage of this reduction. If the recommendations of the Roads Committee are adopted, it may check the continuous increase in petrol consumption, and thus the traffic from this source may fall below the expectation. Jagree also is not expected to give a higher return, as the area under sugarcane is decreasing. Thanks to the indifference of the Government of India in shelving everything for the magic wand of the Council of Research for Agriculture the returns under jagree are not expected to be very hopeful. In the short time at my disposal I cannot deal with all the other commodities. It seems to be quite clear to me that this year the income from goods traffic has been more by 3 crores than the proposed income in the budget. This is an abnormal increase and cannot be expected to be permanent, and therefore I consider, Sir, that the income on the budgeted side should be reduced at least by 3 crores. Coming to the expenditure side, we shall have a chance of discussing the same under different demands and so I do not propose to enter into the details of the same. But I cannot refrain from pointing out that the budgeted estimate in 1928-29 under head administration was only 18.06 lakhs, but in revised estimate the figure swelled up by 69 lakhs, and now it is proposed to make it a permanent figure. In the total expenditure or

railways the cost of administration is about 20 per cent., and this high cost of administration holds up all the reforms for the betterment of lower services. The House should be very jealous of any increment under this head and should see that the figure under this head does not exceed 13.06 lakhs, the budgeted figure of the last year. The total proposed expenditure is higher than the last year's budget by 2.76 lakhs and is higher by 31 lakhs from the revised figure. As I have already explained that the income proposed in the budget is not likely to be realised, it seems to be unsafe to budget for a higher figure of expenditure than we budgeted for last year. We have seen, Sir, that in the last year, though the budgeted figure was only 65.91 lakhs, yet we increased it to 68.36 lakhs in the revised estimate. Similarly we should budget for not more than 66 crores this year, and cut down the budgeted figure by 2 crores 67 lakhs so that our expenditure may be compatible with the income of the next year. If in working we find that an increased expenditure is demanded on account of the increase in traffic, we can certainly raise the budgeted figure as we did during the current year. It seems to me quite unsafe that we budget even higher than the revised estimate, especially when there seems to be no chance of getting the proposed income.

Now I come to the other announcements of the Honourable the Commerce Member. In a budget speech these announcements are the only things important from the public point of view. In a Railway Budget I expected three things for announcement from the Honourable Member in charge of railways, (1) better treatment of the constituents—the passengers and the merchants of this country, (2) betterment of the condition of the employees, and (3) a higher nett profit by economising the expenditure. I may be excused for saying that I have been sorely disappointed in all these three aspects. The first heading of the better treatment of constituents can be divided into two sections, firstly the amenities to passengers, and secondly better facilities to merchants. The Honourable the Commerce Member has announced a decent charity of 8½ lakhs in the reduction of third class fares for passengers on the Eastern Bengal Railway. I expected a declaration of the right of third class and intermediate class passengers to travel by mail trains and other fast trains. I expected that, instead of wasting money in foreign countries for advertisement, arrangements would be made to publish time-tables and rules and goods tariffs in the vernaculars of the country. I expected that sleeping accommodation for third and intermediate class passengers would be provided. But none of these things has come. As to the goods traffic, I am glad that the coal rates have been reduced, but I may be permitted to say that there remains a great necessity of revising the whole tariff rate with the idea as to how best we can serve the interest of the country. To leave the entire matter to the Agents of different railways to fix rates between maximum and minimum rates is simply absurd, especially when the maximum rates are three times the minimum rates. The average speed of goods trains of 9.9 miles on the broad gauge is one on which the Railway Board cannot be congratulated and especially when goods are not booked for days together, and the wagons are held up in transit at different stations. The Honourable Members of this House very well know that a number of merchants come to grief every year by not receiving the goods at the expected time. The reduction in rates of fresh fruits and vegetables might have been welcome, provided the reduction had taken place in

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carrying these articles by passenger trains, as it is not likely that goods trains will be used for this purpose, especially when Mr. Parsons has proclaimed in this House on the 30th January, in reply to a question of mine, that "Railways publicly notify that they do not guarantee the delivery of goods within any specified time"—a very nice assurance for the traders of this country! I expected that the recommendations of the Royal Agricultural Commission in connection with freight rates would at least be carried out and the cultivator would be able to benefit by them, but even this announcement has not come. The freight rates for forest produce should have been reduced over all the railways, so that cheap rates for fuel would have released the cow dung cakes for manure, and the cheap rates for fodder would have given some relief to the starving cattle of this country.

As to the amenities of the railway employees, the very small amount of 36 lakhs for improving the service conditions of lower paid employees is simply disgraceful and in the words of the *Pioneer* is "a very timid approach to a fair wage scale". This too does not seem likely to be availed of if the House does not agree to the new expenditure of Rs. 84 thousand for creating a new post on the Railway Board.

As to the third item I find, Sir, that no attempt seems to have been made in working the railways more cheaply. The working expenses are top-heavy, as they have been heretofore, and the large increase in the mileage of State Railways has not brought about a reduction in working and maintenance per mile of railway.

Thus, Sir, the Budget, as presented, is sorely disappointing.

Mr. E. F. Sykes (Bombay: European): Mr. President, in the many papers supplied to the House—the speech of the Honourable Commerce Member and the speech of the Chief Commissioner and the Explanatory Memorandum—so many subjects are dealt with that one would think that none had been overlooked. Yet one looked in vain for any explanation or apology on the part of Government for its departure from its declared policy of railway construction. The declarations of this policy have been unambiguous. Addressing this House in August 1926, His Excellency the Viceroy announced a programme of 6,000 miles of new line in the five years ending with March 31, 1932; and in the Administration Report for 1926-27 the Railway Department went one better and announced a programme of 7,000 miles for the same period, with 4,000 miles still under construction at the end of it. The House can imagine how the rural population in the hitherto neglected areas felt cheered, for the House need be under no illusion as to the desires of the cultivating community. What they desire is Railways always and more Railways. One has only to follow the traces of the many lines that have been marked out by the Railway Board to be asked with monotonous frequency "When will the rail come?" These declarations were reinforced by the Government speaking by the mouth of His Excellency the Viceroy before the Associated Chambers of Commerce in December. He said:

"The first and foremost duty of the Government to industry and commerce is the development of communications."

He was speaking before the Associated Chambers of Commerce, and therefore for the moment he did not mention agriculture, but we know from his speeches on other occasions that agriculture is as much his concern as industry and commerce. In addition, the Government is associated with this House in the convention for the separation of railway and general finance, of whose objects the principal one is to enable the railways to carry out a continuous policy.

Now, Sir, it must be said, that, up to a comparatively recent date, the record of the Government has been quite good in this respect. The war left the railways with depleted organisation and large arrears of maintenance to be made good. Even in 1926 it had not the organisation necessary for the conduct of a programme as outlined by the Viceroy. But it was developing it. Meanwhile the Government was proposing, and the House approving, the provision of ample funds. Deductions from the gross annual amounts were made on account of the short spending capacity of the administrations, but it was clearly understood that, should Agents be able to spend more, the money would be forthcoming; and this policy was carried on continuously until, in the last financial year, the total capital expenditure amounted to over Rs. 32½ crores, as against a budget provision of Rs. 26 crores. The fact that the budget provision for the current year was only Rs. 24 crores excited no alarm, and the Agents proceeded with their programmes as usual. In September a change came. The Agents were told that, not only had they to reduce their demands for the following year to about 26 crores, but that their expenditure for the current year was not to exceed that amount. I do not know how to impress on the House the seriousness of the results of this action. Perhaps in one way or another all Members of the House are aware of it. From the point of view of the administrations, it would be nothing short of disastrous. One Agent, for example, was called on to reduce his expenditure for the year by no less than 36 per cent., although his rate of expenditure for the first half of the year had been in excess of the average rate.

Mr. A. A. L. Parsons: Which one?

Mr. E. F. Sykes: The North Western Railway. The House can imagine the extent to which works have been left incomplete and the painfully organized staff dispersed; but the blow was still harder for the rural areas which had been waiting and waiting for railway facilities and saw as the only obstacle the undeveloped spending powers of the administration. Here is an example. In an undeveloped portion of Assam, an extension of the State line has been projected and the return guaranteed by the Local Government. In the same area, private enterprise has projected another line of communication. Sanction to this is held up pending the construction of the State line. The latter, although guaranteed by the Local Government, cannot be constructed for want of funds. The development of the whole area meanwhile is suspended, but the want of this line prevents any development in the area lying still further to the North-East.

It is not obvious why the Government should not have frankly explained the situation to the House and asked for its approval. But on the contrary it hid it as long as possible and did not even communicate it to the Standing Finance Committee when it met in November. And yet the matter was very simple, even though, to explain it we have to

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deal with the matter of finance. This is a subject which we are supposed to approach with a feeling of awe and reverence. But I submit there is a good deal of unnecessary "bogey" in this respect. Like M. Jourdain with prose, we all of us find ourselves practising finance without knowing it. It is perfectly true that in this, as in all other activities, there are some who have a wider experience and greater insight than others and these are called experts. And very properly we are guided by their views. It is, however, a matter of universal experience that unfortunately experts can be found to support every variety of view, and in the end the plain man who puts up the money has to decide between them. So I ask the House not to be afraid of words, but to remember that they are in this case the plain man and it is their duty to form and act on an opinion formed by such guidance as they may have available. What has happened is simply this, that the Government's advisers, who formerly thought that its credit admitted of borrowing for capital works on a large scale, now think that it is only possible on a smaller scale. It is a subject on which there is room for a difference of opinion. The Government of India gave its views to the Roads Development Committee. The Finance Secretary said: "I do not think that anybody could say that we have reached the limit of the credit of the Government of India". Later he observed that while an addition to the annual capital expenditure of the Government of forty crores would be out of all bounds an increase of five crores would be conceivable.

Now, what is the effect of this action of the Government? We can find out from the speech of the Honourable the Commerce Member. The mileage of new lines to be opened in the first three years of the quinquennium will be 2,000. The mileage of the next two, owing to the restriction of funds, will not be above the average and will therefore bring the total for five years up to a little over three thousand miles, or half the projected mileage.

What then is the case which the House has against the Government? I would like the House to consider this matter very carefully. In view of the unreasonable manner in which the blame for everything is often laid on the Government, it is not surprising that the criticism loses some of its force. Let us be clear then that we do not blame the Government for changing its view. Those who think worst of it would not wish it to add to its vices an unenlightened consistency. What we do blame the Government for is for the panicky manner in which it acted on its changed views. We blame it for following a policy inconsistent with its first and foremost duty to industry and commerce; we blame it for a breach of the convention regarding the separation of finance which was accepted by all parties in 1924; and finally we blame it for its want of frankness in not making the position clear to the House, and asking its advice and assistance.

Sir, I should not like to be thought to be content with expounding the causes of our troubles and assigning the blame for them. Nor, on the other hand, would I be so presumptuous as to hope to indicate the complete remedy. Life is not as simple as that. My contribution will be to say to the Government that, as you have failed in your effort to carry out your first and foremost duty to industry and commerce, (not to speak of agriculture), it is your duty to institute an inquiry into the best manner

of doing so and to bring the results before the House for its approval; and to the House, that in connection with the revision of the convention regarding the separation of finance every effort shall be made to render it panic-proof.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): Sir, I would have had no desire to make a speech this morning had it not been for the business like speech of the President of the Indian Chamber of Commerce, Bombay. Sir, I thought Sir Purshotamdas Thakurdas was voicing the feeling of this House when he put forward those valuable suggestions on the Railway Budget. Those suggestions are very useful, and I hope the Honourable Member for Railways will give his very careful consideration to them.

Sir, Mr. Cocke first of all, unconsciously I think, hurt the feelings of this side of the House by saying that we sometimes create fun when political debates are conducted in the House . . .

Mr. H. G. Cocke: I said that political discussions in the House have some times created fun. I do not think it is quite the same thing as what the Honourable Member represents me to have said.

Mr. Fazal Ibrahim Rahimtulla: I do not think any discussion of a political nature in this House can be regarded by anybody as creating fun for anybody except perhaps for my friend Mr. Cocke. Sir, my friend belongs to a well known company of auditors, being the senior partner of Messrs. Fergusson and Company, and I do not know, Sir, how he could possibly repudiate or find fault with the remarks of Sir Purshotamdas Thakurdas when he said that the dividend of 19 per cent. which is earned by the Bengal and North Western Railway, could be regarded as a reduction in the rate of interest on the present value of the shares. I think, Sir, in every company, we calculate on the par value regarding the interest, and there is so much feeling in this House regarding the dividend declared by the Bengal and North Western Railway that a Resolution has been tabled asking Government to take the line over when the agreement of that Railway expires, namely in 1931.

Mr. H. G. Cocke: May I interrupt the Honourable Member, Sir? I did not wish to indicate that the dividend was necessarily good or bad. I do not know the facts. I merely said that when the dividend was 19 per cent., it did not follow that anyone got 19 per cent. on their investment.

Mr. Fazal Ibrahim Rahimtulla: That shows the huge profit the Railway is making.

Mr. H. G. Cocke: Quite so.

Mr. Fazal Ibrahim Rahimtulla: I am glad that my friend Mr. Cocke has taken the trouble to look into the history of the question. He began to trace the history of the Railways, and when my friend Sir Purshotamdas Thakurdas pointedly made a remark regarding what the taxpayers have paid as a clear loss, namely 10 crores of rupees, my Honourable friend Mr. Cocke did not wish to proceed further because he had no arguments to fight that. He need not have taken the trouble to go to the

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Library, Sir, because if he had looked up the Report of the Acworth Committee, which deals fully with this question at page 99, in Appendix III, he would have seen the actual facts. There they clearly point out that the amount paid as guaranteed interest is £208 millions, and the net loss which the taxpayer has paid till 1919 is Rupees 10 crores 7 lakhs and 75 thousand.

There is one point which I wish the Honourable the Commerce Member to take notice of, and that point has been brought to our notice by the

1 P.M. Local Railway Advisory Committee. It is regarding the point

that they do not get money enough and in time to spend during the year that they are expected to spend. Regarding the construction of new lines and the extension of existing lines they get sanction for the money in April, then they place orders in England in June or July, and when the goods arrive which is about September, one finds that one is not able to spend the money which is given to one, and according to the rules of the Railway Board, one has got to refund that money if one is not able to spend it during that year. My Honourable friend, Sir Purshotamdas Thakurdas, mentioned about the Local Advisory Committees. I can say from my experience that the Bombay, Baroda and Central India Railway Advisory Committee is working splendidly, and the Agent of that Railway who is the Chairman of that Committee, is very sympathetic and has always carried out the wishes of the majority of that Committee. (An Honourable Member: "Hear, hear.") I hope that this policy will be followed by the other Local Advisory Committees at which my Honourable friend, Sir Purshotamdas Thakurdas has rightly complained.

I will now touch upon the question of the additional Railway Board Member. I do not desire to say anything at present regarding his usefulness. The Honourable the Railway Member has dealt at length with the question, but whilst he did so and tried to make out a clear case, I am afraid that he has not taken into consideration the wishes of this side of the House to have an Indian for that post. The House will remember that, while Sir Basil Blackett was the Finance Member, he pointed out that there are four Members on the Railway Board and that one of them should be an Indian, and an early opportunity should be taken, in the event of a vacancy, to appoint an Indian to one of the four posts. The Railway Member has now come forward for the appointment of a fifth Member without in any way telling us that he will consider sympathetically, or that he will agree on the floor of this House, to consider the question of having an Indian for one of these five appointments. I hope that he will have regard for the feeling of this House, which is rightly claiming the even out of the four existing ones, there should be at least one Indian.

As regards the suggestion which I wanted to make, regarding the unfair freight rates, it was covered very clearly by an example which my Honourable friend, Mr. Chetty, cited, and I hope that the Railway Board will look into that matter seriously. This matter of preferential rates, whether admitted consciously or not, has always been the grievance of the commercial community of Bombay.

Khan Bahadur Makhdom Syed Rajan Baksh Shah (South West Punjab: Muhammadan) made a speech in the vernacular, a translation of which will appear later as an Appendix to these Debates.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): It must be a great relief to my Honourable friend, Sir George Rainy, to hear what the man in the street has to say after having heard a good deal of figures about which he has been troubling himself for the last so many days in his chambers. Sir, the man in the street does not concern himself with these crores, much less can he pronounce them or read them. He is more concerned with what comforts, what amenities and what conveniences he would get from the Honourable the Commerce Member. The Honourable Member yesterday in his Budget speech contended that nowadays third class passengers have been asking for too many comforts from him. But I am sorry to say that, far from asking for comforts, they have been asking only for the necessities of existence. In the first place, I would quote to the Honourable Member the authority of Mahatma Gandhi,—what he says about third class passengers in these lines:

"Now that I have resumed third class travelling after many years, my eyes are opened to the fact that the condition is about the same that ruled five years ago. Third class carriages and especially latrines are just as dirty and unkept as they ever were."

To mention one glaring instance, the latrines on the other systems that I know are somewhat tolerable; but the latrines in the Jodhpur State Railway are, in my opinion, absolutely intolerable, insanitary and unfit for human use. They are little black holes without ventilation, without light, without latches to close the doors from inside. A bulky man like say, Maulana Shaukat Ali (and he might have added me) would not perhaps be able to enter the latrine or having entered would certainly not be able to use it. Lean men like me cannot use them without the clothes touching the walls. The whole construction was evidently conceived without reference to the primary human want. It is up to the railway management to alter this disgraceful state of things without a moment's delay. The State Railways should really be a model to the British system, whereas the actual state of things is the other way."

Sir, if complaints like this arise, is it fair for my Honourable friend the Commerce Member to say that the third class passengers are asking nowadays for more comforts than they originally used to ask. When I read, or rather heard, the speech of the Honourable the Commerce Member yesterday, I found that it contained more words than figures, whereas the budget speech which was presented to the other House contained more figures than words, but all the same it was no comfort to hear either of those speeches when we heard of practically nothing done for the man in the street. I found that I could summarise the budget speech of my friend the Commerce Member in two expressions: (1) compliments to officers behind him, and (2) special pleading for an additional Member for the Railway Board. Sir, without his paying any compliments to them, I am prepared to concede that there is indefatigable energy not only in Mr. Parsons, but in all those who sit by and around him. I am prepared to concede that always, and I am prepared to say also that it is proportionate to the huge salary which they are receiving. At the same time I am not satisfied that they have, consistently with that responsibility which has devolved upon them, looked after the interests of the persons who are paying them. I have found attached to the proceedings of the Railway Standing Finance Committee a fine genealogical table of the co-parcenary of the Chief Commissioner of the Railway Board with his agnates and cognates. I wanted to find out whether there was any other line to be drawn there for another additional Member and I thought the agnates and cognates existing were sufficient to devour the whole of the finances of this country. The Honourable the Commerce Member stated, in the budget speech yesterday, that he expects 1½ crores more than the expected receipts for the current year. I

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do not know myself whether he intended that to be a surprise for this House, but those who have been accustomed to hear the framers of budget speeches in this House, whether it is the railway budget or the general budget, know that they have got something concealed under their double lock. They knew that there would be this 1½ crores increase, even at the time they presented their last budget, and it is no surprise therefore either to the Honourable Member or the Members on the floor of this House. We know this system of over-estimating the expenditure and under-estimating the income, so that at the time of the budget we may not ask for more. At the end of the year they try to make out that they found this 1½ crores increase. I say that this increase has not fallen from the heavens, but has been unlocked from their own double lock. Now, Sir, I have said that the Honourable the Commerce Member has not been attending to the real needs of the man in the street. I find from the budget that there is an absolute dearth of imagination or originality. We get the usual routine figures, the usual routine items and the usual programmes for their own new works and open lines. We do not really find whether, in drawing up their programme of new works, they have ever consulted the necessities of the real passengers who have been paying for the railway revenues. They have classified railways under commercial railways and I say, Sir, they have been over-commercialising them. Then there are the strategic railways which naturally must end in loss. Then they have a third class of railways, luxury railways like the Kalka-Simla railway and the Nilgiris railway. They spend crores there whereas they are not paying any attention whatever to the needs of the Hindu passengers who go to places of pilgrimage like Badrinath. Have they ever considered the necessities of these people who are paying for their costly establishments? Absolutely nothing of the kind. I would ask my Honourable friend the Commerce Member to tell us how he found out that, by the reduction of rates last year, there was a reduction of income to the extent of 7 lakhs. I say, Sir, even that is a myth. The reduction in fares has not in any way affected the revenues. The reduction is in force for distances of over 50 miles, over 150 miles and over 300 miles. I have hardly known cases where third class passengers travel more than 150 or 300 miles at a stretch. I can classify the third class passengers in various ways. There are passengers who go for social amenities. They go to the houses of their relations, which are within 20 or 30 miles. Then there are passengers who travel for litigation in their own districts. They do not travel more than 150 miles. Persons who go on pilgrimages do not travel more than 150 or 300 miles at a stretch. They stop at various centres. They never buy tickets from Madras to Benares or Madras to Hardwar direct. Now, I ask, how the reduction which he has made last year, and about which he is never tired of boasting, has affected the receipts. In reality, the real cause of this loss of 7 lakhs is the bus, which runs parallel to the railway communications, and travels faster than the railways do. The railway time tables are also irregular and inconvenient to the passengers. So they prefer to travel by buses. It is to this cause that the reduction in the railway receipts is due and I therefore think that it is not right for the Commerce Member to attribute the loss of receipts to the reduction in rates of fares. Now, I ask him to give this House figures of third class tickets taken for distances of 150 miles and over at a time. It will be very easy for him to do this. That will show whether the reduction in fares is the real cause of this fall in receipts. I believe there will be more occasions for Honourable Members

of this House to speak upon this in further detail. Now, Sir, I am glad that my Honourable friend has recognised that the reduction of freight on coal traffic will be of great advantage to the industrial development of the country. He has discovered it at this late stage. His predecessors never looked into this matter. The Bengal coal could not be carried to Bombay at a cheaper rate than the South African coal. The South African coal has been receiving all kinds of encouragement, and neither the Railway Board nor the Commerce Member ever thought that they could get the railways compulsorily to purchase Indian coal, which alone would benefit the Indian coal manufacturers. Oftentimes I have been told that the pit-top price of coal in this country has been the same as in South Africa and yet it has been found in past years that the conveyance of South African coal to the Bombay port was made at a cheaper rate than the railway freight from Bengal to Bombay. That was due to the fact that our freights were so exorbitant and prohibitive that our coal could not compete with the South African coal.

Now, Sir, I ask what attention the Honourable Member has paid to the recommendations of the Royal Commission on Agriculture, who made their recommendations a year ago. I ask him to turn to pages 94, 114, 262, 263, 264, 359 and 378, where the Royal Commission on Agriculture have made various recommendations relating to the cheaper conveyance of fertilisers, of fodder, of fuel, and other matters that affect the agriculturist to the cultivators in this country. Upon all these points the Royal Commission on Agriculture has made very strong recommendations based on evidence received in the course of its enquiry. I ask, what attention have you paid to the recommendations in this valuable Report? At page 94 the Royal Commission asked the Railway Board and the railway authorities particularly to revise the rates of freights which are charged for oilcakes and other kinds of manure, and I find that to-day we are told that there has been a reduction in the rate for oilcake, but have not heard anything as to what revision the Honourable Member has made or what further reductions he is able to give on these materials.

Sir, at page 114 of the Report of the Royal Commission I find in paragraph 109:

"In pursuance of our desire that the manufacture in India of agricultural machinery and implements should be encouraged, we have also examined the rates charged by the railways for the transport of such goods. In the present state of industrial development in India, it cannot be expected that a factory capable of turning out the more elaborate types of machinery and implements should be established in each province. At the same time railway transport charges to distant parts of the country are a serious matter to agricultural implement firms. While the railways are commercial undertakings and, as such, must earn a reasonable rate of interest on the capital sunk in them, it is greatly to their interest to encourage internal manufactures by charging the lowest possible rates for the movement to the factory of raw material and from the factory of the finished article all over the country. We would, therefore, suggest that freight rates on agricultural implements and machinery should be re-examined from this point of view and that, where possible, concessions should be given."

I ask the Honourable the Commerce Member, did he re-examine those rates, and if so, what reductions does he propose to introduce? So far as the current budget is concerned, I am not aware of any reductions or any recommendations in the matter of the revision of rates on machinery so essential to agriculturists.

Sir, the following paragraph at page 262 will likewise be profitable. I will not say profitable to the agriculturist at this stage, but profitable to

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know that the Honourable the Commerce Member's attention has been drawn to it:

"As the quality of his cattle improves, we anticipate that the present disinclination of the cultivator to purchase fodder may disappear and that an active demand for it may arise. Railways should encourage this change of attitude on the part of the cultivator by offering the lowest rates for the transport of fodder, compatible with their position as profit-earning concerns. The capacity of forest lands in certain parts of the country to supply fodder in large quantities is undoubted and if, by means of propaganda, the use of dried grass for feeding increases, the railways will stand to gain by the development of a new line of traffic."

May I ask the Honourable the Commerce Member whether he made any inquiry into this, and whether he has made any recommendations for reducing the freight on fodder which is so essential to the agriculturists?

Then, Sir, a line at page 379. I will not read all the passage and thus tax the patience of my Honourable friends here:

"We would further suggest that the feasibility of transporting all milch cattle by passenger or parcel express train at the rates at present charged for their carriage by goods train, and also of improving the type of wagon used for the transport of all cattle, should be investigated. In existing conditions, a large number of good milch cows are imported into Calcutta and Bombay by milk vendors who sell them for slaughter at the end of the lactation period as they cannot afford to stall feed them until they calve again or to send them back to the districts. In such circumstances, any measures which facilitated the rapid transport of cattle at reasonable rates would furnish a valuable contribution to the solution of some of the problems connected with animal husbandry which we have discussed in Chapter VII."

Sir, I need not go into the matter further. I only request the Honourable the Commerce Member to direct his attention to the various recommendations made with so much responsibility. I would ask that he should take speedy steps to see that these matters are settled as soon as possible.

With regard to the railway administration taking care of the lives and safety of persons travelling by train, I would refer you to statistics about accidents. We find in the year 1917-18 that there were 268 persons killed. In the year 1926-27 there were 347 persons killed. With regard to railway servants, in 1917-18, there were 408 employees killed. In 1926-27 there were 890. In the case of those who were neither passengers nor railway servants, in the year 1917-18, there were 1,718 persons killed. In the year 1926-27 there were 2,156 persons killed. And this is the tremendous and laudable work which the Government Inspectors do in the matter of preventing accidents occurring on railways.

With regard to the cases of these accidents on railways, I find I have not given you the figures of those who were injured without being actually killed. In 1917-18 there were 2,418 persons injured. In 1926-27 there were 5,736 persons injured. These accidents have all arisen on account of the shunting of trains at various junctions, on account of the irregular and careless manner in which trucks are handled, and also on account of the absolute callousness displayed with regard to the safety of passengers. I know personally, for instance, that at Renigunta Junction I have found trains brought on the second line away from the platform. Passengers are asked to get down from the platform at midnight, cross the lines, and go to the opposite platform and catch the mail train waiting on the other side. These are the arrangements that are made by the railway authorities at big stations, commanding as they do, long stretches of platforms, and

I ask, how is it possible for you to say that accidents will not occur? I ask the railway administration and the Railway Board, which contains a Member who is specially deputed to look after transportation, what care has been taken in the past to safeguard the lives of passengers? My Honourable friend the Commerce Member says, "Please give me an additional Member to look after these things." He is not satisfied with the existing Member and he calls the additional Member by a catch phrase, "Labour Member." Diwan Chaman Lall may be deceived by this catch phrase, my Honourable friend, Mr. Joshi, who, I am sorry, is not here to-day, may be carried away by that phrase, but we know that there is absolutely no use trying to impose on us by this catch phrase, while those existing on the Board are not doing their duty and are shirking responsibility with regard to the safety of the people entrusted to their care.

Now, what is it that, after all, I have come to learn from the railway administration. I have come to learn that there is more of red-tapeism in railway administrations than people know of. A few days ago I asked the Agent and Manager of the Madras and Southern Mahratta Railway whether there was through communication opened from Madras to Delhi. Two days after he replied, telling me he had forwarded my letter to the Traffic Manager for disposal. Did he not know this simple piece of information himself? Why should he refer the matter to the Traffic Manager for reply? What is this except red-tapeism, and this red-tapeism is introduced into public utility departments, and passengers who are not acquainted with the functions of the general departments are to be told that they must go from office to office for information. I ask, do these officers deserve the salaries they are getting?

Now, Sir, only the other day my Honourable friend Kumar Ganganand Sinha put a question to the Honourable Mr. Parsons about the irregularities and about the reckless manner in which passengers are allowed to go to the platforms at Howrah station. It was just on the day previous to the putting of the question here that I had personal experience as to how passengers are allowed on to the platforms there. In answer to that question, the Honourable Mr. Parsons simply said, "no," but that, however, he would forward the question to the railway authorities at Howrah for inquiry. We will perhaps get a reply to this inquiry during the Simla session and perhaps in the meanwhile either Kumar Ganganand Sinha might forget the whole incident or I might forget the whole thing. I can tell you, Sir, from my personal experience at the Howrah station last Saturday that the passengers were all huddled together near the platform. We ought to enter for the Delhi Express by platform No. 9, but I saw passengers going up by platforms 8, 4, 5 and so on and getting into platform No. 9 by questionable methods. The cooly porter quietly tells me: "Babuji, if you pay Re. 1. you will get to platform No. 9 immediately." People are all huddled together and just 15 minutes before the time for the departure of the Express, the railway gates are opened. There is absolutely no checking of tickets. They all rush together in a great hurry as I find in places of pilgrimage, when the door is opened all pilgrims are allowed to rush in together for a *darshan* of the deity. This is the manner in which arrangements are made at the Howrah station for regulating the entry of passengers into the platform. There is no wonder if in that crowd which rush in in order to get their seats within the space of 10 or 15 minutes to enable them to travel by that train, women are crushed and children are

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crushed. If there is such a thing happening, there is absolutely no wonder that we should often hear of accidents even in public railway platforms like the Howrah station. When questions are asked relating to this—my Honourable friend Mr. Parsons could have never experienced such inconvenience, for whenever he travels, he is taken in the most convenient manner from his waiting room to the saloon and so he cannot realise the difficulties of third class passengers—whenever questions are asked with regard to these difficulties, he quietly answers “Part (a) No; Part (b) Does not arise”. (Laughter.) Nothing would arise to him. I say, Sir, these are some of the difficulties which the passengers suffer under. I do not propose to detain the House any longer on this occasion. But if occasion arises to me later on, I will give further details when we come to discuss the demands. (Applause.)

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.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadian): Sir, it is not for me to curse or congratulate the Railway Board on this occasion. They are above both. But this much I can say that the Honourable Sir George Rainy and his colleague have played their part cleverly so far as the budget is concerned as well as the speech. Language and statements have a function in State craft, and in my opinion, such a function has been well discharged.

I was also glad to note that our Honourable friend Sir George Rainy almost began his speech with a straight confession that a reduction of fares and rates ended in an increase of receipts of 1½ crores of rupees, for it afforded an incentive to activity in the general trade. But he recoils at once to the traditional timidity of a Departmental Head and says that it is yet too early to say whether the increase is due to reduction, though even in passenger traffic, he admits, the income is down by 7 instead of 21 lakhs in this age of motors and buses. Commerce is not ordinarily expected to be imaginative, and I am therefore not inclined to blame the Honourable Member on that score.

Now I shall turn to the main criticism of the budget. Such a criticism from a Member of the Opposition, as I am, is oftener than not generally looked upon as destructive, and I am afraid, nothing better than the ordinary can I give so long as the basic policy of the administration remains as it is. Railways ought to be a national industry, but there is nothing national in our administration. So long as the industry does not become at least Indian in spirit as well as in form, the suggestions I am going to offer are in danger of losing their constructive character. But let us hope against hope so long as we are here.

A good portion of the speech of the Honourable Member for Commerce appears to be a pleading for a new Member on the Board. A case is attempted to be made out for him on the ground that he will take almost

exclusive charge of labour. He may perhaps be an Indian by caste. Thus, our Honourable friend seems to aim at killing two birds with one stone. Both the cry for Indianisation in the highest place as well as that against merciless exploitation of labour are attempted to be gagged in this one stroke of policy. An Indian Member in charge of labour too may be used, not only as an apparent argument, but as a seeming moral antidote even against real labour unrest.

I have got little to do with Indianisation of high offices, as it is being often demanded and tardily and unwillingly conceded in these days of job-hunting in many quarters. I have always held with but a few of my friends on this side, and I hold today, that Indianisation in higher service means a complete remodelling and even overhauling, as well as possible, of the pay and other service conditions on the basis of Indian standard of living and requirements.

We may invite experts on their terms when and so long as we cannot but do without them. But there is no reason why our ordinary service should be paid according to the time-honoured English standard, and be supplemented from time to time by “Lee-Loots” and other like devices to keep it perpetually attractive to the Englishmen coming to India. I have often uttered the warning that, by putting Indians in high services under the present foreign service conditions, our national future is being almost irretrievably jeopardised. I shall not therefore repeat my arguments here on this subject.

But what about labour, for which is necessary the additional Member on the Board? If the Honourable Member honestly feels that radical and far-reaching measures are needed for permanently pacifying discontented labour, then he will not convince the House by forcing suddenly a new Member upon their vote. An oblique look towards Geneva conventions or a tardy and suspicious effect given to those conventions will neither bring permanent satisfaction to labour, nor will justify the addition of a new Member to the Railway Board.

Labour is a big problem, and that specially on our railways. The discontent there has been just and chronic. The Board has a distinct and most imperative duty here. But the appointment of a Member in this fashion appears to be shelving rather than doing the duty properly. This way of avoiding solution of problems has been a custom of this administration in other spheres. If a real solution of the labour unrest is intended, then a properly thought-out plan and programme of work based on a careful study and sympathetic appreciation of labour grievances is the primary necessity. A Member on the Board, or a like device to put such a programme in action may then be considered by the House in a more congenial and convenient atmosphere.

Labour grievances are many and varied. First and foremost among them is providing for the education of labourers themselves and particularly their children. Sir George Rainy says that there are 8,00,000 employees working on the Indian railways. At the most modest calculation, the number of the children must be 16,00,000. But how many high schools or colleges have been arranged for this vast number? How many more does Sir Purshotamdas Thakurdas hope (A pause.)

Mr. President: Hope what? (Laughter.)

Sandil Willemans Das: For out of the information he gave out today? Suppression of the labourers and depriving their children of education has long been a recognised curse of Western industrialism. It kills the culture and the manhood of the individual. Who knows what genius remains hidden in the child of the labourer and the poor employee? Be ~~sure~~, in India education is a tradition among many classes of people toiling as employees under the railways. I am here put in mind of a poor mofussil stationmaster who retired actually a pauper as he had had to educate his only son. The son subsequently died of heart troubles and the father died of starvation. Under conditions like this, how can it expect responsible co-operation from the employees by foisting a new Member on them, God only knows.

The circumstances of discontent on this score are all the more accentuated when we find that much better provision is made for white children to the exclusion of the real sons of the soil. It is an open secret that on many railways, if not on all, besides the official provisions, about 90 per cent. of the fines realised from the employees goes to the education of the children of the white servants. But what of the children of those that pay the fine?

Technical education, enough to man the national industry, should also be thoroughly and liberally provided for. Arrangements should be made for training skilled hands extensively to ensure efficiency beyond doubt in a scheme for radical Indianisation. Intellectual genius and proper adaptability are not wanting in the Indian. In learning capacity Indians yield to no other race in the world. But adequate and proper facilities for training are wanting.

In para. 101 of the Report of the Railway Board for 1926-27, for instance, a training for only 17 students is provided for. The attempt may appear to have been in the right direction, but considering the hugeness of the industry the meagre character of the provision only makes the darkness palpable, so to say.

The modern industrialism is a man-killing engine, and its inherent spirit refuses to be reasonably considerate to the labour it exploits. The sturdy and solid middle class, which is the backbone of a nation, gets dismantled and disorganised under its influence. Added to this we have got to work under foreign conditions and foreign ideas. All this should be carefully realised by our Railway Board.

Preference given to the children of the employees in recruitment for service is another safeguard which must not be lost sight of. Much is heard of rank corruption in recruitment of lower services. Company managed railways are notorious for this vice. Open recruitment and that as far as practicable through school and college authorities and means of public examinations and competitions should immediately be thought of.

Measures like these surely will go a great way to kill the present germ of strike which are otherwise inevitable. A new Member as such will be of little help if old ways are not changed.

Sanitary arrangements and housing are also of immediate importance. The design of houses for Indian employees has never changed perhaps from the time of Marco Polo, so to say, though bullock carts have since been replaced by aeroplanes. It is a strange sight to see the Indian quarters in a railway settlement. Kitchen and privy, if any, are built together

With an apology for a window provided, if at all, the cubic space allowed reminds one of the ancient Buddhist caves of Udayagiri near Puri. Still Indians who are to use the houses have never been nor are being consulted in designing them.

I have seen quarters for employees in Jamshedpur. They are much better though still considered to be inadequate. Other industrial centres might similarly be advancing with the times. But our Railway authorities seem to walk about with their eyes and ears in their pockets, and here attempt to create the belief that a new Member appointed will bring the millennium to the workers.

There is much room for improvement in providing medical aid to the workers and employees who are being sent with their families to all sorts of places lonely and unhealthy. Provident fund and death benefit for all classes of labourers, including daily rated workmen working for years at daily rates, is also a necessity. Water supply should go hand in hand with housing. Various other like facilities for the welfare of labour are awaiting solution. All this should be properly investigated, and remedies planned before the appointment of a new Member is brought up for consideration in the House.

Coming to freights and fares one is mortified to find the scant courtesy with which the lower class passengers are treated. The little relief in the Eastern Bengal Railway in this budget is much less than what was long overdue and is in actuality more formal and apparent than real. The sacred preserve of the first 50 miles has nowhere been violated, though the intending competitor, namely, the rise of road motor and buses, has a special fascination for this particular sphere of our Railway activities. The telescopic logic of this system of reduction, I am afraid, is not perhaps to be discernible to the naked eye of the lay enquirer.

The reduction of coal freight is news after many years of whining appeals from the dying coalfields of Jharia and other places. I hesitate to call it even overdue. Many of our coalfields have actually lost all use for this measure and we are not told whether this measure will at all help the few living fields in standing competition, with the fields of distant South Africa. Probably this telescopic method of microscopic reduction will be adequately magnified when all the Indian-owned collieries will have been completely killed. Non-Indian coal interests like those of Talcher have, however, received protection and help from our Railways by other means and such interests need no fear.

As to new construction, Members in this House as well as of the public, suggest new lines from time to time on various occasions in various ways for the convenience of the general taxpayer. They sometimes demand it and give reasons for their demand. During my last budget speech on the Railway Board I myself demanded a line of about 150 miles between Cuttack and Sambalpur in my constituency, which distance is now covered by a railway route of 500 miles from a district town to the headquarters of the division. But such demands are not even refuted or reasonably refused, and new lines still appear in the Budget year by year. Why? What is the ethics of all this? Last year I referred in this connection to the Vizagapatam harbour which I said is a sister of Singapore base. The Talcher new line, I also said, was necessitated for the Talcher coalfields which had already been leased by a European company, on what secret

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or overt assurance of communication, God alone knows. Thus, I think, our new constructions are proving their creations both as strategic and commercial concerns—strategic for harbours like that of Vizagapatam, and commercial for British coal companies like that of Talcher.

Sir, the Honourable Member for Commerce and Railways seems in his speech to lament over the competition of what is inevitable, I mean of the road motors and buses. As the Commerce Member perhaps he hints at the advantages of those conveyances in carrying passengers and goods to stations, and thus stimulating traffic. But he said nothing of the advantage to be reaped by opening suitable feeder lines to business centres, where road motors and buses may well be utilised in carrying goods and men to new stations opened. This aspect of the question has not been investigated.

We hear something of damage caused by floods such as those of Orissa and other places. But in repairs no plan or programme appears for remodeling waterways, which have been long and criminally neglected by our Railways in their hasty anxiety for ready traffic and business. A general survey of these waterways in our entire railway system with a view to finding out some scientific and permanent remedy is a primary duty of the administration. Stagnant pools by the side of railway lines—a regular by-product, so to say, of our railways—have been a nuisance and a hotbed of malaria in many parts of India. It is high time for our Railway Board, to include the remedy of this evil in their repair works.

The convenience of the travelling public is a common burden of criticism, and much of it will be exposed during the next four days. Some hopes have been held out in the other House yesterday for issuing return tickets and coupon advantages to lower class passengers. Sleeping advantages and such other dainties of life, as my friend Mr. Duraiswamy Aiyangar pointed out, are not for them. But will the Board at least care to instruct their inspectors to see that their seating accommodation is not stuffed beyond the prescribed limit?

Here I feel inclined to cite a very funny instance. Patna is our provincial headquarters. We demanded a direct train from Puri to Patna via Cuttack, to be saved the trouble and expense of travelling via Howrah. After much consideration the reply was that not many tickets have been in the past purchased direct from Orissa to Patna and hence a direct train is unnecessary. With all my knowledge of the deductive logic of Gotama, I could not find out the relativity of cause and effect in this argument. Perhaps, Sir, logic and self interest are poles apart. But I was a little relieved to learn the other day that our Railway Board is not directly concerned in the appointment of those officers of the Bengal Nagpur Railway who are responsible for the decision. Chronic mismanagement, profiteering and bad capital expenditure in many of our company-managed railways may thus be passed over with hopes that they may, as soon as possible, be taken over by the State, though in the meanwhile a stricter supervision is, however, necessary even now.

A word on the capital expenditure, Sir, and I have done. In the memorandum given to us the capital expenditure in England has gone up from Rs. 13,91,41,893 in 1927-28 to Rs. 17,22,67,000 in the budgeted estimate of 1929-30. The same in India has come down from Rs. 18,57,00,284 in 1927-28 to Rs. 16,50,00,000 in the budget of 1929-30. With all the

sweet and fine language of our Honourable friend, Sir George Rainy, about the real owner of the money and his pious carefulness in spending it, this is a strange phenomenon. Are the railways meant only to find a market for industries outside India?

Two main items in capital expenditure are the workshops and the stores purchase. As regards the workshops, the basis of establishing and running them is not given. Nor do we find any relation between the expenditure incurred and the value of production obtained. It is difficult to say whether they are being run on commercial lines or at the expense of the taxpayer as well as other industrial concerns in the land. A full statement on this subject in the Report of the Board is, however, required.

Let us then examine the stores purchase in detail. For instance as well as for future guidance let us take the purchases for 1927-28 published in the Railway Report. The entire store purchase this year is Rs. 35,86,50,000. Of this direct imports represent Rs. 13,94,97,000 and imported stores purchased in India represent Rs. 6,75,83,000 or a total of Rs. 20,70,80,000. Now, Sir, let us analyse these imported stores.

Bridge Work.

	Rs.
Directly imported	33,37,000
Imported goods purchased	15,35,000
Total Imported	48,72,000

All these can without difficulty be manufactured in India with materials purchased from Tatas. What attempts were made or facilities given to this effect? Were Indian firms asked in time to supply these materials? As far as I know, firms in India, viz., Burn & Co., Jessop & Co., John King & Co., all of Calcutta, Richardson & Cruddas of Bombay can handle big bridge works. Many railway bridges have been constructed by them. The Bally Bridge of Calcutta on the East Indian Railway has actually been given to Braithwaite & Co. We are absolutely in the dark as to why these materials have not been purchased in India. An explanation on this item is necessary in the report.

Engineering plant excluding petty tools.

	Rs.
Directly imported	26,18,000
Imported goods purchased	17,18,000
Total Imported	43,36,000

Why has not the manufacture of these things been tried in India? Factories in Bengal and Bihar & Orissa, viz., Villier's Engineering Works of Calcutta, Fairburn Lawson Combe, India, Ltd. (Sarisatali, Asansol), Monyiff Engineering Works, Tatanagar, P. N. Dutta & Co., Calcutta, F. N. Gupta & Co., Calcutta, and others have either collapsed or are in a moribund condition for want of encouragement. Most of these firms could

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have manufactured a considerable portion of these materials. The same is the case with workshop machinery and heavy tools. The above firms could have manufactured them also. The total value of these was Rs. 80,88,000.

Permanent Way Materials.

Steel Sleepers:

	Rs.
Directly imported	1,57,64,000
Imported goods purchased	8,18,000
Total Imported	1,65,72,000

The life of these sleepers is 35 years as compared with 50 years for cast iron sleepers, which are made in the Jamalpur workshops and have long been used by the East Indian and North Western Railways. I am quoting from information for which I am thankful to Mr. Parsons. Big private factories in India are starving for want of orders for cast iron sleepers, the price of which was almost equal to steel sleepers. In the coming year, as I can now say, each cast iron sleeper is expected to cost Rs. 10-4-0 and each steel sleeper not less than Rs. 11.

Cast Iron sleepers (purchased in foreign countries) and purchased from imported stores cost:

	Rs.
Directly imported	2,95,000
Imported goods purchased	3,63,000
Total Imported	6,78,000

We do not really understand the ethics or logic of this outside purchase when indigenous firms are starving for want of orders.

Wooden sleepers, imported, cost Rs. 8,67,000. This is an abnormally strange purchase. Wooden sleeper supplying firms in this country are already hard hit on account of the fact that steel sleepers are being imported. This is simply adding insult to injury, and reminds one of the story of the doctor hastening the death of a hopeless patient.

Rolling Stock: Locomotive and spare parts:

	Rs.
Directly imported	1,86,02,000
Imported goods purchased	20,36,000
Total Imported	2,06,38,000

A similar amount is being spent on these articles outside India, year after year. My friend, Mr. Shanmukham Chetty, raised a question last year on the locomotive factory which was first encouraged and then killed by the

very hand that nursed it and ultimately purchased by the Government, never perhaps to encourage the industry again in this land. We cannot understand the disqualification for which these articles cannot be made in India. Are there any insurmountable difficulties in the way? Government ought to take to manufacturing these in India, which ought not to be for ever dependent on foreign countries with regard to these most vital Railway materials. During the last world war, Sir, even Great Britain had to depend on India for some materials. Why not, I ask, prepare India for being self-dependent?

Coaching Stock.

	Rs.
Directly imported	2,12,93,000
Imported goods purchased	18,81,000
Total Imported	2,31,74,000

Goods Stock.

	Rs.
Directly imported	31,18,000
Imported goods purchased	25,30,000
Total Imported	56,48,000

Spare Parts for Coaching and Goods.

	Rs.
Directly imported	1,44,18,000
Imported goods purchased	33,03,000
Total Imported	1,77,21,000

In India the self-same articles purchased respectively are Rs. 3,74,000, Rs. 8,68,000, and Rs. 18,66,000. Most of the above materials can well be manufactured in India in parts. So there is no difficulty in assembling them, either in private firms or in our own workshops. We cannot purchase these articles from other countries year after year in enormous quantities. Objections may, however, be generally made that these materials are not available in this country. But the public should never be satisfied without an explanation in detail. Sir, will this excuse be pleaded if India like other countries is a self-governing country?

Both as regards certain items of permanent way materials and particularly as regards rolling stock, a thorough investigation is necessary with a view to making India self-contained. Means should be devised and schemes prepared to manufacture these articles in India as soon as possible. The Railway Board should seriously think of starting model as well as encouraging commercial workshops for this purpose.

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Building and Station Materials and Fencing.

	Rs.
Directly imported	29,59,000
Imported goods purchased	55,58,000
Total Imported	85,17,000

These figures have not been analysed and therefore it is difficult to say which can be purchased in India and which outside India.

Electric Materials.

	Rs.
Directly imported	1,45,31,000
Imported goods purchased	90,49,000
Total Imported	2,35,80,000

The Indian purchase of these materials is only a little over 2 lakhs. Here I may mention that the Indian Cable Co. of Tatanagar is in a position to supply electric wires. Manufacturers of Clyde Fan and those of India Fan and other firms make fans and other similar articles. Have they been afforded a sufficient chance to supply these materials? My information is that they have not. Is it not the duty of the Government to encourage them?

Now, Sir, let us look at the poor purchases from indigenous sources for which purchases there is our pompous show, the Indian Stores Department.

In 1927-28 the total stores purchase increased from the previous year by Rs. 7,85,00,000. But the purchase of indigenous articles shows a decrease of Rs. 33,00,000.

The entire purchase of indigenous articles in 1927-28 is Rs. 15,16,00,000. Out of this Rs. 4,58,00,000 has been spent on coal, coke, bricks, Indian lime, ballast, etc., which probably includes earthen jars, wicker-baskets, broom-sticks and other like articles. Surely it does not require an industrial genius or a commercial expert to find an indigenous source of supply for these articles.

	Rs.
Purchase of Timbers	1,34,64,000
Wooden sleepers	2,73,15,000
Total	4,07,79,000

I am sorry that the Railway Board could not find any benevolent firm or individual in foreign lands to help us with more than Rs. 8,67,000 worth of wooden sleepers and the Board perhaps ultimately felt compelled to fall back upon a process of rude denudation of our Indian forests. However the rest, that is, a sum of Rs. 6,50,21,000, the Board could not help buying from indigenous markets, though one must feel sure that, had the details been given, barring the purchase from Tatas, one would find that about 90 per cent. of the rest had been supplied by firms owned and managed by people not in any sense indigenous. Tatas, however, have supplied only

rails worth Rs. 1,76,72,000. Let no one, however, understand that this purchase is in any way a favour, help or encouragement to Tatas. This is purely a business transaction, and it means a distinct profit to the State of Rs. 25 on every ton of rail. I am thankful to my friend the Honourable Mr. Parsons, who kindly supplied me with the figures I am quoting from. On the entire supply of 182,400 tons of rail ordered from Tatas, the profit to the Railway Board comes to Rs. 45,60,000 in one year. For Tatas supplied at the rate of Rs. 110 per ton, whereas foreign supply was at the rate of Rs. 135 per ton. 80,500 tons ordered from outside would yield to the Railway Board a further profit of Rs. 20,12,500 in the same year, if Tatas had somehow been helped or encouraged to supply it.

Thus it will be found that the protection given to Tatas is being well paid back, and a loss to the tune of Rs. 20,00,000 if not more, in rails alone, could well be prevented and prospectively utilised for promotion of indigenous industry as well as profit to the taxpayer.

The ultra-commercially minded Railway Board, with the Honourable Member for Commerce at their head, might not possess a vision to this end. Let us be charitable to them. But what does the Honourable Member in charge of Industries say to this? Is not this piece of analysis of the capital expenditure of his Honourable colleague interesting to him and specially the lesson of the rail business with Tatas?

Sir, I have done. But before I sit down, I am sadly reminded of that King of whom I read in my schoolboy days. He was probably a King of England. He said: "My subjects and I have a happy contract. They will say whatever they like, and I will do whatever I like."

Pandit Hirday Nath Kunzru (Agra Division: Non-Muhammadan Rural): Sir, this is the third, and I hope the last year of the life of this Assembly. When the Railway Budget was first considered by this Assembly, a general desire was expressed in this House for the reconsideration of the scheme for the separation of Railway from General finances which was adopted by the Assembly in 1924. It was then said, however, that, as the question of the best method of keeping railway accounts would be considered by Sir Arthur Dickinson, we should wait for the publication of his Report before reviewing the policy of separation adopted by the Assembly in 1924. The Report of Sir Arthur Dickinson was made available to us towards the end of 1927. We naturally expected that Government would lose no time thereafter in appointing the Committee which had been asked for by the House, but it was a great disappointment to us that the last session of the Assembly was allowed to come to a close without the appointment of such a Committee. In September last, however, the Committee was appointed, but we do not know whether it has met, and if it has met, at what stage its work happens to be just now. I should like the Honourable the Commerce Member to enlighten us on this point, for I cannot help feeling that in this matter Government have let things drift and have not at all been sorry that they have allowed the old scheme to remain in force without its being brought under review as early as the House would have liked.

On more than one previous occasion, Sir, have I dealt with some of the salient points which should be considered by any committee which reviews the separation of Railway from general finances. It is not my desire today to dwell on those points again. But I should like to deal with one point, namely, the maintenance of separate accounts for branch lines as it is an

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important matter which we have to consider if we desire to be in a position to compare the growth of railway expenditure. Now, take the current year, Sir, Mr. Parsons, in his explanatory memorandum, commenting on the rise of 68 lakhs in the charges on account of Administration in the current year says—"Partly of course the rise is due to the larger traffic which railways have carried and to the staffing of new lines, of which we hope to open 1,100 miles this year." Similarly, Sir, when you try to compare the expenditure in the coming year with that in the current year, you again find Mr. Parsons drawing our attention to the fact that the working expenses would be increased partly owing to the additional mileage which would be opened to traffic. It is necessary therefore that figures with regard to expenditure on new lines should be given separately. This is a question which has been brought to the notice of Government repeatedly. We did not know whether any consideration had been given to it by Government till my friend Mr. Belvi put a few questions on the subject on the 5th September, 1928. He asked whether separate capital and revenue accounts were maintained for branch lines built as remunerative propositions. Mr. Parsons' reply to that was, "when branch lines are built as integral parts of the main line, no separate capital and revenue accounts are maintained for them, but instructions have been issued that a statement comparing the actual earnings derived from a new branch yearly till the fifth financial year after opening, with the estimate in the Traffic Report, should be submitted to the Railway Board. Since Sir, Government have asked the Railway Board, for their information, to prepare statements comparing the actual earnings with those estimated in the Traffic Report, there should be no difficulty in placing those statements in an intelligible form before this House.

There is an item in the Railway Budget known as "worked lines". Now, these are lines, Sir, worked by the State on behalf of companies and separate accounts are maintained for these lines. I have no doubt that the maintenance of these accounts is regarded as almost a nuisance by the Railway Department. (Mr. A. A. L. Parsons: "Hear, hear.") My friend Mr. Parsons' remarks show that I was not wide of the mark when I made that statement. It introduces, I dare say, endless complications, but I am sure, in spite of all the complications, he is glad to have such accounts, for there would otherwise be no basis for deciding the respective shares of the State and the Companies. The State, of course, is under no such compulsion for maintaining separate accounts in the case of branch lines which are owned by it, and which form part of existing lines. But as Government themselves desire to control expenditure, and have, perhaps, in response to the repeated requests in this House, asked the Railway Board to prepare a statement of the earnings of new lines for five years, there should be no objection to placing it before the House, which might hereafter be in the same fortunate position as my Honourable friends, the Railway Member and the Financial Commissioner for Railways.

Mr. A. A. L. Parsons: There will be no objection at all.

Pandit Hirday Nath Kunzru: I am glad to learn that there is no objection to the supply of such information. The House too will be glad to have it in order to be able better to understand the growth of expenditure hereafter.

Coming to other points, I should like to turn first to the size of the reserve fund. My Honourable friend, Sir Purshotamdas Thakurdas, referred to the money in the depreciation and reserve funds, and pointed out that their size shows that our railways were solvent and that they had been administered in an efficient manner by the Railway Department. Everyone, I am sure, would welcome the growth of funds in the reserve and depreciation funds so far as that goes, but there are important matters which underlie these two questions. The depreciation fund, of course, stands on a footing of its own, but we have to take account that, for the time being, there is a surplus of about Rs. 13½ crores in it and that the interest on it goes chiefly to swell the reserve fund. In the reserve fund there is a surplus of about Rs. 22½ crores. We have thus in the hands of the Railway Department a surplus of about Rs. 36 crores. And how is the reserve fund built up? Under the convention which was adopted by the Assembly in regard to railway finances in September, 1924, it was decided that railways should make an annual contribution to the general revenues. This contribution was to depend on the capital at charge and the workings of the commercial lines in the penultimate year. This amount was to be equal to one per cent. on the capital at charge, plus one-fifth of any surplus profits remaining after payment of this fixed return. The rest was to go to a railway reserve, with the condition that, if the reserve exceeded three crores, one-third of the excess over 3 crores would go to the general revenues. One would think that the only way in which the reserve fund increased was by setting aside a certain portion of the surplus every year, but we find that the interest on the depreciation fund and the reserve fund forms part of the general railway revenues, which are divided between the State and the railways in accordance with the method fixed in 1924. It thus goes to a large extent to swell the depreciation fund. Take the current year. In so far as the general revenues get one-fifth of the surplus, we get one-fifth also of the interests on the depreciation fund and the reserve fund, but thereafter, unless the surplus exceeds three crores, and it does during current year we get no part of the interest, so that the interest on the reserve fund and the depreciation fund goes to increase the size of the reserve fund. The question naturally arises, Sir, what is to be the policy that Government should pursue in regard to this reserve fund? Next year, the reserve fund is likely to stand, as I have already stated, at about Rs. 22½ crores. The figure would have been higher but for the additional charges imposed on the Railway revenues on account of loans that have been floated free of income-tax. In the current year, the Railway Department would have to pay about Rs. 58 lakhs on this account. I am sure that the Railway Department have not generously made this offer on their own account. The House will be glad to see that the Honourable the Finance Member has allowed his gentle hand to descend upon the Railway Department. The size of the reserve fund must be determined by the purposes for which it is maintained. In September, 1924, the Assembly decided that the railway reserve should, among other things, be used for the payment of the annual contribution; if necessary, and to strengthen the financial position of railways in order that the services rendered to the public might be improved and rates might be reduced. Since 1926-27 the annual contribution of the railways—leaving aside any portion that the railways might gain as a share of the surplus when it exceeds Rs. 3 crores,—I say the annual contribution of the Railways

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has roughly speaking been between Rs. 6½ crores and 7½ crores. We thus see, taking the contribution which the Railway revenues are expected to make to the general revenues in 1929-30, that the size of the reserve fund is about three times the highest contribution during these years. Surely, Sir, so strong a reserve fund might satisfy even the most cautious railway man, but if it is desired to increase its size, I think that the interest on the reserve fund, should for the time be wholly credited to it than that it should roughly speaking absorb the surplus after the payment of the annual contribution. But from whatever point of view we regard this matter, I do think that the size of the reserve fund justifies a bolder policy than has hitherto been adopted by the Railway Department. Both the Railway Member and the Financial Commissioner for Railways expressed some disappointment with regard to the growth of passenger traffic. While they were glad that the passenger mileage had increased, they noted with disappointment that the actual number of passengers during the first seven months of the year had fallen by about 4 millions. Now, my Honourable friend Mr. Parsons pointed out in his explanatory memorandum for 1928 in dealing with this point that: "However low fares may be the great mass of India's population can only indulge the propensity to travel to the full only if they have had a prosperous year". The Honourable Member has repeated that statement in this year's explanatory memorandum also. Now, we know that the current year has been far from prosperous for the whole of India. A large part of Northern India has been affected by the scarcity of rain-fall, particularly the Punjab and the United Provinces. I know that in my province, apart from considerable direct loss of revenue, the Local Government have had to apply to the Government of India for a loan of more than a crore in order to meet the demands for remission of revenue and assistance to agriculturists. If therefore this year the growth of passenger traffic has not been as much as was expected last year, there is no cause for anxiety. If the next year is a prosperous one, we may take it that the growth of traffic will resume its normal course. Apart from this, next year some important religious fairs are going to take place, the most important of which will be the 12-yearly Kumbh mela at Allahabad which, I believe, may well be expected to attract about two million pilgrims. These are additional grounds why I think that a more generous policy might have been adopted with regard to the reduction of passenger fares. The Honourable Member has announced a reduction in fares with regard to the Eastern Bengal Railway. Now, this reduction is in regard to distances over 150 miles. The average distance travelled by a third class passenger for the whole of India is about 34 miles, while for the Eastern Bengal Railway it is only 23 miles. The Honourable Member announces a concession for distances of over 150 miles

Mr. A. A. L. Parsons: It has a very big suburban traffic which brings down the average.

Pandit Hirday Nath Kunzru: That suburban traffic exists also in the case of the Great Indian Peninsula Railway. The Eastern Bengal Railway is not the only railway in which this happens. Besides, Sir, this is not the only point on which I base my demand for a bolder policy being pursued. The main grounds are those which I placed before the House earlier.

I am afraid, Sir, of tiring the House, but I should just like to refer to one question before I sit down and that is with regard to the general spirit in which the administration of the railways is carried on, so far as Indian employees are concerned. My Honourable friend Sir Purshotamdas Thakurdas referred to one point in this connection, namely, the education of the children of railway employees. I brought this subject before the House during the last debate on the railway budget. The Honourable the Railway Member gave an assurance that this question would be discussed at a meeting of the Central Advisory Council. I understand that the first meeting of that Council was held only in September last to discuss this question. I have, through the courtesy of the Honourable Member, obtained a copy of the general recommendations made by that Council in connection with this subject. Recently I understand another meeting of the Council was held to discuss this very matter, but I do not know what decisions have been finally arrived at. I may say incidentally that, while the proceedings of the local Advisory Councils can be found in the Council Library, copies of the proceedings of the Central Advisory Council do not seem yet to have been placed there. What the reason is I do not know. I hope Government do not regard the proceedings of the Central Advisory Council as confidential and I trust that they will supply copies hereafter to the Council Library. Since however we have at present no means of knowing what were the decisions at which the Central Advisory Council arrived at at its last meeting, I would request the Honourable the Railway Member to enlighten us upon this important subject and I am particularly anxious on this point because of two reasons. Last year I ventured to draw the attention of the Government to the great disparity in the amounts spent on the education of Indian and Anglo-Indian children and I also pointed out the great difference between the salaries of the teachers of Indian and European schools. The other day the Honourable the Financial Commissioner for Railways in reply to a question I put in this House with regard to the railway schools for Indian children said that the question of transferring them to the Local Governments would be discussed with those Governments, and that the terms of transfer would be decided separately in each individual case. I do not know how long this correspondence may go on. The recommendations of the Central Advisory Council may be completely satisfactory. It has recommended, I believe, that the teachers in railway schools should be put on the same scale as is applicable to the teachers in Government schools in the various provinces, but if the discussion between the Railway Board and the Local Governments goes on for a long time the question of enabling the teachers of railway schools to profit by the recommendations of the Central Advisory Council may be indefinitely postponed. I should therefore like to know what is proposed to be done in the immediate future with regard to these railway schools. When will the teachers be placed on the new scale and will their pay and prospects be improved in the immediate future? If they are placed on the higher scale which is applicable to the schools under Local Governments I have no doubt that they will benefit hereafter. But I want to know whether Government now propose to place them only on the new scale, or to raise their salary immediately in consideration of the very inadequate salaries that have been given to them in the past, and the great disparity between their prospects and those of teachers in Anglo-Indian schools.

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[Pandit Hriday Nath Kunzru.]

The other point which I wish, in this connection, to place before the House is concerned with racial discrimination generally in regard to employment on the railways. Government have promised to make a thorough enquiry into this matter, and I understand that they propose to let us know as soon as they have heard from the various railways what action they propose to take in the matter. But in the meanwhile, I would draw their attention to a memorandum issued by the Agent of the Eastern Bengal Railway with regard to the employment of Anglo-Indians. We know, Sir, that Anglo-Indians have been disturbed a great deal in their minds with regard to their future, and particularly with regard to their continued employment under the various railways. They have on more than one occasion approached the Secretary of State. We had no means of knowing how the representations that they made to the Secretary of State had influenced the policy of the Government of India, but the memorandum issued by the Agent of the Eastern Bengal State Railway shows that their representations have not been without some effect.

"The Railway Board" (says the Agent) "have received definite instructions from the Government of India that in the preparation of schemes for recruitment to the subordinate railway services care must be taken not to impose conditions" (of education, etc.) "which would in effect seriously restrict the opportunities of employment on the Indian Railways which Anglo-Indians at present enjoy. These instructions must be duly observed."

And later on the Agent adds:

"This Railway's policy is that the aptitude of Anglo-Indians for railway work is recognised and there is no intention of ousting them from the position that they have won provided that they show themselves capable of retaining that position."

Two questions emerge from the action taken by the Agent of the Eastern Bengal Railway. Is it the policy of Government, even when men with high educational qualifications can be obtained, to keep the initial qualifications for railway employees low, and as low as possible, merely in order to give a chance of employment to Anglo-Indians? I doubt, Sir, whether such a policy would be deliberately followed in any other department. If it is followed in the Railway Department, it would furnish an eloquent commentary on the desire expressed by Government in this House for treating Indian and Anglo-Indian employees with perfect justice. They have told us during the last three years, that they have repeatedly asked the Agents of the various State Railways to see that all traces of racial discrimination are removed, but if they themselves connive at the kind of memorandum issued by the Agent of the Eastern Bengal Railway, their need be no surprise that the railways show no intention of acting upon the instructions which they receive from the Railway Board.

The other point the memorandum issued by the Agent of the Eastern Bengal Railway, draws our attention to is this. If there is no desire to reduce the number of Anglo-Indians on that railway, how can full justice be done to Indians? We all know that Anglo-Indians are employed on all railways far in excess of their proportion to the general population, and if this policy is to be persisted in, then, whatever Government might say with regard to the employment of Indians and the removal of racial discrimination, in practice their circulars are likely to remain a dead letter. I have no desire, Sir, to deal unjustly with the Anglo-Indian community. We are prepared not merely to do justice to them, but to deal generously with them. But the policy which Government at present pursue stands in need of urgent revision. It does no credit to the Government themselves, and it does no good to the Anglo-Indians. Should

a more enlightened policy be pursued, it will be found that the object which the Anglo-Indians have at heart will be gained in another and better way, viz., with the consent of the people of this country. It would be in the interests of the Anglo-Indians themselves if Government were to adopt a different policy and leave it to this House to see that their rights are in no way jeopardised in future.

Mr. B. P. Naidu (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, apart from the unsatisfactory general features of the Railway Administration, which have been so ably and succinctly dwelt upon by my Honourable friends, Sir Purshotandas Thakurdas and Mr. Chetty, and subsequently at some length by my friends Pandit Nilakantha Das and Pandit Hriday Nath Kunzru, there are some special features, which I would like to take this opportunity to stress on, as are found in my part of the country. Even a cursory glance at the railway map gives us a clear idea that there is at present a vast stretch of land between the railway lines connecting Renigunta, Guntur and Guntakal unrelieved by any kind of railway communication either under construction or under proposals for construction. It is most unfortunate that in this particular area, railway development has not come in for any serious consideration, though it is proceeding apace in so many other quarters. For the last twenty years or so, surveys have been going on, but to no effect. People there have been ardently longing for the day, if not dreaming, when they would be able to see the opening of a railway line which would serve the needs of at least a portion of that area, but in vain. Proposals after proposals have been made from time to time, but have been dropped. But recently a line from Nellore to Kanigiri has been suggested and the District Board of Nellore has been asked to give a guarantee of proper return. But the District Board could not give any such guarantee owing to its slender resources. Yet I find in the pink book relating to the Madras and Southern Mahratta Railway that this line is placed under the unsanctioned projects for being surveyed in 1930-31 and for construction in subsequent years. This project is expected to be such a useful one that all competing interests have withheld their claims for railway development and voted for it unanimously. I hope, Sir, that nothing hereafter will come in the way of this project coming to fruition in the appointed time. The line, as it is proposed, is a blind one, since it does not extend as far as the other line running from Guntakal to Bezwada. Its usefulness will surely be enhanced by so linking it up and it is hoped that it will prove a main artery of communication in that area. This line can also be utilised for providing a direct means of communication between Nellore and Cuddapah districts by taking off another line from a feasible point in the proposed line. Railway construction activity need not stop there. This new line joined with Bezwada-Guntakal line and Madras-Bezwada line run almost parallel for the most part, and this situation can be utilised for constructing horizontal lines at reasonable distances from one another along defined traffic routes. Of such lines two strike me as being most prominent, namely, the old surveyed Oollapalem-Kanigiri line and Chirala-Narsaraopet line.

There is another aspect of railway administration which calls for modification. In the matter of construction of over-bridges and under-bridges in municipal and other local board areas, these local bodies are required to contribute a portion of the cost, and that, heavily too. Local bodies, Sir, are generally poor, and when they are hardly able to discharge their heavy

[Mr. B. P. Naidu.]

responsibilities for health, sanitation, education and maintenance of roads, it is not fair to make exacting demands on them in this respect. The policy in this regard needs to be immediately modified. Otherwise many necessary and urgent works have to be held up temporarily, if not for ever, until the local bodies concerned feel strong enough to make the required contribution.

A word about the havoc wrought to towns and villages along the railway lines. Most of us might have read in newspapers lurid descriptions of the terrible sufferings and loss recently caused to the people of the East coast, owing to want of a sufficient number of waterways and their insufficient width wherever they exist. On a heavy fall of rain, water overflows the lines and bridges and the whole area is kept submerged in water for some days. This is a question which needs immediate inquiry and redress by the Government.

Khan Bahadur Haji Abdullah Haji Kasim (West Coast and Nilgiris. Muhammadan): Sir, I thank you for giving me an opportunity to add my humble quota to the general discussion on the Railway Budget and pay my tribute to the Honourable the Commerce Member for having presented to the House a very satisfactory budget, though there are a few points in which it could be improved upon.

Coming nearer home, Sir, I desire to draw the attention of the House to the construction of a railway linking up Malpe and Mangalore on the West coast. Honourable Members will remember that, in my speech on the general discussion on the Railway Budget for 1927-28, I had pressed for the construction of this line, and in this connection I should like to thank the Railway Board for having undertaken the survey of this line. I was given to understand that if the survey was favourable, the line would be completed by the end of 1931, but I find now, Sir, that things have changed for the worse. I do not wish to detain the House with details of the whole scheme, but with your permission, I may point out that, when the original survey was nearing completion, a second route was discovered, and now the South Indian Railway authorities are busy in carrying on the survey of this new route. The first route is along the coast line and required the construction of only 37 miles of line, whereas the second route would involve a few more miles than the first route. Thus it will be obvious that the second route, if undertaken, will be somewhat longer and more expensive. I understand that even the survey of the second route is nearing completion. Such being the case, I fail to understand why the South Indian Railway have placed this line under the category of "Unsanctioned" lines to be constructed somewhere in the year 1933-34. It is indeed a very long period, and I think to build a small railway about 37 miles in length, which will be linking two important ports on the West coast, and which are in close proximity, is not a difficult proposition if only the Railway Board make up their minds in this matter.

Sir, in reply to a question by the Honourable Dr. U. Rama Rau in the other place, the Government Member the other day said "Until the survey has been completed, it is impossible to say how long it will take to complete the project or whether it will be taken up". Now the survey report will be ready shortly and I hope the Government will see their way to expedite the construction of this line.

In this connection I wish to say one word in regard to the Shornur-Nilambur Railway which has been constructed very recently I think at a cost of 80 lakhs for a distance of 42 miles. In undertaking this scheme perhaps the Government of India had the strategic idea prominently in their mind. But whatever it may be, I think Honourable Members will agree with me that the railway authorities will do well to spend more money on lines of public utility which will be beneficial to the people of the country than on purely strategic lines which are not paying financially. Railways, Sir, are the feeders of the country. Bearing this great truth in mind, let not the Government bring forward any excuse and delay the construction of the Mangalore-Malpe line, which will link up two of the most important ports on the West coast.

Before I leave this subject, I should like to point out, Sir, that the South Kanara District Board have recently resolved that the Mangalore-Malpe and Hassan-Mangalore lines should be constructed at an early date, and this makes my case still stronger.

There is another point, Sir, which is closely allied to this project, and that is the construction of the Hassan-Mangalore line. This line has numerous advantages. Mangalore is one of the largest ports on the West coast. She exports among other things, about 5,000 tons of coffee to other countries, but the only unfortunate thing is that it is not a port which can be used all round the year. Therefore, if the line is extended to Malpe, which has some natural advantages according to experts who have reported on the possibility of converting it into a harbour, it will help the trading and planting community immensely, not to speak of the public at large. Sir, the construction of the Mangalore-Malpe line would reduce the distance between the West coast and the north by about 400 to 500 miles. At present people of the West coast who have to go north have to traverse an extra 500 miles by coming all the way from the West coast to Madras on the East Coast and then going up north. But if the proposed line is constructed, there will be a saving of two days in the journey. This line will also connect up the vast tea and coffee plantations of the Mysore State and the Western Ghats with the coast. The entire European mercantile community trading on the West coast, the United Planters' Association, which contains some of the prominent European coffee and tea planters, are all demanding the construction of this line with one voice. Further, Sir, Mysore State has for a long time been wanting a port as an outlet for its vast produce. If, therefore, Hassan is linked up with Mangalore by railway and Mangalore and Malpe are also connected, then all the produce of Mysore will go to Malpe, which has been called one of the best ports, providing natural facilities throughout the year. I am aware, Sir, that this scheme was abandoned in 1917 for want of funds, but since then conditions have improved considerably, for the better. I therefore appeal to the Honourable the Commerce Member to see his way to expedite the construction of the Mangalore-Malpe line and also to undertake the survey of the Hassan-Mangalore line without further delay. I need not remind him of the statement—the great statement—that he made in his speech when the Railway Budget was introduced the other day, that the Railway organization can now cope expeditiously with all projects for new capital expenditure. I am confident he means what he says. And I feel that the Honourable Member for Commerce will place the people of the West coast under a deep debt of gratitude if

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he makes up his mind to expedite the construction of the Mangalore-Malpe line and undertakes the survey of the Hassan-Mangalore line.

There is only one other point, Sir, that I should like to advert to, and that is in regard to the appointment of a fifth Member on the Railway Board. I trust, in this connection the claims of an Indian will not be overlooked. For a long time we have been agitating to have an Indian Member on the Board, and now that an opportunity has arisen I trust the Government will see their way to appoint a suitable Indian on the Board.

The Honourable Sir George Rainy (Member for Commerce and Railways): I am deeply indebted, Mr. President, to all the Members of the House who have spoken for the kindly tone of their references to myself. I do not want to dwell upon that, but I assure them that I greatly appreciate it.

My Honourable friend Sir Purshotamdas Thakurdas dwelt on a number of important topics in his speech, and I am sure the House must have listened to it with special interest. The first point to which I wish to refer is his suggestion that a pamphlet should be circulated, at the time the budget papers are circulated, to the Members of the House, containing information in a summarised form about the proceedings of the local Advisory Committees. It is quite true, as my Honourable friend has said, that he made that suggestion last year, and he added that he could not recollect whether I had given any promise on the subject. I have looked up the papers, Sir, and I find I gave no promise—but that was due to an accidental circumstance. The enthusiasm of the House last year was such that it dispersed before three o'clock, and the Railway Member's reply was never made. (Laughter). Had I spoken, I have no doubt I should have given a promise that the pamphlet would be supplied; but as I did not speak and had not given a promise, the matter was overlooked. However, I may say, on this occasion that I will certainly arrange that next year, a pamphlet should be circulated. I am not quite sure that the best time would be with the budget paper; it might be more convenient to circulate it a little earlier in the session. However, that is a point of detail which we can settle later.

Then, Sir, my Honourable friend and several subsequent speakers dwelt on the question of the reserve and depreciation funds, the rate of interest on these funds and so on. I do not propose in my reply to discuss these subjects. It is perfectly natural and right that the Members who spoke on them should put the House in possession of their views; but I do not think it would be equally right and proper that I should, at this stage, develop my opinions with regard to them. They must all be discussed with the Committee which has been appointed by this House to examine and review the convention for the separation of railway finance; and I do not think it is desirable that, before I have had an opportunity of discussing these questions in that Committee, I should express any opinion either on my own behalf or on behalf of Government. Naturally, of course, all these questions about the funds mentioned, must come up in the Committee and be discussed there.

Another very important matter to which my Honourable friend Sir Purshotamdas Thakurdas referred was the question of rates and fares, and

it covers the question of appointing a Rates Tribunal, the duties of that Tribunal, the principles which should regulate the earnings of railways and so on, and he expressed the hope that I would be able to make some statement in this debate on that subject. I anticipate, Sir, that this question also will, in all probability, be raised in the Separation Committee, that the views strongly held by a number of Members of this House, be expressed there. Apart from that, Sir, I am bound to say that, on this particular question, I see more clearly at present the difficulties which these problems present than the solution of these difficulties. And even if there had been no question of a committee, I doubt very much if I should have felt myself in a position to make any pronouncement this year. But I appreciate the importance of these questions and both the Honourable Sir Purshotamdas and also two or three other Honourable Members who took up those points, will have their opportunity in the Separation Committee.

Another point taken by him was that the reductions in rates and fares have been confined to the State-managed railways. I have looked up what occurred last year in the case of the reductions which were made then. First we have the reductions in the rates for horses and other stock and motor-cars. The following company-managed railways followed the example of the State-managed railways, namely:

The Bombay Baroda Railway,

The Madras and Southern Mahratta Railway,

The South Indian Railway; and

The Burma Railways.

An Honourable Member: What about the Bengal and North Western Railway?

The Honourable Sir George Rainy: I do not find its name, Mr. President, in the list before me. The reductions in the rates on manure were carried out on:

The Bombay Baroda Railway,

The Madras and Southern Mahratta Railway,

The South Indian Railway,

The Bengal Nagpur Railway, and

The Jodhpur Railway.

reductions in the rates on oil cake, were made on the same railways except the South Indian Railway. The reductions in the rates on kerosine and petrol were made by:

The Bombay, Baroda and Central India Railway,

The Madras and Southern Mahratta Railway,

The Bengal Nagpur Railway,

The Jodhpur Railway,

The South Indian Railway,

and on Jaggery by
 The Bombay Baroda Railway,
 The Madras and Southern Mahratta Railway,
 The South Indian Railway,
 The Jodhpur Railway.

Third class fares were also reduced on:

The Bombay Baroda Railway,
 The Madras and Southern Mahratta Railway,
 The South Indian Railway.

It will be evident, Sir, that the reductions have not in fact been confined to the State-managed railways; and that several of the company-managed railways have followed suit.

As regards the particular railway to which my Honourable friend referred, I do not want to go into any details about the Bengal and North Western Railway; but I should like to mention that the dividend of 19 per cent. was paid only on the company's ordinary capital, which I understand is only about three-tenths of its total capital. It follows that the dividend of 19 per cent. does not mean anything like 19 per cent. on the whole capital at charge. I think that, in fairness to the company, this should be mentioned.

My friend Mr. Chetty devoted the greater part of his speech to the questions to which I have already referred, namely, the questions which are likely to come up before the Separation Committee. He also mentioned the cost of repairs in the railway workshops, and the great importance of keeping down these costs as a means to economic working. I entirely agree with him on that point, and I agree with him also that it is a matter which requires constant attention from the Railway Board in order to make sure that there is no relaxation of effort in that matter. I am indebted to him for drawing my attention to the disparity in the rates on cotton yarn from Madura to Madras on the one hand and from Coimbatore to Madras on the other. I will certainly have that looked into and see if I can find out what the explanation is, or if there is no reasonable explanation for the difference, see what ought to be done in the matter.

My Honourable friend Mr. Cocke mentioned the question of a possible reduction of the freight on fuel oil. All I can say about that at the moment is that the point was brought to my notice at the meeting of the Associated Chambers; but it was not found possible to take any step in that direction this year. It is nevertheless a matter which will have to be considered. The point that appeals to me most is that oil is coming into increased use by agriculturists in various parts of India, and it would be a strong incentive to reduce the rates, if the reduction would mean cheaper pumping and cheaper power for the agriculturists.

My Honourable friend Mr. Jamnadas Mehta was, I thought, a little over-pessimistic. In his speech, I really cannot see that our railways are doing quite so badly as he fears they are. He seemed to be particularly disturbed by the fact that, whereas in 1924-25 the return on the capital at charge was 5.85 per cent. this year it is only 5.40 per cent. But these ups and downs must take place if we are to follow the policy which I think commends itself to everyone in this House,

namely, that when we have done pretty well we reduce rates and fares; and the natural result is that after that is done you don't get such a good return on the capital charge. I do not think that the fact is in itself any evidence of the point he set forth to prove. He also referred to the fact that the operating rate on the East Indian Railway had gone up. I have two things to say about that. There are two reasons why an operating rate may go up. One is that the expenditure is higher, and the other that the revenue is lower. Now the East Indian Railway has not had a particularly good year, and I may point out that, when last year we were considering the various reductions in rates and fares we were making—there was a special reduction on the East Indian Railway owing to the abolition of all the terminals as between the old East Indian section and the Oudh and Rohilkhand section of the line—we estimated that the reductions would cost the East Indian Railway about a crore of rupees a year. Therefore some increase in the operating ratio—temporary I hope—was not altogether unexpected.

My Honourable friend Mr. Sykes criticised the Government for their change, as he put it, in their construction policy. Now that is a very important matter and I quite agree with him that it is a matter on which Government ought to make its position clear to this House and give this House an opportunity of saying what it wishes to say. But since it involves not only a purely railway problem, but also a very big financial question, it can be discussed to far more advantage after the ordinary budget has been presented. If we try to discuss it on the Railway Budget we are met at once by the difficulty that we have not got the whole case before us. I should like to point out to my Honourable friend, however, that apparently—I have not got the figures before me but this is my impression—the amount we are asking for capital expenditure next year, 83 crores, is higher than the amount we have ever actually spent for capital purposes in any one year. I admit it includes a special item of Rs. 7 crores for the purchase of the Southern Punjab Railway; but allowing for this, the amount that is left for ordinary capital expenditure, about 26 crores, is not a small sum. However, I will not develop my argument on this point because I think it would be preferable in every respect if the discussion is deferred till the ordinary budget has been presented. It is mainly of course a question how funds for capital expenditure are to be raised and how much we can raise.

Another question was mentioned in connection with capital expenditure to which I had meant to refer to but I cannot for the moment find the note I made about it and I will pass on to the speech of my Honourable friend Pandit Hirday Nath Kunzru. To a certain extent, he traversed ground that had been traversed by preceding speakers, and he also dealt with matters which will come up before the Separation Committee. I hope he will understand that, for the reasons I have already explained, I do not propose to reply on these points now. But as regards the two points to which, I think, he attached most importance I shall have something to say. The first question related to the discussions we have been having about assistance to railway employees for the purpose of educating their children. As my Honourable friend said, that question has been before the Central Advisory Council, and he was anxious to know just how the matter stood. I am informed that the practice in the past has been to treat the proceedings of the Central Advisory Council as confidential. That is not a fact within my own

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knowledge, but I am so informed. I can imagine that it might be desirable to treat particular discussions in the Central Advisory Council as confidential, but I can see no reason why the discussions on this particular subject should be so treated.

Mr. President: Is it the Resolution of that Council? Who has decided that its proceedings are confidential?

The Honourable Sir George Rainy: I do not know, Mr. President. I have merely been informed that this has been the practice in the past. It was on that basis that I took the thing over; but I have no reason to believe that there has ever been any decision of this House to that effect, nor can I find in the papers connected with the subject that it was ever definitely laid down. However that may be, I have no desire to keep these discussions as regards education confidential, and I propose to discuss the general question whether the proceedings should be confidential with the Council at its next meeting.

Pandit Hirday Nath Kunzru: May I ask the Honourable Member whether he is aware that the proceedings of the local Advisory Council are not treated as confidential and are placed in the Council Library?

The Honourable Sir George Rainy: The Honourable Member is perfectly right. As I said, I do not myself see any special reason for a distinction in that respect.

Mr. Jamnadas M. Mehta: May I, Sir, as a Member of the Central Advisory Council state why it was decided that this was confidential? When the Central Advisory Council was first formed, there was a very unpleasant incident called the sleeper scandal under discussion and the proceedings on that occasion being confidential, they have simply continued confidential for no particular reason.

The Honourable Sir George Rainy: I am not in a position to say whether my Honourable friend's theory is correct or not.

Mr. Jamnadas M. Mehta: It is a fact, not a theory?

Mr. R. K. Shanmukham Chetty: May I know, Sir, whether when a committee is appointed by this House is it open to that Committee to keep any matter from this House by treating them as confidential?

The Honourable Sir George Rainy: I should like to point out that it is not correct to say that the Central Advisory Council is appointed by this House. It is appointed from panels elected partly by this House and partly by the Council of State. I really must apologise for mentioning the point. I did not raise it as a controversial point at all. It was not my purpose to argue that these proceedings ought to be confidential, but merely to say that, as far as I understood the case, that has been the practice in the past. I cannot off hand give an account of what took place at the last meeting of the Central Advisory Council, but about one point which was mentioned by one of the previous speakers—I mean the pay of teachers—I gave certain assurances to the Council at that meeting. I must refer briefly to what fell from my Honourable friend to-day, with

regard to the question of improving the pay of the teachers in the railway schools, so as to bring their pay up to the standard commonly in force in the province in which the school is situated. It is not in the least our intention that the question should wait until the school is handed over to the province. What we contemplate is that, at any rate on the State-managed railways—I am not in a position to commit the company-managed railways on that question because I do not think it has yet been definitely referred to them in that form—our line will be that, so long as the schools are under our control, it is reasonable that the teachers should receive pay on about the same level as they would receive if they were employed in a school run by the Local Government

Pandit Hirday Nath Kunzru: Immediately? Will the pay now received by the teachers be raised to what that they would have been receiving had they been appointed on the new scale? Is that the intention?

The Honourable Sir George Rainy: I am not quite sure that I have caught the Honourable Member's point. Let me repeat what I said. It is our intention that, without waiting for the transfer of the schools, the pay of the existing teachers in the railway schools should be raised to the level prevailing in the province in which the school is situated. As regards the higher English schools maintained by the East Indian Railway, we have already issued specific orders to that effect; we have still got to issue orders about the remainder.

Now, Sir, the other point which was raised by my Honourable friend was the question of the policy of the Government of India as regards the appointment of Anglo-Indians, and he drew the attention of the House to a memorandum issued by the Agent to the Eastern Bengal Railway, a copy of which was laid on the table of the House about two weeks ago. The particular passage to which he drew attention reads as follows:

"The Railway Board have received definite instructions from the Government of India that, in the preparation of schemes for recruitment to subordinate railway services, care must be taken not to impose conditions of education, etc., which would in effect seriously restrict the opportunities of employment on the Indian railways which Anglo-Indians at present enjoy."

Now, Sir, I would like to remind the House of what I said in the course of the discussion on one of the motions for reduction at the time of the Railway Budget last year. The passage in my speech, which I should like to read to the House, is as follows:

"When as a matter of history members of a particular community have held a very large number of appointments of a particular class, inevitably the whole economic organisation of the community becomes involved with that fact. That is a point which the Government of India cannot possibly ignore and to take measures which would summarily involve a sudden and violent dislocation of the economic existence of an important community would clearly be a matter in which the Government of India ought to proceed very cautiously. I want to give that warning."

Now, Sir, the instructions to which the Honourable Member has referred were issued for the purpose of carrying out what was said in my speech, so that, in the preparation of schemes for recruitment to the subordinate railway services, care would be taken not to impose conditions of education, etc., which would in effect seriously restrict the opportunities of employment which Anglo-Indians at present enjoy. But where, I think, the Agent's memorandum is defective is, first of all, in this that it does not

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make it clear that the instructions were given for a special reason, and are essentially temporary instructions; that is to say, we do not contemplate that they should impose a permanent condition of service in the Indian Railways. The condition is imposed temporarily to prevent a great deal of economic dislocation in the life of an important community. In the second place, I think, the Agent's memorandum is also defective in another respect; and here, I think the blame does not rest with him but with me in not making sure that our instructions were sufficiently explicit on the point; for in my speech, after giving the warning which I have read to the House, I said this:

"But my belief is that the other side do not want suddenly to deprive the Anglo-Indian community of the appointments they hold, but what they do feel is that members of the other Indian communities ought to have a real chance of showing their fitness and a real chance of filling the class of appointment that hitherto they had very small chance of filling. That is precisely the policy of the Government. We do want to give them a real chance, and I recognise the obligation resting on Government and on the Railway Board to see that they do get it."

What I have read out, or its equivalent, clearly ought to have been incorporated in any instructions that were issued in the matter, and I propose to issue instructions bringing out that point clearly to the Agent of the Eastern Bengal Railway, and if necessary to the Agents of the other Railways, because it is clear from this memorandum that the whole thing may be given a one-sided turn which may be very misleading as to the intentions and as to the policy of Government.

Now, Sir, before I come to the speech of my Honourable friend, Mr. Fazal Ibrahim Rahimtulla, there are two or three other points to which I wish to allude briefly. My Honourable friend, Khan Bahadur Haji Abdulla Kasim, referred to important schemes of railway construction on the West coast. I am afraid it would take a long time to enter into the details of what has been done, or what may be done or what is being done about these schemes. But I know how deeply interested he is in them and if he could wait till after the Railway Budget has been disposed of in this House, I shall be very glad indeed to see him at some suitable opportunity, and with a map before us we might see what the schemes are, and what he would like to be done about them.

My Honourable friend, Mr. Duraiswamy Aiyangar,—I have not, I am afraid time to deal with all his points—referred to the recommendations of the Royal Commission on Agriculture, and he seemed to think that we were very tardy in carrying out these recommendations, and he wanted a full account of what our procedure had been. Well, Sir, one of the recommendations of the Commission was that the railways should review the possibility of giving further concessions for fertilisers; and in this particular case the railways have got ahead of the Commission, because we have already made reductions in the freight rates for fertilisers, that is, oilcakes and manures. They are now right down to the minimum, that is 1/10th of a pie per maund per mile, and this was done before the Commission's Report was published. Therefore, Sir, I do not think, in this particular matter, we can be accused of tardiness. Another recommendation was that the railway freight on agricultural implements and machinery should be examined and that, where possible, concessions should be given. We have already taken action on that. The classification for machinery used for agricultural purposes not worked by its own power was reduced from 4th class at railway risk to first class at railway risk, packed and 3rd

class at railway risk unpacked and from second class at owners' risk to 1st class. We have referred the question of reducing the rates for fodder to the Indian Railway Conference Association, and I will certainly see that it does not go to sleep there. I am indebted to my Honourable friend for drawing attention to the matter. As regards reduction in the rates for coal, an announcement has been made in the budget, and as regards wood and charcoal, the Eastern Bengal and Great Indian Peninsula Railways are reducing their rates. I see no objection to drawing the attention of other railway administrations who may be interested in wood and charcoal to what these railways have done, in order to see whether they can do something similar. There are one or two other recommendations, and I understand they have been referred to the Railway Conference Association where, I will endeavour to make sure that they are dealt with expeditiously.

I should like to congratulate my friend Mr. Rajan Baksh Shah—I do not see him here now—on the excellent speech he made this morning to which I listened with the greatest interest. The matter to which he alluded, namely the defects in the timings, the class of rolling stock on the Karachi Mail, and various other points about punkhas and water in the carriages will certainly be attended to and examined when we get copies of the debate.

I do not wish to make a long speech to-day, and I trust that any Honourable Member whose suggestions I have not alluded to will understand that they are not overlooked and that it is merely because it is a little difficult, in a single speech, to deal with a rather diversified range of topics.

Before I sit down, I should like to allude to the speech of my friend Mr. Fazal Ibrahim Rahimtulla. He said "The Government of India have put forward this proposal for an Additional Member on the Railway Board; they have said nothing at all about the question whether they are going to appoint an Indian or not if this office is created". Now, I should like to be perfectly frank upon this subject. My original intention was to make an announcement, but later it seemed to me, and particularly after the proposal had not found favour with a majority of the Standing Finance Committee, that if I made any announcement at that stage, the House might be tempted to think that I was proposing summarily to override their decision whatever it might be, and might receive an impression that the Government of India had already decided to go ahead with the scheme, whatever the House might vote on the subject. I was very unwilling to create an impression of that kind, and I hope no Member will acquire that impression. But from my point of view there is no objection whatever to indicating what the intentions of Government are if the new appointment of Member of the Railway Board comes into existence, and I think it may be for the convenience of the House—a great many Members know already what we intended to do—that I should make a statement now. The intention of the Government of India is that, if this appointment comes into existence, Mr. Hayman, at present Controller of Railway Accounts, should be appointed to the new post, and I may add that in that case, when Mr. Parsons departs on leave, as he will do very shortly, Mr. Rau, the Director of Finance in the Railway Board's office will act as Financial Commissioner until Mr. Parsons returns. I hope the House will realise that, if I erred in not making an announcement sooner, it was from a real desire not to convey an impression to them which would be disrespectful to the House and would not accurately represent the views and feelings of Government.

Mr. Fazal Ibrahim Rahimtulla: Are Government aware, Sir, that according to newspaper statements, and particularly according to the statement in the *Pioneer*, Government have already made the appointment?

The Honourable Sir George Rainy: I have seen statements in various newspapers, Sir, but quite clearly Government cannot make an appointment until the appointment exists.

Mr. Fazal Ibrahim Rahimtulla: Will Government take the decision of the House on this question and abide by it?

The Honourable Sir George Rainy: I must absolutely decline to make any statement, or even to try and make up my own mind as to what Government might or might not do in a future contingency, for the very obvious reason that one of the material facts likely to affect the decision is the course of the debate in this House, and I am not going to allow my mind to be prejudiced beforehand when that fact is not yet in existence.

Pandit Hirday Nath Kunzru: May I ask the Honourable Member how far the work of the Committee appointed to review the separation of the railway finances has proceeded, and when its Report might be expected.

The Honourable Sir George Rainy: I am only a Member of that Committee, and if the House wants a report of the proceedings of that Committee, then I think the House ought to call for the Report from the Committee as a whole. I have no more right to speak for the Committee than any other Member of that body.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 23rd February, 1929.

LEGISLATIVE ASSEMBLY.

Saturday, 23rd February, 1929.

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

QUESTIONS AND ANSWERS.

TRANSFER TO STATE MANAGEMENT OF THE BENGAL AND NORTH WESTERN RAILWAY.

685. ***Mr. Ram Narayan Singh:** (a) Are Government aware that the provincial Legislative Council of Bihar and Orissa has unanimously passed a Resolution requesting the Government of India not to renew the lease of the Bengal and North Western Railway when it will expire in 1932 and to get the said Railway managed directly by the State?

(b) Have Government come to any conclusions in the matter of accepting the said Resolution?

Mr. A. A. L. Parsons: (a) Except for the Honourable Member's question, the Railway Board were not aware that a Resolution to this effect had been passed by the Legislative Council of Bihar and Orissa. No doubt, they will be addressed by the Provincial Government in due course.

(b) Does not arise.

Munshi Iswar Saran: Are Government aware that 58 Members of this House have given notice of a Resolution to be moved in the Assembly recommending to the Governor General in Council that, on the termination of the lease of the Bengal and North Western Railway Company, the lease should not be renewed?

Mr. A. A. L. Parsons: I have seen the motion on the Notice List.

Munshi Iswar Saran: Are Government aware that the dissatisfaction against the Bengal and North Western Railway Company is not confined only to the members of the various Legislatures in the country but is almost universal?

Mr. A. A. L. Parsons: I should not like to express an opinion. I am aware that there have been articles in the press occasionally expressing dissatisfaction with certain aspects of the administration of the Railway.

Mr. Gaya Prasad Singh: Are Government aware that the Bihar Provincial Conference at a meeting which was held in Patna in December last unanimously passed a Resolution recommending that the administration of the Bengal and North Western Railway should be taken over by the State on the expiry of the present lease?

Mr. A. A. L. Parsons: I was not aware of that fact, but I am quite prepared to take it as correct from the Honourable Member.

Mr. B. Das: May I enquire if there is a department in the Railway Board which keeps in touch with what is happening in the provincial Councils, and how is it that the Honourable Member had no knowledge of the Resolution that was passed in the Bihar Legislative Council, and which was reported in every newspaper?

Mr. A. A. L. Parsons: As I have explained, the Provincial Government will no doubt address us on the subject of that Resolution, but we have not actually received any communication from them so far.

Munshi Iswar Saran: Are we to understand that no formal communications have been addressed by the Bihar Government to the Railway Board, or are we to understand that the Railway Board is in blissful ignorance of the fact that such a Resolution has been passed by the Bihar Legislative Council?

Mr. A. A. L. Parsons: We have not yet received a copy of the proceedings of the Bihar Legislative Council.

Kumar Ganganand Sinha: May I know when the matter of taking over the management of that Railway will be considered by the Government of India?

Mr. A. A. L. Parsons: In due course, no doubt, the question will be considered by the Government of India. The contract cannot be terminated, I think I am right in saying, until the end of 1932.

Mr. B. Das: Is it not the accepted policy of the Government that State-management is the best for the Indian Railways?

Mr. A. A. L. Parsons: I do not think that Government has ever made a statement of policy in those terms.

Sir Purshotamdas Thakurdas: What is the latest date for giving notice to the Bengal and North Western Railway if the Government propose to take it under State management?

Mr. A. A. L. Parsons: I should have to look up the contract, before giving an absolutely definite answer, but I think the date on which we could terminate the contract is the 31st December, 1932, and the date by which notice should be given is then probably a year before, namely, the 31st December, 1931. The Honourable Member can, however, find the date by looking at the History of Railways, a copy of which is in the Library.

Sir Purshotamdas Thakurdas: When is it likely that the Government of India will have this question under their consideration?

Mr. A. A. L. Parsons: If the dates I have mentioned are correct, during the course of 1931.

SCALES OF PAY IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

686. ***Mr. Ram Narayan Singh:** Will Government be pleased to state in detail the distinction between the scale of pay in the Secretariat and the attached offices in the several departments of the Government of India,

with special reference to the amount and nature of work, pay and prospects of the employees working under the two said systems?

The Honourable Mr. J. Orer: A statement showing the scales of pay of the ministerial establishments of the Government of India Secretariat and of its attached offices is being forwarded to the Honourable Member. In reply to the latter part of the Honourable Member's question, I would refer him to the reply given by the late Sir Alexander Muddiman to question No. 943 on the 15th September, 1925.

ACCOMMODATION IN NEW DELHI FOR EMPLOYEES WORKING IN THE IMPERIAL SECRETARIAT.

687. ***Mr. Ram Narayan Singh:** Have Government already got a sufficient number of quarters built to provide accommodation for all the employees of Government working in the Imperial Secretariat in New Delhi and if not, what are the compensations allowed to those who have not been furnished with quarters in New Delhi and have therefore to attend offices in time from their distant residences in the old city, and thus incur certain expenditure every day for conveyance?

The Honourable Sir Bhupendra Nath Mitra: The answer to the first part of the question is in the negative. The answer to the second part is also in the negative. The city is within comparatively easy reach of the New Secretariat. No conveyance allowance is granted to clerks living there. Bicycle advances are freely sanctioned for those who apply for them.

Mr. Ram Narayan Singh: May I know whether the Honourable Member can walk this distance and attend office in time?

Mr. President: Mr. S. C. Mitra.

SPECIAL PAY FOR ASSISTANT DIRECTORS GENERAL OF POSTS AND TELEGRAPHS.

688. ***Mr. S. C. Mitra:** Will Government please state whether the Assistant Directors General in the office of the Director General of Posts and Telegraphs get a special pay in addition to their already high rate of pay of Rs. 1,000—50—1,500?

The Honourable Sir Bhupendra Nath Mitra: It is a fact that the Assistant Directors General get a special pay, in addition to pay on the scale of Rs. 1,000—50—1,500. This however is not considered by Government a specially high rate of pay, having regard to the work required of these officers.

REDUCTION OF THE GAZETTED STAFF OF THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

689. ***Mr. S. C. Mitra:** (a) Is it a fact that the Public Accounts Committee, in their Report on the Accounts for 1922-23 remarked that the gazetted staff of the Indian Posts and Telegraphs Department was in excess of requirements, and that retrenchment has left them practically untouched and has spent its force on the rank and file?

(b) If so, will Government please say what measures have so far been taken to reduce the gazetted staff?

(c) If no steps have been taken, do Government propose to take immediate steps in the matter?

The Honourable Sir Bhupendra Nath Mitra: (a) The facts stated by the Honourable Member are substantially correct.

(b) The Honourable Member is referred to paragraph 25 of the Finance Department Resolution No. 3665-A., dated the 14th April, 1925, inserted as Appendix I to the Report of the Public Accounts Committee on the Accounts of 1923-24, Volume I, and to item 28 in Appendix II of that Report. It was stated therein that the proportion of gazetted officers to non-gazetted staff was not considered high.

(c) In view of what I have stated in my reply to part (b), Government do not consider it necessary to take the action suggested.

REDUCED SCALE OF PAY FOR ASSISTANT DIRECTORS GENERAL OF POSTS AND TELEGRAPHS.

690. ***Mr. S. C. Mitra:** (a) Will Government please say what reasons and considerations weighed with them in granting the scale of pay of Rs. 1,000—50—1,500 for the Assistant Directors General in the office of the Director General of Posts and Telegraphs?

(b) Will Government please state in detail the reasons why they did not consider that a scale of Rs. 800—40—1,000 was quite sufficient for these officers?

The Honourable Sir Bhupendra Nath Mitra: I would invite the attention of the Honourable Member to paragraph 25 of the proceedings of the Standing Finance Committee for the 26th January, 1928, where the Committee agreed to a revision of the rate of pay of Assistant Directors General to Rs. 1,000—50—1,500 for reasons placed before them and detailed in the document referred to.

NUMBER OF OFFICIALS IN CERTAIN OFFICES DRAWING RS. 1,000 AND ABOVE.

691. ***Mr. S. C. Mitra:** (a) Will Government please lay on the table a statement showing the number of officers drawing Rs. 1,000 and above in the office of the Director General of Posts and Telegraphs?

(b) Will Government please lay on the table a similar statement with regard to:

- (i) the Department of Industries and Labour,
- (ii) the Department of Commerce,
- (iii) the Railway Board?

The Honourable Sir Bhupendra Nath Mitra: The figures, taking the offices in the order in the question, are 19, 7, 6 and 17.

NUMBER OF CLERKS, EXCLUDING SUPERINTENDENTS, DRAWING RS. 100 AND ABOVE IN CERTAIN OFFICES.

692. ***Mr. S. C. Mitra:** (a) Will Government please lay on the table a statement showing the number of clerks, excluding Superintendents, drawing Rs. 100 and above in the office of the Director General of Posts and Telegraphs?

(b) Will Government please lay on the table a similar statement with regard to—

- (i) the Department of Industries and Labour,
- (ii) the Department of Commerce,
- (iii) the Railway Board?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The numbers in the offices named are, in the order given, 163, 84, 44 and 108.

PETITION TO THE VICEEROY FOR A REDUCTION OF DUTY ON GLASS BANGLES.

693. ***Mr. Vidya Sagar Pandya:** (a) Have Government received a petition, dated September, 1928, addressed to His Excellency the Viceroy and Governor General in Council by the President and Members of the Bombay Glass Bangles Merchants' Association, praying for a reduction of import duty on glass bangles from 30 per cent. to 15 per cent.?

(b) Will Government be pleased to state what orders have been passed on the petition and to what extent the import duty on bangles is proposed to be reduced?

(c) If no orders have been passed in the matter, when do Government expect to pass them?

The Honourable Sir George Rainy: (a) Yes.

(b) and (c). The Association was informed that its views had been noted.

Mr. Vidya Sagar Pandya: May I know if similar representations have been received from bangle merchants of Calcutta and Madras also?

The Honourable Sir George Rainy: I am afraid I must ask for notice of that question. That fact is not within my knowledge.

Sir Purshotamdas Thakurdas: Is it the intention of Government to refer this question to the Tariff Board?

The Honourable Sir George Rainy: I do not think that has been suggested to us by any one, and I am not sure that this particular matter would be appropriate for a reference to the Tariff Board. If the Honourable Member desires that that suggestion should be considered, I am quite ready to do so.

Sir Purshotamdas Thakurdas: Is it not a fact that the import of glass bangles from abroad goes into a crore of rupees worth every year?

The Honourable Sir George Rainy: Yes, but the particular representation which we received asked for a reduction in the duty.

Sir Purshotamdas Thakurdas: Are glass bangles manufactured in India?

The Honourable Sir George Rainy: I understand so, Sir. I cannot speak positively on that point.

Mr. Vidya Sagar Pandya: Is the Honourable Member aware that, according to a recent Government publication, the Government is reported to have helped the bangle industry in the United Provinces?

The Honourable Sir George Rainy: I am afraid I cannot answer that question at the moment.

REDUCTION OF POSTAL STAFF RECOMMENDED BY RAI BAHADUR J. P. GANGULI.

694. *Mr. M. S. Aney: (a) Is it a fact that Government had appointed Rai Bahadur J. P. Ganguli as a special officer to consider and report on the possibility of the reduction of postal staff?

(b) If so, will Government be pleased to state what recommendations were made by that officer as regards reduction of the staff and the creation of any additional selection grade appointments, and what final orders were passed by the Government of India on the same?

The Honourable Sir Bhupendra Nath Mitra: (a) Rai Bahadur J. P. Ganguli has been placed on special duty to inquire into the working of large post and telegraph offices and of circle and divisional offices of the Posts and Telegraphs Department, and into the adequacy of staff in these offices.

(b) The reports on the several offices submitted by him are under examination by the Director-General.

SANCTION OF ADDITIONAL SELECTION GRADE APPOINTMENTS BY THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

695. *Mr. M. S. Aney: (a) Is it a fact that the Presidency Postmaster Bombay, has carried out certain reductions in the staff; if so, under whose orders?

(b) Will Government be pleased to state whether the Director General has sanctioned any additional selection grade appointments up till the end of January, 1929?

(c) If not, does the Director General propose to sanction additional selection grade appointments at least to the extent of reduction already carried out by the Presidency Postmaster, Bombay?

Mr. H. A. Sams: (a) Yes, under my orders certain clerical appointments in the time-scale found surplus on inspection have been brought under reduction.

(b) None as a result of the inspection.

(c) The Postmaster-General has been asked to submit his proposal for additional selection grade appointments in the Bombay General Post Office.

HARDSHIPS OF TOWN INSPECTORS OF POST OFFICES.

696. *Mr. M. S. Aney: (a) Will Government be pleased to state for each circle separately:

(i) the number of the posts of Town Postal Inspectors at 1st class head post offices which have been abolished since 18 October, 1928;

(ii) the number of vacancies in the Bombay Circle since November 1928;

(iii) whether the Town Inspectors, who lost their posts on account of the policy, are being appointed as Inspectors in the mofussil as the vacancies occur?

(iv) how many such Inspectors were appointed till the end of January, 1929?

(b) Are Government aware that a considerable number of the Town Inspectors have to undergo great hardship and suffering on account of being unemployed?

(c) Do Government propose promptly to inquire to ascertain whether the Postmaster General, Bombay, has been unnecessarily delaying the passing of orders to fill the vacancies both in the Presidency town and the mofussil?

The Honourable Sir Bhupendra Nath Mitra: (a) The position relating to appointments to the posts of Town Inspectors of post offices in the revised scale of Rs. 160—10—250, introduced from the 1st September, 1927, is explained in the Government of India, Department of Industries and Labour letter No. 14-P. T. E., dated the 2nd October, 1928, a copy of which was laid upon the table of this House in reply to Khan Bahadur Sarfaraz Hussain Khan's unstarred questions Nos. 98 and 133 on the 28th January, 1929. Government understand that the Director-General is taking steps to ensure that the orders contained in the above letter are being properly carried out by Heads of Postal Circles and that the officials appointed or restored to the posts of Town Inspectors, in accordance with these orders, are suitably qualified. In view of this position, no useful purpose would, in the opinion of Government, be served by an attempt to collect all the particulars necessary for a detailed reply to the Honourable Member's question.

(b) There can be no hardship, as the displaced Town Inspectors have not been kept unemployed without pay.

(c) There has been no delay on the part of the Postmaster-General in dealing with the matter.

COMPARATIVE COST OF ELECTRIC POWER AND STEAM COAL ON CERTAIN RAILWAY LINES.

697. *Mr. M. S. Aney: (a) Will Government be pleased to state what was the consumption of coal in tons and its value annually on lines which are now being run electrically?

(b) What is the cost of electrical power required annually to run those lines?

(c) What is the total mileage of the lines run by the electric power at the end of the year 1928?

Mr. A. A. L. Parsons: (a) I am afraid it is impossible to obtain the statistics for which the Honourable Member asks, since figures of coal consumption were not kept separately for the portions of the line which have now been electrified.

(b) It is estimated at 30 lakhs in the current year and 40 lakhs next year.

(c) On the 31st of March, 1928, 80 miles on the Great Indian Peninsula Railway and 23 miles on the Bombay, Baroda and Central India Railway.

Mr. M. S. Aney: May I ask the Honourable Member whether, when the scheme for electrification of certain railways was placed before the Standing Finance Committee, an estimate of the coal expenditure was not included in the proposition statement?

Mr. A. A. L. Parsons: Will the Honourable Member give me notice? I am not sure whether it was in my time.

Mr. M. S. Aney: Will the Honourable Member collect the information and supply it to me later on?

Mr. A. A. L. Parsons: If it was in the proceedings of the Standing Finance Committee for Railways the Honourable Member will be able to find it himself from the copies of the proceedings.

IMPROVEMENT IN PROVIDENT FUND FOR EMPLOYEES OF CURRENCY OFFICES.

698. ***Mr. M. S. Aney:** (a) Is it not a fact that the question of improvement in the provident fund and the bonus of the currency office employees has been under the consideration of Government since 1924?

(b) If so, will Government be pleased to state the reasons for this delay?

(c) Is it a fact that the employees of the State railways are given some gratuity at the time of retirement? If so, how much?

(d) Will Government be pleased to state whether the staff of the Treasurers department in the currency offices get similar concessions? If not, why not?

The Honourable Sir George Schuster: (a) Yes.

(b) Consideration of the question was in the first instance delayed, because, as the law then stood, Government had no power to recoup from a contributory provident fund losses due to the fraud or negligence of a subscriber. Such a power was considered desirable in the case of employees in Currency Offices as in such offices fraud or negligence might result in serious loss to the Government. Subsequently the consideration of the question was dropped owing to the proposal to establish a Reserve Bank to which the Currency staff would probably have had to be transferred. The question has now been revived and, as stated in the reply given by me on the 4th of this month to Mr. Rahimtullah's question No. 380, a final conclusion is likely to be reached before long.

(c) Employees of State Railways may be given a gratuity on retirement as a reward for faithful service, but are not entitled to a gratuity as a matter of course. For the amount of the gratuity which may be granted, I would refer the Honourable Member to rule 19 of the State Railway Gratuity Rules, copies of which are in the Library of the House.

(d) The staff in question do not get such gratuities for the reason that Government have so far seen no justification for setting up such a system of rewards in Currency offices.

RESOLUTIONS PASSED AT THE ALL-INDIA CURRENCY OFFICES CONFERENCE AT RANGOON.

699. ***Mr. M. S. Aney:** Will Government be pleased to state whether their attention has been drawn to the Resolutions passed at the All-India Currency Offices Conference held at Rangoon in December last? If so, what action have Government taken on each of the Resolutions?

The Honourable Sir George Schuster: The Resolutions are under the consideration of Government.

SALARIES OF SHROFFS IN CURRENCY OFFICES.

700. ***Mr. M. S. Aney:** (a) Will Government be pleased to state whether it is a fact that the shroffs are required to pay heavy debits from their monthly pay? If so, what is the highest amount recovered as debits from a shroff working in defective coins? What is the pay of these shroffs?

(b) Will the Government be pleased to state if they propose to revise the scale of the salaries of the shroffs in view of the heavy monetary responsibility which they have to undergo? If not, why?

(c) Will Government be pleased to state whether, in all the currency offices the shroffs are made to deposit additional security over and above the insurance security as required by the Currency Code? If not, why should such a rule exist exclusively in Bombay?

The Honourable Sir George Schuster: The Government are obtaining certain information to enable them to reply fully to the Honourable Member's question. A further answer will be sent to him as soon as possible.

PAY OF SHROFFS IN THE BOMBAY CURRENCY OFFICE.

701. ***Mr. M. S. Aney:** Will Government be pleased to lay on the table a statement showing the number of shroffs in the Bombay Currency Office, their pay and the amount of debit paid by each of them during the term of the last two years from January 1927 to 31st December, 1928?

The Honourable Sir George Schuster: An enquiry is being made and a reply will be sent to the Honourable Member in due course.

REVISION OF PAY OF THE STAFF OF CURRENCY OFFICES.

702. ***Mr. M. S. Aney:** Will Government be pleased to refer to Mr. N. M. Joshi's starred questions Nos. 88, 89, 90, 140, 141, 142 put in February last and state whether they have supplied the information as promised? If so, will Government be pleased to lay on the table the same for the information of the Members?

The Honourable Sir George Schuster: As stated in my reply on the 4th instant to part (a) of Mr. Fazal Ibrahim Rahimtullah's starred question No. 382, final replies to Mr. Joshi's questions Nos. 88 to 90 and 140 to 142 were sent to him on the 15th February, and 1st May, 1928, respectively. Copies will be found in the Library of the House.

PROVISION OF A RAISED PLATFORM AT CHINIOT RAILWAY STATION.

703. ***Mr. Muhammad Rafique:** (a) Will Government be pleased to state if the Agent of the North-Western Railway has taken any action with regard to my starred question No. 374, dated 7th March, 1928?

(b) Is it a fact that no action has been taken by the Agent, North-Western Railway, to construct a raised platform at the Chiniot Railway Station?

(c) Is it a fact that the residents of the town have made several requests to the Agent for a raised platform as it causes great inconvenience to the lady passengers to alight from a height of 4 feet?

(d) When do Government propose to construct the platform?

Mr. A. A. L. Parsons: I am ascertaining from the Agent of the North-Western Railway whether he found any action necessary and will pass on the information to the Honourable Member.

SUPPLY OF COW AND BUFFALO HIDES TO THE GOVERNMENT HARNESS TANNERY, CAWNPORE.

704. *Mr. Muhammad Rafique: (a) Will Government be pleased to state separately the quantities of cow and buffalo hides tanned daily by the Government Harness Tannery, Cawnpore?

(b) Is it a fact that formerly tenders used to be issued for the supply of cow and buffalo hides to the tannery? If so, when was the last tender issued?

(c) Is it a fact that an European firm has been entrusted with the supply of cow and buffalo hides to the tannery? If so, what are the arrangements? What is the name of the firm?

(d) Is it a fact that the said firm buys on commission for Government? If so, did Government extend this offer to any Indian firm at Cawnpore or elsewhere?

(e) Is it a fact that the said firm is allowed to draw Rs. 50,000 before the goods are supplied?

(f) If the answer to (e) be in the negative is it not a fact that a sum of Rs. 50,000 is paid in advance by the Government to the said firm for the purchase?

(g) Is it a fact that the firm buys mixed lots from the market and supplies the Government only with the good selection?

(h) If the answer to (g) be in the affirmative, what are the rates at which good selection hides are supplied to Government?

(i) If the answer to (g) be in the negative, is it a fact that a joint account is kept by the firm and is yearly audited by the Government Auditors?

(j) Will Government be pleased to lay on the table the report of the Auditors for the years the supply has been made by this firm?

(k) Is it a fact that formerly tenders were issued for hides out of lime?

(l) Is it a fact that after liming the lower grades,—hides are resold to this firm at a very low rate?

(m) Will Government be pleased to state the numbers of cows and buffaloes slaughtered during the last three years in the United Provinces?

(n) Is it a fact that the price paid by this agent of the Government during the month of December, 1928, was 40 per cent. to 45 per cent. higher than that of the exporters of raw hides in India?

(o) Are Government prepared to invite tenders for the supply of cow and buffalo hides in future? If so, when do Government propose to commence?

(p) Will Government lay on the table a statement showing the selection of raw cow and buffalo hides purchased during the year 1926, 1927, 1928, and also the selection of tanned cow and buffalo hides for the respective years?

Mr. G. M. Young: The information is being obtained and will be furnished to the Honourable Member when received.

PAY AND ALLOWANCES OF MENIALS IN THE GOVERNMENT OF INDIA SECRETARIAT.

705. *Mr. Anwar-ul-Azim: Will Government be pleased to state what are the various grades of menials in the Government of India Secretariat at New Delhi and Simla? Are they guided in their promotion by any time scale? Are they allowed any house-rent and conveyance allowance? If so, how much? How do they fare compared with the postal peons and constables? Do they get any pension?

The Honourable Mr. J. Orerar: A statement showing the various grades of menials in the Government of India Secretariat and their scales of pay is being forwarded to the Honourable Member. Menials who cannot be provided with free quarters in Simla draw a house-rent allowance of Re. 1 a month. They are all provided with free quarters in Delhi. No conveyance allowance is granted. I am afraid no comparison is possible between Secretariat menials on the one hand and postal peons and constables on the other as the nature of the work and the conditions of service differ materially. Secretariat menials are entitled to compensation and invalid pension in accordance with Article 481 (b) of the Civil Service Regulations.

NUMBER OF CLERKS IN THE GOVERNMENT OF INDIA SECRETARIAT PROVIDED WITH QUARTERS IN NEW DELHI.

706. *Mr. Anwar-ul-Azim: Will Government be pleased to state how many of the clerks in the Government of India Secretariat are provided with quarters in New Delhi? Have they got to pay any rent for the occupation of those quarters in New Delhi—married and single?

The Honourable Sir Bhupendra Nath Mitra: 687. In addition to this, 160 single clerks are accommodated in the orthodox chummeries leased to the Imperial Secretariat Association and 62 in the unorthodox chummeries.

The answer to the last part of the question is in the affirmative.

CONVEYANCE AND HOUSE RENT ALLOWANCES PAID TO CLERKS LIVING IN OLD DELHI.

707. *Mr. Anwar-ul-Azim: Will Government be pleased to state what conveyance and house allowances they pay to their clerks who live in Old Delhi? On what basis are they assessed?

The Honourable Mr. J. Orerar: I am sending the Honourable Member a statement showing the rates of conveyance and Delhi house-rent allowance admissible in certain circumstances to clerks living in Old Delhi. The allowances vary according to pay.

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LEGISLATIVE ASSEMBLY.

[28RD FEB. 1929.]

GRANT OF CONVEYANCE ALLOWANCE TO CLERKS OF THE GOVERNMENT OF INDIA.

708. *Mr. Anwar-ul-Azim: In view of the reply given by the Honourable the Leader of the House to Mr. Mohammed Shafee to his unstarred question No. 487 on the 21st of September, 1928, will Government be pleased to state whether they have come to any decision with regard to the conveyance and other allowances of those clerks who reside in places mentioned in the said question in its (e) and (f) clauses?

The Honourable Mr. J. Orerar: Yes. I would refer the Honourable Member to my reply to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No. 164 of 28th January last.

Conveyance allowance was the only allowance in issue.

NUMBER OF MUHAMMADANS APPOINTED TO THE OFFICE OF THE AUDIT OFFICER, INDIAN STORES DEPARTMENT.

709. *Mr. Anwar-ul-Azim: Will Government be pleased to state whether they have yet been able to collect information with regard to my starred questions Nos. 526, 527, 528, 529, put on the 26th of March, 1928?

The Honourable Sir George Schuster: Final replies to the Honourable Member's questions Nos. 526 to 529, to which an *ad interim* reply was given in the Assembly on the 26th March, 1928, were sent to him with a letter from the Finance Department, No. 1608 R. II., dated the 5th April, 1928, and copies were placed in the Library. Further copies of the replies have since been sent to the Honourable Member.

EMPLOYMENT OF MUSLIMS IN THE BENGAL AND ASSAM CIRCLE OF THE POSTAL DEPARTMENT.

710. *Mr. Anwar-ul-Azim: Will Government be pleased to state if there is any Muslim Inspector of Post Offices, Postal Superintendent, and Head Clerk in the Bengal and Assam Circle? If the reply is in the affirmative, how many are Muslims out of the total strength? When were these posts created?

Mr. H. A. Sams: The answer to the first part of the question is in the affirmative, presuming that the Honourable Member intends to include in the categories mentioned, officials of the Railway Mail Service and that by Head Clerks he means Head Clerks to Superintendents. With respect to the second part, out of a total strength of 152 of such officials there are 7 Moslems. With respect to the third part it has not been possible to obtain precise information, as the appointments have been in existence for many years.

APPOINTMENT OF A BENGAL MUSLIM TO A SUPERIOR POST ON THE ASSAM BENGAL RAILWAY.

711. *Mr. Anwar-ul-Azim: Will Government be pleased to state whether so far any Muslim from the Province of Bengal has been appointed to any superior service under the control of the Railway Board and in the Assam Bengal Railway?

Mr. A. A. L. Parsons: Yes.

GRANT OF PROVIDENT FUND BENEFIT TO DAILY RATE WORKMEN EMPLOYED CONTINUOUSLY.

712. *Pandit Nilakantha Das: (a) What is the principle of distinction between the daily rate workmen and monthly rate workmen in our railways and railway workshops?

(b) Are there men on the daily rate for years working continuously?

(c) Do such daily rated workmen get the benefit of provident fund and such other facilities?

(d) If not, are Government going to do anything to give them such facilities?

Mr. A. A. L. Parsons: (a) There is no principle involved. It is a matter of practice, some railways rating their men one way and some the other. In any case, the men are paid monthly.

(b) Yes.

(c) Yes, provided the conditions laid down in rule 6 (d) of the State Railway Provident Fund Rules are fulfilled.

(d) Does not arise.

EMPLOYMENT OF INDIANS IN POSTS ABOVE RS. 250 A MONTH IN THE RAILWAY WORKSHOP AT TATANAGAR.

713. *Pandit Nilakantha Das: (a) How many posts are there above Rs. 250 a month in the newly started railway workshop at Tatanagar?

(b) How many of these posts are occupied by (1) Indians and how many by (2) Europeans and Anglo-Indians?

(c) What arrangement has been made there to take Indian apprentices?

Mr. A. A. L. Parsons: (a) 20.

(b) (1) 9 Indians.

(2) 10 Europeans and Anglo-Indians. One vacancy is unfilled.

(c) No arrangements have as yet been made for the training of Indian apprentices, but there are at present under training 3 apprentices who were taken over by the East Indian Railway from the late Peninsula Locomotive Company.

Pandit Nilakantha Das: On a point of order, Sir, in regard to a question which speaks incidentally of Railways, but involves generally the policy of the Department of Industries and Labour the question should be answered by the Industries Department. The other day I put a question and the Railway Board replied to me and then I put a supplementary question expecting a reply from the Member in charge of Industries. I was told that notice of that question was necessary. I could not possibly table a notice of the self-same question again. Now, I want that you should order that such questions in which the Department of Industries is involved primarily should be answered by the Member in charge of Industries. This question is of that nature.

Mr. President: There is nothing to prevent the Honourable Member from addressing a question to the Honourable Member for Industries.

Pandit Nilakantha Das: The same question over again?

Mr. A. A. L. Parsons: May I explain, Sir, that. The question relates to the purchases by railways of a certain commodity and for that reason it has fallen to me to answer it.

CAST IRON SLEEPERS SUPPLIED TO RAILWAY COMPANIES IN INDIA.

714. *Pandit Nilakantha Das: (a) Has the attention of the Government been drawn to the statement by the Bihar Chamber of Commerce published in *the Capital* of Calcutta of 3rd January, 1929, pp. 17—19?

(b) Have Government ascertained how and why the Tata Company has joined the Pig Iron Trust considering the fact that they themselves (Tatas) sell a very little quantity of pig iron outside India and that they have no foundries of their own?

(c) Is there a combine amongst the Bengal Iron Company, the Indian Iron and Steel Company, Burn and Company, the Eastern Light Casting Company, and Martin and Company, who are the manufacturers of railway permanent way materials, such as, cast iron sleepers, as well as producers of raw materials such as pig iron?

(d) Is it a fact that this combine is almost the sole supplier of cast-iron sleepers to the State and other railways?

(e) Is there any truth in the allegation made in the statement referred to in part (a) above which runs thus:

"A large firm engaged in cast iron sleepers was ruined on account of its inability to get pig iron at a reasonable price."

"In 1926, the North Western Railway asked for tenders for cast iron sleepers. The 'Trust' was selling pig iron at Rs. 68 per ton to outsiders, and the Bengal Iron Co. quoted Rs. 68 per ton for the finished cast iron sleepers."

(f) What price are they charging the railway companies for cast iron sleepers after the failure of the above firm (i.e., Mallan and Company)? Is the price still Rs. 68 per ton, or more? If more, what is it?

(g) Are steps being taken to protect other concerns against the ultra-profitteering tactics of this combine, with a view to ensure healthy competition in the cast iron sleeper business? If so, what are they?

(h) Does the above combine get any special railway freight facilities specially in rain water pipes and other sanitary fittings?

Mr. A. A. L. Parsons: (a) Yes.

(b) No. I am also doubtful if the Honourable Member is correct in his assumption that the Tata Iron and Steel Company's sales of pig iron outside India are small.

(c) It is understood that Messrs. Martin and Company now control the other companies mentioned by the Honourable Member.

(d) No. There is a large foundry of the Tatanagar Foundry Company at Tatanagar to which big contracts for railway cast iron sleepers have been given, and Messrs. Richardson and Cruddas, Bombay, supply cast iron chairs.

(e) Government are not in a position to express an opinion as to the truth of the allegation. It is a fact that in 1926 the Bengal Iron Company quoted Rs. 68 per ton for cast iron plates for the North Western Railway; and the market rates for pig iron in August 1926 were from Rs. 62 to Rs. 68 per ton for the various grades.

(f) During 1928-29 Messrs. The Tatanagar Iron Foundry Company tendered successfully for L. K. type plates at Rs. 77 per ton F. O. R. Tatanagar and for 3 S/T. S. C. plates at Rs. 80 per ton F. O. R. Tatanagar.

During the same year Messrs. Martin and Company obtained a contract for K. K. type plates at Rs. 84 per ton F. O. R. Tatanagar.

(g) As the Honourable Member will see from my reply to part (f), there has so far been competition.

(h) The East Indian Railway quote a special rate for cast iron products when booked from Kulti and the Eastern Light Casting Company's siding, which is, I understand, between Kulti and Barakar. There are also various other special station-to-station rates quoted in the East Indian Railway tariff for iron and steel products from Asansol, Barakar and Kulti, and in the Bengal Nagpur Railway tariff from Burnpore to numerous stations; these rates apply equally to all consignors and are not restricted to consignments from particular firms.

Mr. B. Das: Is it not a fact that, quite recently, on the representation of the Bihar Chamber of Commerce, the Tariff Board is going to inquire into the question of the import and export policy with regard to the pig iron industry in India?

The Honourable Sir George Rainy: I understand that the Tariff Board are considering the question of a possible reduction in the duty on pig iron, but I am not in possession of the views which they have formed on the subject, and I don't know at what stage the inquiry is now.

Mr. B. Das: Is it not a fact that the Bihar Chamber of Commerce have stated that the high price of pig iron does not in any way encourage the Indian engineering industry to manufacture sleepers and other articles?

The Honourable Sir George Rainy: I should imagine that a high price for any product would encourage manufactures of that product in any country.

Mr. B. Das: Is the Honourable Member aware that the sale of pig iron by these combines at so high a rate as Rs. 68 per ton does not permit Indian manufacturers subsidiary industries to compete with imported articles, while the same pig iron is exported abroad at Rs. 40 per ton?

The Honourable Sir George Rainy: I think it very undesirable that I should express any opinion on a matter which is already before the Tariff Board.

Mr. B. Das: Is it the intention of the Honourable Member to direct the Tariff Board to inquire into that aspect of the question, namely, whether the price of pig iron sold in India is the same as that sold outside?

The Honourable Sir George Rainy: I have always found that the Tariff Board is very competent to decide for itself what aspect of the case should be considered.

Pandit Nilakantha Das: Are Government aware that the policy of selling pig iron at a lower rate to outsiders is a policy of dumping in foreign countries at the expense of Indian interests and is one which should be discontinued for the present in the interest of our own Indian industry?

RETENTION OF THE GOODS SHED AT TRICHINOPOLY STATION.

715. *Mr. M. S. Seshu Ayyangar: (a) Is it a fact that the goods shed at Trichinopoly Fort Station on the South Indian Railway has existed there since 1860?

(b) Will Government be pleased to state if it is a fact that the South Indian Railway authorities propose to shift the goods shed, Trichinopoly Fort Station to the classification yard near Golden Rock, a distance of three miles from its present place?

(c) Are Government aware that this proposal is opposed to the express wishes of the public, including merchants, of Trichinopoly and the unanimous resolution passed by the Trichinopoly Municipal Council on the 31st January, 1929, and also the opinion of the South Indian Chamber of Commerce, Madras?

(d) Will Government be pleased to state if they propose to instruct the Agent, South Indian Railway to retain the goods shed at Trichinopoly Fort Station, at least till Trichinopoly Fort Station is converted into a broad gauge station?

Mr. A. A. L. Parsons: (a) It appears to have been opened in 1862.

(b) Owing to the remodelling of the Trichinopoly Junction Station and the conversion of the Erode Branch from broad to metre gauge, the site of the present goods shed will have to be abandoned and a new site has been selected at the junction of the broad and metre gauge lines. The distance of this site from the principal business centres of the town is approximately half a mile longer than the distance from these centres to the old goods shed.

(c) and (d). A letter was received by the Railway Board from a certain gentleman protesting against the closing of the old shed and forwarding a resolution passed at a public meeting held in Trichinopoly. The matter was referred to the Agent of the South Indian Railway, and he has explained to his Local Advisory Council and to the leading petitioners the necessity for moving the goods shed, and has further agreed to keep the old goods shed open until the conversion of the Erode branch from broad to metre gauge has been completed.

EMPLOYMENT OF INDIANS AS MECHANICAL ENGINEERS ON STATE RAILWAYS.

716. *Mr. Mukhtar Singh: (a) Will Government be pleased to state the system on which the mechanical engineers on the different railways are employed? Will the Government be pleased to state further if the recruitment is made by the Railway Board for all the State railways or the Agents of the different railways are at liberty to employ them?

(b) Are the posts of mechanical engineers, whenever they fall vacant, advertised in the Indian papers?

(c) How many posts fell vacant during the year 1927-28 and how many applications were received from Hindu and Mohamadan mechanical engineers and how many of them were appointed? How many out of the Hindu and Mohamadan applicants were qualified to hold these posts?

(d) Is there any dearth of qualified Hindu and Mohamadan candidates for the posts of mechanical engineers? If so, do Government propose to state the steps taken to remove this deficiency?

(e) Are there any scholarships awarded for Indians to qualify themselves as mechanical engineers on the Indian State railways? If the answer be in the affirmative, will Government be pleased to state the amount contributed by the railways towards the aforesaid scholarships? If the answer be in the negative, are Government prepared to consider the advisability of creating scholarships for Indians to qualify themselves as mechanical engineers for railways?

Mr. A. A. L. Parsons: (a) A copy of the Regulations for the recruitment in India for the Mechanical Engineering, Transportation (Power), Electrical Engineering, and Signal Engineering Departments of the Superior revenue establishment of State Railways has been sent to the Honourable Member. Other copies have been placed in the Library.

(b) Yes.

(c) Three posts were filled in India in 1927-28; one by the promotion of a Parsee apprentice on the Great Indian Peninsula Railway, and the others through the Public Service Commission. Of the latter posts one was in the Transportation (Power) Department for which 38 applications in all were received, 32 from Hindus and one from a Muslim. The Muslim and one Hindu had the qualifications required for the post, and the Muslim was appointed. The other post was that of Works Manager in the Mechanical Engineering Department, for which 18 applications in all were received, six from Hindus and none from Muslims. None of the Hindus had the requisite qualifications and a European was appointed.

(d) Yes. It is not easy at present to obtain a sufficient number of qualified candidates in India for the posts of Mechanical Engineers. But by the appointment of special class apprenticeships, details of which the Honourable Member will find in the regulations for recruitment which I have sent to him, Government hope to overcome this difficulty.

(e) No scholarships are awarded, but financial assistance is given to selected apprentices, the conditions of which are fully explained in the regulations.

Mr. B. Das: Is the Honourable Member aware that in this matter of recruitment of mechanical engineers for the State railways the percentage is far below 75? Last year the percentage of recruitment was much below 20 per cent. in the matter of mechanical engineers. Will the Honourable Member take steps to bring the recruitment up to 75 per cent., as he is doing in the matter of the Transportation and Civil Engineering Sections?

Mr. A. A. L. Parsons: I have not got the statistics with me; but as I have already explained the difficulty has been so far to obtain qualified candidates for these posts of mechanical engineers. But I hope that the regulations with regard to special apprenticeships which we have introduced will overcome that difficulty, so that in future we shall be able to get more Indian boys for these posts.

Mr. B. Das: Giving the view of the only engineer on this side of the House is the Honourable gentleman aware that there has been, so far, no intention on the part of the Railway Board to give effect to that part of the recommendation of the Lee Commission in the matter of recruitment of mechanical engineers? From the report of the Railway Board

published recently I find that no attempt has been made, except in the case of recruitment of one or two Indians.

Mr. President: That is the Honourable Member's opinion.

COST AND EARNINGS OF CERTAIN FAST MAIL TRAINS.

717. *Mr. Mukhtar Singh: (a) Will Government be pleased to state the average income per trip by (i) the Imperial Indian mail during the year 1927-28 and (ii) the Punjab Limited since the time of its inauguration?

(b) Are only first class passengers allowed to avail themselves of these trains or are passengers of any other classes also allowed to travel by these trains?

(c) Are the passengers travelling in these trains charged the same fare as is charged from passengers of the same class travelling by other trains, or are they charged something extra? If so, how much?

(d) What has been the total cost of (i) the Imperial Indian mail train, and (ii) the Punjab Limited?

(e) What is the average cost of running (i) the Imperial Indian mail train and (ii) the Punjab Limited train per trip?

Mr. A. A. L. Parsons: (a) I will see if I can obtain the figures for the Honourable Member.

(b) Only first class passengers and their servants are allowed to travel by these trains.

(c) First class passengers by the Imperial Indian Mail are charged Rs. 25-8-0 over and above the ordinary first class fare. Passengers by the Punjab Limited pay the ordinary fares.

(d) and (e). I am seeing whether the remaining information for which the Honourable Member asks can be obtained for him without undue trouble.

LOW SPEED OF GOODS TRAINS ON CERTAIN RAILWAYS.

718. *Mr. Mukhtar Singh: (a) What is the average speed per 24 hours of goods trains on the (i) East Indian, (ii) Great Indian Peninsula, and (iii) North Western Railways?

(b) Will Government be pleased to state the reasons of the low speed?

Mr. A. A. L. Parsons: (a) On the East Indian Railway 9.85 miles; on the Great Indian Peninsula Railway 10.4 miles; and on the North Western Railway 9.68 miles, per train engine hour, i.e., from the time the train starts till the time it reaches its destination.

(b) The Railway Board are most anxious to see an increase in the speed of goods trains, and this matter is carefully watched. I am doubtful, however, if the present speeds can correctly be described as low. I believe, for example, that in the United Kingdom, the speed of goods trains average 8.71 miles an hour, i.e., less than on any of the three railways for which I have given figures, and in the United States of America 11.9 miles an hour.

Mr. Vidya Sagar Pandya: Will the Honourable Member kindly compare the figures of the running of the Madras and Southern Mahratta Railway and the South Indian Railway?

Mr. A. A. L. Parsons: I am quite ready to do so. As a matter of fact the Railway Board look into these figures once a month.

Mr. Gaya Prasad Singh: As well as for the Bengal and North Western Railway.

Mr. A. A. L. Parsons: Perhaps it will stop further supplementary questions, if I give an undertaking that we will look into the figures of all the railways.

QUANTITY OF FOREIGN AND COUNTRY LIQUOR CONSUMED IN CERTAIN YEARS.

719. *Mr. Mukhtar Singh: (a) Will Government be pleased to state the total amount of (1) foreign, and (2) country liquor consumed in the year 1919-20, 1920-21 and 1927-28 in (i) the whole of British India, and (ii) the area under the administration and direct control of the Government of India?

(b) Will Government be pleased to state the steps taken to prohibit the consumption of foreign liquor in the country?

The Honourable Sir George Schuster: (a) A statement is laid on the table.

(b) Since the policy of the Government of India is not one of prohibition, they have taken no steps which can properly be described as "steps to prohibit" the consumption of foreign liquor in the country.

Statement showing consumption of country spirit and potable foreign liquors during the years 1919-20, 1920-21 and 1926-27.

NOTE.—Figures for 1927-28 are not yet available.

	British India.			Central Administrations.		
	1919-20.	1920-21.	1926-27.	1919-20.	1920-21.	1926-27.
Country spirit, L. P. gallons.	10,800,186	9,969,590	6,209,724	265,106	258,246	159,034
Other spirit (Imported and Indian "foreign liquor") L. P. gallons.	1,283,694	1,561,248	792,499	111,004	100,134	47,852
Wines (Imported and Indian), Bulk gallons.	264,207	236,634	178,320	11,102	24,644	13,735
Beer (Imported), Imperial gallons.	1,861,520	2,159,821	2,191,385	113,209	128,825	172,839
Beer made in India, Imperial gallons.	4,923,662	3,389,946	2,829,782	510,263	510,219	293,920

UNSTARRED QUESTIONS AND ANSWERS.

SOURCE WHENCE ABDUL RASHID OBTAINED A REVOLVER USED TO MURDER SWAMI SHRADDHANAND.

246. Kumar Rananjaya Singh: (a) Will Government be pleased to state whether they have tried to find out the source from which Abdul Rashid obtained the revolver with which he murdered Swami Shradddhanand?

(b) If the reply to the above is in the affirmative will the Government be pleased to state the results of that enquiry?

The Honourable Mr. J. Orerar: (a) and (b) Every effort was made to trace the source from which Abdul Rashid obtained the revolver, but without any result.

FALSE STATEMENTS REGARDING ABDUL RASHID MADE BY CERTAIN WITNESSES.

247. Kumar Rananjaya Singh: (a) Will the Government be pleased to state whether it is a fact that, in the case against Abdul Rashid, the murderer of Swami Shradddhanand several witnesses from the defence side stated that the accused was mad?

(b) Is it a fact that medical experts declared the accused to be quite sane?

(c) If replies to (a) and (b) are in the affirmative, what action have Government taken against those persons who made false statements on oath before a magistrate?

(d) Have Government taken any action against those witnesses under section 476 of the Indian Criminal Procedure Code?

(e) If no action has been taken, why?

The Honourable Mr. J. Orerar: I would refer the Honourable Member to the answer given in this House on the 8th February, 1928 to Pandit Thakur Das Bhargava's non-oral question No. 57 on the subject.

INTRODUCTION OF UNIFORM FARES, ETC., ON STATE-MANAGED RAILWAYS.

248. Kumar Rananjaya Singh: (a) Are Government aware of the fact that in different State-managed railways different rates of fares, different standards of seating arrangement, different rates of concessions for return journey tickets and different occasions on which concessions are given, exist and thereby the passengers are put to great troubles?

(b) If so, why uniformity in all things in State-managed railways is not brought about?

(c) Do Government contemplate moving in this direction very soon?

Mr. A. A. L. Parsons: (a) Government are aware that there is not entire uniformity as regards rating, passenger seating and passenger concessions on all State-managed lines, but have no reason to believe that passengers are incommoded thereby.

(b) Financial and other conditions on different State Railways prevent entire uniformity in such matters.

(1106)

(c) Steps are being taken to standardise rolling stock so far as this is desirable. For the reason given in the answer to (b) entire uniformity in the other matters mentioned by the Honourable Member is not in contemplation.

COST OF NEW RAILWAY STATION AT CAWNPORE.

249. Kumar Rananjaya Singh: Will Government be pleased to state:

(a) when the new railway station of Cawnpore will be ready;

(b) what the estimated cost of the new railway station is;

(c) what the requirements for building the new station are, which are not found in the old one;

(d) whether it will be as large and expensive as the Lucknow Railway Station;

(e) whether Government are contemplating the building of more such stations on the East Indian Railway;

(f) whether the Allahabad Railway Station is also going to be built anew?

Mr. A. A. L. Parsons: (a) By March 1931.

(b) Rs. 77 lakhs.

(c) The object of the remodelling is to co-ordinate the railway facilities of the four railways entering Cawnpore so as to secure more expeditious and economical working. One station will take the place of the four existing stations.

(d) The cost of the remodelling is expected to be slightly higher than that of Lucknow.

(e) No further scheme has so far been sanctioned.

(f) Proposals are shortly expected from the Agent, East Indian Railway, for extensions and improvements at Allahabad.

PROVISION OF A WAITING ROOM FOR 3RD CLASS PASSENGERS AT AJODHYA STATION.

250. Kumar Rananjaya Singh: (a) Are Government aware of the fact that Ajodhya (Lakarmandi Ghat) is the railway station on the Bengal and North Western Railway for pilgrims to Ajodhya, a place of Hindu pilgrimage; that a very large number of pilgrims go to Ajodhya via this station throughout the year; and that there is no waiting room or shed for third class passengers at the station to protect them from rain or sun?

(b) If Government are aware of these facts, do they intend to instruct the Bengal and North Western Railway Company to make arrangements for the convenience of the passengers there?

Mr. A. A. L. Parsons: Government are not aware of the exact arrangements at Ajodhya Station. They are sending a copy of the Honourable Member's question to the Agent of the Bengal and North Western Railway in order that he may consider the matter.

UGLY RUINS IN NEW DELHI.

251. Kumar Banajaya Singh: (a) Are Government aware of the fact that there are some ruins of old buildings just in the centre and populated area of New Delhi, and that these ruins, as they are not put to repair, give an ugly look to the vicinity?

(b) If so, do the Government intend to do away with them or to put them to repair?

The Honourable Sir Bhupendra Nath Mitra: 1. There are a number of buildings in various stages of dilapidation in the centre and populated area of New Delhi which are too dilapidated or of insufficient historical interest or artistic value to justify their repair or their being classified as protected monuments under the Act.

2. Time has mellowed these ruins and the majority of them are not unsightly although naturally they do not fit in with the lay out of the New Capital. They are beyond repair, and restoration would mean in many cases rebuilding. This would destroy the historical interest and value in case where they have any such value, and would render them even more out of keeping and time with the design of the New Capital.

3. For these reasons Government do not propose to spend money on the repairs of these ruins.

THE RAILWAY BUDGET—LIST OF DEMANDS.

SECOND STAGE.

Expenditure from Revenue.

DEMAND No. 1—RAILWAY BOARD.

Mr. President: The House will now proceed with the second stage of the Railway Budget.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I beg to move:

"That a sum, not exceeding Rs. 12,61,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1930, in respect of 'Railway Board'."

Mr. President: Pandit Nilakantha Das.

(Pandit Nilakantha Das stood up, but hesitated to move his amendment No. 1).

Mr. President: Mr. Mukhtar Singh.

Mr. Mukhtar Singh (Meerut Division: Non-Muhammadan Rural): Sir, I want to reduce the sum in my amendment.

Mr. President: The Honourable Member is cut of order in moving his motion as it stands on the agenda.

Mr. Mukhtar Singh: That is why I want your permission to move a cut of Rs. 64,000 instead of the Rs. 84,000 which I have mentioned in the amendment.

Mr. President: There is a similar cut that follows. Mr. Jamnadas Mehta.

Pandit Nilakantha Das: (Orissa Division: Non-Muhammadan): Was I also out of order, Sir, may I know?

Mr. President: The Honourable Member was hesitating whether he should move his amendment or not. Mr. Jamnadas Mehta.

Cost of an Additional Member on the Railway Board and his Establishment.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Sir, I beg to move:

"That the demand under the head 'Railway Board' be reduced by Rs. 64,000 (Cost of an additional Member on the Railway Board and his establishment)."

Sir, I am sorry that the Honourable the Member for Commerce and Railways has been misled by his department into proposing this addition to the cost of the Railway Board. I am afraid the real facts have been kept from his knowledge, with a view to throw dust into the eyes of the Legislative Assembly, and he has been an unconscious instrument of the attempt to mislead the House and put on the tax-payer an additional burden, for which there is absolutely no justification and I am sure that, when I put the full facts before him, he will accept the amendment which I have just moved. The Railway Board, as a board, was constituted in 1905, and till the Acworth Committee reported, that Board went on with slight modification. The Acworth Committee found that the Railway Board was overburdened with work, that the Board was spending one-half of its time in doing the work of its subordinates, work which the subordinates themselves should do, and that it was spending the other half of its time in asking the Secretary of State for India and the Government of India for permission to do the work which it should be permitted to do itself. The result was that endless references had to be made between the Railway Board and the individual railway administrations on the one hand and between the Railway Board and the Secretary of State and the Government of India on the other. In both these directions, delay, discussion and hampering of work were the inevitable results. Therefore the Committee strongly recommended that the Railway Board should be relieved of certain kinds of work, which the Agents themselves should do, and the Government of India and the Secretary of State should delegate many of the functions to the Railway Board, for which prolonged and protracted references six thousand miles away were then necessary. It will perhaps interest the House to know what kind of reference was necessary in 1920. If an engineer died, the payment of a gratuity was a question which the Secretary of State should settle before the Railway Board could give it. If some amount was to be given to the widow of an engine driver, that required a reference to the Secretary of State. If the Railway Board wanted to give a motor car to one of its officers, its right to

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do so was strictly limited, and it was obliged to make a reference to the Secretary of State for permission before it could increase the amount of the cost of the motor car, or the period within which it was to be repaid by the officer who purchased the car. In this way, as the Acworth Committee said, the work which the head of a sub-department of an English railway would do was the work which the Members of the Railway Board were being called upon to do. More than 70,000 references were made to the Railway Board in one year. All this clogged the machinery, made it inefficient, and prevented the Board from doing its real duty, namely, the formulation of policy and management of the railways on the best commercial lines, according to strict financial propriety. At this time the strength of the Railway Board was only 11 and the total annual cost of the Railway Board was Rs. 8,20,000. On the recommendation of the Acworth Committee, the Government of India appointed the Chief Commissioner of Railways. Sir Clement (then Mr. Clement) Hindley was appointed to make definite proposals for reconstituting the Board on the lines recommended by the Acworth Committee, and Sir Clement Hindley made a long report to the Government of India, a reference to which is made in the annual report for 1923-24. In that he accepted the main lines of recommendation of the Acworth Committee and laid down a scheme for the reconstitution of the Railway Board. In the report which Sir Clement Hindley made to the Government of India, he anticipated future developments and provided for them in his scheme of reconstitution. All the complexities of modern railway management and administration, all the labour problems, all problems of staff—in fact everything that is urged today as justification for adding to the cost of the Railway Board—was anticipated and provided for. Sir Clement Hindley also said that the additional cost of the reconstituted Board would be Rs. 1,50,000. The Railway Board was then costing Rs. 8,20,000, and the re-constituted Railway Board was to cost Rs. 9,70,000. On account of the delegation of the work to local administrations on the one hand, and the delegation of the work to the Railway Board from the Government of India and the Secretary of State on the other hand, the work of the new Railway Board was very largely to be reduced, thus enabling the Board to devote itself to the broad questions of policy for improving our railways. Now, Sir, the Railway Board has been reconstituted accordingly, but within a few years its cost began steadily to go up, and in 1923-24 it was over 15 lakhs, in 1924-25 it was Rs. 13,75,000, and in 1925-26 it again increased to 14 lakhs. According to Sir Clement Hindley, the greatest expert the Government could lay hands on in the whole country and who was the head of the Railway Department for five years, Rs. 9,70,000 was to be the cost of the reconstituted Board, and yet, Sir, such was the extravagance that, in less than 3 years, the cost mounted to nearly 15 lakhs. You, Sir, in 1925-26 (*An Honourable Member*: "1925")—it was in 1925 but for the Budget of 1925-26—you, Sir, saw that, instead of practising retrenchment and economy, as the Inchcape Committee had advised, the Railway Board was going from bad to worse in the matter of its expenditure, and that, when Rs. 9,70,000 was supposed to be the proper cost of the reconstituted machinery, it was going at a breakneck speed in its career of extravagance, and a cut of Rs. 77,000 was proposed, which the House carried. The Government themselves felt that the cost of the Railway Board was

going up unnecessarily, and in a memorandum to the Railway Finance Committee in 1925, the Financial Commissioner of Railways wrote as follows:

"The question of effecting retrenchment in the cost of establishment of the Railway Board has been under the consideration of Government for some time, in view of the reduction in work which has resulted from the enhanced powers delegated to the Agents of State Railways and the Boards of Directors of Companies' lines."

This is the statement the Financial Commissioner of Railways, Mr. Sim, made in 1925. He says that the question of reducing the establishment of the Railway Board has been receiving the attention of the Government for some time past, and that, in view of the delegated powers to Agents, the work having decreased, it has become more urgent. The cut of Rs. 77,000 was not only accepted by Government, but they went one better, and even reduced the amount further by some Rs. 8,000 or Rs. 9,000, and the strength of the personnel was reduced. Three posts of Deputy Directors were held in abeyance, one post of Assistant Director and one post of Assistant Secretary were also held in abeyance, and one post of Superintendent was abolished. Thus in 1925 the Railway Board, after a careful consideration of all the facts, and after taking into account the reduction of the work which the Board had now to face on account of delegation, came to the deliberate conclusion that six superior posts were not necessary. Therefore, they reduced the strength of the staff by that number and the cost was reduced by Rs. 85,000.

Now, Sir, may I know what has happened since 1925-26 that this cost of the Railway Board, from 14 lakhs should now mount up to Rs. 17,50,000? It will be necessary for me to quote the Railway Board's Report, in order that the House may be convinced beyond the shadow of a doubt that, when the Railway Board was reconstituted as Sir Clement Hindley recommended, all these problems of complexity,—the question of labour, the staff question, the personnel question and the establishment question—all these questions were anticipated and dealt with.

Mr. H. G. Cocke (Bombay: European): For ever?

Mr. Jamnadas M. Mehta: In any case three years' time is not eternity even for Mr. Cocke! Here is page 11 of the Report of the Railway Board for 1923-24. The Honourable the Railway Member gave us a most imaginative picture of Mr. Sheridan working in perspiration, and perhaps burning midnight oil, with only 3 stenographers and 3 *chaprassis*,—all the work falling on him—but as a matter of fact when Mr. Sheridan's post was created here is what was said:

"The growth of traffic, the consequent necessity for more scientific methods and the complex problems which have arisen in recent years out of the relations between the public and the staff have accentuated certain fundamental weaknesses, etc."

Now, Sir, is there anything new that has been said in the speech of the Honourable the Railway Member or in the memorandum of the Financial Commissioner, which was not foreseen by Sir Clement Hindley, as shown by the above quotation from page 8 of his memorandum? I will mention one more fact to enable the House to know what exactly was the heaviness of the work. As the Acworth Committee pointed out, there were 125

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pages of text and 25 pages of index with 400 heads under which the Railway Board's powers were restricted. All these clogging and hampering restrictions were to be removed, and for that purpose the present machinery has been organised. Sir Clement Hindley, at the end of his report says that the work may increase, but in that event "the increase in work thrown upon the Railway Commission will not be an addition to the classes of work, but mainly an increase in quantity and the organisation will readily adapt itself." Now, Sir, since 1922-23, when Sir Clement Hindley reported, we have added to the strength of the Railway Board, which was then 11, six or seven more superior officers, making the present strength 17; and yet, from the way in which Sir George Rainy described the work of the General Member, it would almost seem that Mr. Sheridan had only three stenographers and three *chaprassis* to help him, and all the rest of the work of establishment, transport and traffic was falling upon him, to the great detriment of efficiency, and throwing a heavy strain on that great expert. Is it really a fact? If the House will turn to the Demand for Grant, the House will find that two Directors are working under Mr. Sheridan, one to assist him in the establishment work, and one to assist him in transportation and traffic. And, Sir, do not by any means imagine that these Directors are only dealing with questions of detail. We have got under the Member General, a Director of Establishment and a Director of Traffic. The Director of Traffic is further assisted by a Deputy Director of Statistics, who, in his turn, is further assisted by an Assistant Director of Statistics, who in his turn is assisted by a Superintendent on Rs. 800 a month. I think that ought to convince the House that Mr. Sheridan is by no means isolated in his great labours and that he gets ample expert and experienced assistance to do his work. Who are these Directors, Sir? They are not ordinary superior clerks. Their salaries are from Rs. 2,500 to Rs. 3,000—very nearly that of the Agents of big railway administrations—only a few hundred rupees less—and as much as the head of a department on the big railway lines. These Directors are officers of great experience, great expert knowledge, and of great authority; and their remuneration is equal practically to that of the Agents of the great railway administrations. Therefore they are not to be treated as not doing anything to assist Mr. Sheridan, and they were not intended merely to deal with details. Sir Clement Hindley has laid down that the Directors should be directly responsible for the work of their departments, except in matters raising large questions of policy. Further he says:

"It is true that the organisation needs strengthening on the traffic side, but it has also to be remembered that the appointment of a Director of Wagon Interchange under the Indian Railway Conference Association in connection with the pooling of wagons, and of a Coal Transportation Officer in connection with the coal traffic has already relieved the Railway Board of some of the most difficult problems of current transportation work, which would otherwise have to be dealt with direct, and further the appointment of a Rates Tribunal will eventually also relieve them of some part of their work in connection with the rates question."

So that, Sir, as a result of the expert assistance which he has got from the two directors under him and the further delegation of work regarding wagons, coal and rates, Mr. Sheridan's work has considerably decreased and not increased, as is sought to be made out. Nor is this all; since the reconstitution of the Board, the references from and to it, have, we are

told, decreased by 60 per cent. As I told the House before, 71,000 references were sent or received in a single year before the reconstituted Board came into existence, and Mr. Sheridan told us the other day in the Standing Finance Committee that the number of references now was something like 8,000 to 14,000. I am willing to be corrected if that is not what he actually stated. So that from 71,000 in 1920 we find that a very large decrease has taken place in the number of references, and Mr. Sheridan mentioned that only 14,000 references were now received. In addition to that, the delegation of powers to the Agents, and from the Secretary of State for India, the constitution of the Rates Advisory Council, the Wagon Interchange and the Coal Transportation Officer—all these things go further to reduce the burden on the shoulders of the Railway Board, and particularly on the shoulders of the General or Traffic Member. Sir Clement Hindley has said that these Directors and Assistant Directors are experts. He says that the Assistant Secretaries are railway officers with considerable experience, having as much as 18 or 20 years' service, and that their designation does not give a proper idea of their duties and responsibilities; so that even the Assistant Secretaries are not ordinary clerks, or even superior clerks; in the ordinary secretariat nomenclature they would be at least Deputy Secretaries. But above these people, as I said, there are Directors of Traffic and Establishment and a Deputy Director of Statistics. So that, whether you look to the amount of work since 1921-22, whether you look to the cost of establishment, whether you look to the strength of the Railway Board, whether you look to the pronouncements of the various authorities on the subject—the Financial Commissioner of Railways, the Chief Commissioner of Railways, the Railway Board themselves and the Acworth Committee—this proposal to add to the strength of the Railway Board one more Member and an additional establishment is nothing but a pure waste of money.

Sir, when this proposal was made and was lost in the Standing Finance Committee for Railways, I requested the Financial Commissioner that as this was an important matter of reconstitution of the Railway Board, it ought to be brought up first before the House by way of Resolution, and until the House had approved of the reconstitution of the Railway Board by adding a fifth Member, this should not be included in the Demands for Grants. But that was not agreed to, and, as if this was merely a matter of adding two typists or a clerk or a *chaprassi*, in spite of the advice of the Railway Finance Committee, the Government have shown that they care nothing whatever for the view held by the representatives of the Assembly on the only financial committee they have got on railways.

Sir, much has been made of labour problems and of Indianization. The House will remember in 1924-25 that Mr. Acharya moved a Resolution to inquire into the grievances of railway subordinates, their pay and salary, wages, conditions of service and so on. Sir Charles Innes, the predecessor of Sir George Rainy, got up in his seat and delivered a most violent philippic against those who supported Mr. Acharya's proposition. Those who will care to refer to those debates of 1925 will find that Sir Charles Innes stood adamant like a rock, against any attempt on the part of the Assembly to tell the Railway Board what should be done about railway men. He maintained that their wages were ample and more than ample, that they had been recently increased, that no question of further increase of wages could be thought of and that no interference with the Agents could be tolerated.

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Then, Sir, Sir Charles Innes went on to say that if the Assembly interfered in the internal administration, the Railways would corrupt politics and politics will corrupt the Railways. In spite of all that threat, the Assembly carried Mr. Acharya's Resolution. For five years the Railway Board sat tight upon it. While going through the budget, I found that, in 1927-28, the minimum wage of a workman on the Bengal Nagpur Railway was Rs. 9 per month. (An Honourable Member: "Question?") It was Rs. 9 a month, Sir, and I repeat it, and you will find it stated in that year's budget. When this point was raised, the late Lala Lajpat Rai was moved into making one of those speeches characteristic of his great humanity and great patriotism, pleading for an increase. What was the official reply? Sir Charles Innes said that people were accepting Rs. 9 because they did not get Rs. 8 elsewhere; that the agricultural wages were even lower than that; and we had an Honourable gentleman from Madras, a professor of some Madras College to support Sir Charles Innes. (An Honourable Member: "Who was that?") I forget his name at the moment. Last year, Sir, I pointed out that the statement that the agricultural wages were lower than Rs. 9 was absolutely incorrect and unsubstantiated so far as the Bombay Presidency was concerned, and that the wages were somewhere in the neighbourhood of Rs. 14 and even higher. After all this, the Railway Board suddenly wakes up and finds the necessity of looking after the interests of labour. All to the good. It is your duty to look after the interests of labour. You should have done it long ago. Do it by all means now at least. But do not ask for extravagant expenditure for doing your duty. It is a duty which you should have done in the past, and now that you are attempting only to make a beginning, do not ask for more money for doing what has been your duty all along. Sir George Rainy, I did not know, was a great tactician with a very skillful strategy behind him. Twenty-eight lakhs are provided for increasing the wages of labour; what a great increase of work for the Railway Board! Thirty lakhs are to be spent on improving the housing conditions of labour. Does it require another Member? And the Geneva Convention and the Washington Convention are brought into requisition to bolster up a case, which has absolutely no foundation, as will be clear from their own official records.

Then, Sir, the day before yesterday, we witnessed in this House a humiliating scene, which, at any rate, I had hoped a mighty Government like this would not subject itself to. It was a humiliation to Government; it was an insult to the House. The Railway Member went out of his way to get support for his proposition by dangling before this House these appointments which he was going to create. He said "I shall appoint Indian 'A', I shall appoint Indian 'B'." Sir, if an Indian is to be appointed to the Railway Board, it is because it is the birthright of an Indian to manage and control his own Railways; he ought to be there; in fact he ought to have been there long ago. The whole of the Railway Board should be composed of and manned by Indians and Indians alone, and a non-Indian, as I said last year, must be an exceptional affair, to be solely justified in emergent cases. The General Member, I think, has no place at all in this Board. I want a Member for some particular work, and not a General Member; and I say, Sir, that the Director of Establishment, can attend to labour work. It is wrong to say that the Director of Establishment is not responsible for questions of policy. Sir, you will find in the memorandum

of Sir Clement Hindley that the Directors are very responsible officers and are in charge of questions of policy, and not merely of routine. They have a direct responsibility for all work that comes within their sphere, and it is only on important questions of policy that they have got to refer to the General Member. Therefore, Sir, over the Director of Establishment and the Director of Traffic, I do not see any necessity for a Railway Member at all, much less of two Members. I say that these two people should make direct references to the Chief Commissioner in important matters. The Chief Commissioner, as the House probably knows, has no particular portfolio assigned to him, and Sir, it has always been my point that the two Directors for Establishment and Traffic should have direct access to the Chief Commissioner in urgent cases, so that all the work of management of office and all matters of policy can be done by the Directors themselves under the direct control of the Chief Commissioner, whose aid can be invoked in exceptional cases. If the work has increased—and I do not admit it for a moment—a Deputy Director may be appointed. I proposed this in the Standing Finance Committee, and Mr. Jayakar suggested that a Director might be appointed. We might inquire in the Standing Finance Committee, find out if the necessity for a Director or Deputy Director exists, and consider the whole question on its merits. But so far as an additional Member is concerned, there is at present absolutely no case at all. And so far as Indianisation is concerned, Sir, it is our birthright to become Members of the Railway Board. You have kept us out of those posts on frivolous and preposterous grounds. (An Honourable Member from Swarajist Benches: "Shame.") You have all the time treated these posts as jobs for the men in your Services. Sir George Rainy gave us the name of Mr. Hayman. I have great respect for Mr. Hayman. He is an extraordinarily brilliant man, but all his life has been spent in the Audit and Railway Finance. We do not want a square peg in a round hole or a round peg in a square hole, or whatever you may call it. If a Labour Member is necessary, then we should have been given the name of somebody who is a labour expert. To put one man in any kind of work simply on account of his seniority, whether he is experienced or not is absurd. Your decision shows that you are not caring so much for labour as for the Services. As for Mr. Rau, he will simply go in and come out in three or four months.

Mr. A. A. L. Parsons (Financial Commissioner, Railways): Six months I hope.

Mr. Jamnadas M. Mehta: It may be six months, but by the time he has got in he will get out. What is the use of such slipshod Indianisation?

Finally, Sir, I say the Assembly will be doing the greatest disservice to the taxpayer if it accepts a bribe of this kind in order to be given its birthright. In the time of George III, Sir, Parliament was managed by bribery, corruption, and jobbery. We are fast coming to that most humiliating and degrading position. Sir George Rainy came forward, yesterday, to the great humiliation of Government and insult to the dignity of the House, dangling certain jobs before us, if we accepted the fifth Member, knowing full well that there is absolutely no justification for the post. I say, Sir, it would be the height of irresponsibility on the part of the House if they accepted so degrading a proposal.

Sir, I oppose this demand and move my amendment.

Sir Parshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I rise to support the amendment of my Honourable friend,

[Sir Purshotamdas Thakurdas.]

Mr. Jamnadas Mehta. (Mr. B. Das: "Hear, hear".) The Honourable the Commerce Member says in his budget speech that the question which is now under discussion before the House is "the most important proposal included in the present budget." Further on, he says, that he attaches "the highest importance to this addition to the Railway Board." For a person like me, who has considerable deference for any conclusion which Sir George Rainy may come to after full consideration, I can assure the House that I have not come to my decision to support this amendment in either a light or frivolous spirit. I am convinced that the proposed addition to the Railway Board is neither necessary nor justified. I think the Honourable Member himself, when introducing yesterday two personal names in connection with this subject, did it with an apology to the House and with great hesitation, and I am sorry that any question that may have been put by my Honourable friend, Mr. Fazal Ibrahim Rahimtoola, should have given my Honourable friend either the provocation for, or the excuse to bring in names of officers in a matter which should be discussed more on principle than on personalities. I fully support the grievance of my Honourable friend, Mr. Jamnadas Mehta, in connection with this, and I trust that the Honourable Sir George Rainy, would have preferred to keep out names of individual officials of the Railway Board in this connection in order that this debate might be on the usual high level that it should be.

This proposal was put in all detail, I presume, before the Railway Standing Finance Committee and by a majority that Committee turned it down. Whilst there is no objection to this House revising the opinion of the majority of that Committee, I think very strong grounds will have to be adduced before this House upsets the opinion of the majority of its own Committee. And whilst I attach no sanctity to the decision of the Committee *per se*, I am convinced that the decision of the majority of that Committee was right and that it should now be confirmed by this House. My Honourable friend, Mr. Jamnadas Mehta, having had the opportunity of working on the Railway Standing Finance Committee, practically ever since that Committee was formed, has been in the know of most of the details of the literature put before the Committee in this connection. I propose, therefore, not to go over the same ground again; indeed, it is not necessary for the purpose of the basic principle from which I would like this House to look at this question.

I would like to inform the House, from official records, of the central idea underlying the very conception of the appointment of the Railway Board in 1908. At page 79 of the Inchcape Committee report the following quotation occurs:

"The conception of a Railway Board is not new: it has been advocated and considered on various occasions for many years past. Its central idea is that there should be a body of practical business men entrusted with full authority to manage the railways of India on commercial principles and freed from all non-essential restrictions, or needlessly inflexible rules. There are two distinct classes of duties with which the new authority will have to deal. The first is deliberative, and includes the preparation of the Railway programme and the greater questions of Railway policy and finance affecting all lines. The ultimate decision on such questions must, of necessity, rest with the Government of India. The second class of duties is administrative, and includes such matters as the construction of new lines by State Agency, the carrying out of new works on open lines, the improvement of railway management

with regard to both economy and public convenience, the arrangements for through traffic, and the settlement of disputes between Railways."

The Inchcape Committee comment upon this in one sentence:

"This conception of the functions of the Railway Board fell into disuse."

From 1908 till 1920 this very important basic principle, on which the Railway Board was started, was over-looked. The Acworth Committee comments upon it in no ambiguous language. Mr. Jamnadas Mehta referred to 71,000 references made to the Railway Board in 1920. I think that, if Mr. Jamnadas Mehta refers to the pertinent paragraph of the Acworth Committee's Report, namely, 107, he will find that it was not 71,000 references but 71,000 inward and outward letters to the Railway Board, which is hardly the same thing.

Mr. Jamnadas M. Mehta: Even a postcard is a reference.

Sir Purshotamdas Thakurdas: Well, that makes it clearer. We now understand better what is meant by references. The total number of letters, inward and outward, which were handled by the Railway Board went to the figure of 71,000. The Acworth Committee said in paragraph 110 of their Report—I will not worry the House regarding the criticism of the Railway Board till 1920, as given by that Committee—the Acworth Committee go on to say:

"The proper function of the Railway Board is not to carry out routine duties but to shape policy, to watch, to think and to plan."

They then outline a new scheme for reorganisation of the Railway Board which is given in paragraph 111 of the Report. They indicate in that scheme the appointment of a Chief Commissioner for Railways, and four Commissioners, one for finance and three for three divisions into which the Acworth Committee desired that the whole railway system should be divided, namely, western, eastern and southern. It has to be noted, however, that the Acworth Committee's whole plan was that both the railways and the ports of India should be under the Railway Board. The ports of India have still to be brought under the Central Government. What little reference there may be regarding major ports is dealt with by the Commerce Member's Department directly. The ports of India, therefore, having yet to come in into the scheme which was accepted by the Government of India, they instead of having four Members, as suggested by the Acworth Committee, accepted three, namely, one Finance Member and two other Members. Now, I wonder whether it is the intention of the Honourable Member that, when the ports are brought in,—and this is likely to be before very long,—the Government of India will ask for an additional member in order that somebody may be there to look after the ports. But the modification made by the Government of India, in accepting the Acworth Committee's recommendation, was that instead of dividing the railways in India into three territorial sections, they said, "We would have, besides the Finance Member, two more Members." Now, I feel, Sir, that the reasons given then for having an expert Member, namely, one Technical Member, are reasons which are responsible for this demand for an additional Member. Let me, Sir, now refer to the Railway Board Report for 1927-28, page 99:

"The Railway Board as now constituted consists of the Chief Commissioner as President, the Financial Commissioner and two Members. The proposal of the Acworth Committee that the Indian Railways should be sub-divided into three territorial divisions with a Commissioner in charge of each was not accepted and the work of the members of the Board is now divided on the basis of subjects and not on a territorial

[Sir Purshotamdas Thakurdas.]

basis. The reorganisation carried out in 1924 had for one of its principal objects the relief of the Chief Commissioner and the members from all but important work so as to enable them to devote their attention to larger questions of railway policy and to enable them to keep in touch with Local Governments, railway administrations and public bodies by touring to a greater extent than they had been able to do in the past."

Then they go on to say—I presume that this has been drafted by the Railway Board themselves—

"This object was effected by placing a responsible Director at the head of each of the main branches of the Board's work, namely, Civil Engineering, Mechanical Engineering, Traffic and Establishment. The former Chief Engineer and the Chief Mechanical Engineer who had been employed mainly in consultative work, became Directors and together with the Directors of Traffic and Establishment have been made responsible for the direct disposal of the work of their branches under the general orders of the Railway Board."

In a subsequent paragraph they say that the posts of Joint Secretaries and four Assistant Secretaries were replaced by six Deputy Directors. The main lines on which the reorganisation of the Railway Board was undertaken were that as expert advisers there are to be Directors and Deputy Directors. In spite of that, Sir George Rainy now says "Oh, of the two Members one is Technical and therefore looks after technical matters. There is only one other Member left, the General Member and he has got to do the routine work." I wish to ask whether it is not high time for the Government of India to get out of this old old policy, wrongly followed since 1908, of overlooking the main underlying principle of the appointment of the Railway Board and of having experts on the Board. Is it any wonder, that one so often hears that it is mainly for the purpose of providing railway officials with seats on the Railway Board that the unexceptional principle laid down in 1908 is not being observed? The Director's and the Deputy Director's posts on the Railway Board are the posts meant for experts, whether they be in engineering or any other line. When the Railway Board was formed, it was laid down that Government should have as Members, men with commercial experience, who have a broad outlook and who are capable of thinking out policy, and with, if I may use a colloquial phrase, driving power, so that the Agents of our railways either State-managed or company-managed may work on common lines. I am afraid that, if this House today sanctions under a misapprehension, as I am sure it would be, the additional appointment of one more Member, it may not be many years before the Honourable Member in charge of Railways asks for several additions, because I submit the lines on which they are working are absolutely wrong and unjustified. It is not, Sir, a question of personalities today at all and I wish to keep out names and personalities. It is a question of on what basis the whole scheme was conceived. Two committees since 1908 have reported on the constitution of the Railway Board. Both of them condemned the lines on which the Railway Board appointments were made since 1908. Each of these two committees—I have not heard anybody say that these committees were prejudiced in their criticism of the Railway Board—said, without any hesitation, that the underlying idea regarding the appointments made in the Railway Board was all wrong, and I feel that it is not today question of having a tussle with the Honourable Member regarding acceding to his request, which involves an additional expenditure of half a lakh a year or so, although even that is quite a considerable amount in the present financial condition of India as a whole. We shall however know

thin a week what is the financial position of the Central Government. It is more a question of keeping in view, in a very correct manner, a whole idea underlying the very conception of the Railway Board. If before the addition of ports to the portfolio of the Chief Commissioner, a Honourable Member in charge is prepared to press before this House, with all the fervour and sincerity at his command, the additional appointment of one more Member, what is he going to do when ports are brought? And I understand it is the intention of Government to bring directly under the control of the Government of India the major ports, and not to allow them to be managed through the agency of Provincial Governments at present. I ask, as our railways go on expanding, is it the Honourable Member's intention to ask for a few more members within the next few years? And what, after all, is the period which has elapsed since the Inchcape Committee reported? In fact the whole scheme was put into practice in 1924. I think the memorandum from Sir Clement Hindley which my friend Mr. Jamnadas Mehta read out

Mr. Jamnadas M. Mehta: It is dated 1923. It was carried out in 1924.

Sir Purshotamdas Thakurdas: At that time I understood from my Honourable friend that three appointments of Assistant Directors were kept in abeyance, and they have been filled up since then. Still you want one more Member now and I am afraid Government will ask for a few more Members on the Railway Board if they continue to work in this wrong groove, in spite of such unanimous and unambiguous reports from at least two committees, none of which can be said not to have understood the problems on which they were reporting.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Since then, there have been more labour troubles.

Sir Purshotamdas Thakurdas: They were not overlooked by these committees. I have, Sir, read the memorandum which was submitted by the Financial Commissioner to the Standing Finance Committee. I see there this statement:

"The transfer to State management of the East Indian, Great Indian Peninsula and Burma Railways has added enormously to the volume of the Railway Board's work, not only in dealing with labour questions but also in dealing with the other classes of establishment which are directly under their control."

I wonder under whose control the Honourable Member meant, when he said that?

Mr. A. A. L. Parsons: The Railway Board.

Sir Purshotamdas Thakurdas: Are not the Agents there to deal with these questions? Is it the work of the Railway Board to look after them from here?

Mr. A. A. L. Parsons: The Railway Board have under their control two main services—the Indian Railway Service of Engineers and the Superior Revenue Establishment of State Railways, and a great many questions dealing with these two establishments cannot be settled by an Agent, because they affect officers on more than one line.

Sir Purshotamdas Thakurdas: And what about the staff on company-managed railways? If the Railway Board have to look after the staff of State-managed railways, what happens to the staff of company-managed railways?

Mr. A. A. L. Parsons: They are not Government servants.

Sir Purshotamdas Thakurdas: But are not the others too servants of railways? Why this distinction between servants of company-managed and State-managed railways?

Mr. A. A. L. Parsons: I am afraid I have not made myself clear. The position is that officers of State-managed railways, including the East Indian, Great Indian Peninsula and Burma Railways (which have now come under the Government of India) belong to two superior services, and questions relating to those services must therefore come to the Railway Board. The officers of company-managed railways are not servants of Government, and are not members of those services at all, and therefore we have not got to deal with individual questions with regard to them.

Mr. Jamnadas M. Mehta: No new appointment can be made without consulting us, even on company-managed railways.

Mr. A. A. L. Parsons: Without the agreement of the Railway Board, no new superior appointment on a company-managed railway can be created. But I am referring to questions of personnel. There are many questions which come to the Railway Board with regard to State-managed railways, which have not got to come to us with regard to company-managed railways.

Sir Purshotamdas Thakurdas: I thank the Honourable Member for his courtesy in the explanation which he has just given, but I must confess that I cannot see the point of his explanation. These officers, when they were in the employment of, say, the Great Indian Peninsula and East Indian Railways, before these two railways were taken over by the State—which is not more than a matter of five or six years back—did not require the attention of the Railway Board, but as soon as they came within State management, their cases must have the superior watchfulness of the Railway Board Members! I would like to pursue this question further, but must give it up, because I am afraid you will not allow me, Mr. President, to continue the conversations on the floor of the House. I cannot, however, help saying, with due deference to Mr. Parsons, that his explanation is quite unconvincing, because he does not explain why the Railway Board Members should give such special attention to routine matters such as engineers and others on State-managed railways, while if those same engineers happened to be on company-managed railways, they would not require the attention of the Railway Board. I am afraid that, in spite of the Acworth Committee's and the Inchcape Committee's criticisms, the Railway Board continue still to worry themselves about petty questions regarding these officers. If that is so, I demand to-day that that system should be stopped at once, and we will not vote a single rupee more in order to enable you to carry on that comparatively petty work, for which the Railway Board is not intended at all. If this be not so, perhaps the Honourable Member will explain, when he gives his reply, but I felt when I read this memorandum that the transfer to State management would involve other big questions, such as whether freight rates were uniform, etc. but not petty questions with regard to staff. I should have thought that the question of the staff was a question, which of course was of sufficient importance to the personnel of the staff, but could be entrusted for final decision to the Agents of respective railways.

In that connection I must read a sentence from the Inchcape Committee's Report:

"As stated in the Acworth Committee's report, many references on trivial questions have to be referred by the Agents of the railways to Delhi, involving a great amount of correspondence and delay. We are told that in almost every case the result is approval of the Agent's proposals. We agree that this excessive centralisation is wrong. The General Manager of a great railway should not have to refer minor matters connected with the working of his railway to a centralised headquarters in Delhi or Simla, but should be empowered to give decisions and be free to attend to the working of his line. His management should be judged by results and, if it is unsuccessful apart from fortuitous circumstances over which he has had no control, he should be relieved of his duties."

If, therefore, the General Member is burdened with all these details about management and details of staff appointed on State railways, the correct thing I suggest to the Honourable Sir George Rainy is to relieve the General Member of those details and to let him get on to other bigger and more important questions of policy regarding labour.

There is just one more reason which the Honourable Member gave why he thought this appointment was necessary. He referred, Sir, to the Geneva Convention. Now, whilst I think that the Geneva Conventions to which India may have been a party, must be put into practice as early as possible, I am sure it is not necessary to ask the House to override a very good principle on which appointments are made to the Railway Board, or to spend unnecessarily an amount like Rs. 60,000 a year in order to be able to put through the Geneva Conventions. India has genuinely put through the various conventions much earlier than other countries in the world, and whilst I am for carrying out all these responsibilities that may have been undertaken by the Government of India, I personally attach no importance to this ground for increasing our expenditure. These can wait for a little longer if necessary, because there are many other countries over which India has fair lead in this matter. I feel, therefore, that whilst I started with a prejudice in favour of the proposal, owing to my high opinion about whatever Sir George Rainy takes in hand—and always examines with such thoroughness,—I have, after looking into the whole question, unhesitatingly come to the conclusion that this House would be completely misguided and misled if it sanctioned this appointment. This House must say "No", with the deference due to the Honourable Sir George Rainy, and must draw his attention to the basic principle involved in appointments to the Railway Board and the subsequent criticisms of the appointments to the Railway Board. I understand that the Standing Finance Committee of the Railways did offer to vote it, if they thought the appointment of an Assistant Director was necessary, but the question of an additional Member must, I am afraid, be turned down. I therefore very strongly oppose the Honourable Member's proposal and support the amendment before the House.

Mr. H. G. Cocke: Sir, I have listened with considerable interest to the speeches of my Honourable friends who are so well acquainted with railway affairs, and with whom I cannot compete in their knowledge of railway history, of what has happened at past meetings and of what has appeared in various committee reports, etc., but it has appeared to me that they have dealt rather too largely with the past and not sufficiently with the present. After all, even if the Acworth Committee Report was a very excellent report, and the Inchcape Committee Report

[Mr. H. G. Cocke.]

was a good report, and Mr. Hindley's memorandum of 1924 was a very good memorandum, it does not follow to-day that the recommendations of those bodies are all that is wanted at the present time to meet the changing conditions.

Sir Purshotamdas Thakurdas: What is the alternative for those conditions?

Mr. H. G. Cocke: I did not interrupt the Honourable Member, although I wanted to on several occasions, and I hope he will not interrupt me.

Sir Purshotamdas Thakurdas: The Honourable Member who is so good at interrupting others may very well stand a pertinent interruption. I have always noticed that interruptions are the monopoly of that Bench (the European Group Bench).

Mr. H. G. Cocke: If the Honourable Member has finished with his interruptions, I will resume my speech.

Sir Purshotamdas Thakurdas: Not until the Honourable Member has given reply to my query?

Mr. President: Order, order. Mr. Cocke.

Mr. H. G. Cocke: We have some details given to us in the Budget memorandum as to the railway development in the past few years. We are not standing still. Company lines have been taken over, and considerable new construction has gone on, and is going on. In addition to that, we have the altered circumstances as regards labour. The Honourable Member, Mr. Jamnadas Mehta went into the figures of the past about the cost of the Railway Board, and the extent to which the cost had increased. Well, I do not want to go into the past, but it seems to me that the whole thing is a business question, for to-day, whatever mistakes might have been committed in the past, if one takes the increased cost of the Railway Board for a period and compares it with the increased earnings, and the increased receipts, then the increased cost for the direction of the headquarters office is not very large. But, Sir, Sir Purshotamdas Thakurdas says we are altering the conception of the control at headquarters. I do not quite know, but I think he told us that the Acworth Committee said that the purpose of the Railway Board was to watch policy and to think out schemes. Well, that is all very well. Of course it has got to do that and we all know that. But the question is to what extent it is possible for the Railway Board to keep clear of detail. For example we were told the other day that a certain new piece of line was being opened which would enable a train to go direct from Peshawar to Bangalore, and the Railway Board pointed out the desirability of starting a through train so that passengers would travel from one point to another without change. Well, that is a very small matter, but it was pointed out to us that it was a very difficult one to get put in practice because the various Agents did not see eye to eye and they could not alter their timings so as to enable a through train being run. In such a case Agents have to be dictated to from headquarters to alter their timings so as to allow the train to run. That is one small example, and there are many others. Therefore, while the Railway Board is accused of going into too much detail it is very difficult to draw a line. Where it is a question of staff, whether lower or upper, it seems

to me there ought to be co-ordination, because, as I said the other day, if a question comes up as to whether a certain kind of labour is to have quarters, and if the Agent of a particular railway takes a line on that question, he more or less commits the other railways to that course. Then it would come to the Railway Board and it would have to approve or oppose similar development on another line. Therefore, though in theory it may be very excellent for the Railway Board to remain a thinking body and not an administrative body, it seems to me, in practice, it is very difficult to prevent the Railway Board duties getting more and more spread and more and more detailed. Particularly with this labour question, I do feel that it is a matter which does demand the attention of a separate Member, and particularly when we are told that the present General Member, who is a Transportation Expert, has in the last year not been able to devote more than about one-third of his time to his own subject. There are schemes which I have no doubt have been held up, schemes of remodelling stations and yards and so on, which will bring in increased revenue to railways. These schemes have been held up because the General Member has had too much to do on the labour side. Therefore it is false economy, it is not good business, to keep one Member for all this work. The Honourable Sir Purshotamdas Thakurdas seemed to indicate that, what you wanted was a General Member, with no particular expert knowledge but having under him various experts. That is all very well, but it has been explained to us that it is very difficult for the General Member to go round the country, visiting and advising Agents, being consulted by them on subjects, in which he is not an expert. The Honourable Mr. Jamnadas Mehta said that, if we are going to have a Labour Member, then for Heavens sake let us have an expert. I quite agree with him. But he rather contradicted himself a few minutes earlier when he said that he did not want any European on the Railway Board. If you do not keep Europeans on the Railway Board, it is questionable whether you could get the necessary experts on that Board to-day.

Honourable Members: Oh! Oh!

Mr. H. G. Cocke: That is a matter of opinion. A subject like rates and fares is a very technical and difficult one. It is a life-education, and it does not necessarily follow that the best member to look after rates and fares, or labour and transportation, or whatever it may be, would necessarily be an Indian. I do not want to bring that matter into the discussion, but it does arise. The Honourable Member wanted a labour expert. I quite agree with him, if it is possible to get one. With all due respect to the name that has been mentioned, I think that gentleman has been employed on auditing and accounts all his life and he is not necessarily the right man to be put into this post. Coming back to the main point, is it possible for one General Member to have many experts under him doing expert work in rates and fares and various other expert departments? Is it possible for one Member to give the supervision which is necessary? It seems to me that you do want an expert with the standing of a Member to look after these various points. I quite agree with Sir Purshotamdas Thakurdas that we are heading towards another member, and possibly more.

Mr. Jamnadas M. Mehta: The cat is out of the bag.

Mr. H. G. Cocke: Prevent it if you can. The idea that we are departing from the original scheme of the Railway Board may be right or wrong. But it does not seem to me that you can prevent this because you have got to have the best man available to control the different branches of the administration. If it were possible for Sir Purshotamdas Thakurdas or for Mr. Jamnadas Mehta to take their seat on the Railway Board and to have under them the various experts, I personally think they would find that they had not the knowledge about rates and fares or the commercial working of the railways to be able to be in charge of those branches of administration.

Mr. Jamnadas M. Mehta: Will there be two Commerce Members if there is too much work for one Member?

Mr. H. G. Cocke: I would prefer to have two, three or even four Members who are experts, who have been through the mill, and who have been trained in the particular subjects which they have got to administer and control, and in connection with which they have got to dictate to the Agents of the various railways. That seems to me to be the matter put briefly. The question is whether we can carry on with one General Member who has got to control two or three lines in which he is not an expert—he is possibly an expert only in one or two of them—the question is whether we should not have separate experts for the different subjects. It seems to me that the time has arrived, with all the railway development which has been going on in India, the time has arrived when we have got to face facts, when our Railway Board headquarters have got to have different experts to control the several heads of railway administration.

Mr. M. S. Aney (Berar Representative): I have already tabled an amendment which is lower down in the agenda dealing with the point raised by my Honourable friend, Mr. Jamnadas Mehta in his amendment. So I want to take advantage of this opportunity for expressing my opinions on this subject. Probably if this amendment is carried, I may not move my own. The question before the House is this, whether we should have any new additional Member for the Railway Board. In putting this question to the House, the Honourable the Commerce Member tried to mix with this issue certain extraneous considerations also. The question of Indianisation of the Railway Board ought to be kept severely aloof and apart when we are considering this question of an additional Member for the Railway Board. The real point which the House has to take into consideration is whether, on account of the complexity of the problems which the Railway Board has to face, or on account of the multiplication of the problems which it has to solve, a case has been made out for an additional Member or not. The fact that the additional Member may or may not be an Indian is entirely extraneous, and if that is being prominently mentioned, I can only say that it is not very fair to the House that any responsible officer should do it. It is clouding the real issue before the House. That Indians should have a seat on the Railway Board is undoubtedly a long-standing demand of this House. There is no question about that. In fact the House has expressed that demand so definitely and so persistently that it has gone to the length of throwing out the entire Demand for the Railway Board on more than one occasion simply to record, and to register, its protest against the exclusion of Indians

from the Railway Board. So the House should not be misled by the fact that there is a possibility of an Indian being appointed if this additional post is sanctioned. That sort of thing appears to me to be introducing a sort of bait to angle the fish. I think the House

Mr. President: Order, order. The Honourable Member knows that a specific question was put from non-official Benches and the Honourable Sir George Rainy gave a reply.

Mr. M. S. Aney: Well, probably it was my misfortune I was not here when the answer was given by Sir George Rainy and I have not heard it; but my contention is that, even in the original speech of the Honourable Member the matter should not have been confused like that. Secondly, Sir, when we are considering this question of the additional work which the Railway Board have to transact, much has been made about the extension of railway lines, as well as of certain new lines that have been taken under its management by the Railway Board during recent times. The real work which the Railway Board have to transact is, in my opinion, of such a nature that mere extension of existing lines should not materially add to the nature of the problems which the Railway Board have to solve. It may extend its field of operation and supervision, but it would not in any way multiply the problems of vital importance which the Railway Board have to tackle and on which they have to lay down the policy. The policy has to be laid down on certain broad general lines. It is to apply to a number of persons, passengers or servants. That number may be a thousand, ten thousand or one lakh, but the policy will be the same. So that if that aspect of the Board's work be firmly grasped and careful attention fixed on that point, the consideration that during some years extensions are being made to already existing lines and certain new lines brought under direct State management should not furnish any material support in favour of the present proposal.

Then, Sir, I would also remind the House that the Railway Department is said to be a commercial concern in a way. If in the year 1923-24 and 1924-25 it was found necessary that a policy of retrenchment should be pursued and its justification was then conceded by those who were responsible for running the Railway administration, then it must be now clearly demonstrated to this House as to how and why that policy has to be abandoned now. I do not want to read out once more all the relevant extracts which Mr. Jamnadas Mehta has already just read out, to prove that it was a policy to which the Railway administration was committed. It promised that it would try to carry out that policy to its ultimate logical consequences; but we find that, immediately after conceding that point in one session, there is a deliberate move on the part of the Railway Board to give the go-by to that policy and to augment the number of officials on the Railway Board. It has frequently come forward with certain proposals for increased staff before the Standing Finance Committee and this House. And we find to-day that the expenditure which stood approximately at 9 lakhs in 1923-24 has now come to be Rs. 17,50,000. It has gone up approximately to twice of what it was in that year. That is a matter which is required to be seriously considered. If the Railway administration is a commercial concern, the Railway Board ought to come before this House and justify their demand to this House to sanction double the expenditure like that on some very strong or exceptional grounds.

[Mr. M. S. Aney.]

They have to show that they have discharged their trust in these five years in such a way that the gains which the country is making out of these railway transactions have also doubled. They must justify the proposition from that point of view. I would only request the Railway Board to start with the gross and net earnings of the year 1924-25 and then gradually come down to the present year. They will find we are not making much improvement. If such a proposition were put before a commercial concern, the shareholders would at once ask the Directors not to talk of adding to the expenditure but to talk, if necessary, of retrenchment. That is the position to which they would be reduced.

Then, Sir, there is another point. It was a special case for a labour Member that was made out by the Honourable the Member for Railways in his speech. In the first place, I want to ask those who are experts, or who come before us as experts on railway matters, whether they know of any special Member for labour on any railway management in the United Kingdom or in the United States of America. That is precisely what I want to know from them. I have tried to see in the Library certain standard books on railway organisations and ascertain the various kinds of members who are in charge of the management of the different railways there. I have found that they have got this arrangement—a President and a number of Vice-Presidents for different subjects. I have not been able to find, at least among some of the important lines in the United States of America and the United Kingdom, any special Vice-President in charge of labour. The question of labour always seems to have been taken as auxiliary to the duties of the Member General in charge of Transportation and Traffic. He may have a special officer to look after the labour problem working under him, but an independent Member is not placed in charge of labour itself. Now I want to know whether, whatever may be the troubles of labour in India, it is seriously contended in this House by the Railway Board that there are aspects of the labour problem in this country more serious, more ticklish and more difficult to be tackled than labour problems that have arisen or do arise in the countries aforesaid. If responsible railway managements in other countries can deal with these labour problems by entrusting them to certain persons who are also responsible for other work, why should it not be possible for an expert like Mr. Sheridan to tackle these problems in this country along with his other duties. Allow me to have my doubts. Any how I have not yet seen a specific portfolio anywhere created in a railway administration for labour and a Member placed in charge of that.

There is another aspect also to which the attention of the Financial Commissioner was drawn by an Honourable friend of mine on the Standing Finance Committee for Railways while this question was under discussion. It was asked, in view of the fact that there was so much pressure of ordinary work and additional new work that had to be done that there was not sufficient time left for the present Members to discharge efficiently their other important duties; whether the question of further decentralising some of their work was considered or not. Now the nature of the duties which the Railway Board was expected to do under the recommendations of the Acworth Committee is indicated to be such that they should not include routine work, which can be ordinarily done by subordinates. We

are not going to sanction fat salaries like that for Members of the Railway Board to do duties which ordinary men can certainly do on smaller salaries. So, if the present work has increased on account of Members being entrusted with duties of that nature, an attempt should be made to find out and explore all the possibilities of decentralising and delegating a part of the miscellaneous work to some other subordinate authority. To illustrate my position, I can give a specific instance, *viz.*, the question of rates and fares. The Acworth Committee advised and recommended that a Rates Tribunal should be created. We find that an Advisory Rates Tribunal has been created in India. What I really want to know is this. Has that Advisory Rates Tribunal been entrusted with all the duties and all the powers which it was the intention of the Acworth Committee to invest that body with? In fact in the report of the Acworth Committee a reference was made to the Railway Act of England which specifies the duties of the Rates Tribunal created under the provisions of that Act in England. The present Advisory Rates Tribunal in India, however, is only engaged in trying a few selected cases of individual applicants specially forwarded to it by the Railway Board. The whole problem of rates and fares and the injustice

it causes is still left to be solved by the Railway Board itself, and the Rates Advisory Committee is not given any liberty to go into it.

So also the question of staff. If the Agents of the various railways are allowed to do that work to a great extent, and if the duties of the Public Service Commission are properly enlarged, I believe that much of the responsibility that falls on the Railway Board today might be lightened. So, Sir, there are ways and ways: There are possibilities which can be explored of decentralising the power and diminishing the responsibility which at present is creating a good deal of hampering and leaves no time for the Railway Board Members to do their proper and legitimate work. I believe a question was asked in the Finance Committee whether any such possibilities had been explored before the formulation of the present proposal and I believe, if I mistake not, the reply given was that the question had not been examined from that standpoint. If I am wrong I stand open to correction, but to the best of my recollection some such reply was given.

Again, Sir, the labour aspect of the question has been very much emphasised. I remember distinctly the reply that was given to us when Mr. Sheridan was particularly invited to enlighten the members of the Standing Finance Committee and which he very kindly did. He was particularly asked the question as to what was the total number of the labour problems with which he had to deal last year. He said that one-tenth of his work was connected with labour and nine-tenths dealt with questions about the staff. So that, labour figured only to the extent of one-tenth of his work. Besides this, Sir, I want to know what is the peculiar nature of the labour problem on railways. I have not been able to understand that. There is a Member in charge in the Government of India who deals with the question of labour. If the general policy regarding labour is laid down by the Government of India, it would be binding upon the Railway Board to carry it out, and I do not want that the Railway Board should tackle this question for itself independently. And, Sir, as regards the general problem of labour in India, a Labour Commission is also being appointed to explore the whole question and to find out proper solutions; and therefore I think it is a problem for the Government of India to solve; and the conclusions arrived at by the Government

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of India should be binding on and should be the main principles of the Railway Board in regard to these matters. Therefore, Sir, today, at any rate, the creation of a post for labour is to anticipate the conclusions which the Government of India may arrive at so far as railway labour is concerned and enable the Railway Board even to give effect to their conclusions according to their own unaided lights. I do not think it will be wise policy for this House to create a separate Member in charge of labour for railway management only at this time and ask him to initiate and carry on any labour policy in the way he likes, when the whole problem is under consideration by the Government of India and a commission appointed for that purpose. It would not be justifiable on the part of this House to allow the Railway Board a free hand in this matter. If we have to wait at all, let us wait for some time more. Let us have the conclusions arrived at elsewhere after proper inquiries and mature deliberations, and let those conclusions be then translated into action in so far as they are related to the labour problems under the railway management by the Railway Board.

There is one more point that I would like to touch upon. It was emphasized by the Honourable Sir George Rainy that the problems relating to labour on railways stand on a somewhat different footing from other problems with which the Member for transportation and commerce has to deal. I believe he said that there must be a greater human factor—some such word was used,—in so far as these problems were concerned. I believe, Sir, that the human factor is a thing common for every man entrusted with some responsibility about a business in which humanity is concerned. No man in charge of commerce or transportation can afford to deal with these questions, ignoring altogether the human aspect of the questions. Human life and human happiness are closely connected with everything which a responsible officer has to do; and if one officer in that capacity is wanting in that particular sense of humanity, I am afraid he is not fit to hold the post. Do you mean to say that you are going to appoint a humanitarian like the Revd. C. F. Andrews to take charge of the question of railway labour? If it is alleged that, out of the many officers who have been doing all sorts of work in the Railway Department, financial, commercial or transportation, only a few have got an appreciation for the "human factor", then it is undoubtedly a reflection upon the other Members. I do not think that they really can be accused of that. They are as human as possibly they can remain under the service conditions, and I don't believe that they can be more human if they are entrusted with this labour work. Therefore, Sir, that aspect of the question does not appeal to me in the least. It was no doubt an appeal—a sentimental appeal—and I consider a very injurious appeal also. I do not think it makes any material difference to the way in which this question should be considered. If we bear in mind that any person, called upon to tackle this question, will have to make exhaustive inquiries to find out how labour suffers before coming to any conclusions, then there is no valid reason to imagine that a man who is doing commercial or transportation work can not be able to do this kind of work. There is no doubt about it. It is only a question of the officer using his brains and coming to conclusions on stated points. The alleged absence of a human factor in the Member General is not in itself a reality, and cannot be seriously urged as any ground to justify the necessity for the creation of a special separate post on that account.

These are some of the points, Sir, on which I think the necessity for the creation of a separate post has not at all been made out; and the fact that the Indianisation problem is likely to be partly solved by acceding to this demand, ought not to be a consideration in the minds of Members of this House in giving their vote on the motion moved by my Honourable friend, Mr. Jamnadas Mehta, which I support.

Mr. Vidya Sagar Pandya (Madras: Indian Commerce): Sir, I do not pretend to be a railway expert, nor have I very carefully studied the railway questions. But what strikes me as very curious in this connection is that, in the long speech made by the Honourable the Commerce Member, and in the memorandum supplied to us, much stress has been laid on three points. Just as the Home Department is very fond of using law and order to explain so many things, similarly the Commerce Member and other departments find it very convenient to speak about "efficiency," "responsibility" and "experience". Now, regarding efficiency—I do not know how "efficiency" has been defined by Dr. Johnson in his dictionary—but from the dictionary of the Government of India I find that what they understand by efficiency is to try to find out how two or more men could be appointed to do the work of one man, so far as the upper services are concerned; and their idea of efficiency in the lower or subordinate departments is how one man can be made to do the work of two or more.

(At this stage Mr. President vacated the Chair which was taken by Pandit Madan Mohan Malaviya.)

Next, Sir, I come to the matter of "responsibility". I was very much amused by the long statement of the Honourable the Commerce Member, and I was reminded of a small story. A young school boy was asked by his teacher to define "responsibility"; and pointing to the single button on his lower garment, he told his teacher "The whole responsibility hangs on this." Now, evidently, to cover the railway administration, a new garment has to be prepared and one more button has to be stitched to it, and it is just possible that, without it, the railway administration will appear in its true nakedness; and I do not see why, for the sake of this responsibility, so much fuss has been made and all these arguments have been advanced with a view to add one more Member to the already top-heavy management of the Railway Department. Now, Sir, I will come to this matter about which my friend, the Honourable Mr. Cocke, spoke so much. He said that there are gentlemen with long experience, who have worked in the mill, and all this experience of the Railway officers already there must be utilised, and it is very difficult for anybody else, to solve the questions relating to rates and all such things. In that connection I may say that, on one occasion when a certain matter was being discussed in one of the Executive Council meetings of the Governor of Madras . . .

Mr. H. G. Cocke: Were you there?

Mr. Vidya Sagar Pandya: I know enough of it. As I said, when a certain matter was being discussed in one of the Executive Council meetings of the Governor of Madras, it was urged by one of the Members of the Indian Civil Service, who had been in service for nearly 25 years, that he had accumulated an experience of 25 years of Indian service, and said "It is no use putting a new man from outside". The Governor went on listening patiently to the story of the I. C. S. Member and replied to him "May I say then that you are by 25 years out of date and out of touch

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with such matters? As such, Sir, it is no use making too much about efficiency, responsibility, experience and such like things. The best thing is to keep to the original idea of the Railway Board. They should mind their business in the best manner possible and they should not complicate it by bringing in extraneous matters. For these reasons, Sir, I would earnestly appeal to the Members of this Honourable House to vote for the amendment of Mr. Jamnadas Mehta.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I do not know whether my Honourable friend Sir George Rainy realises to what extent he is held in esteem by the non-official Members on this side of the House; but I never suspected that to his many qualities my Honourable friend adds that of diplomacy of a very high order. For in this proposal of his he is attempting rather the difficult operation of killing, not two, but as many as three birds with one stone. First of all, he wants this to be an effective answer to our demand for the Indianisation of the Railway Board, and I find, Sir, in referring to the gentleman who has been designated as the nominee for this appointment, no less a person than the special representative of the *Statesman* who, I suspect, is a Member of this House, describes him as belonging to the Indian Christian community. I do not know whether Mr. Hayman will confirm this description, but there it remains. It is intended to advertise to the world that the Government of India have, after all, taken an Indian in response to the demands made by the non-official Members of this House. That is the first bird which my Honourable friend the Commerce Member wants to kill.

Now, Sir, the second is to demonstrate his solicitude for labour and satisfy those well-meaning gentlemen who have the interests of labour in India and outside at heart. (An Honourable Member: "They are all absent.")

The third point which my Honourable friend has in mind, and which is the most important point, is to give a guarantee to the Anglo-Indian employees of the railways that their prospects will not suffer in any way under the scheme of Indianisation which the Government have adopted. Sir, I hold in my hand two memoranda of the Anglo-Indian and Domiciled community of India which they had prepared for the benefit of a particular Commission which is now, I am told, touring in India, and I find that, among other things which they demand, one is that there should be a definite enactment, a sort of statutory enactment, guaranteeing the Anglo-Indians their enjoyment of the loaves and fishes in the Railway Department. They have the frankness to admit, in one of their memoranda, that they "still enjoy a favourable percentage of appointments on the railways," but that their "future position is anything but assured." Now, my Honourable friend wants to convey the much desired assurance in this form. Ever since 1926, when the Anglo-Indians sent a deputation to England, we have been hearing a good deal about the assurances for that community in regard to their enjoyment of loaves and fishes, particularly on the railways. Now, I believe, only a few months back, the Government of India in the Home Department issued a circular to all the various departments of Government, on which the Railway Department laid very great stress, desiring that nothing should be done in the

process of Indianisation of the services which would jeopardise the position of Anglo-Indians. When the representatives of this community put forward their claim for statutory guarantees, they were openly given to understand that a statutory guarantee was out of the question. And I am absolutely confident that one of the reasons which prompted this new proposal was that the Government were anxious to secure to the Anglo-Indians what they wanted without having to take recourse to statutory guarantee which was not practical politics.

Now, Sir, when I read my Honourable friend the Commerce Member's epoch-making speech, particularly the portion that deals with this particular point, I imagined that there must have taken place a very great change in the railway administrative policy of India between the date when I was at Delhi and when I was reading that speech in Calcutta.—I imagined that, so far as the Railway Board was concerned, the Directors had all been abolished, the Deputy Directors were all loafing about the streets of Delhi adding to the unemployment problem of the country, and the Agents had all booked their passages for England, and, as a matter of fact, I thought that when I would be going back to Delhi this time, I would find no less a person than the General Member himself selling my ticket at the ticket window at Howrah and that he would again be in charge of the train as a guard, I mean the train that would take me to Delhi. For the duties, which my Honourable friend enumerated in his speech, which belong to the General Member, led me to think that perhaps he is not merely omnipresent, but also omniscient and omnipotent, and in his numerous incarnations he would be doing all the various duties that are required of all the numerous railway officers at the present day. But, Sir, when I came to this Chamber, I was reminded by my Honourable friend Mr. Jamnadas Mehta that the General Member was all the while closetted with no less than three stenographers, and that he was perspiring all the time in the cold of Delhi due to sheer overwork. Well, Sir, I do not know why my Honourable friend laid so much stress on his three stenographers, but this I can say, that if Mr. Sheridan is able, by his arguments, to convince the Government into creating this new job he, like his famous namesake, would perhaps be creating a School for Scandal at the Railway Board.

Now, Sir, what really are the Members of the Railway Board expected to do? Reference has already been made to the Acworth Committee's Report and to the Railway Board's Report. I will for one moment again turn to the Acworth Committee report, paragraph 110.

"The proper function of the Railway Board is not to carry out routine duties, but to shape policy, to watch, to think and to plan."

This has practically been confirmed by the Railway Board in their Administration Report, to which also reference was made by a previous speaker. In the latest Administration Report that is to hand, we find:

"The reorganisation carried out in 1924 had for one of its principal objects the relief of the Chief Commissioner and the Members from all but important work so as to enable them to keep in touch with Local Governments, railway administrations and public bodies by touring to a greater extent than they had been able to do in the past."

In connection with a question that was answered only this morning, it seems that the Railway Board has failed to achieve this primary object with which they were charged. My Honourable friend, Mr. Parsons, was

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blissfully ignorant of what was going on, for instance, in the Bihar Legislative Council, regarding a proposal which very nearly concerns his Department. He has not cared to keep himself informed of what Resolutions may be passed by a Provincial Conference. But that is exactly what the Railway Board was expected to do, and I very much think that the Railway Board has been unnecessarily meddling in matters which really do not pertain to their legitimate functions. My Honourable friend, Sir Purshotamdas Thakurdas, referred to the fact that, when the Acworth Committee recommended the creation of four Memberships, apart from the Chief Commissionership, they had in mind the possibility of the ports being added to the Railway Board. It is not merely that. If my Honourable friend will turn again to the Acworth Committee Report, he will find it is not merely the ports, but it is also internal navigation and even road transport that were expected to be included among the functions of the Railway Board.

Sir Purshotamdas Thakurdas : Quite right.

Mr. K. C. Neogy : My Honourable friend will find from paragraph 111, for instance, that there is a Director designated there as Director of Ports, Inland Navigation and Road Transport. It is not merely the ports that they contemplated. Even the subject of inland navigation, which at the present moment forms a provincial subject, was contemplated by the Acworth Committee to be included among the many departments with which the Railway Board should be concerned, and also road transport. Therefore, I think, although they recommended four Memberships, there is ample justification for us to ask that the present number should not be exceeded. If my Honourable friend, Sir George Rainy, who, as I found last year about this time, had not made a very careful study of the Acworth Committee Report,—if he has in the meanwhile studied the Report, he will agree with me when I say that the Acworth Committee contemplated the Member for Railways concerning himself almost solely with railway problems. They recommended the creation of a portfolio of Transport of which the railways must form the most important element. If my Honourable friend were to turn to paragraph 97 of the Report he would find:

"All we ask is that there shall be a Member of Council in constant touch with railway affairs, and who feels that railways are entitled to his full attention."

Is it because my Honourable friend, due to the reshuffling of the portfolios, does not find sufficient time to attend to his legitimate work in the Railway Department—is it because of that fact that my Honourable friend has come up for the creation of an additional Commissionership? Is he sure that he has been doing his utmost, that he has been keeping up the standard of control which his predecessor in office used to maintain over the Railway Department? Is he sure that he is not being imposed upon by people whose interest it is to create additional jobs? Is he sure, again, that he could not have made a better selection for the General Membership? It is not my intention to go into personalities, but as my Honourable friend coupled the announcement of the Government policy with the announcement of the name of the particular individual whom the Government had in mind, I cannot altogether let this opportunity go without enquiring as to what has happened to Mr. S. D. Gupta, who, I believe, up to this time last year,

held very creditably the position of the Director of Establishments? Will my Honourable friend say what is the reason that a man who has absolutely no acquaintance with the establishment branch, is being brought in for the purpose of filling this job, and what is the reason that led him to send away an experienced and more senior officer like Mr. Gupta last year?

An Honourable Member : Because he is an Indian.

Mr. B. Das : Because he is a Bengali.

Mr. K. C. Neogy : He did not satisfy the test which my Honourable friend has laid down in his heart of hearts for this appointment. He wants an Anglo-Indian. Now, Sir, I have no desire to say anything uncomplimentary about the gentleman who has been selected to fill this job. But may I inquire whether the Honourable Member in charge has kept his eyes and ears open, whether he has ever heard things which do not make out this particular gentleman to be the best fitted for being appointed Labour Member, whether he has satisfied himself that he commands, or that he would command, the confidence of the 800,000 railway employees? I have no desire to say anything further than this, that at one time I had seriously thought of moving a motion asking for an inquiry into certain allegations of jobbery with which this gentleman was associated in the past, and which to my mind do not make out this gentleman to be a very suitable candidate for the appointment which my Honourable friend wants to create?

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.

Mr. M. S. Sessa Ayyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, this morning, as I came into the House, an Honourable colleague of mine put me this simple question, and I want to dispose of it before proceeding into the merits of the present motion. He asked me if the House was going to give its sanction for an expenditure on railway administration for an amount in the neighbourhood of 95 crores, why is it that we are standing and protesting against this small trivial expenditure of Rs. 64,000. The answer is obvious. The friend who put me the question apparently forgot the maxims that govern the consideration of such a question. Thrift of public money is most important; and we must also resolutely resist all wasteful expenditure contemplated; and thirdly, in the working of the administration of the vast machinery of State, nothing is a trifle. We have seen also that during the last few years the expenditure on the Railway Board has nearly doubled itself; and it is almost a truism that, with the growth of expenditure, also grows a spirit of expenditure. That spirit has to be exorcised. It is for these reasons that we must see to the fact whether or not a clear case has been made out for the creation of this new appointment. Now, in this connection I would refer to the speech of the Honourable the Railway Member, who, in paragraph 25, pleads for the creation of this new appointment. He has also brought to bear upon that question his own personal experience as

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to what he has been able to observe and also his conviction upon the point he is on. Ordinarily the words of the Honourable Member for Railways certainly do carry conviction, and I will assume for a moment that all that he says or imagines is really true. I will assume again, for the moment, that there is a case made out for thinking that there are multifarious duties which now devolve upon the Railway Board's Member General; and that he is made to perform impossibilities. Without admitting that, but assuming it for the moment, I would go further and consider whether, by a reshuffling of the portfolios of the several Members of the Railway Board, the relief wanted cannot be sought. My Honourable friend Mr. Duraiswamy Aiyangar, referring day before yesterday to the genealogy of agnates and cognates, as he chose to call them in his own humorous way, alluded to Annexure A to the proceedings of the Standing Finance Committee for Railways, dated the 10th, 11th and 15th February. Here we are given a table showing the position of the Chief Commissioner of Railways, and of the other three Members, and we also see the various items of work, or portfolios as I may choose to call them, which pertain to the Members of the Railway Board; and I would invite the attention of the House to this fact, that the Chief Commissioner has been given absolutely no duties whatsoever; and the Honourable Member, in his speech the other day, said that the function of the Chief Commissioner is to concern himself with every aspect of the Railway administration and that he is the recognised adviser of Government in all railway questions. Taking that speech in its literal sense, and also looking at the explanatory memoranda given by the Honourable Mr. Parsons, and Annexure A attached to the proceedings of the Standing Finance Committee for Railways, I find that there is absolutely no function allotted to the Chief Commissioner of Railways, except this question of general supervision. I would assume for a moment that there are multifarious duties now devolving upon the Member General and there is a special need for the purpose of providing a portfolio for labour questions and assigning it to a separate Member. If the General Member is really in need of relief, I would pertinently ask whether it is not possible to assign this labour portfolio to the Chief Commissioner of Railways. I see from the various papers put into our hands that there is absolutely nothing in the nature of a special duty attached to his office. In this connection I might also bring to the notice of the House that even higher dignitaries than the Chief Commissioner of Railways have been assigned specific portfolios. Take the case, for instance, of the Prime Minister of England. Is he without a portfolio? Take the case of His Excellency the Viceroy. Is he not provided with a portfolio? Are not foreign affairs and the relations with Indian States in that portfolio? If that is so, I would ask whether it would not be expedient to carve out this particular portfolio from out of the duties devolving upon the General Member and assigning it to the Chief Commissioner. Now, I am assuming that a case has been made out for the creation of this additional appointment, because I for one certainly appreciate the testimony of the Honourable Member for Railways. He is also sincere when he says that, from his personal experience, he did really find that the General Member is made to perform impossibilities.

I assumed that that statement was correct and upon that assumption I wanted to find a way out by making this suggestion. Sir, I said I assumed

it without admitting it, but, Sir, after honestly weighing the reasons that the Railway Member gave on the floor of this House in the speech he made the other day, which I propose to take categorically, I stand quite unconvinced of the fact that a case has been made out for the creation of this new post. My Honourable friends who preceded me, especially the last speaker, Mr. Neogy, referred this House to page 100 of the Administration Report of the Railway Board for 1927-28, where we find:

"The reorganisation carried out in 1924 had for one of its principal objects the relief of the Chief Commissioner and the Members from all but important work, so as to enable them to devote their attention to larger questions of railway policy."

Lower down in the same page we see:

"Further experience of the reduction of work resulting from the large delegation of powers and responsibility to the Agents of State-managed railways and the Board of Directors of Company-managed railways enabled a re-arrangement of work to be made."

So that it now transpires from these extracts that, even in 1926-27, the railway administration thought it advisable to curtail their staff. But what has happened since, during 1927-28 and 1928-29, which has emboldened the railway administration to say, "We want this post now very badly"? We are not given any materials which show what has occurred, to support the special plea that has been made for the creation of this new post. The responsibility that has been allotted to the Agents of State-managed railways and to the Board of Management for company-managed railways has been such that we see on page 5 of the same Report that it has given occasions for the Railway Board Members to indulge in several very pleasant trips; because on page 5 we find:

"The Railway Board held general meetings with the Agents of the principal railways in October 1927 at Simla and in March 1928 at Delhi when a number of important subjects were discussed. Visits were also paid to the Board at different times during the year by several Agents."

Thus, there are opportunities given for Railway Board Members to acquaint themselves in detail with the subjects which concern the several railways. Visits were also paid to the Board at different times by several Agents.

"Apart from these meetings and visits, 37 visits were paid by the Chief Commissioner, Financial Commissioner or a Member of the Board to the headquarters of Railway Administrations and 11 to Local Governments."

These Members have had so much relief, that under the new dispensation, they were able to find occasion to make as many as 37 visits to the several Agents. That showed clearly that they have not had enough work to do at their headquarters, since they had occasion to make as many as 37 visits to the mofussil. That makes out a case for thinking that there is not so much work falling on the shoulders of these Members as we are now asked to believe. I would also submit to the House that, taking the reasons mentioned by the Honourable Member for Railways categorically, there is no case made out. What he has chosen to say is that, of the three persons who constitute the Railway Board, apart from the Financial Commissioner, who has important financial functions to perform, there is the Member, Technical, who concerns himself with technical questions of railway engineering, etc. We will not disturb him nor the Financial Commissioner. Now from this table we find that the General Member has got two portfolios, Establishment and Traffic. Now this Traffic i

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subdivided into two categories. Traffic, we are told, includes transportation and commercial. That is not a new classification as it did exist before. I daresay he has been attending to these duties under "commercial" or "transportation". But under these two enlarged sub-divisions the scope of his work has become so large that it is impossible to ask this General Member wholly to devote himself to these duties as well as his own; so by merely mentioning commercial and transportation, his work becomes larger. I don't know if, by this verbal sub-division the work is increased or is simply divided into two parts, as distinct categories. But they take the two heads and then split them into two or three sub-heads.

Then it is said under the heading "Commercial" there is the problem of rating, the fixing of rates and fares, and working towards securing the maximum volume of traffic. Now in this connection I may bring to the notice of the House that, in pursuance of the demand that was made some time ago that a special tribunal be set up, a Rates Advisory Committee was established; but we do not hear of this Advisory Committee at all during any portion of the financial year; but once in a year we come across the existence of the tribunal, because there is a special heading given to it in the Demands for Grants. On page 49 of the Demands for Grants, Annexure D to Demand No. 11, we come across the existence of this Committee. But what are the duties which they have performed? In the Railway Administration Report we are told that, during the year 1927-28, there were only four cases reported by this Committee. I pertinently ask the Honourable Member for Railways, is it not high time really that the powers of this Rates Tribunal are enhanced like what obtains in England, enabling them to make a uniform classification of rates, and also to find out whether a particular rate adds unduly to the cost of manufacture? By enhancing the functions of this Tribunal, it would afford also the relief which the Honourable Member for Railways is so much in need of. This Committee, if I can venture to say so without disrespect, has for the last two or three years done nothing, for it has only been able to dispose of four cases during the last year. This Committee has not justified its existence, and I therefore say that any relief that the General Member of the Railway Board must have in certain directions can be obtained by enhancing the powers of this Advisory Committee.

Then, Sir, it is said that the Railway has to administer an establishment and this establishment is divided into two compartments under the new dispensation, namely, staff and labour. Did not the staff exist before? Did not labour exist before? They say that they have to look after the staff, which now amounts to about eight lakhs of people. All that entails additional work, and therefore they want an additional Member. It is also said that it is possible that they can take into their account under State-management certain company-managed railways, and that problems connected with the incorporation of the staff of those company-managed railways into State railway service may arise. If that were so, I would expect the Honourable Member for Commerce and Railways to say so plainly and frankly. He will tell us whether the Government are going to take such and such a company-managed railway into State management, which would entail additional problems relating to staff, management, and so on. No such thing was done. In the light of the answers to the persistent questions that were raised this morning on behalf of the Bengal and North Western Railway. I am led to think that there is no

occasion in the immediate future to take any company-managed railways into State management. If there is a possibility of any company-managed railways being taken into State management in the immediate future, I can understand questions arising such as the incorporation of that railway staff into State railway service; and such problems would certainly entail additional labour, which may have to be assigned to a new Member.

Then it is said that the welfare of labour will be better looked after and also looked into in greater detail. Let us now see the so-called advantages pertaining to the welfare of labour. In para. 27, the Honourable the Commerce Member says:

"Here it may suffice to give only one or two illustrations of the kind of question which, under our existing organisation, it is almost impossible to handle adequately and expeditiously. One is the organisation of the method by which labour disputes on the railways should be handled and the relations of the railway management with the trades unions."

Now I ask, Sir, whether it is not a fact that the recognition of the trades unions is now assigned to the Agents of several railways. Does any Railway Member look into the question of recognition of trades unions? As a matter of fact, it occurs in almost every railway: The recognition or otherwise of any trade union is a matter pertaining entirely to the Agents of the railways concerned. Yet we are told that this is one of the multi-arious duties consequent upon the new organisation of labour and that it would entail additional labour and responsibility on the shoulders of his already hard-worked General Member, and therefore we are told, that they want relief by the creation of this new Member, called the Labour Member. It is also said in para. 24:

"The General Member, as I have said, must, on the commercial side, pay particular regard to the interests of the railway customers, and his main anxiety must be to keep down costs, so that rates and fares may be kept at a level which will attract the maximum volume of traffic."

So it is suggested that there is really a conflict of interests and decisions, which the Honourable the Commerce Member envisages, consequent upon the labour question being taken more largely into consideration; that is to say, the Member who chances to sit on labour questions has to devise means, which, according to him, may militate against the interest of the Traffic Member who has to minister to the wants of his constituents or customers. I ask, Sir, whether the Railway Board to be newly constituted with the addition of one Member, is to be so constituted that conflicts in decisions really will arise between one Member and another. Do they not work as a happy family of four or five Members all put together? Do they not all work in unison with absolutely no ground whatsoever, or with no possibility of any conflict of decisions arrived at between two Members? If here is this potentiality of dissensions creeping in, and if you want to obviate this possibility of dissensions, is there any hope that, by the separation of labour questions and giving them to a labour Member, this question will be solved? Lastly it was said, almost in the closing words of that speech, there was a mild threat, so to say, that if the House would not consider the advisability of granting the creation of the additional labour Member, there was the possibility that important interests might suffer. I take it, Sir, that, even if the House does not agree to the creation of this new Membership, the Honourable the Commerce Member will consider it expedient to see that no important interests will suffer as a matter of fact.

[Mr. M. S. Sessa Ayyangar.]

In another portion of his speech hopes are held out for labour. With the creation of a new Member for Labour, who will be put in charge specifically of labour questions, it is possible that that Member may strive his best to raise the standard of life of the staff and would also look to the ministrations of the wants of the staff. I take it also that we do not understand these sentiments as meaning that, if the House does not agree to the creation of this new post, these things will be held in abeyance. These, in short, are the various grounds that are detailed in these paragraphs in the latter portion of the speech of the Honourable the Commerce Member, and these require consideration. I submit to the House that none of these considerations has really appealed to me and we are firmly convinced that, not only has no case been made out for the creation of this new Membership, but also it is possible, as I started stating that, by a reshuffling of the portfolios, so to say, it is perfectly possible, under the existing arrangements, to devise means, for making the Chief Commissioner of Railways attend to this question also—labour questions specially—and thereby providing the means of securing the remedies which the Honourable the Commerce Member has so much at heart in the case of labour. I therefore support the motion of the Honourable Mr. Jamnadas Mehta.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): Sir, in intervening in this debate at a very late stage, my sole justification is this, that being a representative of this House on the Standing Railway Finance Committee, and one of the members who was not convinced at that time as to the necessity of a special Member in addition to the present Members on the Railway Board, and who still remains unconvinced about that necessity, I think it is due to the House that I should make a few observations for the consideration of my Honourable friends. Sir, I do not pretend to have that intimate acquaintance with the working of the Railway Board which my predecessors have claimed. My acquaintance with the Railway Board arises through the luxurious saloons in which Members of the Board travel from time to time which are the envy and despair of all of us who often travel on the same trains in crowded compartments. Therefore I am speaking purely from the point of view of a layman who is anxious to consider this question as carefully as he can, and, as far as possible, to give his vote in the right way. I do submit, Sir, that it is by a side door that this question is being introduced into this House. I should have very much preferred that a much larger debate, with much greater material in front of us, had taken place on this question as to the necessity of enlarging the Railway Board by the addition of a new Member. I should have preferred a much bigger debate in the sense that we had better material in front of us, better data, better figures than are available when a Demand cut is discussed in this House. I will begin by pointing out that my own mind was originally somewhat inclined towards the proposal when I read the statement in the memorandum which was submitted to me as a Member of the Railway Standing Finance Committee. It reads as follows:

"First the problems relating to labour have in the past three years been rapidly growing in number, importance, and complexity and would in any event have required increased attention and investigation by the Railway Board, even if the number of employees directly under State management had remained the same."

I thought for a few minutes—but the opinion did not last for a long time, when I came into close proximity with the facts of the case—that there was going to be a Member specially in charge of labour problems, whose whole duty would be to revise labour policy, to go into labour questions and their complexity, and to arrive at a solution. Therefore, Sir, I demanded further information in the Railway Standing Finance Committee. An important Member of that Board came and gave us information, as a result of which it turned out that, so far from this additional Member being required for problems of labour, he was necessary, because the work of the General Member had increased. I must admire, Sir, the frankness with which the admission was made by that Member of the Railway Board who gave evidence before us, that nine-tenths of his work was at present concerned with establishment and other allied questions and only one-tenth was concerned with labour

Mr. A. A. L. Parsons: Sir, may I correct Mr. Jayakar's statement as to what happened in the Standing Finance Committee and what was said by Mr. Sheridan there? I am sure he is under a misapprehension, Sir.

Mr. M. R. Jayakar: The statement was likewise made by Mr. Aney this morning.

Mr. A. A. L. Parsons: I did not either quite catch what he said or may not have been in the House. But what Mr. Sheridan said was that nine-tenths of his time was occupied with staff questions, which of course included labour questions also, and that only one-tenth of his time was left to deal with transportation work.

Mr. M. R. Jayakar: May I take the liberty of correcting Mr. Parsons? A question was put to Mr. Sheridan as to what was the time occupied by him in considering labour questions, and to that question the reply was, nine tenths was occupied with staff questions, and one-tenth with labour.

Mr. M. R. Jayakar: That is exactly my own recollection, Sir. That reply was given to a straight question put to the Member who appeared to give evidence before us as to what time proportionately was taken up by labour questions in comparison with the questions which did not relate to labour. I have a very clear recollection, Sir, that the proportion was admitted to be nine to one. But I do not want to labour that point further if my Honourable friend Mr. Parsons says that that was not what the Member intended to say. But, apart from that, even on the note submitted to this House, Sir, it is perfectly clear from the first two paragraphs—which I do not wish to weary this House by reading—that labour constitutes only a small fraction of the work which this new Member will be called upon to do. That cannot be denied; I do not think even my Honourable friend Mr. Parsons will deny that, that labour problems will be only a small fraction of the work which this new Member will be called upon to do. It will only be a small part of his duties. Therefore, these Honourable Members who are inclined to take a favourable view of this proposal on the ground that here we are going to have some kind of special expert machinery which will deal with labour problems, in the form of a Member who specially and exclusively deals only with labour questions on railways, are going entirely on the wrong track. Practically what we are asked to do, if I may say so without being unfair to the other side, is to give one more additional Member to the present four Members of the

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Railway Board. That is the real situation. When the question is so resented, Sir, to a person like me who knows a little of the origin of this Railway Board, he has a very vital objection to this proposal. That objection, Sir, is grounded on a sound principle, and takes this form. We are, by giving this additional Member to the Railway Board for such a general purpose, departing very widely from the original conception of the Railway Board. (Hear, hear.) We are practically converting the Railway Board into a group of departmental heads. That was not the original conception of the Railway Board, as Mr. Jamnadas Mehta made clear this morning, as also my Honourable friend Sir Purshotamdas Thakurdas. The Railway Board is not a group of departmental heads like, e.g., the Executive Council of the Governor General. It was intended to be a group of a few expert people,—and from this point of view the fewer they are the better for the Board—whose main function was to initiate policies, to evolve principles, and to perform that detached mental work which cannot be done by mere departmental heads immersed in departmental details. It is something bigger than a departmental head's work. It has to look at large problems from a distance in a sort of bird's eye view and initiate policies on broad principles affecting the entire system of railways in India. *Ex hypothesi*, when we take such a conception of the Railway Board the fewer Members there are on the Railway Board, the better. We are now asked to embark on a policy which, apart from its expensiveness, as has been pointed out by previous speakers, is, on general principles, not desirable. I will mention only a few figures. The Railway Board began with Rs. 8·20 lakhs in 1921. Then Sir Clement Hindley brought forward suggestions and recommendations for expansion and consolidation, based upon the proposals of the Acworth Committee. He added another Rs. 1·50 lakhs; that means Rs. 9·70 lakhs. Then the figure was raised at a subsequent stage to Rs. 12 lakhs and odd. Now, if my Honourable friend will turn to the figures given in the statement relating to this demand, they will find the figure now is Rs. 17 lakhs and odd. Therefore there is no doubt that we are proceeding at a very rapid pace. If my Honourable friends will only look at the expense side of this question, they will agree with my view. We are really proceeding at a very extravagant pace. Besides, if once we accept the principle that the moment work increases in some departments, departmental heads are to be created to sit as additional Members of the Railway Board—that is the real principle we are asked to accept—where shall we draw the line? Already my Honourable friend Mr. Cocke has sounded the note that ports may come into the hands of the railways and a separate Member may be necessary. I know, as the Chairman of the Roads Development Committee which sat last year that a proposal may eventually materialize that certain all-India roads may be separated from provincial control and given into the hands of the Railway Board. A year or two hence, if we accept the principle now, another Member may be asked for for new needs. So, we have a Member for ports, another for roads, and so on; and so in the evolutionary period of Indian national life, I can quite conceive, in a few years' time, six or seven Members may be added to the Railway Board. The departmental work must naturally increase in course of time, but that does not mean that the Members of the Railway Board should also increase in proportion. I want to retain the original conception of the Railway Board, as I have stated it before, *viz.*, a group of a few select men who sit, like the Genera

behind the warfare in their room, and lay down policies, then the fewer Members we add to the existing number of Members of this Railway Board, the better will it be for efficiency. That is, Sir, my strongest objection to the granting of this particular Demand.

I am aware, Sir, that, as my Honourable friend Mr. Neogy said, the Honourable the Commerce Member is killing three birds with one stone. It is said that he is, by the addition of this new Member, meeting our claim for Indianization. Sir, this is the most objectionable part of the proposal which we on this side of the House feel as an insult to public feeling. It is this, that we are now being given an Indian on the Board by an expensive door by which we do not want him to enter at all. No public man ever suggested that the Indian Member of the Railway Board should come in by the creation of a new and expensive door. What public opinion has wanted is that, out of the existing four Members, one should be an Indian when the occasion arises. (Hear, hear.) It is not meeting the public demand for Government to say:

"We won't give up what we have got of the British element on the Board, i.e., the four European Members that are already there; but if Indians want the luxury of an Indian Member, they must pay for it by the creation of an expensive new post."

I know the Honourable the Commerce Member is always fair to this House, and probably this aspect of the question did not strike him. Therefore, it is my duty to point out as a non-official Member that the principle is wrong that Indianization can only proceed with the creation of new expensive posts. Government are here putting public opinion at a great disadvantage. Public opinion did want a new post for an Indian Member. It did not want an Indian Member by having another expensive post created for the first time under a pretentious name, for which the public will have to pay an extra Rs. 64,000. The public demand is—and let Government deal with it fairly—that out of the four seats which Government have reserved for the British element, on the Railway Board, let them give one to an Indian. Government are not meeting the public demand fairly by saying: "Well, if you want to have the luxury of an Indian Member, you must pay for it".

Mr. K. Ahmed: Why not criticise that and give this up?

Mr. M. R. Jayakar: Therefore, Sir, what I want to say is that this is wrong in principle, and we object to such a principle, which will, if accepted, be a mischievous precedent. Some Members made a suggestion, Sir, in the Railway Standing Finance Committee, that if it was merely a question of some one person attending to the growing problems of labour, that could as well be done by having a Deputy Director. Personally, I was even prepared to go further and have a Director. But to have another Member for the plain ground that the general work of the Board has grown, sounds to me, Sir, like departing entirely from the original conception of the Railway Board. A better plan would be, Sir, to have a re-inquiry as to whether it would not be possible to readjust the portfolios, as Mr. Sessa Ayyangar said in his speech. If the work of the Railway Board has grown immensely and if the circumstances require readjustment, certainly this House would be quite willing to have an inquiry made whether, having regard to the changed conditions, the ways of doing work cannot be once more so adjusted as to secure efficiency without departing from the original conception of the Railway Board. That would be the easiest and

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fairest way of dealing with this problem. But if Government want to have this question discussed within the narrow purview of a demand for a grant, I think the non-official Members in this House would be compelled to oppose it on the grounds I have indicated.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division: Muhammadan Rural): Mr. President, in regard to the statement made by the Railway Member in answer to my inquiry, I find that strong criticism has been evoked from some Members of this House. I have also listened, with very great attention, to the criticism of my Honourable friend Mr. Jayakar on this subject. Now, Sir, my point was that the Railway Member had come forward with a proposal, without taking into consideration the claims for the appointment of an Indian, which we have been pressing on him, out of the four existing Members of the Railway Board. That was my point, and to that point the Railway Member replied that he did not want to put it in the statement which he had presented to this House by way of a speech on the presentation of the budget, but that if Members wanted to know whether there was a desire on the part of the Government of India to have an Indian, they would be prepared to consider the question of an Indian regarding the fifth post. I must say, Sir, it is unfortunate that a frank statement like that from the Railway Member should have been criticised in the way my Honourable friend Mr. Jamnadas Mehta thought fit to do. Sir, the Railway Member only wanted to make a perfectly frank statement, namely, that he is not only considering the question of appointing an Indian, but that he is going to appoint Mr. So-and-So to that post. This side of the House, he knows perfectly well, has got a strong feeling in regard to the difference between a real Indian and a half-breed or Anglo-Indian, and the Honourable Member was good enough to tell the House that his intention was, if the post is created that it should go to Mr. Hayman, whom we all know, and with whom it has been a matter of great pleasure to me to have worked when I was a member of the Standing Finance Committee for Railways.

Sir, as regards the question raised by my Honourable friend Mr. Jamnadas Mehta, I have possibly failed to understand it, because, in the whole of his speech he has been arguing regarding a policy of retrenchment, namely, he told us that the figure of expenditure has gone up from Rs. 8,20,000 to Rs. 15 lakhs, and now it is Rs. 17,50,000. If he talks of retrenchment and comes forward with a proposal to appoint a retrenchment committee or a retrenchment officer to look into the extravagant expenditure of the Railway Board or the Railway administration, I am always with him. Now, Sir, as regards this post there are two distinct things to be kept in mind. One is the creation of a post, and another is the additional expenditure that will be involved in creating the post. I could quite understand if my Honourable friend Mr. Jamnadas Mehta had said:

"You can certainly create this post if the Standing Finance Committee or the Legislative Assembly are in favour of the creation of such a post, but as far as the money is concerned, you will have to find the expenditure in the budget that we sanction for this year, because the Rs. 64,000 additional amount we think is not justifiable. You will have to retrench to the extent of Rs. 64,000 from the present budget, even if you prove the necessity for creating this post."

My Honourable friend Mr. Jayakar has pointed out, Sir, that the Railway Board should consist only of experts, and that they should lay down the

policy for the railway administrations to follow. He knows perfectly well what the labour point of view is. He knows also perfectly well the manner in which the labour problems are being faced from time to time, and if there is a Member who can look after and dictate the policy as regards labour questions, I do not see what possible objection he can have to the creation of a post of a Labour Member. The point, Sir, as I understand it, is whether it should be an Indian or a non-Indian. I entirely agree with my Honourable friend Mr. Jamnadas Mehta that, as far as this question is concerned, it should not be mixed up with anything else, such as that we are going to give this appointment to an Indian, or are creating it because there is an offer that this appointment is to go to an Indian. We want to debate it on its own merits. But I remember, Sir, that, whenever the creation of posts comes up in the Standing Finance Committee, we have invariably asked this question, and my Honourable friend Mr. Jamnadas Mehta will bear me out, that there is no position or post which an Indian cannot fill with credit, and if there is a proposal that an Indian is not to be appointed, my friend Mr. Jamnadas has gone to the length of saying that it is financially unsound. The simple reason is that we have felt a just grievance against the Railway Board who have deliberately ignored the claims of Indians on the most flimsy grounds. If you were, Sir, to inquire into today's answer of Mr. Parsons to my Honourable friend over here, you would see that he told us that qualified Indians were not available, and therefore they are being trained, and as time goes on, he will be able to reach the figure of 75 per cent. Now, Sir, this side of the House is prepared—I say on the floor of this House with a full responsibility for the statement—that we will be able to give him a large number of qualified Indians, provided he is prepared to appoint them. Our difficulty, Sir, is that we have got highly technically trained Indians, specially for the engineering department, coming with full diplomas from Europe, which more than satisfy the requirements of the Railway Board, and when they come here, the question which Mr. Parsons or his Board has to decide is, the question of colour. If he looks into his department, he will bear me out, that there are hundreds of Europeans who are appointed on a thousand and over irrespective of any other consideration except colour. May I ask him what are the qualifications of these gentlemen? It was, Sir, with this apprehension, that I raised this question at the very first moment, because after we create an office or a post, Honourable Members of this House are perfectly aware that, as far as the actual appointment is concerned, we have no say in the matter. There are at present four Railway Board Members, and my Honourable friend Mr. Aney said that this House, by a majority, declared that one of them should be an Indian. We have seen that our claims have been ignored, when an Indian might have been put in place of Sir Austen Hadow, who went on leave, or in place of Sir Clement Hindley, who retired. Therefore, Sir, while the creation of a post is in the hands of this House, the actual appointment is with the Railway Board; and that is why I said that, when we debate the merits of the appointment, we want to know what the policy of the Government of India will be with regard to it, if the appointment is created. Now, Sir, I personally, and some of us here, are well acquainted with the work and worth of Mr. Hayman. We can testify to the sincere desire he has for the aspirations of India, and he has recently also, as I know perfectly well, taken a keen interest on the question of labour and has sent up several proposals for the attention of the Railway Board as far as labour problems are concerned. Nevertheless, I think that the House ought to consider the

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question of the necessity of creation of the appointment apart from the expenditure involved thereby. The extravagant expenditure, or waste of public money is a question which should be decided on its own merits.

My friend, Mr. Jayakar, has pointed out from the memorandum which he read, and which is now before the House in the shape of the Committee's Report, one paragraph in which it is mentioned why this labour Member was necessary. I shall quote another paragraph from the speech of the Honourable the Commerce Member, which was delivered when he presented the budget, in which he made out a case. He says:

"It may suffice to give only one or two illustrations of the kind of question which, under our existing organisation, it is almost impossible to handle adequately or expeditiously. One is the organisation of the method by which labour disputes on the railways should be handled, and the relations of the railway management with the trades unions. From the nature of the case, these are matters which must frequently engage the attention of this House, and in which the Railway Member will frequently be called on to explain and justify the attitude of Government."

Sir, I was one of those who, with my friend Mr. Joshi, on a certain railway labour strike, wired to the Railway Board to intervene immediately and do the needful; and we have seen that the Railway Board has not been a very alert body as far as labour questions are concerned. My friend Mr. Jamnadas Mehta has rightly pointed out that the Railway Board have not done their duty; and to-day, if they want to do their duty, they should do it without the creation of a new post. But if the Government of India tell us that, with the staff they have at present they are not able to do that duty, which we expect from them, or to our satisfaction, I do not think it is wrong for them to ask for the creation of an appointment and justify it on the ground that it was badly needed in order to satisfy the just claims and aspirations of people on this side of the House.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Sir, I am not quite sure whether the Honourable Members who have preceded me are really so serious about their opposition to this grant of Rs. 64,000. I do not mean, serious about their opposition, but about the necessity of adducing arguments when the Government has made up its mind. I thought they might have profitably remembered the saying of Mr. Cobden who with respect to a particular newspaper, said "Whenever I saw that this newspaper approved of a certain conduct of mine, I had a suspicion that probably I was wrong." I think Indian Members who have really any patriotism in them must know, whatever proposal comes from the opposite side, the same is not for their benefit but for their exploitation. I also know . . .

Mr. K. Ahmed: But some of them are Indians.

Mr. Amar Nath Dutt: There are Indian Members and Indian Members. I know there are Indian Members in this Assembly who would sell their birthright for a mess of pottage. I know that there are people who, for a jewelled sable or a ribbon to stick to their coat or a title to cover their base birth, would sell their birthright, which an honest Indian would not. Sir, I do not know whether my estimate about the attitude of the Members who have preceded me is correct or not, because the Honourable President will kindly excuse me if I submit to him that I have been

dragged from my sick bed and I think my temperature is still more than 100.

Mr. K. Ahmed: Then why do you trouble?

Mr. Amar Nath Dutt: I do not think I should sit down at the dictate of any man here save and except the one man whom we have raised to that position there.

Mr. K. Ahmed: Your medical adviser will be dissatisfied.

Mr. Amar Nath Dutt: Sir, I think this is not the place for buffoonery always, and I think we may expect some amount of protection from buffoons. Sir, I was very sorry that Mr. Neogy was so hard upon the Anglo-Indian community, as also upon our rulers, the Englishmen. Of course I have never been able to differentiate between an Englishman and an Anglo-Indian save and except that certain services had to be given to men of lower position in society under the name of statutory Indians. I never made any distinction, because our spleens were ruptured both by real Englishmen and also by Anglo-Indians, because we were turned out from compartments reserved for Europeans, both by real Englishmen as also by men who now style themselves Anglo-Indians. There is a proverb in Bengali which says, that you can bear the heat of the sun, but you cannot bear the heat of the sand which becomes warm by the heat of the sun. It is so with us. But my friend, Mr. Neogy, forgot one thing and that is this: that these Englishmen must have a soft corner in their hearts for these men for obvious reasons; and that is a thing which ought to have silenced my friend, Mr. Neogy, when commenting upon Mr. Hayman's appointment. As for the charges against the proposed incumbent, who is to come in for this Rs. 64,000 a year, by which some votes are to be captured by saying, "We are going to appoint an Indian", I beg to submit that those who swallow such pills, would swallow any other pill also. So it was not necessary for the Government to say, "We are going to appoint an Indian."

Now, Sir, about this Railway Board, I think very few here are more conversant about the affairs of this Railway Board from its very inception, than myself; and I can say, with an amount of certainty which no body can claim here, because when this Board came into existence in the early part of the 20th century, Sir Frederic Uppott who was an Executive Engineer at one time, came out as the first Chairman of the Railway Board. And I was told by an Honourable Member of the Governor General's Executive Council, whom I do not see here at the present moment, that Sir Frederic expressed himself, in the words that formerly there were three *lats* in Simla, but now there are four *lats*: one was the *Jungi Lat*, another was the *Chota Lat*, another was the *Burra Lat*, and the fourth was himself. I have known Sir Frederic Uppott ever since I was a boy and he was one of the finest of men. But such men were also not above a little vanity. If my friend had remembered all these things, he would not have objected to the creation of these posts. Sir, before the creation of the Railway Board, there was only one Member in the Governor General's Council and under him a Secretary, who used to manage the affairs of the Public Works Department, which consisted not only of railways but also of irrigation, provincial works, and

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military works. It was never explained how suddenly their duties became so onerous, necessitating the creation of the Railway Board, with highly paid officers; but probably I forget that this is a stage in our constitutional exploitation by the foreigner, and so they must have increased the number of Members of the Board. Sir, some of my friends behind me do not wish that I should speak any more in my present state of health, and so I shall conclude with opposing this demand.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, to-day we are discussing principles and policies. So far, the principles of the Honourable the Railway Member and of the Honourable Mr. Parsons have been questioned as far as this appointment of a fifth Member is concerned, as they have not cared to abide by the decision of the Standing Finance Committee for Railways. We have all along been told on the floor of this House and elsewhere in committee meetings that we should always abide by the decisions of the Standing Finance Committee,—their decisions had been treated as sacrosanct—and we have been told on numerous occasions not to say anything against the decision of that Committee. Here we find that the Standing Finance Committee for Railways has decided, by a majority, not to have a fifth Member, but the Government have not cared to abide by their decision and have rebelled against the very principle which they had advocated on previous occasions. Again, Sir, Indianization had been the one principle on which great emphasis was always laid by this side of the House, and although a colleague of the Honourable the Railway Member—the former finance member—once assured us that an Indian would occupy a place on the hierarchy of the Railway Board, that definite pledge was broken by the Government of India a few months thereafter. Thereafter, when we pressed that at least one or two Members of the Railway Board should be Indians, they trotted out the idea that no Indian is technically fit to be the technical expert on the Railway Board. That Honourable gentleman, Sir Clement Hindley, is not any more in the Government of India. He started a small school at Chandausi to train up the boys of our subordinate staff in the Railway Department. When these boys are trained up, it is said that they will rise to be Members of the Railway Board after 30 or 40 years. So it is impossible, if the principle which at times my Honourable friend Mr. Parsons and the Honourable the Railway Member advocate is true, that any Indian will ever get the chance to be a Technical Member of the Railway Board or the General Member for Railways. And to-day, under the guise of Indianization you throw just a few crumbs at us. You dangle Mr. Hayman as the fifth Member! Why then adopt this device? Mr. P. R. Rau becomes the Financial Commissioner for six months, and we are asked why we should not be satisfied. Sir, We are not going to be treated like children. We are not going to be satisfied with this toy train—like the one exhibited at the publicity exhibition—where guard Hayman and driver Rau pretend to play with the railways. That toy train gives us no responsibility. We want complete control. We want to administer the Indian Railways, and the Railway Board therefore should be controlled by Indians. If you want to satisfy the principle that the Railway Board and the Indian railway system belong to India and Indians, there should be Indians to manage it. My friend Mr. Cocke laughed at Sir Purshotamdas Thakurdas when he said that principles had changed, and asked, "Where will you

find Indians to sit on the Railway Board? Where will you find them?" Why should my friend Mr. Cocke go so far in search of men to sit on the Railway Board? We have here men like Sir Purshotamdas Thakurdas and Sir Victor Sassoon, who manage large industrial concerns worth many crores of capital. . . .

Sir Victor Sassoon (Bombay Millowners' Association: Indian Commerce): We only travel in railway carriages.

Mr. B. Das: Where technical work is concerned, they as directors are quite capable of guiding the technical advisers under them. Why should not Indian Members be on the Railway Board to direct the policy of the technical assistants who will be confined to the position of Directors? But, Sir, that is not the policy of the Government of India. It is a vicious principle that actuates always the policy of the Government of India and that is working behind it. Well, we wanted provincial autonomy—and we got directly. They gave us an Indian Governor, and Lord Sinha was appointed for a few months as the only Indian Governor of a province. We wanted Indian Executive Councillors, and the Government doubled, and in some cases trebled the existing number of Executive Councillors in the provinces, and they have been administering in some places one part of a minor subject, and that's how Indians have been given a so-called share in the administration of the country. Well, that is not the thing, Sir, that we want. We want real responsibility. We want to control the Railway Board. What is the use of saying that the Assembly control the railway management, when they defy the Indian public opinion and day by day Europeanise the Department, and when the Indian does not get a chance to control the activities of the Board!

Sir, I once said on the floor of this House, and I again repeat it, that ~~the Government of India~~ ^{Mr. 77,000} ~~that~~ ^{that} gave the chance to Board to do away with a number of Indians who were working as engineers and traffic officers. Today if one looks at the number of staff in the Railway Board, one finds very few Indians, and I am sorry my friend Mr. Kaul, a capable Indian Officer, passed away, and I understand an European takes his place. I hear that another European is going to occupy the post of Mr. Hayman when he vacates it. We are also told that a Traffic official of the Great Indian Peninsula Railway will come and take the place of Mr. P. R. Rau. Why this policy of distrust? Mr. Parsons has told us on numerous occasions on the floor of this House that he has got the highest respect for Indians in the Finance Department, to which service he once belonged though not at present. Well, can't you find another Indian to replace Mr. P. R. Rau or Mr. Hayman? But then there is the policy of distrust everywhere. You want to balance the power, as my friend Mr. Naogy says. It is the balance of power that you want to maintain. We want Indian Executive Councillors—all right you say you will add a few more; for instance, in the Bombay Government you have two Europeans and two Indians. So if Mr. Rau becomes the Financial Commissioner, you want to bring in an European, who is a Traffic official, who does not know the "F" of Finance. That is not the right thing. If we are the owners of the Indian railways, then we ought to have full control over our railway administration. I am not talking here politics. I am talking business. In our business management we exercise full control, but so far as the policy of railway administration is concerned, it has all gone the wrong way. If my friend Mr. Parsons, who had the privilege

[Mr. B. Das.]

to work with Sir Clement Hindley, is working out the theory that on various occasions was trotted out that *mistries'* sons should be trained in the school at Chandausi and then they will be fit to occupy the superior technical posts in the engineering department and other branches, then, I say unless there is some kind of a revolution that will do away entirely with the European element, there is no chance whatever for any Indian to occupy the position as a Member of the Railway Board.

Sir, I do not want to countenance the creation of this new post. The time has not come for it. There is the Royal Commission on Labour which will be coming out shortly; and let that body decide on your acts of commissions and omissions on labour problems.

My Honourable friend Sir George Rainy, for whom I have the highest respect, and who, I know, has a detached mind and keeps himself aloof from all political intrigues and scandals, and who always brings in a freshness of mind to all problems—my Honourable friend, Sir George Rainy, has been persuaded, I think, to adopt this course in order that, when the Royal Commission on Labour arrives in this country, it may be shown that there is a Labour Member on the Railway Board doing one-tenth of the work of examining questions of labour! May I ask Government, what they have done to organise trade unions among the labour population in the different railways? Have you encouraged it? I do not know if you have encouraged it. You have not instructed the Agents of the various railways to organise labour into proper trade unions so that they can deal with labour problems in a proper manner. ~~You have not given any help, any assistance~~ to the labour, to organise. You want probably to throw dust into the eyes of the Labour Commission to show that you are doing something.

Mr. K. Ahmed: The argument seems to be very dusty.

Mr. B. Das: Sir, I will be no party to the creation of this new post until I find that Government is loyal to India, and until the Government have two Indian Members out of the four Members on the Railway Board. Until that time I will be no party to any such proposal as is before the House. With regard to what has fallen from most of my Honourable friends, I agree that one of the four Members, whether he is a European or an Indian, can look into the labour questions, but he should have to possess a large and humane mind. I am not going to criticise the functions of Mr. Hayman, but it is problematic, how far as financier, who has all his life been dealing with financial problems, will look into labour questions, and, in the absence of any expression of the labour view point on the floor of the House, how far he will be successful we do not know. But I am glad to find one thing. Last year in the debate on the Railway Budget, when we brought the problems of social welfare to the attention of the Honourable the Railway Member, he thought that they were not within the compass of his purview at the time; but I am glad that, within a year, he has changed his view and he wants to have a Labour Member who will look into the social welfare of the labour population. There also without being charged by the Honourable the Railway Member that we are very suspicious, I will say this, that when we ask Government to ~~Indianise~~ the Railways, they try to Indianise from the bottom. They appoint a few more coolies and a few more clerks. But when you want

to look after the problems of labour they suddenly spring forth upon us a Labour Member on a high salary, with the proviso that nine-tenths of his time will be devoted to establishment problems, namely, those relating to superior services, and that he will do very little work on the labour side. Strange, indeed! Sir, with these few observations, I strongly oppose the creation of this new post in the Railway Board.

Mr. President: I do not know if Honourable Members desire that this debate should be carried over to Monday.

Several Honourable Members: No. Let the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

The Honourable Sir George Rainy: Sometimes, in this House, when speakers from the Opposition Benches are levelling an attack upon the Government I feel a certain difficulty in living up to the character that is attributed to me. For instance, when I hear the Government referred to as a Satanic Government, I never feel that I quite look the part. My Honourable friend, Mr. Das, today has put me in a new difficulty by drawing a picture of a Sir Galahad of such complete purity that probably he would not even venture into the Lobby. There, again, I have a certain difficulty in accepting the compliment at its face value.

Before I deal with the more important points which have been raised in the course of this debate, there are two small points which I should like to get out of the way at the outset. They are not, I think, very material to the main issue, but they were points about which there seemed to be some little difference of opinion. ~~One of them was raised by my Honourable friend, Mr. Jayakar. His statement was that the Standing Finance Committee had received a statement from a Member of the Railway Board that nine-tenths of his time was taken up by establishment questions leaving only one-tenth for labour work. That I think was the impression left upon my Honourable friend's mind. I am informed that what he certainly meant to say and what he believes he did say, was that nine-tenths were taken up by establishment questions, leaving only one-tenth for transportation, and that he regarded the establishment questions as including and covering labour questions. I should like to add from my own knowledge, and here I can speak positively, that one-tenth of his time would be wholly insufficient for dealing with the questions which come under the head of Labour. I have the best reasons for knowing that, when there is labour unrest in any railway workshop or on any railway system, much of the time of the General Member of the Railway Board is taken up in discussions of the matters in dispute, in endeavours to obtain further information from the Agents of the Railways, and I am afraid, to a large extent in trying to help the Railway Member of Council and explaining to him what the situation really means. The other point was raised by my Honourable friend, Sir Purshotamdas Thakurdas. He said that he was unable to understand how increased work fell on the Railway Board, when a company managed Railway was taken over, on account of the work that had to be done in connection with the higher officers of the Company who became officers of the State Railways. I think it arises mainly in this way~~

[Sir George Rainy,]

When we take over the Railway, the officers of the Company become the officers of Government and the higher officers acquire the status of officers appointed by the Secretary of State in Council. The result is they come under certain rules which give them considerable rights of appeal, in the first place, to the Government of India, and in the second place, to the Secretary of State. Not only may they appeal if they are brought under discipline in any way, but it is open to them to appeal if they consider that particular appointments should have been offered to them and they desire to make representations on the subject. I see a fair number of these cases myself not only when they have to be referred to the Secretary of State, but also when there is an appeal to the Government of India against the decision of the Railway Board. These, however, are comparatively small points and I should like to devote the greater part of what I have to say to the main points which have been raised in the course of the discussion.

I think, on the whole, the argument that has been most freely used against the proposals which I have put forward, is that the case for additional expenditure in order to create a new appointment of a Member of the Railway Board has not been fully made out. I have no right to complain of arguments of this character. It is the peculiar function of this House to challenge all proposals for new expenditure put forward by Government and to insist that Government should justify them fully, and when objections of that kind are raised, clearly no member of the Government has any right to complain. It is incumbent upon me therefore to satisfy Honourable Members opposite as far as I can, that there is a good case for the proposals which I have put forward. I have no great hope, it is true, of convincing my friend Mr. Jamnadas Mehta. I fear that in this matter his ignorance is invincible, and that no persuasive powers of mine will succeed in satisfying him on the point. I was, however, deeply touched by the almost lyrical enthusiasm with which he spoke of the Railway Board as at present organised, and it seemed to me that even the smallest change in its constitution would have caused him real pain. I have no doubt that the Members of the Railway Board will fully appreciate the compliment he has paid them. Mr. Mehta apparently regards Sir Clement Hindley's memorandum of 1922 or 1923 (I forget which year it belongs to) as the last word in railway administration, and thinks that we ought still to be guided by it to-day. I do not think there is anybody in this House who has a higher opinion of Sir Clement Hindley than I have, and that for very good reasons, but in the first place I do not admit that this is a question to be settled finally by any authority, however high, and in the second place I do not admit that the Honourable Member is entitled to assume that Sir Clement Hindley would regard the organisation which he recommended in 1922-23 as sufficient to meet present-day requirements.

Mr. Jamnadas M. Mehta: That is what he said.

The Honourable Sir George Rainy: That does not in the least follow. Now, my friend asked in what respect conditions have changed since 1922-23? Well, we have taken over the Great Indian Peninsula Railway, the East Indian Railway and the Burma Railways. That in itself must mean an inevitable addition of work at headquarters. Then again, there

have been very distinct changes as regards labour since 1922-23. As I tried to point out in my budget speech all these labour questions are being forced upon us with growing insistence. It is becoming more and more necessary that they should be studied. We must be ready to deal with the new situations which we cannot avoid, do what we will, and I cannot admit the validity of the argument that, because Sir Clement Hindley did not propose in 1922-23 the employment of a Labour Member in the Railway Board, therefore the House are justified in assuming that a Labour Member is not required now.

More than one Honourable Member but particularly my friend Mr. Aney—and I think my Honourable friend Sir Purshotamdas Thakurdas—said, "If the work at headquarters is becoming too heavy, why don't you decentralise, and get rid of the difficulty that way?" Now, the two big branches of work with which we are concerned in this discussion are rates and fares, that is the first, and establishment and labour questions—that is the second. Now, is the House quite sure that it wants decentralisation as regards rates and fares? As I pointed out recently—I forget on what occasion—when I go round and interview commercial bodies in various parts of India I have again and again been asked to see whether something cannot be done to promote the extension of through rates, which means that instead of each of the railway systems treating itself as a separate entity, we should have through booking from station to station, just as if all the railways constituted one system. We apply that system at present to coal but we do not apply it to other commodities. If that system is a good thing—and I think some extension of it is probably desirable—to this extent you cannot have decentralisation. We are treating the whole of the railways of India as a single system. Then again I have heard proposals that there should be greater uniformity in rates and fares, and we know it is frequently argued that if one railway reduces its rates and fares, then it is reasonable and fair that other railways should follow suit and do the same. If so, that again is a conception of the railway system of India which is not consistent with decentralisation, because it means that the Agents are not to have a free hand to carry out the policy that they think best for their own lines, but to a large extent they must be governed by the policy which commands itself to the Railway Board and to the Government of India. Turning now to the labour question, I would ask there also to what extent at present decentralisation is possible. We have to remember that in a movement which is fairly new, we cannot yet see our way fully and it might be a little dangerous to give a free hand to all Agents to do exactly what they choose in the matter. Apart from that, I have very good reason to know that, if on any particular railway, some concession is given, some increase of pay to a particular class of establishment, it is very apt to lead to demands for similar increases of pay in the same classes of staff and for other classes of staff on the other railways. There again, when you come up against the question of decentralisation becomes extraordinarily difficult, and I have never been able to feel myself that as regards this particular matter we can look forward to much relief through the avenue of decentralisation.

My Honourable friend Mr. Aney said this:

"Why do you want a new Member for the Railway Board? The responsibility for labour policy rests with the Department of Industries and Labour of the Government of India. Why then do you want to duplicate that machinery in another department?"

[Sir George Bainty.]

I fully agree that the general direction of policy as regards labour must rest with the Department of Industries and Labour, and it is precisely because I want to get into closer communication with them, to keep pace with them, that it seems to me desirable that we should have our own officials for dealing with the subject. It is precisely for that reason that I want the creation of the new appointment. The moment we have a separate member in the Railway Board to deal with labour and establishment questions, it will be possible to keep in closer touch with the Industries and Labour Department and I have every hope that things will develop on satisfactory lines. If we don't get the new appointment, I am afraid that difficulties may arise owing to insufficient touch.

One more remark of my Honourable friend I should like to refer to. He had not much use for what I said about "the human factor", which he seemed to regard as bit of sob-stuff inserted to enlist a little support from his side of the House. What was really in my mind was this. If an officer has from the nature of his work constantly to consider all the questions that come before him from a strictly commercial point of view, counting up the Pounds, Shillings and Pence, and making cheapness the primary virtue, then from the nature of the case he will be apt to regard all questions from exactly the same point of view. In dealing with labour problems, it is not a safe attitude to adopt exclusively. That is all I need say on that particular point.

I listened with great interest to the speech made by my Honourable friend, Sir Purshotamdas Thakurdas. No one in this House has a better right to speak on railway questions than he, and there is no one, I am sure, to whom the House will more readily listen. He was good enough to say that it was with reluctance, and only after full consideration, that he found himself unable to agree with me. I should like to return the compliment and say that it was only with reluctance and after the very best consideration I could give to the question, that I found it necessary to disagree with him. (Cheers from Opposition Benches.) I think that the organisation which was in his mind, and which he would like to see in the Railway Department, differs rather substantially from the organisation which we have at present. I admit that all the quotations which he read from the Inchope Committee's Report and the Acworth Committee's Report do give a good deal of support to an organisation in which the men at the top would not be experts, would only deal with the general direction of policy, and would leave the detailed execution of policy to the people below them. I can conceive that the railways of India might be administered on such lines, but the point I should like to bring out is that that is not the form of the organisation which we have at present. As things stand at present, the Members of the Railway Board and the Chief Commissioner, are experts in railway work, and the Financial Commissioner is an expert in finance. Together they constitute the Board. It is of the nature of an executive committee rather than a committee directing policy. We none of us know what the future may have in store for us as regards constitutional reform or changes in organisation. But what I had to deal with was the organisation that exists at present, and it seemed to me that the proper remedy for our difficulties was the addition of one more Member, so that labour and establishment questions might receive their full share of attention on the one side, and traffic and

commercial problems might receive their full share on the other side. I was not contemplating any radical departure from the existing scheme, and if I thought that my proposal did involve any radical departure from the present scheme I should not have put it forward.

My Honourable friend Mr. Jayakar realised clearly what the present organisation means—I am quoting his own words which I took down at the time—"The Board should be", he said, "a small expert group of a few men and the smaller the better." If I thought that the creation of the new appointment—the addition of one Member to the Board—was going to turn the Board into a collection of departmental heads, instead of being a body which tried to deal with the questions that came before them from the point of view of efficient commercial administration of the railways, I should withdraw my proposal. But I do not think that there is real danger of that, and I do not think there is a real danger of this new appointment becoming a precedent for the creation of many other new appointments.

My Honourable friend referred to one possibility that we might take over the administration of roads. I can only say that I hope we shall not do so in any time, because I have quite enough on my hands with the railways. But supposing it happened, and supposing on that ground it was suggested that there should be another Member of the Railway Board, is that really an analogy? In this case we are not taking over anything new, but are merely proposing a new appointment to deal with the work already there, which has developed out of what has always been there. Therefore I cannot say I am much impressed by the fear expressed that we might begin to multiply appointment on appointment and gradually increase the size of the Railway Board beyond all measure.

My Honourable friend said that the true ideal of the way the Railway Board should carry on its work was that they should take a bird's eye view of important problems and not allow themselves to become immersed in detail. I entirely agree. It is precisely because they are too much immersed in detail at the present moment that I am proposing to provide a scheme which will prevent that result. And while I am on this subject I should like very briefly to refer to the suggestion that the Chief Commissioner should have a portfolio of his own, perhaps taking over the labour work. In the first place I should regard that as a very serious departure from the scheme adopted in 1922-23 after the Acworth Committee had reported, because one of the main points in that scheme was that the Chief Commissioner should be regarded as the expert adviser of the Government of India on all questions connected with railways, and that he should have power to overrule his colleagues. If he is to have that power, and if his advice is always to be the advice, by which in the last resort the Government of India is to be guided, it is most important that he should not have a portfolio of his own and become immersed in the details of that portfolio, but should be free to review the whole of the work of the Board and advise accordingly.

There were several points which were raised, Mr. President, by other Members who spoke, but I do not wish to go deeply into them today. There is, however, one remark which was made by my Honourable friend, Mr. Sessa Ayyangar, who asked whether the creation of a rates tribunal

[Sir George Rainy.]

might not to some extent diminish the need for this new Member. I am afraid the only answer I can give is very emphatically in the negative. It seems to me that, if you create a rates tribunal, the immediate result would be a very great increase of the work in the traffic department of the Railway Board Office; for this reason, that it would be necessary for all the railway administrations in India to prepare their cases, to be laid before the rates tribunal and a large number of general questions would emerge, upon which it would be necessary for the Railway Board to instruct the railway administrations as to the lines they were to follow. What the ultimate result might be I do not know, but the immediate result would be an increase of work. If the Honourable Member contemplates that the rates tribunal should revise the whole of the rates throughout India, it would take a long time, probably not less than five years, and during these five years the traffic department of the Railway Board's office would be worked much harder than now.

I shall not delay the House, Mr. President, much longer. Honourable Members have as usual been extraordinarily kind in their references to myself, although my Honourable friend Mr. Jamnadas Mehta thinks that I slipped up a bit when I announced what the intentions of the Government of India would be, supposing the new appointment comes into existence. I do not complain of his criticism at all, but I think that most Members of this House recognise that I acted with no sinister motive, but under the impression that, while it was not for me to volunteer the announcement, it was almost impossible for me to refuse one when it was definitely asked for on the floor of the House. That is all I wish to say on that particular point. I do not wish to speak at any length on the question of Indianisation, because it has not played a large part in most of the speeches delivered. But, may I say this, that I fully understand the view expressed not only by my Honourable friend Mr. Jayakar but by other Members, and of the ardent desire which Honourable Members opposite have to see their own countrymen appointed to the existing Memberships of the Railway Board. I respect that desire, but at the same time I want to see them appointed on their merits. I expect to see them appointed on their merits. After all, in spite of what was said by my Honourable friend Mr. Das, it is not quite true that you can pick up anyone at random and say: "Will you kindly administer the traffic department, or will you take on the Engineering Department?" As we all recognise, we must have expert knowledge and great experience in our railway administrators. There are difficulties at present, as the House quite well knows, about meeting the wishes of the House, in that respect.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Will the Honourable Member tell us what the tests are? Will he agree to a Committee of officials and non-officials of this House to judge whether there are Indians who fully satisfy the tests that may be imposed upon them? I make this offer, that I will give the names of several gentlemen, and I will challenge anybody to say that they do not fully satisfy the requirements of the Railway Board, either for technical knowledge or financial knowledge. (Hear, hear.)

The Honourable Sir George Rainy: Sir, I regret that I cannot give an undertaking to devolve upon a Committee of this House a function which quite definitely is the function of the Government of India.

Pandit Madan Mohan Malaviya: That is what we all complain of. It is a despotic system which does not take into account the feelings of the people.

Mr. Jamnadas M. Mehta: Or their merits.

The Honourable Sir George Rainy: I will now try to resume the thread of what I said. Not having the same practice in speaking as my Honourable friend, I am a little bit lost. I do not in the least complain of his interruption, but it is a little embarrassing for those of us who have not had so much of practice in speaking in public.

Mr. President: Order, order. The Honourable Member was not bound to give way if he thought so.

The Honourable Sir George Rainy: I entirely recognise that, and I merely desired to apologise for my own unreadiness to take up the thread of my speech; I am not in the least complaining of the Honourable Member's interruption. What I wish to say is this. Assuming that we find ourselves unable to meet the wishes of Members on the other side completely, we do make every effort to meet them as far as we can. I do hope that Honourable Members on the other side will not accuse us of trying, by a subterfuge, to give them something less and something different from what they asked for. We are at least doing our best to comply with the wishes of this House, and I do not in any way admit that we need be at all ashamed of the action that we propose to take from the point of view of Indianisation. It is a matter in which I personally take a great interest and I should be very sorry if Honourable Members opposite should attribute to me an unfair motive of which I am not conscious. Now, Sir, the House will have to decide this important question as to whether the proposal of the Government of India is to be accepted or not. I would only very briefly in conclusion ask the House to weigh well before they commit this House to a vote which by many would be regarded, and by a great many would certainly be represented as adverse to labour.

Mr. Jamnadas M. Mehta: Not a bit.

The Honourable Sir George Rainy: I know that is not what is in the mind of the Honourable Members opposite, but quite clearly they will have to keep in view what people in India and outside India will be inclined to say with regard to it. Almost the only words which I regret in the speech of my Honourable friend Sir Purshotamdas Thakurdas were those in which he referred to the Geneva Convention, mentioning that, there are other countries which had failed to satisfy their obligations under the convention, and saying that, if we had to wait for another two years before we carried out our obligations, it did not very much matter. I think it would be very regrettable if that were to be taken to be the general feeling of the House, because India has an excellent record as regards the carrying out of its international obligations. I feel it almost with a sense of shame that, in this particular matter in the Railway Department, I cannot claim that we have fully satisfied our obligations. For this reason, I trust that no consideration of that kind will influence Honourable Members of this House to vote against the Government proposal. That, Sir, I think really concludes what I have to say. Before sitting down, I desire once more to thank Honourable Members for their kindly references to myself, and also to express the hope that nothing that I have said has wounded Honourable Members opposite.

Mr. President: The question is:—
 "That the demand under the head 'Railway Board' be reduced by Rs. 64,000."

The Assembly divided:

AYES—43.

Abdul Matin Chaudhury, Maulvi.	Misra, Mr. Dwarka Prasad.
Aiyangar, Mr. C. Duraiswamy.	Mitra, Mr. S. C.
Aney, Mr. M. S.	Moonje, Dr. B. S.
Ayyangar, Mr. M. S. Sesha.	Mukhtar Singh, Mr.
Badi-uz-Zaman, Maulvi.	Murtaza Sahab Bahadur, Maulvi
Belvi, Mr. D. V.	Sayyid.
Bhargava, Pandit Thakur Das.	Naidu, Mr. B. P.
Birla, Mr. Ghanshyam Das.	Nehru, Pandit Motilal.
Chetty, Mr. R. K. Shanmukham.	Neogy, Mr. K. O.
Das, Mr. B.	Pandya, Mr. Vidya Sagar.
Das, Pandit Nilakantha.	Phookun, Sriput T. R.
Dutt, Mr. Amar Nath.	Purshotamdas Thakurdas, Sir.
Goswami, Mr. T. C.	Rang Behari Lal, Lala.
Haji, Mr. Sarabhai Nemchand.	Shafee, Maulvi Mohammad.
Hans Raj, Lala.	Shervani, Mr. T. A. K.
Iswar Saran, Munshi.	Siddiqi, Mr. Abdul Qadir.
Jeyakar, Mr. M. R.	Singh, Kumar Rananjaya.
Jogiah, Mr. V. V.	Singh, Mr. Gaya Prasad.
Kelkar, Mr. N. C.	Singh, Mr. Narayan Prasad.
Kunzru, Pandit Hirday Nath.	Singh, Mr. Ram Narayan.
Mahavir, Pandit Madan Mohan.	Sinha, Kumar Gangnanand.
Mahta, Mr. Jamnadas M.	Sinha, Mr. Siddheshwar Prasad.

NOES—53.

Abdul Aziz, Khan Bahadur Mian.	Lall, Mr. S.
Abdullah Haji Khan Bahadur.	Lamb, Mr. W. S.
Haji.	Lindsay, Sir Darcy.
Ahmed, Mr. K.	Mitra, The Honourable Sir Bhupendra
Alexander, Mr. William.	Nath.
Alison, Mr. W.	Moore, Mr. Arthur.
Ashrafuddin Ahmed, Khan Bahadur	Muhammad Nawaz Khan, Sardar.
Nawabza Sayid.	Mutharji, Rai Bahadur A. K.
Bajpai, Mr.	Mukherjee, Mr. S. C.
Bower, Mr. H. M.	Pearsons, Mr. A. A. L.
Bray, Sir Den.	Shimulla, Mr. Fasal Ibrahim.
Chalmers, Mr. A.	Sinay, The Honourable Sir George.
Chatterjee, the Hon. J. C.	Rajan Bakhsh Shah, Khan Bahadur
Coatman, Mr. J.	Makhdom Syed.
Cocks, Mr. H. G.	Ranga Iyer, Mr. C. S.
Cosgrave, Mr. W. A.	Rao, Mr. V. Panduranga.
Crawford, Colonel J. D.	Row, Mr. K. Sanjiva.
Crerar, The Honourable Mr. J.	Roy, Rai Bahadur Tarit Bhushan.
Dakhan, Mr. W. M. P. Ghulam Kadir	Sams, Mr. H. A.
Khan.	Sassoon, Sir Victor.
Dalal, Sardar Sir Bomanji.	Schuster, The Honourable Sir George.
French, Mr. J. O.	Shah Nawaz, Mian Mohammad.
Ghazanfar Ali Khan, Mr.	Shillidy, Mr. J. A.
Ghuznavi, Mr. A. H.	Singh, Rai Bahadur S. N.
Graham, Mr. L.	Stevenson, Mr. H. L.
Hira Singh, Brar, Sardar Bahadur,	Sykes, Mr. E. F.
Honorary Captain.	Webb, Mr. M.
Hussain Shah, Sayyid.	Yamin Khan, Mr. Muhammad.
Ismail Khan, Mr. Muhammad.	Young, Mr. G. M.
Keane, Mr. M.	

The motion was negatived.

The Assembly then adjourned at Eleven of the Clock on Monday, the 25th February, 1929.