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THE  
**LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

Volume IV

*(7th July to 18th July, 1930)*

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**SEVENTH SESSION**

OF THE

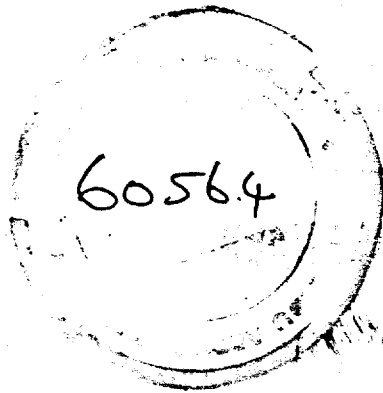
**THIRD LEGISLATIVE ASSEMBLY**

**1930**



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1930

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## Legislative Assembly.

### *President.*

THE HONOURABLE MAULVI MUHAMMAD YAKUB.

### *Deputy President.*

SIR HARI SINGH GOUR, KT., M.L.A.

### *Panel of Chairmen.*

MR. M. A. JINNAH, M.L.A.

MR. M. R. JAYAKAR, M.L.A.

SIR HUGH COCKE, KT., M.L.A.

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

### *Secretary.*

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

### *Assistant of the Secretary.*

RAI SAHIB D. DUTT.

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

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VOLUME IV—1930.

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LEGISLATIVE ASSEMBLY.

*Monday, 7th July, 1930.*

The Assembly met in the Assembly Chamber in Simla at Eleven of the Clock, being the first day of the Seventh Session of the Third Legislative Assembly, pursuant to S. 63-D (2) of the Government of India Act. Mr. Deputy President (Maulvi Muhammad Yakub) was in the Chair.

MEMBERS SWORN.

The Honourable Sir Joseph William Bhore, K.C.I.E., C.B.E. (Member for Industries and Labour) ; Mr. Naranaswami Ayyar Natesa Ayyar, M.L.A. (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) ; Mr. Gogineni Ranganayakulu, M.L.A. (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) ; Khan Bahadur Ardeshir Hormusjee Mama, M.L.A. (Sind : Non-Muhammadan Rural) ; Rao Bahadur Dongarsing Ramji Patil, M.L.A. (Bombay Central Division : Non-Muhammadan Rural) ; Mr. Eric Studd, M.L.A. (Bengal : European) ; Mr. L. C. Buss, M.L.A. (Bengal : European) ; Mr. Badri Narain, M.L.A. (Cities of the United Provinces : Non-Muhammadan Urban) ; Mr. Budh Perakash, M.L.A. (Meerut Division : Non-Muhammadan Rural) ; Mr. Raghuber Singh, M.L.A. (Agra Division : Non-Muhammadan Rural) ; Mr. L. Narendra Pratap Sahi, M.L.A. (Fyzabad Division : Non-Muhammadan Rural) ; Rai Bahadur Lala Panna Lal, M.L.A. (Ambala Division : Non-Muhammadan) ; Pandit Chuni Lal, M.L.A. (Jullundur Division : Non-Muhammadan) ; Dr. Nand Lal, M.L.A. (West Punjab : Non-Muhammadan) ; Mr. Bishwa Nath Misra, M.L.A. (Orissa Division : Non-Muhammadan) ; Sardar Jayawantsinhji Ranmalsinhji, M.L.A. (Bombay Northern Division : Non-Muhammadan Rural) ; U. Dwe, M.L.A. (Burma : Non-European) ; Rao Sahib Baburao Ramji, M.L.A. (Berar Representative) ; Mr. Girja Shankar Bajpai, C.I.E., C.B.E., M.L.A. (Government of India : Nominated Official) ; Mr. Hubert Arthur Sams, C.I.E., M.L.A. (Director General of Posts and Telegraphs) ; Mr. Tin Tüt, M.L.A. (Department of Industries and Labour : Nominated Official) ; Mr. Rama Shankar Bajpai, J.B.E., M.L.A. (Director of Public Information) ; Mr. James Carlyle

( 1 )

Stodart, M.L.A. (Madras : Nominated Official) ; Mr. Alfred Charles Turner, M.B.E., M.L.A. (United Provinces : Nominated Official) ; Mr. A. Appadurai Pillai, M.L.A. (Madras : Nominated Official) ; Mr. Abdullahia Oosmanmia Koreishi, M.L.A. (Bombay : Nominated Official) ; and Mr. Guru Saday Dutt, M.L.A. (Bengal : Nominated Official).

### GOVERNOR GENERAL'S ASSENT TO BILLS.

**Mr. Deputy President :** I have 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 :

1. The Provident Funds (Amendment) Act, 1929.
2. The Dangerous Drugs Act, 1930.
3. The Indian Sale of Goods Act, 1930.
4. The Indian Contract (Amendment) Act, 1930.
5. The Transfer of Property (Amendment) Act, 1930.
6. The Prisons (Amendment) Act, 1930.
7. The Indian Patents and Designs (Amendment) Act, 1930.
8. The Repealing and Amending Act, 1930.
9. The Cantonments (House-Accommodation Amendment) Act, 1930.
10. The Insolvency Law (Amendment) Act, 1930.
11. The Indian Tariff (Amendment) Act, 1930.
12. The Steel Industry (Protection) Act, 1930.
13. The Inland Steam-Vessels (Amendment) Act, 1930.
14. The Indian Railways (Amendment) Act, 1930.
15. The Indian Finance Act, 1930.
16. The Transfer of Property (Amendment) Supplementary Act, 1930.
17. The Cotton Textile Industry (Protection) Act, 1930.
18. The Silver (Excise Duty) Act, 1930.
19. The Indian Companies (Amendment) Act, 1930.
20. The Destructive Insects and Pests (Amendment) Act, 1930.
21. The Indian Income-tax (Amendment) Act, 1930.
22. The Indian Income-tax (Second Amendment) Act, 1930.
23. The Indian Income-tax (Third Amendment) Act, 1930.

### STATEMENT LAID ON THE TABLE.

#### INTRODUCTION OF AN ELECTIVE ELEMENT INTO THE PESHAWAR MUNICIPAL COMMITTEE.

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to starred question No. 511 asked by Maulvi Muhammad Yakub on the 12th March, 1930, regarding the introduction of an elective element into the Peshawar Municipal Committee.

(a) (i) Yes.

(ii) No. The Extra Assistant Commissioner, who was appointed, resides in the suburbs of the city of Peshawar and is fully cognizant of the conditions in that city.

(iii) No.

(iv) The majority of the inhabitants refused to give any reliable information regarding their financial status, as they were afraid that the information might be used in connection with the assessment of income-tax. Considerable difficulty was, therefore, experienced in preparing electoral rolls. When the rolls were published for inviting objections, the general public showed no disposition either to apply for registration or to point out inaccuracies and omissions until the period which was allowed for submission of objections had almost expired. Applications were then received that the period for receiving objections should be extended and that the entire programme of elections should be altered. The rules, however, did not permit of the period being extended and the request had, therefore, to be refused.

(v) There is no record of any such applications having been sanctioned.

(b) Does not arise.

### THE INDIAN LAC CESS BILL.

#### PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I present the Report of the Select Committee on the Bill to provide for the creation of a fund for the improvement and development of the cultivation, manufacture and marketing of Indian lac.

### THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL.

**The Honourable Sir George Schuster** (Finance Member) : I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, be referred to a Select Committee consisting of the Honourable the Deputy President, Sir Cowasji Jehangir, Mr. B. Das, Mr. Fazal Ibrahim Rahimtulla, Mr. Kikabhai Premchand, Mr. W. Alexander, Mr. H. Shankar Rau, Mr. A. H. Ghuznavi, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

**Mr. Deputy President :** Motion moved :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Sir Cowasji Jehangir, Mr. B. Das, Mr. Fazal Ibrahim Rahimtulla, Mr. Kikabhai Premchand, Mr. W. Alexander, Mr. H. Shankar Rau, Mr. A. H. Ghuznavi, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

(After a pause.)

The question is :

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Sir Cowasji Jehangir, Mr. B. Das, Mr. Fazal Ibrahim Rahimtulla, Mr. Kikabhai Premchand, Mr. W. Alexander, Mr. H. Shankar Rau, Mr. A. H. Ghuznavi, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

As many as are of that opinion will say "Aye".....

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : On a point of order, Sir.....

**Mr. Deputy President :** But the Honourable Member did not rise in his seat when the motion was moved.

**Dr. Ziauddin Ahmad :** But I wanted to move a point of order.....

**Mr. Deputy President :** When the question is being put, how can the Honourable Member rise to a point of order ?

The motion was adopted.

#### THE INDIAN FOREST (AMENDMENT) BILL.

**Mr. G. S. Bajpai** (Government of India : Nominated Official) : I beg to move for leave to introduce a Bill to amend the Indian Forest Act, 1927, for a certain purpose.

**Mr. Deputy President :** The question is :

"That leave be given to introduce a Bill to amend the Indian Forest Act, 1927, for a certain purpose."

The motion was adopted.

**Mr. G. S. Bajpai :** I introduce the Bill.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : What is "kuth" ?

**Mr. G. S. Bajpai :** It is a root.

#### THE INDIAN TELEGRAPH (AMENDMENT) BILL.

**The Honourable Sir Joseph Bhore** (Member for Industries and Labour) : I beg to move for leave to introduce a Bill further to amend the Indian Telegraph Act, 1885, for a certain purpose.

The motion was adopted.

**The Honourable Sir Joseph Bhore :** I introduce the Bill.

#### THE BOMBAY CIVIL COURTS (AMENDMENT) BILL.

**The Honourable Mr. H. G. Haig** (Home Member) : I beg to move for leave to introduce a Bill further to amend the Bombay Civil Courts Act, 1869, for a certain purpose.

The motion was adopted.

**The Honourable Mr. H. G. Haig :** I introduce the Bill.

#### DEMANDS FOR SUPPLEMENTARY GRANTS.

##### HOME DEPARTMENT.

**The Honourable Sir George Schuster** (Finance Member) : I beg to move :

"That a supplementary sum not exceeding Rs. 32,000 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, 1931, in respect of 'Home Department'."

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : I sent a token cut in connection with this motion, but unfortunately it was not delivered, and now I have to speak on the motion. In the first place, I object to the words "Reforms Department" here, because I have got in my mind one definition of reform and my interpretation of reform is this ; that the powers now vested in the Secretary of State may be transferred to the Government of India, and the powers now vested in the Government of India may be transferred to the Legislative Assembly. If a thing of this kind happens, then I will call it a reform, but if one simply changes the organisation without definitely transferring power either from the Secretary of State to the Government of India or from the Government of India to the Legislative Assembly, then I do not call it a reform. The office dealing with changes in organisation cannot be called a Reforms Office. So, I object to the words "Reforms Office" ; it would be better to call it "Transform Office", because the Simon Commission has not recommended any reform which this office deals with. The office interests itself in the transformation and not the reformation of the machinery of Government.

There is a second point to which I would like to draw attention and that is this. The Honourable the Home Secretary, now the Home Member, definitely promised to a deputation that he would look after the interests of the Muhammadans in the Secretariat appointments, and we at least thought at that time that the promises....

**Mr. Deputy President :** Questions of policy cannot be discussed on a supplementary grant.

**Dr. Ziauddin Ahmad :** I want to oppose it.

**Mr. Deputy President :** But this is a question of policy which the Honourable Member wants to discuss.

**Dr. Ziauddin Ahmad :** The thing is this. I wanted simply to draw attention, but if it be out of order, I withdraw it. I wanted to draw attention to the fact that, in this new Department, the Home Secretary has entirely ignored the claims of Muhammadans : not only this, but the appointments have gone to the members of the same family. But if you think that I am out of order in raising this question at this stage, then I resume my seat.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir, I should like to say just one word. This Demand is at least partly connected with the Report of the Indian Statutory Commission. Those of us who boycotted the Simon Commission voted against this Demand in the Standing Finance Committee, and we wanted our protest to be recorded, which has been done. But as the issue raised now will be covered substantially on a Demand which is coming up later on, I do not want to raise a debate on this occasion, but we on this side of the House would reserve our comments or protest till then. That is all I wish to say just now.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadian Rural) : Before the House disposes of the motion before us, I should like to know what exactly is going to be the work of this Reforms Office. I do not believe I shall go into the terminological diversions to which my Honourable friend referred. It is not very material whether you call it a "Reforms Office" or a "Transform Office". Whether it is a Reforms Office or a Transform Office, or Deform Office, or whatever else it may be, the fact is there, that there is going to be some office of this kind. I do not like to give out the secrets of the Standing Finance Committee, as my Honourable friend, Mr. Gaya Prasad Singh, tried to do, but I certainly think that there is nothing wrong in saying that we must have as much information as possible as to the work that this office is going to do, before we give our sanction to the money that is asked for. I believe this would be a very legitimate request to make. I do not believe that my Honourable friend was right there, when he said that this grant is going to be applied in connection with the Simon Commission's Report or any thing of that kind. As I understand, this Reforms Office, would deal practically with the ministerial work in connection with all papers bearing on the general subject of reforms. Some of my own schemes have been sent up to that office, or to some office in connection with the Home Department, and I believe I got an acknowledgment of them by somebody calling himself an officer of the Reforms Office. So I take it for granted that all schemes and papers connected with the coming reforms are being dealt with there ; but I admit it is not for me to guess. It is for the Government to place before us all the facts. We have a right to demand what exactly this office is going to do, and I think the information ought to have been given. It is the duty of the Government to place before the House all the available facts relating to the work that this office has been doing till now and to what work it will do in the near future. We want to know whether this office will serve the purpose for which I hope it has been created. I think we want more information if we are expected to give an intelligent vote on the motion before the House.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadian Rural) : Sir, I do not share the opinion of the Honourable Member who preceded me. With the Report of the Simon Commission that we have in hand, and especially the second volume, I think it would have been better for the Government not to press for a supplementary grant. We know that ours is a voice crying in the wilderness. We know that whatever advice we may give to Government, they will not be guided by our advice, even if that advice be the best under the circumstances possible, but we have also a duty to the taxpayers of our country, and however insignificant the sum may appear to the Government who deal in crores, this sum of Rs. 32,000 is certainly not an insignificant amount for the vast

starving millions of the people of India. After the publication of the second volume of the Simon Report, it were well for the Honourable the Home Member if he had seen his way to set fire to all that related to the reforms inquiry and the Reforms Office and thereby save India this sum of Rs. 32,000. There is no need of further reforms if you, in the name of reforms, persist in the way in which you have been persisting. You come before us with grandiloquent phrases about Dominion Status and Federal States. Formerly, those phrases were "Colonial form of government" and the like. But you have not read the unmistakable signs of the times. If you still harp on the reforms, you may as well go back to the constitution of the good old days of the East India Company and say, "Let us have a company of traders who traded in India and tried to exploit India as far as possible". You might even instal a puppet Moghul Emperor on the throne of Delhi, and by showing him all outward semblance of respect, as you did, occupy the whole country and administer it according to your sweet will and desire. But do not speak of reforms. Your history has been one of broken pledges. The country is sick of it. There is hardly any left in the country who has any faith in you. You know all these things, and knowing them as you do, you still persist in your own career for you want to have the loaves and fishes of the service—steel frame as they call it—for your children, your children's children, for centuries to come, if possible. You want to have a market for your manufactured cloth in order to feed the labourer of your country. In all these you have not got a programme for the labourers of this unhappy land who feed you and clothe you. Then take off your mask, if you are going to rule this country for your own interests and say, "We shall rule you with Ordinances and with martial law".

**Mr. Arthur Moore** (Bengal : European) : Is the Honourable Member in order in asking you to take off your mask ? (Laughter.)

**Mr. Deputy President** : Mr. Amar Nath Dutt.

**Mr. Amar Nath Dutt** : The Honourable Member is one of those whom I am addressing. He styles himself a "Statesman and Friend of India". We all know what kind of friend he is. Shall I not be justified if I ask him to take off his mask and style himself "commander and exploiter of India" ? As I was submitting before the House, you can very well relieve the Indian taxpayer of this sum of Rs. 32,000 by burning all the papers which you have in the Reforms Office. If you require a small match stick to light the heaps of rubbish in the Reforms Office, the Indian taxpayer will gladly offer it. It is a shameless exposition of the present methods of Government which still, in the face of the unanimous opposition to the recommendations of the Simon Commission, comes before us and says, "We have still to continue the Reforms Office and you are to grant money". We on our part are certainly not going to grant it. We are going to refuse it, although we know that you, with your official majority, and the majority which you are now commanding as a result of the policy, which you have been pursuing and which has taken away from this Assembly all that is best in India, will carry your view. But there is a higher tribunal.....

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : Sir, is it Parliamentary to say that the Government have driven away all that is best in India ?

**Mr. Deputy President :** There is nothing wrong.

**Mr. Amar Nath Dutt :** As I was submitting, you may be able to carry this motion, but that will not be with the help of the vote of the representatives of the people of India. We are not going to be a party to any such thing. The Honourable the Home Member comes as a stranger to us (*Voices : "No, no."*) He may not be a stranger to some of us, but he is a stranger at least to me. He was in the other House so long. He has now chosen to come to us. I wish he could see his way to accept our suggestion not to press for this supplementary grant. Even the warm heart of Sir George Schuster, when confronted with the prayers and supplications and, shall I say, orders, of a colleague who happens at the present moment to rule this vast continent, may give way. We told the Honourable the Finance Member that we could not be a party to this and he was pleased to have it on record in the minutes of the Standing Finance Committee that there were people who did not approve of this expenditure. Probably, the Honourable Mr. Haig is unaware of these facts. I once more appeal to him to withdraw this motion.

**The Honourable Mr. H. G. Haig (Home Member) :** Sir, perhaps I may be permitted to make a few remarks in explanation of the Supplementary Demand. I think it must be within the knowledge of Honourable Members that, for some considerable time past, we have had in the Home Department a Branch dealing with the revision of the constitution, and collecting the enormous amount of material which has to be collected, sifted and arranged, in order that the Government of India, as the period of intensive consideration approaches, should be able to deal with this complicated problem with the greatest possible despatch. Well, Sir, now that this period of intensive consideration is upon us, the work is really outgrowing the capacity of the Home Department and indeed it can no longer be urged that it concerns only the Home Department. It is a matter which concerns the whole of the Government of India and every Department in it. Therefore, it was considered necessary that a separate Branch should be formed—we gave it the name of Reforms Branch, but you might call it anything you like, "Revision Branch" or anything you please—and that that should operate independently of any particular Department. At the same time, as the work was increasing, it was felt necessary to give the Branch some assistance in the way of additional staff, and that is the purpose for which this Supplementary Demand is presented. I do not know that I need add anything more. Possibly I should say a word with reference to what was said by the Honourable Member who disclaimed all acquaintance with me. (*Laughter*). I think he possibly belongs to that school which believes that these extremely intricate constitutional questions can be solved by merely uttering a phrase, that one arrives at the solution by some system of direct inspiration. But the Government of India feel that that is not the way in which the problem is to be approached, but that they must really apply their minds to the extremely complicated details of this very important problem. It is to enable them to do this, Sir, that we ask for this Supplementary Demand.

**Mr. Deputy President :** The question is :

"That a supplementary sum not exceeding Rs. 32,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1931, in respect of 'Home Department'."

The motion was adopted.

## MISCELLANEOUS.

**The Honourable Sir George Schuster :** Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 15,50,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March, 1931, in respect of 'Miscellaneous'."

As the amount of this Supplementary Demand is a very large one, I think it is proper that I should give this House some explanation of the position. Those who have read the Report of the Standing Finance Committee will realise that this sum is required to meet claims for compensation to lascars and their dependants for loss and damage caused by enemy action during the war. That is an account which ought to have been settled long ago, but owing to the peculiar circumstances which apply to lascars, it is realised now that all the claims which deserve consideration have not been sent in; and we have had to make an estimate of what further claims are likely to come in. A fixed date has now been settled, beyond which further claims will not be considered, so that I think we may take it that this represents the final amount which is likely to come up for payment under this head. It is perhaps unfortunate that, in a year like the present, we should have had to come forward for an additional demand of this magnitude, but there is something reassuring which I can say to this House on the matter. The payment of these war claims has always been regarded as a first charge on the reparation receipts which are accruing to the Government. Formerly, as Honourable Members are aware, those reparation receipts were added to the annual provision for the reduction or avoidance of debt, but as provided by a clause in the Finance Bill of last year, we are now taking those reparation receipts to revenue. Therefore, any deduction from them would fall now upon our revenue. But in this particular year, since the beginning of the financial year, we have learnt that we shall receive an amount of about Rs. 31 lakhs on account of Austrian reparations, so that we have that unexpected windfall to our credit to balance this unexpected and large amount to our debit, and on balance the financial results for the year, as arising out of this particular account of war receipts and war claims, will be improved. I hope, Sir, that will be reassuring to Members of the House, and I do not think that any further explanation is called for on this vote.

The motion was adopted.

## RESOLUTION RE PREVENTION OF INDUSTRIAL ACCIDENTS.

**Mr. Deputy President :** The House will now resume discussion on the following Resolution moved by the Honourable Sir Bhupendra Nath Mitra on the 31st March, 1930 :

"This Assembly, having considered the Recommendation concerning the prevention of industrial accidents and the Recommendation concerning responsibility for the protection of power-driven machinery adopted at the Twelfth Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents and that the results of this examination should be placed before this Assembly within eighteen months from this date."

**Maulvi Abdul Matin Chaudhury (Assam : Muhammadan) :** Sir, I cannot help expressing my deep regret that the Government have not yet found it possible to accept the Recommendation of the International

[Maulvi Abdul Matin Chandhury.]

Labour Conference. Now, Sir, when the question is being postponed pending further investigation, I should like to offer one or two brief remarks on this Resolution. This Recommendation, Sir, embodies certain general principles about the prevention of industrial accidents and is meant as a guide to less progressive countries to adopt measures which have been found to be of great value in other progressive countries. Part I of the Recommendation says :

“Whereas the foundations of the study of accident prevention are

- (a) enquiry into the causes and circumstances of accidents,
- (b) the study, by means of statistics of accidents in each industry as a whole, of the special dangers which exist in the several industries, the ‘laws’ determining the incidence of accidents and, by comparison over a series of years, the effect of measures taken to avoid them ;

The Conference recommends that each Member should take the necessary steps, by means of legislative or administrative action, effectively to ensure the collection and utilisation of the above information.”

Now, Sir, this part of the Recommendation lays stress on two points. Firstly, the need for scientific research and, secondly, the collection of statistics for international comparison. The research, if it is to be fruitful, must involve all the factors, human and material, that are involved in the causation of accidents. I need hardly explain to this House, that, by material factors, we mean questions like the protection of machinery, the prevention of the installation of unfenced machinery, ventilation, light, questions relating to the hygienic condition of workshops, and similar other questions. By human factors are meant those factors which arise out of the physical and mental condition of the workers ; factors like industrial fatigue, the question of rest and hours of work and such other questions. I am not aware, Sir, that the Government of India have ever considered it their duty to make any thorough and systematic investigation into these matters, and I hope that this Recommendation will stimulate their effort in that direction.

As regards statistics, the need for the collection of the statistics for international comparison is universally recognised. I should like to read out to the House, in this connection, the opinions of the various Governments in Europe. The German Government, for instance, considers that, in the absence of comparable accidents statistics, it is impossible to draw any conclusion from the result of experience in different countries. The Austrian Government is of the same opinion and adds that the compilation and development of statistics are essential for the safety of the workers. The Government of Holland do consider that international accidents statistics form a highly important guide for the prevention of accidents, and refer particularly to the compilation of statistics, from which conclusions could be drawn as to the danger to certain machinery and certain trade. The French Government regard the industrial accidents statistics as a most valuable source of information. The British Government consider that uniformity of statistics is very desirable and would be in favour of any practical steps that can be taken to ensure it.

As against all these, Sir, the Government of India hold a very peculiar view on the subject. According to them, the conditions in India are so different from the conditions obtaining in the countries of

the West, that any international comparison of statistics will be misleading. I have not been able to understand, Sir, how on the question of the Safety provision and on the question of consequences that may follow from the lack of such a provision, the conditions can be alleged to be different between the East and the West. Unfenced machinery, for instance, is as much a danger to life in the East as in the West. The view of the Government can only be interpreted to mean that life in India is not very valuable ; and world-opinion will be misled if they get a very harrowing impression from the high rate of statistics of the industrial accidents in India. The Government of India are therefore reluctant to place their figures before the Bar of International judgment. That is the position.

Then, Sir, Part II of the Recommendation deals with the necessity of co-operation between the workers and the employers on the question of preventing accidents in industrial undertakings. The Recommendation says :

“In view of the satisfactory results which experience in different countries has shown to follow from co-operation between all parties interested in the prevention of industrial accidents, particularly between employers and workers, it is important that the Members should do all in their power to develop and encourage such co-operation as recommended in the Recommendation on systems of inspection adopted in 1923.”

Here, again, the view of the Government is very reactionary. According to them, any general application of these principles on a large scale is not practicable in India because of the general illiteracy of the masses and their unorganised condition. Now, Sir, the workers are admittedly ignorant and illiterate, but who is responsible for that ? The Government of India did not introduce free and compulsory education amongst the masses. Having denied them the education, to come forward with the argument that these people are too illiterate to usefully co-operate is adding insult to injury. But that is not my main point. I maintain that the illiteracy is no bar to their co-operation being secured on this question. Indian workers are as intelligent and shrewd and possess as much commonsense as any other workers in the West. It is these things which count in this connection, and not the fact whether they are capable of signing their names, or not. I hope the Government of India will revise their estimate about the ability of Indian workers and will bear these facts in mind when they come to their final conclusion.

**The Honourable Sir Joseph Bore** (Member for Industries and Labour) : Sir, the course of the debate does not render it necessary for me to indulge in any elaborate explanation by way of reply. The point I wish to emphasise is merely this, that we are seeking the authority of this House to conduct an investigation to see how far it is possible for us to accept the Recommendations of the International Labour Conference. I am sure the House will agree that we could not give effect to the Recommendations of that Conference without reference to Local Governments, without reference to organisations representing labour and representing employers, and without reference to interested bodies, as, for instance, Insurance Companies. I am most grateful to the Honourable Member who has just now spoken for the suggestions that he has made, and he may rest assured that they will be taken into consideration and given the most careful attention at the appropriate time. I have no further observations to make.



**Mr. Deputy President :** The question is :

“ That the following Resolution be adopted :

“ This Assembly, having considered the Recommendation concerning the prevention of industrial accidents and the Recommendation concerning responsibility for the protection of power-driven machinery adopted at the Twelfth Session of the International Labour Conference, recommends to the Governor General in Council that he should examine the possibility of giving effect to the Recommendation concerning the prevention of industrial accidents and that the results of this examination should be placed before this Assembly within eighteen months from this date ”.

The motion was adopted.

#### REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

**Mr. Deputy President :** The House will now resume further consideration of the following motion moved by the Honourable Sir George Schuster on the 31st March, 1930 :

“ That the Report of the Public Accounts Committee on the accounts of 1927-28 be taken into consideration.”

**Mr. B. Das (Orissa Division : Non-Muhammadan) :** Sir, during the last Delhi Session, the Honourable Sir George Schuster could not proceed with the detailed discussion of this motion because of the thinness of the House and he could not therefore put forward the point of view of the Government of India in the matter. Although I have had the privilege to know his viewpoint in another place, namely, the Public Accounts Committee, it would very much have helped the discussion on the floor of this House had we had his views in the matter. Sir, Honourable Members of this House, who are all familiar with the Government of India Act and the Indian Legislative Rules, know that under the new reforms that came in in 1919, the Legislature was given a certain power, the Legislature was given a certain amount of financial control. Formerly, after the Minto-Morley Reforms, Honourable Members could only talk on the Budget, but they could not touch the Finance Members, because they had no control on them. But after the 1919 Reforms came into force, when the new Legislative Rules were drafted, the Legislature was given certain powers. These powers are embodied in rules 50, 51 and 52 of the Legislative Assembly Manual, a copy of which every Honourable Member possesses. I will read rules 51 and 52 to acquaint Honourable Members with the constitution of the Public Accounts Committee. Article 161, page 57 of the Manual of Business and Procedure reads :

“ As soon as may be after the commencement of each financial year, a Committee on Public Accounts shall be constituted for the purpose of dealing with the appropriation accounts of the Governor General in Council and the report of the audit officer thereon and such other matters as the Finance Department may refer to the Committee.”

The next paragraph deals with the number of persons that can attend the Committee. I will now read article 162, rule 52:

“(1) In scrutinizing the appropriation accounts of the Governor General in Council and the report of the audit officer thereon, it shall be the duty of the Committee to satisfy itself that the money voted by the Assembly has been spent within the scope of the demand granted by the Assembly.

(2) It shall be the duty of the Committee to bring to the notice of the Assembly—

(i) every re-appropriation from one grant to another grant ;

- (ii) every re-appropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department ; and
- (iii) all expenditure which the Finance Department has requested should be brought to the notice of the Assembly ”.

Sir, the report which we are considering, the Public Accounts Committee Report of 1927-28, happens to be the seventh report that was presented by the Public Accounts Committee of this House. Although twice or thrice we drew the attention of the Honourable the President and the Government to the point that an opportunity should be afforded for discussion, it was left to the Committee of 1927-28 to formulate proposals as to how it should be discussed. I may inform Honourable Members that these Public Accounts Committees are formed just on the line and on the practice of the British Parliament, with one difference, that in the House of Commons the President of the Public Accounts Committee is a Member of the Opposition, while here the President of the Public Accounts Committee happens to be the Honourable the Finance Member of the Government of India. The same thing happens also in the Provincial Governments, where the Finance Member presides. I may take this opportunity of acknowledging the fairness and courtesy that the Finance Members, Sir Basil Blackett who was a Finance Member of this House for five years, and my Honourable friend, Sir George Schuster, have always shown to the members of the Public Accounts Committee. I must also refer to the fact that at the time of discussion in the Committee, Sir Basil Blackett or Sir George Schuster as Chairman always had taken an independent attitude (Hear, hear), sometimes also forgetting that either of them was the Finance Member of the Government of India or that they were having certain definite interests of the Government of India to safeguard. I refer to this in full appreciation of their work and I acknowledge this part of the fairness on the part of the Finance Members, who have to preside over the Public Accounts Committees under the present constitution. I am not questioning here as to who should be the Chairman of this Committee. After the statutory changes, that question may crop up. But I am only intimating to the House what the present procedure is. There is a practice in the House of Commons that on certain occasions the Public Accounts Committee's reports are discussed on the floor of the House. We that want to follow the precedent of the House of Commons in the working of the Indian Legislative Assembly also want the same procedure to be followed on the floor of this House. I may just remark that a certain Commission, namely, the Simon Commission, has said that we should not follow the British constitution in detail and that we should go to America and follow their Federal constitution. But the American constitution, as far as my knowledge goes, may be a good standard for those seven gentlemen who reported in the Commission, but we all know the political scandals and the manipulations that are going on in America. We all know the Tammany Hall methods of New York State and we also know how the capitalists control the Senate, how the President of the American White House is elected through the rival capitalist factions. I need not refer to the Teapot Dome oil scandal, where even certain American Cabinet Ministers were involved in the charge of profiteering through oil after the great war. Well, Sir, for me America does not offer any standard, and for me Miss Mayo's land has no standard ! I have my quarrel with the British Government and the British

[Mr. B. Das.]

Parliament and the British Members opposite, but still I would like to see the evolution of a constitution for India on the standard of the British constitution. In the Public Accounts Committee we were indebted to the Finance Department for giving us, in a memorandum, the procedure and practice that is followed in the House of Commons. That was discussed in detail in the Public Accounts Committee of 1927-28, and they made a recommendation, which is given in paragraph 30, page 11, Volume I of that Report. The proposals are summarised here :

"The proposals which have come forward in the course of this discussion fall under three main heads :

- (a) that on a motion that 'the report be taken into consideration', there should be a general discussion on the report as a whole analogous to that which takes place at the general discussion stage of the budget ;
- (b) that in addition or possibly as an alternative to a motion that 'the report be taken into consideration', there should be afforded to the Assembly an opportunity to discuss, on definite resolutions moved special topics referred to, or recommendations made, in the report ;
- (c) that after the motion that 'the report be taken into consideration' there should be a further motion that 'the report be adopted' and that it should be open to the Assembly to discuss the vote upon amendments moved to the report."

All these three alternatives, the Committee discussed last year for many hours, but they could not come to any tentative conclusion. They recorded a finding on page 12 :

"The opinion of our Committee on the choice between these two alternatives has been divided ; but we are all agreed that it is desirable to avoid fixing any procedure without ascertaining the views of the Assembly."

This recommendation, my Honourable friend Sir George Schuster has fulfilled by bringing forward this Resolution so that Honourable Members present here may express their views. Whatever the general opinion of this House may be during this Session, that will be carried out in future Sessions. My own personal view I gave before the Public Accounts Committee, but since then I have worked out in my mind a scheme and I feel every Member of the Assembly ought to express his views on the Public Accounts Committee's Report on the floor of this House. They will suggest or recommend to the Executive Government to carry out certain recommendations of the Public Accounts Committee, or take action on the Report that is before them or on the previous Reports of the Public Accounts Committees. But I think that, at this stage, this House ought not to pass any Resolutions, and that this House will have no right to amend the Report of the Public Accounts Committee because the Public Accounts Committee happens to be a statutory committee elected by this House, except three Members that are reserved to the Government of India to nominate. Whatever the findings of that Committee are, they should be accepted by the House, but the Members of the House will exercise their privileges in criticising the Report for improving the work of the future Committees. It may be that the Honourable the Finance Member happens to be the Chairman of the Public Accounts Committee who will move his motion, as he has moved to-day, that the Report of the Public Accounts Committee be taken into consideration. Honourable Members who are interested in it should make their observations and the Executive Government will take such observations into consideration, and

the next year they may report to the Public Accounts Committee what action they have taken with regard to any unanimous proposal made by this House. I was one of those who always advocated, on the floor of this House, the consideration of the Public Accounts Committee's Report, because, in my seven years' experience of the working of this House, I find that the principle, which was conceded through the Public Accounts Committee, that this House should exercise proper financial control, has been neglected by this House, and it mainly laid stress on one principle, the principle of constitutional advancement. Not that I have not joined in that agitation. But that is only one aspect of our work as Members of this House. Sir, for years the elected representatives had no control over the finances. In 1921 that principle was conceded to us. It seems that this House has neglected to exercise its proper functions, and as I have worked for four years on that Committee, I feel that Members of this House should criticise our work and should know what we have achieved in that Committee. A former Auditor-General, Sir Frederick Gauntlett, very nicely expressed the functions of the Public Accounts Committee and I will just read what he said :

"The primary function of the Public Accounts Committee is to initiate the evolution of fundamental principles and thus to assist the Government in making a complete and accurate statement of those principles."

As I said, this House had been worried over one particular principle and has not worried over establishing further principles about financial control. The Public Accounts Committee has tried its best, during the last seven years, to initiate further principles and it has established some conventions. It has extracted from Government certain rights and privileges, for which I am proud as a member of that Committee, and as a Member of this Legislature. But I think it is the duty of Members of this House to know what are these privileges that have been extracted from Government on that Committee. I must just mention here that, on the first day that we met this year in the Public Accounts Committee, an Anglo-Indian paper—it is not my friend Mr. Arthur Moore's paper but the *Pioneer* of Allahabad—while discussing the Resolution which the Government of India issued last month, said that it was all right for Government to pass these Resolutions for the better working of the Committee, but that it depended on whether the Committee members were willing to work, and the *Pioneer* opined that there was always a clash in these Committees. My experience in the Public Accounts Committee and in other Committees, even in the Select Committees, shows that there is seldom any clash between the non-officials and Government in fundamental matters whenever we examine the principles involved in a particular Bill or whenever we sit as members of a particular Committee. Of course in one particular matter we differ and that is with regard to constitutional questions, and for that one fundamental difference between us and the Government no paper worth its name has any right to condemn us and pass that kind of remark that there is constant clash in the Committee between us and Government ; and I do hope that, when my Honourable friend Sir George Schuster rises to reply, he will agree with what I have observed about the working of the Committees.

I may here observe that the Public Accounts Committee is assisted by the Auditor-General, who has got certain statutory powers given to him by the Government of India Act and he has certain special rights to approach direct the Secretary of State over the Government of India.

[Mr. B. Das.]

While he draws his pay from the Government of India, he has the power and privilege to criticise the action of the Government of India regarding finance and financial control and expenditure. My experience of the two Auditors-General, Sir Frederick Gauntlett, who retired last year in a blaze of glory, and Mr. Burdon, a friend of this House who was a Member here for four or five years, shows that the Auditor-General and his staff, the Chief Auditors and Accountants-General, are all anxious to see that the statutory rules which concede certain rights to the Legislature are not trodden upon by the Executive and every year the Auditor-General sits in the Public Accounts Committee and assists us to exercise our functions. Sir Frederick Gauntlett, before he retired, issued a book called the "Epitome of Reports from the Central Committee of Public Accounts, 1923-27 and of the Government orders thereon, with an index". He also issued a memorandum on the work of the Public Accounts Committees in India. Those Honourable Members who are interested in the finances of India ought to read these two books and they will know how the finances are controlled. The epitome of the Reports shows how the recommendations of the Public Accounts Committee have been given effect to by Government. It has been so far the practice of Government to issue a Resolution from the Finance Department about the action taken by Government every year, and at times matters have been referred to the Secretary of State, and the statutory rules have been amended. To cite an instance, I will refer to one particular case, which is given on pages 38-39 of the epitome, where the Public Accounts Committee suggested a certain change of rules regarding new services to the Government of India. The Government of India had to refer the case to the Secretary of State, because the Indian Legislative Rules under the Government of India Act cannot be amended by this House but can only be amended with the consent and agreement of the Secretary of State; and the Secretary of State, in the letter dated the 17th October, 1928, said:

"I am to inform you that the Secretary of State in Council has sanctioned the amendments proposed by the Government of India to sub-rule (1) of rule 50 of the Indian Legislative Rules and sub-rule (1) of rule 32 of the Provincial Legislative Council Rules."

So, Sir, a statutory committee appointed by this House made certain recommendations to the Government, and through the Government and the Auditor-General to the Secretary of State who rules us from England. You know, Sir, that we tried to amend certain rules in the Legislative Manual and that we have not succeeded; rather, those who were politically minded tried to get a certain extension of powers and privileges of this House, but it has gone the other way. But, Sir, in the matter of financial control, I think the Committee has reason to be proud of having achieved certain amendments. The House ought to know what those changes are. I read out from the Legislative Rules what power we have got in the Public Accounts Committee; we scrutinise the accounts and see that appropriations under heads are correct and that the Government do not exceed their powers; and within my experience, we have established one convention. The House knows that we have no right to criticise non-voted grants: but, be it said to the credit of the Chairmen of the Public Accounts Committee, both of whom were and are members of the Government of India, that they have conceded certain rights, and we at present enjoy the right of raising

questions of policy and principle over non-voted grants—not that we can reduce any such grant, but our effective criticism helps the Finance Department in reducing those grants or in modifying them. Last year's Report as well as the Report for 1926-27 contain certain draft rules, which might interest business men who are Members of this House, regarding purchases of stores for the Army and Railways and regarding contracts and they will find that contracts are now carried out under standard rules. We raised the question in the Committee and the Government of India agreed that certain general rules should be observed in these matters by every Department of the Government of India.

Then, as regards disciplinary action, we found that various Departments of the Government of India had various special rules about the disciplinary action that should be taken, and that while in certain Departments only the lowest ranks were punished, in other Departments the head of the Department was brought to book. We drew the attention of the Government to this, and suggested that disciplinary action should be uniform, and that officers responsible should be brought to book. The Government of India agreed to this; and now, not only in the civil Departments, but also in the Military and in the Railways, over which my Honourable friends, Mr. Mackworth Young and Mr. Parsons preside, it has been agreed that disciplinary action should be taken against officers and departmental heads who are responsible and mere clerks should not be penalised.

Talking of the Army, this House knows that we have no control over the Army expenditure. I may also explain that the Committee does not go into the detailed appropriation accounts of the Army; the Government of India appoints an *ad hoc* committee, over which the Finance Member presides, and which goes into detail and examines the accounts of the Army. I must pay a tribute to that Committee; I have seen four or five Reports of that Committee, and I must say that they have done their work as thoroughly as the Members of the Public Accounts Committee do in regard to other subjects. The Report of the *ad hoc* Committee is presented to the Public Accounts Committee, and the Members of the latter Committee are at liberty to raise discussions on any decisions that might have been arrived at; and although the Military Budget is non-voted, and we have no right at present to reduce it even by a rupee, still we control it through the *ad hoc* Committee. Therefore, Sir, when I ask this House to take a further interest in the Public Accounts Committee's Report, my object is that the Finance Member should give an opportunity to this House every year, before he introduces the General Budget, or even the Railway Budget, say in early February, to discuss the Report, so that thereby the Members of this House can have a vivid picture of what the Committee has done and how the finances of the country are controlled, and when we come to the Budget discussions on the Railway, Army and Civil Budgets, we can do better justice to those Budgets.

Another matter that I want to mention, Sir, is this: We, who work as Members of the Committee, want the other Members of this House to take some interest in our work. There is at present no co-ordination between the work there and the work of this House. At least that has been my experience for the last seven years. I know there are many Honourable Members here who are almost new to the House and who have come in only this day, and so they are not familiar with the work and I

[Mr. B. Das.]

am sorry that events in the country have led to that situation ; yet I think that every Member who wants to discharge his duties as a Member of the Assembly should take a keen interest in the Report of the Public Accounts Committee and offer effective criticisms wherever possible.

Sir, I do not want to go into the details of this Report. I have only indicated in what way the House should approach the matter ; and as regards how far we have succeeded in our work in the Committee I shall leave it to other Members to judge.

**Maulvi Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, in discussing this Report of the Public Accounts Committee, I want to draw the particular attention of this House to the financial position of the Posts and Telegraphs Department. Honourable Members are aware that in the year 1925-26 the accounts of the Posts and Telegraphs Department were commercialised, and it was intended that the Department should pay its way and should not be a burden on the general tax-payer ; any surplus that the Department earned would go towards the reduction of its capital liability, the extension of postal facilities, the improvement of the service conditions of postal employees, and the reduction of postal rates. In the year 1927-28 the Department showed a profit of Rs. 4½ lakhs and it is within knowledge of Honourable Members that in the next year, 1928-29, there was a deficit of Rs. 54 lakhs. Now, Sir, the Postal Department is a monopoly ; the postal rates are fairly high, and I have no reason to believe that the Department is extravagant or inefficient ; why then this deficit ? (*An Honourable Member* : "Question.") That question is answered by the Report that is before us. It is due to certain circumstances over which the Postal Department has no control. When the Department was first commercialised, there were made certain arbitrary financial arrangements which are responsible for the present deficit. The Postal Department started under a heavy initial handicap. In fat prosperous years they could carry on somehow, but in lean years of trade depression, they find themselves in deep water through no fault of theirs. Another reason for this deficit is the extraordinary delay in the adjustment of certain inter-departmental claims which is affecting the postal finances very prejudicially. As a matter of fact, the Postal Department is being exploited by other Government Departments.

I shall illustrate, Sir, one by one. Take the Foreign and Political Department. On page 32 of the Report under the head "Adjustments between Posts and Telegraphs and other Departments", it is stated thus :

"The only important adjustment outstanding under this head is with Foreign and Political Department. This Department was asked to bear losses incurred by the Posts and Telegraphs Department on account of postal and telegraph facilities provided for purely political reasons. The principle that the Foreign and Political Department should bear such losses has been accepted and only certain details have to be worked out. It is expected that the case will be settled soon. According to present calculations, the liability of the Foreign and Political Department is assessed by the Posts and Telegraphs Department at Rs. 2,85,000."

Now, I may inform the House that this has not been settled yet.

Now, Sir, on the question of delaying payments of postal claims, the Railways are the worst offenders. I do not see my Honourable friend

Mr. Parsons here, but his Department is raising an interminable series of objections and counter-claims, and for the last five years they have been carrying on discussion without arriving at any decision. Last year, Sir, the Committee felt constrained to make the following observations :

"The total amount involved is now estimated at about 12 lakhs. The Committee desired to record that the settlement of the item should be expedited as the commercial results of the working of the Department could not be ascertained accurately till this and the other outstanding questions regarding adjustments were settled."

Then, Sir, there is the question of provincial contributions. Last year the Postal Department paid 48 lakhs to the Provincial Governments. Under the Indian Stamp Act, the postage stamps of half anna, one anna and two annas and four annas denominations may be utilised for the purposes of stamp duty ; and these 48 lakhs of provincial contribution is the amount paid as a lump sum in respect of these stamps. Now, Sir, these 48 lakhs represent 1/16th of the total revenue earned by the Post Office by the sale of postal stationery. It is, Sir, absurd to suggest that, out of the enormous volume of cards, envelopes and postage stamps sold for ordinary purposes, and for registration and insurance, 1/16th is utilised for the purpose of stamp duty. As a matter of fact, from the year 1906 to 1924 this contribution was fixed at 19 lakhs of rupees. In the year 1925-26 it was raised at once to 47 lakhs. I would ask Honourable Members to take a note of that date. It was just on the eve of the commercialisation of the Department that they were saddled with this heavy burden. I think, Sir, on an equitable distribution, this amount ought to be reduced at least by 20 lakhs.

Then, again, Sir, the Postal Department is made to give a free gift of postage stamps to the Indian States worth about Rs. 10 lakhs. If for certain political considerations this gift is to continue, surely the Foreign and Political Department should pay for it and not a commercial Department like the Postal and Telegraph Department.

Then, again, with regard to the Depreciation Fund, the Postal Department is required to pay a very high amount towards the Depreciation Fund, as compared with their actual expenditure on renewal and replacement. I shall give the House a few figures to illustrate my point. In the year 1925-26, the contribution to the Depreciation Fund was thirty-one lakhs, and the actual expenditure on renewal and replacement was 10 lakhs. In 1926-27, the contribution was to be 30 lakhs and the actual expenditure 8 lakhs ; and in 1927-28, the contribution was to be 52 lakhs and the actual expenditure 8 lakhs. It is quite evident from this that the life assigned to the capital assets of the Postal Department has been too short and the rate of contribution too high. The Post and Telegraph Department, Sir, submitted a memorandum to the Committee on this question, and I should like to read an extract from it for the information of the House :

"It may first be pointed out that there is now fairly conclusive evidence in support of the general impression that the lives assigned to the capital assets of the Posts and Telegraphs Department for the purpose of regulating contributions to the Depreciation Fund are, in the case of some of the more important assets, too short. It has been ascertained that more than half the total iron wire included in the assets of the department on 1st April, 1925, had lasted its full prescribed life by 1926. The original value of this time-expired wire was approximately Rs. 289 lakhs whereas the total expenditure on renewals and replacements of iron wire during the four years 1925-26 to 1928-29 amounted to only about Rs. 9½ lakhs. It is therefore clear that the bulk of this

LICPB(LA)

[Maulvi Abdul Matin Chaudhury.]

iron wire is still in use and likely to remain so for many years to come. In the case of posts, approximately two-thirds of the total number in use (original value Rs. 429 lakhs) will have lasted their prescribed life in 1931. The actual expenditure on renewals and replacements of posts during the same four years is 8½ lakhs and there is no doubt that these posts will not have to be fully replaced for a great many years.

The corresponding figures for copper wire are as follows :

|                                                                                               | Rs.        |
|-----------------------------------------------------------------------------------------------|------------|
| Original value of wire that has just become time-expired ..                                   | 35½ lakhs. |
| Actual expenditure on renewals and replacements during the last 4 years 1925-26 to 1928-29 .. | 3½ lakhs.  |

The bulk of this copper wire is still in excellent condition and will not need replacement in the near future.

These facts seem to establish beyond doubt the inadequacy of the 'lives' at present assigned to posts and lines, which constitute in value more than two-thirds of the total wasting assets of the department. The figures in the statement referred to in paragraph 4 of this note also afford strong confirmation of this conclusion."

I think, Sir, we shall be on very safe ground if we reduce our contribution to the Depreciation Fund by Rs. 15 lakhs.

Now, Sir, to sum up the whole situation, if we get Rs. 2 lakhs and 85 thousand from the Foreign and Political Department, and if we realise Rs. 12 lakhs from the Railways and Canals, if the provincial contribution is reduced by 20 lakhs, and if the Postal Department gets credit for the Rs. 10 lakhs worth of free postage stamps which are now given as a free gift to Indian States, and if the Depreciation Fund is reduced by 15 lakhs, we shall have an additional sum of 60 lakhs in the postal exchequer, and this sum, together with the 20 lakhs normal growth of revenue, will not only be quite enough to wipe out the deficit and restore equilibrium, but it will also make provision for the reduction of postal rates. Sir, I refer to all these figures, because we understood in the Public Accounts Committee that the Postal Department, forced by the exigencies of the circumstances, were contemplating an increase the postal rates. I maintain, Sir, there is no justification for it, and the situation can be met without any increase of the postal rates, and if any attempt is made by the Postal Department in that direction, that ought to be strongly resisted by this House.

**Mr. W. S. Lamb** (Burma : European) : Sir, with your permission I should like to make a few remarks concerning systems of accounts generally. I have been assured by the Honourable the Finance Member that so long I make intelligent remarks he would have no objection. (Laughter.)

To illustrate the point with which I am particularly concerned, with your permission and that of the House, I should like to quote from the Report of the Public Accounts Committee on the Accounts of 1924-25. At page 14 of that Report there is this :

"There is, however, some danger that enthusiasm for regularity in accounting will prove to have been pushed too far at the expense of efficient administration if care is not taken to see, particularly in relation to commercialised departments, that improved systems of accounting do not throw an undue strain on the executive of such departments to the detriment of their proper functions, and that the executive are provided with the right sort of financial assistance and advice."

Now, Sir, when as a new Member of the Assembly I read those remarks, it appeared to me that the Public Accounts Committee had laid

upon themselves the duty of ascertaining, in the coming years, whether the fears they expressed in the Report, which I have quoted, were justified, and if at all they were justified, that they would come to the House and make recommendations and suggestions. Now, I looked forward with interest to see the Report of the following year. I wondered whether I could see a similar humanitarian spirit exhibited. In neither the Report for 1925-26 nor the one before us now is there any mention, any remark whatever, concerning this question which they themselves raised in 1924-25. Now, it is probable—certain in fact—that in allowing such comments to be made, there must have been a great deal said about the employees whose duty it is to deal with these highly refined and complicated accounts. But, as I have said, we have nothing. My Honourable friend, Mr. Neogy, who is not in the House at the moment, has been constantly on the Public Accounts Committee, and he might tell us why the Public Accounts Committee failed to follow up the remarks or recommendations of its predecessor and consider whether those fears were justified. In the same Report, you will find :

".... some of the cases which we have dealt with in regard to the Posts and Telegraphs Department suggest that the rules regarding control of expenditure may in some cases be beyond the present capacity of the staff which is called upon to apply those rules."

Since mention is made of the Posts and Telegraphs Department, I may be permitted to make a few remarks. In this very Report of 1924-25, there is a note describing the new account system which was then adopted. It appears to me that sufficient time has elapsed to enable the Public Accounts Committee to hear evidence and to judge whether this account system of the Posts and Telegraphs does or does not, in its own words, "interfere with the efficiency of the department". I have talked with men, with officials, not only in Burma, but in other provinces, who have had to deal with those accounts, and I have been told that, particularly on the engineering side, the men who have to administer these accounts are compelled to spend hours attending to them instead of to their own jobs. The result is that men, technical men, engineers, who should be touring and looking after the many telegraph lines, in Burma for instance, are not able to attend to such duties because of the nature of these accounts. I hear everywhere that employees of Government have, what is called, vulgarly, to "sweat blood" in avoiding audit objection, and I suggest that this question is eminently one for the consideration of the Public Accounts Committee, even more so than it was in 1924-25, and I hope that the Honourable the Finance Member will afford the next Public Accounts Committee an opportunity of examining those who are called upon to deal with accounts, particularly of the kind to which I have referred.

**The Honourable Sir George Schuster** (Finance Member) : Sir, the subject which is before the House for discussion to-day—and the mere fact that we are having this discussion. I think, is a matter of some interest—has a long history behind it. During these last years, the idea of having the Report of the Public Accounts Committee discussed by this House has been brought up from time to time, and now at last this event, to which many Members, or Honourable gentlemen, who have been Members of this House in the past, have looked forward, has come about. I think all Honourable Members will agree with me that it is



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perhaps unfortunate that we should have come to this discussion at a time when interest is largely centered on other matters, and, of course, we are in a particular difficulty now because the motion is already very much behind time. It should have been taken up in the last Delhi Session. It had to be postponed then because time could not be found, and now here we are in the latter part of 1930 discussing the Report on the Accounts of 1927-28. Therefore, our discussion is to a great extent out of date.

Nevertheless I confess myself that I am very glad that this occasion has been reached, and I find that even the debate to which we have listened to-day contains elements of considerable value. I should like to show what I mean by dealing with the three speeches which we have heard. My Honourable friend Mr. B. Das, who very appropriately was the first speaker on this occasion—I say, appropriately, because this House knows what a great and continuous interest he has always taken in the affairs of the Public Accounts Committee—my Honourable friend Mr. B. Das dealt generally with the functions of the Committee, and he struck a note which I should like to repeat and to emphasise. He wished to bring to the notice of the House the great importance of the work which this Committee does. I strongly endorse all that he said on that matter, and if the result of this debate is no greater than to cause some Honourable Members to call for their copies of the Public Accounts Committee's Reports and have a look at them and see what subjects are dealt with in those Reports—if it has achieved no further purpose than that, I think this debate will have been of value. My Honourable friend Mr. Das, at the outset of his speech, referred to a comment in a recent issue of a prominent newspaper which, dealing with the Government's Resolution on the Report which is now before us, made the remark that all these good intentions would work well, provided they were worked in a proper spirit, and provided there was no clash between the Government and the members of the Committee. I should like to associate myself with what my Honourable friend said when he deprecated the suggestion that there was any clash between the Chairman, representing the Government and the members of the Committee. I can say for myself that I have received the most whole-hearted co-operation from the Committee. They have been very helpful to me at all times, and I regard the Public Accounts Committee, just as I do the Standing Finance Committee, as a most valuable assistance to the Finance Member. I think it is important at this stage, when we stand on the threshold of a review of the constitution—and let me say on the threshold of, as we all hope, a considerable constitutional advance towards responsibility—that the public,—if they pay attention to the debates of this House—and this House itself should realise what an important function those two Committees perform. In the Standing Finance Committee and in the Public Accounts Committee the public have instruments which give them the power to exercise a very considerable control of expenditure. In the Standing Finance Committee they can check items proposed for expenditure before the money is spent. In the Public Accounts Committee they can check how the money has been spent and to what extent the public has benefited from the expenditure. The more the constitution advances towards responsibility, the more important do those

Committees become, and I hope that those of us who have worked in the early days on those Committees can feel that we have at least done some public service in starting a good tradition—a tradition of thoroughness, impartiality and a desire to search to the bottom all important affairs, which will stand the country in good stead in the future. Mr. Das referred to the fact that the Committee was able to examine matters affecting the non-voted Demands. That, I think, gives them a particularly important opportunity, and I think Mr. Das will acknowledge that we have always done our best to enable members of the Committee to follow up what are really matters of public interest, even in connection with the non-voted subjects. He also referred to another sphere of the Committee's work, their influence on the discipline of the service, in the sense that they were able to call attention to points where disciplinary action was called for, and to ascertain whether the proper disciplinary action had been taken. That is an aspect of the matter in which you, Sir, as a member of the Committee, have always shown a particular interest, and I venture to think that the interest shown by the Committee may be felt throughout the whole service. It will be valuable if that interest should continue, and as I have said before, the more we move to responsible government, the more valuable does that become.

I should like myself to refer to a third special feature in the duties of the Committee which my Honourable friend did not touch upon. When I say duties, I perhaps use too strong a word. I should perhaps say opportunities. We have endeavoured, particularly in the last two years, to devote our attention to the working results of the commercial concerns in which the Government are interested, and, as a result of the recommendations recorded by the Committee last year, we have been able to get before us this year a new volume in the form of an appendix on the working of commercial concerns which, although it is only the first start in the direction in which we want to advance, has shown us, I think, that we have started on a line which will be of very great value to the public. I think that this is a new feature in the work of the Public Works Committee and possibly also a new feature in the work of Public Accounts Committees generally. The Government of India are enormously interested in commercial concerns, far more so than any ordinary government is. The State Railways of the Government of India represent, I should imagine, the largest single State-controlled concern in the world. Then there is the Posts and Telegraphs Department, to which reference has already been made. That perhaps is a more normal feature of Government activities; but apart from that, there is a mass of commercial concerns in which the Government are the sole shareholder—dairy farms, ordnance factories, printing presses and such like—and if any one chooses to read that appendix to which I have referred he will see what an important amount of capital is invested in commercial concerns in which Government is the sole shareholder. Now, I have felt that the Public Accounts Committee affords a piece of constitutional machinery which can review the working of those concerns, and in order to enable that review to be intelligently conducted I have made a great endeavour to get the accounts presented in a way which is easily intelligible to any member of the public who understands a balance sheet, and, as a shareholder himself perhaps in some private company, knows how to check whether such a concern is going badly or well. That is a feature which, as I say, I hope to see greatly developed

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in the future, and it is a feature of the work of the Public Accounts Committee to which I hope members of future Committees will continue to pay attention and which I hope every Member of this House or the successors of this House in the future will watch. Because the greatest danger of State undertakings is that they lack that spur to efficiency which the competitive element in private enterprise provides, and, in the case of State undertakings, we have to provide some substitute for that spur to efficiency. I think the vigilant interest of the representatives of the public in the results of commercial undertakings is what is wanted in order to provide that spur. If you want to see that Government's commercial concerns are properly managed, it is in your power to do it, provided that a proper chance of examining the results is put before you, and that chance, I hope, the inquiries of the Public Accounts Committee have provided for you and will provide in the future.

Then, Sir, turning to what was said by my Honourable friend, Maulvi Abdul Matin Chaudhury—to whom again I should like to pay my tribute of appreciation for the value of his work on the Committee—he referred particularly to the position of the Posts and Telegraphs Department. Now in the normal course I should have asked my Honourable colleague, the Member for Industries and Labour, to reply on some of the points that were raised, but as the House is aware, my Honourable colleague has only just assumed his duties, and he and I have been in discussion on a great many of these points, and I know that as soon as he is able to do so in the pressure of other affairs, he is going to give his attention to those matters and I hope that we shall have an opportunity to discuss them together. I recognize the fact that the Public Accounts Committee, in their Report last year, recommended the appointment of a special expert committee to examine those questions of the adequacy of the depreciation allowance and other matters, such as were referred to by my Honourable friend in his speech. It is perhaps a matter for which some apology is owed to this House that no steps have been taken in the way of starting such a committee. But that is one of the points which I hope very shortly to be able to discuss with my Honourable colleague, and I think I can say that the necessary action will be taken without undue delay. That being the position, I do not think that it would be suitable for me to attempt any detailed reply to what my Honourable friend said on those particular points. I should only like to say this, that at present I could not, speaking as a financier and as one responsible for the finances of the Government, accept his view that the provision made every year for depreciation is excessive. But I am quite prepared to say that there is a case for investigation, and as the commercial basis of the Posts and Telegraphs Department has now been in operation for several years, it is a quite reasonable suggestion that the scale of the depreciation allowance should now be reconsidered in the light of actual experience.

Then coming to what was said by my Honourable friend, Mr. Lamb, I was very glad to see from his speech that, not only had he read the Report on the accounts for 1927-28, but he also had gone back through the Reports to the year 1924-25. That evidence of his study of the past work of the Public Accounts Committee is certainly, holding the views I do, very pleasing to me, and I must say I am grateful to him for having called attention to that paragraph in one of the Committee's earlier Reports. It is

indeed a most important matter—the question of whether in our desire for accurate accounting we exceed the limits of what is commercially reasonable, so as actually to interfere with the executive direction of Departments. I think that is always a danger to guard against, and it is a danger to which a Public Accounts Committee, seeing that its whole duty lies with accounts, is perhaps particularly susceptible. Therefore, it is very useful to us to have the common sense outside point of view brought forward and to be reminded that we must not press for such elaboration in accounting as will be beyond the limits of what is commercially reasonable. I am glad to have had this particular kind of comment, because I think it shows in what way this sort of general discussion can be of value. My Honourable friend, Mr. Das, indicated that if interest was shown by Honourable Members of the Assembly in any particular point arising out of the accounts, it would be the particular duty of Government to follow that point up and to see that it was considered by the Public Accounts Committee in the succeeding year. I think that is a reasonable way of dealing with the matter, and it shows the sort of way in which a discussion in the Assembly can be of value; and the point made by my Honourable friend, Mr. Lamb, is a case of such a suggestion of which we shall certainly make a note, and see that it comes before the Public Accounts Committee next year.

That, Sir, is all that I feel disposed to say in relation to the matters which have been raised in this debate. I may, before closing, make some reference to the recommendation in the Report of the Committee which we are now considering,—paragraph 30 of that Report where it deals with the procedure to be followed in this discussion. As my Honourable friend, Mr. Das, pointed out, we considered various alternative forms of procedure, and while we rejected one, we were left with two alternatives, and between them we did not wish to express a decided opinion. The only decided and unanimous opinion expressed was that it was desirable to avoid fixing any procedure without ascertaining the views of the Assembly. Well, I think we can hardly say—although, as I have already remarked, I consider that the present debate has been of definite value—that on the present occasion we have had a representative expression of the views of the Assembly as to how this debate should be conducted in future; and therefore I think we must regard to-day's discussion as an experiment—an experiment which has proved to be of value and an experiment which I hope will be repeated in the next Delhi Session—and that our idea and intention must be to allow an established procedure to grow up according to what is shown by practical experience to be the right form of procedure. I am convinced myself that these general discussions on the Report of the Public Accounts Committee will be of value, and even if they do not lead to any definite recommendation or definite Resolution, I think the opportunity which is afforded for calling attention to points of public interest is one which ought to be taken, and that it will be well worth while for this Assembly always to devote a day for that purpose. The net result is that we have had this discussion and that the recommendation of the Public Accounts Committee, made in paragraph 30 of their Report, stands, that a similar motion will be moved at the next Delhi Session, and that if in the course of the debate on that motion any further suggestions are made, those will be taken into account by the Government, and in that way I hope we shall advance step by step towards the formulation of a definite procedure. I have only one thing to say in conclusion and that is to repeat, with all the emphasis I can

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command, my opinion that the work of the Public Accounts Committee is of the greatest importance and that their annual Reports deserve the careful study of every Member of this Assembly.

**Mr. Deputy President :** I would like to inform the House that, accepting the recommendations of the Public Accounts Committee, the Honourable Mr. V. J. Patel, in consultation with the Honourable the Finance Member, had decided that there would be no vote on this motion before the House. It was decided that the House would be given an opportunity to have a general discussion on the Report of the Public Accounts Committee. Therefore no question will be put to the House on the Report.

Before the House is adjourned, I would also like to remind Honourable Members that nomination papers for the election of the President of the Assembly will be received by the Secretary of the Legislative Assembly Department till to-morrow at twelve of the clock. This Assembly now stands adjourned till Wednesday morning, Eleven of the Clock.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 9th July, 1930.

## LEGISLATIVE ASSEMBLY.

*Wednesday, 9th July, 1930.*

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

### MEMBERS SWORN.

Mr. Usha Nath Sen, M.L.A. (Bengal : Nominated Non-Official) ; Pandit Bisheshwar Prasad Bhattacharya, M.L.A. (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) ; Mr. C. V. Venkataramana Aiyangar, M.L.A. (Madras : Indian Commerce) ; and Mr. Herbert Tower Sorley, M.L.A. (Bombay : Nominated Official).

### ELECTION OF THE PRESIDENT.

(At this stage Mr. Deputy President vacated the Chair, which was taken by Mr. M. A. Jinnah, one of the Members of the Panel of Chairmen appointed during the last Session.)

**The Chairman :** In accordance with the provisions of rule 5A of the Indian Legislative Rules, the House will now proceed to elect a President by ballot. In compliance with the provisions of sub-rule (3) of that rule, I have to announce to Honourable Members that seven nomination papers, duly filled in, have been received on behalf of Maulvi Muhammad Yakub, and that three nomination papers, duly filled in, have been received on behalf of Dr. Nand Lal. The names of the proposers and seconders of Maulvi Muhammad Yakub are as follows :

**Dr. Nand Lal** (West Punjab : Non-Muhammadan) : Before you proceed further, may I raise a point of order, Sir ? The most important and constitutional question which I wish to raise before this House is in the following terms....

**The Chairman :** Order, order ; let me first place the proposal before the House. The names of the proposers and seconders are as follows....

**Dr. Nand Lal :** You have not heard me.

**The Chairman :** Order, order. The question must be placed before the House before any point of order can be raised.

The names of the proposers and seconders of Maulvi Muhammad Yakub are as follows :

#### *Proposers—*

Dr. L. K. Hyder.

Mr. Badri Narain.

Nawab Sir Sahibzada Abdul Qaiyum.

Maulvi Abdul Matin Chaudhury.

Mr. Abdul Latif Sahab Farookhi.

Rao Bahadur M. C. Rajah.

Mr. B. Sitaramaraju.



[The Chairman.]

*Seconders—*

Dr. Ziauddin Ahmad.

Mr. B. Das.

Mr. Muhammad Ismail Khan.

Mr. Abdul Qadir Siddiqi.

Maulvi Sayyid Murtuza Saheb Bahadur.

The Revd. J. C. Chatterjee.

Maulvi Mohammad Shafee Daoodi.

The names of the proposers and seconders of Dr. Nand Lal are as follows :

*Proposers—*

Sardar Gulab Singh.

Mr. B. N. Misra.

Sardar Kartar Singh.

*Seconders—*

Rai Bahadur L. Panna Lal.

Pandit Chuni Lal.

Mr. N. P. Sahi.

Honourable Members will now come to the table and receive the ballot papers from the Secretary in the order in which I call their names.

**Dr. Nand Lal :** I wish to submit to the House that, according to rule 3 (1), I find that this House is not properly constituted and it is not properly presided over according to the following terms :

“ At the commencement of every session, the President shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President.”

Now, I submit that only in the real absence of the President and Deputy President the Chairman can preside, but since the Deputy President cannot be deemed to be absent in the present circumstances, the Chairman, with due respects, cannot preside. The House for the present has thus ceased to exist. The Deputy President took part in the former part of the proceedings. His going away to the adjacent room now does not prove absence within the contemplation of rule 3 (1). Consequently, the election cannot be held. The Deputy President himself is one of the candidates; only a few minutes ago he was present in the House. Therefore, with profound respect to you, Sir, in the Chair, I submit that the proceedings in regard to election cannot be held. Absence does not mean being present and leaving the Chair only for a while. It is not absence within the contemplation of the law.

**The Chairman :** I hold that it is open to the President or the Deputy President at any time to request the most senior Member of the Panel of Chairmen to preside over this Assembly, and I therefore rule out your point of order.

**Dr. Nand Lal :** My submission is that it could be done in some cases. No doubt whenever a request is made to the senior Chairman, or any other Chairman, he can occupy the Chair and can proceed with the election, but only in certain cases....

**The Chairman :** Order, order. The ruling has been given and the Honourable Member must bow to it. Honourable Members will now proceed with the election as I have already announced.

**Dr. Nand Lal :** I should like to see the nomination papers.

**Honourable Members :** Order, order.

**Dr. Nand Lal :** Am I not entitled to see whether the other candidate has been duly nominated or not ?

**Honourable Members :** Order, order.

**The Chairman :** I request the Honourable Member not to persist in this conduct, and I hope that he will accept my ruling which is already given.

**Dr. Nand Lal :** I accept your ruling. But what I am submitting before this House is this, that I am entitled to see whether the other candidate is duly nominated or not, and I am entitled to see the nomination papers. Therefore this House will kindly permit me to see the nomination papers and find out as to whether they are valid or not.

**The Chairman :** Will the Honourable Member point out any Standing Order or rule which entitles him, at this stage, to examine the nomination papers ?

**Dr. Nand Lal :** I may invite the attention of the Chair to rule 5A, sub-rule (3) which reads :

“ On the date fixed for election, the outgoing President, or, if the office of President is vacant, the Deputy President or Chairman, as the case may be, shall read out to the Assembly the names of the members who have been duly nominated....”

Now, Sir, it has got to be seen whether they are duly nominated or not and I am entitled to see it.

**The Chairman :** The Honourable Member is not entitled to see the nomination papers at this stage.

(The ballot was then taken.)

**The Chairman :** I hope all Members desiring to vote have recorded their votes ?

.(After the votes had been counted.)

**The Chairman :** I have to declare that Maulvi Muhammad Yakub has secured 78 votes and Dr. Nand Lal 22 votes. I therefore declare that Maulvi Muhammad Yakub is duly elected; and all that is necessary now to complete the election of the President is to secure the approval of His Excellency the Governor General required by section 63C (1) of the Government of India Act. In order to obtain His Excellency's approval, the House will re-assemble at a quarter to one of the clock to-day, and I therefore adjourn the House till a quarter to one.

The House then adjourned till a Quarter to One of the Clock.

The Assembly re-assembled at a Quarter to One of the Clock, Mr. M. A. Jinnah in the Chair.

## MEMBERS SWORN.

Mr. Brij Kishore, M.L.A. (Lucknow Division : Non-Muhammadan Rural) ; and Mr. Nehal Singh, M.L.A. (Bhagalpur, Purnea and Santhal Parganas : Non-Muhammadan).

## ELECTION OF THE PRESIDENT.

MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

**The Chairman :** I have received a Message from His Excellency the Viceroy and Governor General. The Message is as follows :

(The Message was received by the Assembly standing.)

*"In pursuance of the provisions of section 63C of the Government of India Act, I, Edward Frederick Lindley, Baron Irwin, hereby signify that I approve the election by the Legislative Assembly of Maulvi Muhammad Yakub as President of the said Assembly."*

SIMLA :

(Sd.) IRWIN,

The 9th July, 1930.

Viceroy and Governor General."

I accordingly invite Maulvi Muhammad Yakub to occupy the Chair.

(The Chairman then vacated the Chair which was occupied by the Honourable Maulvi Muhammad Yakub amidst applause.)

**The Honourable Sir George Rainy** (Leader of the House) : It is my privilege, Mr. President, to be the first to offer my congratulations on your elevation to the Chair. For more than three years you have filled the office of Deputy President, and the vote of the House to-day is the best testimony you could ask of the impression made on the minds of Members by the manner in which you have discharged the duties of that office and of the esteem in which they hold you. (Applause.) They have now called you to a higher office and to heavier responsibilities. It is no light task to preside over the deliberations of the Legislative Assembly of India and to guide and control our debates. Speaking on behalf of the Government, I can assure you, if assurance is needed—and I do not doubt that in what I say I shall voice also the feelings of all sections of the House—that we have complete confidence in your judgment and impartiality, and are sure that you will be the faithful guardian of the dignity and independence of this Assembly. (Applause.) Let me say also, Mr. President, that you may rely on receiving from the Government all the support and assistance we can give you. Three years ago, on the occasion of another election, Sir Alexander Muddiman spoke of the close and intimate relations which must exist between the President and the Leader of the House. I could wish that, on your assumption of the Chair, you had found in the Leader's seat one with greater experience of leadership and closer acquaintance with all the mysteries of the Rules and Standing Orders than I can claim. But I should be altogether unworthy of the position which I hold if any effort were wanting on my part, to give all the assistance and all the support which the Chair may

rightly expect from the Leader. I look forward with pleasure, Sir, to our association during this Session, and I congratulate you once more on the well merited honour which the House has conferred. (Applause.)

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Sir, on behalf of myself and my party I offer you hearty congratulations, and associate myself and the members of my party with the felicitous words which have fallen from the Honourable the Leader of the House. I do hope, Sir, that your tenure of office, though short owing to the necessity of the case, will be a successful one. (Applause.)

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, I am somewhat in a difficult position and stand on a different footing from the two Honourable Members who have preceded me. Nevertheless, I wholeheartedly endorse the terms in which you have been congratulated on your having been elevated to this very high office to preside over the deliberations of this Assembly. I said I am in a difficult position, Sir, because you have been my colleague for a number of years in public life, and during the long course of our relationship, not only have you won my respect and affection, but I think I shall be entitled to say that we have been great friends. Therefore, I am not in a position to speak what I feel, but I congratulate you as a friend and as a Member of this House, and I can assure you that my party and I will extend to you all the help and assistance that we can in discharging your heavy responsibilities as President of this House. Sir, I wish you every success in the discharge of your difficult duties and responsibility of high office. (Applause.)

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Allow me, Sir, on behalf of my party, to congratulate you on your election as President of this Assembly. Sir, our association with you in the past leads us to hope that you will be able to fill the high position to which you have been called worthily and that the uniform courtesy with which your conduct has been associated as Deputy President of the Assembly will continue. I once more congratulate you on behalf of the Swaraj Party on your elevation to this high office and wish you every success.

**Sir Hugh Cocke** (Bombay : European) : Sir, no words of mine are necessary on behalf of this Group to endorse what has already been said. We congratulate you very heartily. We are well aware, as the Honourable the Leader of the House has just pointed out, that the Standing Orders and Rules contain many mysteries and difficult points arise ; but we are quite sure that in your hands the procedure of this House and the dignity of the Chair will be adequately upheld. (Applause.)

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province : Nominated Non-Official) : Sir, on behalf of the Central Muslim Party, I heartily congratulate you on your election to this high office, and I feel sure that you will prove yourself worthy of the great trust that the House has reposed in you and that you will do credit to the responsible position to which you have been elevated. (Applause.)

**Mr. President :** Gentlemen, I am really overwhelmed by the kindness which you have shown me, and I assure you that I am using no conventional language when I say that I am deeply grateful to you for the honour you have done me by electing me President of the Legislative

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Assembly, and for the exceedingly kind terms in which you have welcomed me this morning. I am greatly touched by the kind words which my colleagues, with whom I have had the privilege of working in this Chamber for nearly seven years, have said in the exuberance of their hearts.

Gentlemen, as you are aware, the term of my office will be very brief, but I feel sure that the confidence which you have reposed in me is more than a recompense for my short incumbency of the Chair. Gentlemen, I will have the honour to guide the deliberations of this House only for a week. Such power as I hold and such authority as I exercise are derived from you. It is impossible for me to forget that I occupy the Chair as your spokesman and your representative. It will be my sacred duty to see that the rights of individual Members of every party and every section of the House are safeguarded during the brief period that I shall occupy the Chair. God grant me strength to act with strict impartiality as long as I preside over your deliberations. But without your help I can do nothing, and in the performance of my duties I fully rely upon your co-operation, indulgence and assistance, which I hope and trust I shall never fail to receive. On my part I assure you, gentlemen, that I will never fail to give my co-operation and assistance to all the Members whenever necessary.

I thank you again most heartily, gentlemen, for the way in which you have received me this morning. (Applause.)

#### ELECTION OF THE DEPUTY PRESIDENT.

**Mr. President :** My election as President has caused a vacancy in the office of the Deputy President. In pursuance of Order 5 of the Standing Orders of the Legislative Assembly, I direct that an election to the office of Deputy President shall be held on Friday, the 11th July.

Each Member wishing to propose another Member as a candidate for election will ascertain that the candidate is willing to serve if elected and will hand to me not later than 12 noon tomorrow, Thursday, the 10th July, a notice showing the name of the candidate signed by the proposing Member himself and by some other Member as seconder.

As soon as the notices have been handed to me, I propose to read out the names of the candidates, together with their proposers and seconders, and if there is more than one candidate, to take the

1 P.M.

ballot on Friday, the 11th July.

The Secretary will issue a circular informing Honourable Members of the method by which the ballot shall be held.

**Mr. President :** Before I adjourn the House, I would like to remind Honourable Members that His Excellency the Governor General will address the Members of both Houses in this Chamber this afternoon at 3 O'clock and therefore Members are required to take their seats in this House before 2.45 P.M. This House stands adjourned till 11 O'clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th July, 1930.

#### ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY.

His Excellency the Viceroy : Gentlemen, it is my first duty this afternoon to offer to the newly appointed

3 P.M.

President of the Legislative Assembly my congratulations on his election to that honourable post. I am confident that he will fill it with dignity and distinction, and that he will have the support of all parties in the discharge of the duties that the House has entrusted to him.

I felt some doubt, gentlemen, whether it was in accordance with your wishes that a session of the Council of State and of the Legislative Assembly should be held this summer. In reaching my decision I was influenced largely by the fact that, apart from certain official and non-official business which it was desirable to transact, it seemed clearly right that Members of both Houses should have an opportunity of discussing matters of public interest, on which also I wished, before the Legislature was dissolved, to have the privilege of addressing you.

This session will mark the close of the second Council of State and of the third Assembly, which last has already been extended by two sessions beyond its normal term. In certain quarters a desire in favour of a further extension for the Assembly has been expressed, and notice has been given of a Resolution to be moved to this effect. After giving the matter my careful consideration, I came to the conclusion that it would not be right on general grounds to extend the present Assembly further, and in consequence of this decision it appeared that the most convenient course would be to dissolve the Council of State in time to allow of the elections of both Houses to be held concurrently in September. This procedure I propose to follow. I realise that an election at that time will mean that those who have recently been successful in bye-elections can take part only in one brief session, and that it may for climatic reasons cause inconvenience both to candidates and electors. I greatly regret that this should be so, but the usual date of elections is impossible if it is not to clash with the approaching Conference in London, and for those potential candidates who may in due course be invited to go to England for this purpose, September elections would, I think, be accepted as the most convenient.

The return of His Majesty's Legation to Kabul marks the re-establishment of normal relations between His Majesty's Government and Afghanistan, and the end of a period of difficulty and stress.

The situation on our North-West Frontier, which for some time was such as to give cause for anxiety, is now I am glad to say giving place rapidly to more satisfactory conditions. I wish warmly to commend the efforts both of leading residents of the Province and of the official authorities to restore to the North-West Frontier Province the old relations of friendship and confidence between its people and Government.

On the North-Eastern borders of India, difficulties arose between the Governments of Nepal and Tibet over a question of the nationality of an under-trial prisoner, and led to incidents involving very serious tension between them. The possibility of hostilities between these two countries, both neighbours of India, was not one which India could regard with equanimity, and, with the consent of His Majesty's Government, special efforts were made to avert any such calamity. A friendly mission was despatched to Lhasa, and acting on advice thus tendered, the Tibetan Government took the steps necessary to remove the cause of friction. All is now well between the two countries, and both have expressed their gratitude for the friendly action taken by the Government of India.

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As Honourable Members are aware, two important questions relating to Indians overseas have been engaging the attention of my Government for some time past. One of these arose out of the recommendations made by the Hilton Young Commission and by Sir Samuel Wilson regarding closer union in East Africa; the other concerned the basis of franchise under the new constitution in Ceylon. His Majesty's Government have recently announced their conclusions about both. I need not recapitulate them in detail, as they have received full and wide publicity in India. But I wish to make a few observations on the points of outstanding interest to India that emerge from these announcements.

As regards East Africa, the proposals of His Majesty's Government are to be referred to a Joint Select Committee of Parliament. When this Committee is set up, the Government of India will intimate their desire to place it in possession of their views on those proposals that concern the Indian communities in these territories. The conclusions of His Majesty's Government that the official majority should be retained in the Legislative Council of Kenya, and that the establishment of a common roll is the object to be aimed at and attained, are in accordance with the views consistently urged by the Government of India. Fears have been expressed in certain quarters that the scheme of closer union formulated in the White Paper may ultimately prove detrimental to Indian interests. I would however draw the attention of Honourable Members to the various safeguards provided in the scheme to protect racial minorities. They may rest assured that, should it later be found necessary, the Government of India will make the requisite representations on the subject.

The decisions of His Majesty's Government regarding the franchise in Ceylon recognise the claim of the Government of India to watch over the interests of Indian emigrants in the Colony. Explicit renunciation of their protection by an Indian applying for a certificate of permanent settlement will not be required. There is no intention of repealing or amending, to the detriment of Indians, any of the laws of Ceylon affecting their position or privileges, which they will continue to enjoy. As regards the future, the Governor will not be empowered to assent to any Bill diminishing or abrogating these privileges, unless he has previously obtained the instructions of the Secretary of State, or the measure contains a suspending clause. Fears have been expressed that the effect of these concessions will be neutralised by inclusion in the Order in Council of the provision that no holder of a permanent certificate, while registered as a voter, will be entitled to claim any rights, privileges or exemptions that are not common to all British subjects resident in the Island. This provision in no way affects the assurance of His Majesty's Government that there is no intention of curtailing the special privileges that are now enjoyed by Indians. There is no reason to think that, by friendly negotiation between the Government of India and the Government of Ceylon, the retention of existing privileges, and the extension to all Indians of concessions that the Government of India may be able to secure hereafter for Indians who do not enjoy the franchise by virtue of possessing certificates of permanent settlement, will not be achieved.

Before leaving the subject of Indians overseas, I should also like to draw the attention of Honourable Members to the fact that Ministers of the Union of South Africa have decided to postpone, till the next session,

the Bill to regulate the tenure of fixed property by Asiatics in the Transvaal, which was introduced in the Union Parliament in May this year. This delay, which we warmly welcome, permits the hope that the provisions of this measure, which as you are aware has caused considerable alarm among Indians in the Transvaal, may ultimately be adjusted to satisfy the legitimate claims of the Indian community.

I must now address myself to the subjects which constitute the principal and daily preoccupations of all concerned with the political future of their country. I desire to speak most frankly, for the gravity of the times requires that I should place all those who hear or read my words in full possession of my thought. I would remind you briefly of the background against which recent events are set. During the last half century, the development of political thought in India has been a continuous process. Particular events, notably the War, quickened the pace, with the result that the value of the reforms of 1919, marking though they did a very definite new departure, and affording wide opportunity for public-spirited men to serve their country, was in some quarters soon discounted in the forward movement of political opinion. One of the joint authors of those reforms had gained the confidence of political India in a way that it has been given to few British politicians to do, but even the position that Mr. Montagu held in Indian hearts did not suffice to protect from disparagement the scheme associated with his name. Many influences were at work, and of these the reforms were not the least effective, to make it certain that the nationalist spirit in India would develop, and that quickly, and that such development would be sought upon lines that British experience, and contact of the political classes with British education and practice naturally suggested.

Outside India this movement was imperfectly appreciated; and if in India criticism of what *was* occupied more place upon the stage than constructive thought of what *might be*, Indians might, not without some justice, reply that Great Britain, preoccupied as she is apt to be with pressing problems nearer home, had been slow to apprehend how rapid a transformation was passing over the Indian outlook. And so, bred of impatience on one side and lack of appreciation, mistaken for lack of sympathy, on the other, suspicion grew, aggravating as the years passed the difficulty of bringing to bear on these matters from either side the dispassionate judgment that their complexity demanded.

When I came to India, I came with one dominant conception of the work which in this generation any Viceroy must set out to try to do. Amid all his duties of administration, as the head of a great Government, no Viceroy, as it seemed to me, could for one moment forget that the principal duty, which he owed alike to those on whose advice he had been called by the King-Emperor to his office, and to those whom for five years it was his duty and his privilege to serve, was to devote all his energies to the maintenance of a progressive, orderly, and contented India within the orbit of the British Commonwealth. It is not necessary for me to recall the influences, naturally centrifugal, at work upon the other side. Differences, racial, with all that they imply in distinction of thought, differences of religion, affecting men's minds the more profoundly because their operation was more frequently in large degree subconscious: differences of environment and history; all these and many more combined

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to make the task of effecting and preserving true unity between Great Britain and India one which would strain the capacity of the best material on either side. And yet I could feel no doubt that it was the one supreme purpose for which no effort was disproportionate.

It was also evident that, looking ahead, it was hardly to be expected that India, rightly sensitive of her self-respect, and growing every year more conscious of national feeling, should of her own free will desire to remain indefinitely a partner in the political society of the British Empire upon terms which implied a permanent inferiority of status. It was for this reason and with the object of removing avoidable misunderstanding on this vital matter, that His Majesty's Government last year authorised me to declare that, in their view, the attainment of Dominion Status was the natural completion of India's constitutional growth. That declaration was made and stands.

His Majesty's Government simultaneously announced their intention to convene a Conference, as widely representative in character as possible, in order that, after the submission of the Statutory Commission's Report, spokesmen of Great Britain and India might take free counsel together upon the measures which His Majesty's Government would later present to Parliament. That Report has now been published, and I do not think that any impartial reader, whatever may be his opinion upon the actual recommendations made, will deny that the Commission have made a weighty and constructive contribution to a most difficult problem. Great however as, for its intrinsic value, must be the authority of the Report, it was neither the desire nor the function of the Commission to anticipate the decisions of His Majesty's Government, reached after conference with representatives from India, or of Parliament itself. Their task was described by Sir John Simon in the following words :

"No one", he said, "should regard the Statutory Commission or its colleagues as though we were settling and deciding the constitution of British India. Our task is very important, but it is not that. Our task is that of making a fair, honest and sympathetic report to the Imperial Parliament. When we have made our report, then it would be India's opportunity to make her full contribution, which is right and necessary, to her future constitution, which would be framed by Great Britain and India together."

The duty of expressing an opinion now passes to the Government of India, and just as the Commission would have failed in their duty to Parliament, by whom they were appointed, if they had not presented a report that reflected faithfully their own conclusions, so the Government of India would fail in their duty if they similarly did not approach consideration of the Commission's Report with a full sense of their own responsibility. We have not hitherto been able to do more than give preliminary and tentative examination to the Report, and before reaching conclusions, I think it is right that I should have the opportunity of discussing the whole subject with some of those who can speak for non-official Indian opinion. I hope to have occasion to do this with some of the Ruling Princes and representatives of the States next week, and I should propose also to invite representatives of different views and interests from British India to meet me for this purpose as may be found convenient.

I am only too well aware of the degree to which calm examination of these questions has been prejudiced by the events that have engaged

public attention during the last few months. It will be remembered that, following upon my refusal to anticipate the discussions of the Conference, Mr. Gandhi, in spite of my declaration of the purpose of His Majesty's Government and of the free opportunity for mutual co-operation and accord which that Conference was designed to provide, decided to launch a campaign of civil disobedience, and proceeded to use his great influence to persuade his countrymen to adopt a course of open defiance of the law. Before this reckless plunge had been finally taken, I did my best to give a clear warning of the consequences that it must involve ; but the warning fell upon deaf ears. That campaign has now been in progress for some three months, and all of us, whatever be our judgment upon it, must be conscious of the damage in countless directions that has already been inflicted. Those who have identified themselves with this movement would have us regard it as a perfectly legitimate form of political agitation, to which resort is had only under pressure of regrettable necessity. I cannot take that view. In my judgment and in that of my Government it is a deliberate attempt to coerce established authority by mass action, and for this reason, as also because of its natural and inevitable developments, it must be regarded as unconstitutional and dangerously subversive. Mass action, even if it is intended by its promoters to be non-violent, is nothing but the application of force under another form, and, when it has as its avowed object the making of Government impossible, a Government is bound either to resist or abdicate. The present movement is exactly analogous to a general strike in an industrial country, which has for its purpose the coercion of Government by mass pressure as opposed to argument, and which a British Government recently found it necessary to mobilise all its resources to resist. Here it has been sought to employ more dangerous weapons even than this, and the recent resolution of the All-India Working Committee of the Congress, insidiously designed to seduce police and troops from their allegiance, leaves no longer room for doubt of the desperate lengths to which the organisers of the movement are prepared to go, and gave Government no option but to proclaim the body responsible for such a resolution as an unlawful association. He would in truth be a false friend of India who did not do his utmost to protect her from acquiescence in principles so fundamentally destructive.

I gladly acknowledge that there have been public men who, in the face of strong opposition, have not been afraid to condemn in unequivocal terms the civil disobedience movement. I could wish their example had been more widely followed. After all, is it not a very dangerous doctrine to preach to citizens of India that it is patriotic and laudable to refuse to obey laws or to pay taxes ? Human nature is often reluctant to do either, and if there is anything certain, it is that, if society is once thoroughly inoculated with these noxious microbes, the disease will perpetually recur, until one day it paralyses the Indian Government of the future, which by these methods it is sought to bring into existence. It may not be long before Indian Ministers are responsible, for example, for the assessment and collection of land revenue or other taxes. They would have little cause to thank those who had allowed the impression to gain ground that withholding of payments legally due was a proper method of voicing general political dissatisfaction with the established Ministry.

Therefore it is that I have felt bound to combat these doctrines and to arm Government with such powers as seem requisite to deal with the



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situation. I fully realise that in normal times such frequent resort by the Governor General to the use of his special powers would be indefensible. But the times are not normal, and, if the only alternative is acquiescence in the result of efforts openly directed against the constituted Government of the King-Emperor, I cannot for one moment doubt on which side my duty lies.

I have never been blind to the fact that, in the circumstances which we are considering, there would inevitably be serious clashes between the forces of Government and that section of the public which supports the movement, and that many persons would thereby unavoidably sustain physical injury. From the first moreover it was certain that, during disturbances, innocent persons must at times suffer with the guilty, where this has been the case, I deeply deplore it, and tender my personal sympathy to those concerned. But it is necessary to consider where the primary responsibility rests. When the fire brigade has to be called in to extinguish a fire, it frequently does serious damage, but though the fire brigade does the damage, none would suggest that it was responsible for the fire which was the original reason for its being called in, least of all when the fire was due to direct incendiarism. No good, therefore, is done by shutting our eyes as to where the original blame must lie, and whatever criticism there may be of those whose task it is to put out the conflagration, speaking generally, I have nothing but commendation for the servants of Government, both civil and military, who have been doing their duty with great steadiness and courage in conditions of the severest provocation and often of direct risk to their lives. Several—I speak of the police—have been brutally murdered, and in many cases they and their families are subjected daily to the grossest forms of persecution. I am glad to know that several Local Governments have sanctioned for them allowances for the extra duties which they have had to perform and have not been backward in bestowing rewards for exceptionally meritorious service.

The gravity of the present movement however does not deflect my judgment on the question of constitutional reform by a hair's breadth to the right or left. Honourable Members know that I am not fighting civil disobedience because I lack sympathy with the genuine nationalist feelings of India. I have never concealed my desire to see India in enjoyment of as large a degree of management of her own affairs, as could be shown to be compatible with the necessity of making provision for those matters in regard to which India was not yet in a position to assume responsibility.

I am therefore bound at this time to keep two principal objectives in the forefront of my mind, and in this regard I wish to state my position and that of my Government in the clearest terms. So long as the civil disobedience movement persists, we must fight it with all our strength, because, whatever may be the spirit by which many of its adherents may be animated, I believe from the bottom of my heart that it is only leading many of India's sons and daughters, in mistaken service of their motherland, unwillingly to expose her to grievous harm.

On the other hand, so far from desiring to secure so-called victory over a nationalist movement constitutionally pursued, I desire nothing more than to be able to help India so far as I can to translate her aspirations into constitutional reality. I would ask what fairer method could be devised for this than one by which all the various points of view can

be sifted in discussion, and where, not by majority voting, but by the influence of mind on mind in daily personal contact, a sustained attempt can be made to discover once for all the more excellent way in which Great Britain and India, to the benefit of each, can walk together.

The date of assembly of the Conference has already been made public, and on behalf of His Majesty's Government I am now able to define its functions more precisely. After very careful consideration, His Majesty's Government have reached the conclusion that it would not be right to prescribe for the Conference any terms more limited than were implied in my statement of November 1st last, and that the Conference should enjoy the full freedom that those words connote. The Conference accordingly will be free to approach its task, greatly assisted indeed, but with liberty unimpaired, by the Report of the Statutory Commission, or by any other documents which will be before it. It is the belief of His Majesty's Government that by way of conference it should be possible to reach solution that both countries and all parties and interests in them can honourably accept, and any such agreement at which the Conference is able to arrive will form the basis of the proposals which His Majesty's Government will later submit to Parliament. From such a definition of the scope of the Conference, it is clear that His Majesty's Government conceive of it, not as a mere meeting for discussion and debate, but as a joint assembly of representatives of both countries, on whose agreement precise proposals to Parliament may be founded. The Conference will thus enjoy the unfettered right of examining the whole problem in all its bearings, with the knowledge that its labours are of no academic kind, and His Majesty's Government still hope that Indians of all schools of thought, whatever the attitude that some have hitherto taken, will be ready to share in this constructive work. I see no reason why, from frank discussion on all sides, a scheme might not emerge for submission to Parliament which would confound the pessimism of those who would tell us that it is impossible for Great Britain and India, or for the various interests in India, to reach agreement.

My Government is anxious to render to the Indian side of the Conference every assistance that it can, and for this purpose has decided to place a secretariat at its disposal, consisting of Sir Geoffrey Corbett, Mr. Latifi and Mr. G. S. Bajpai, whose knowledge of many different sides of administration will, I am confident, be of great value.

Gentlemen, I have only a short time left of my official term of office, and I would anticipate its end by concluding what I have sought to say, rather as a friend than as Viceroy and Governor General. As I look back over the time I have spent in India, I can recall no occasion on which I have consciously sought to work for anything but India's good. I believe I can claim to have learnt something of the feelings that fill the hearts of many Indians of all classes and all shades of thought, who have been good enough to extend to me a friendship which I shall hope to enjoy long after I have said goodbye to India and the present troubles are left behind.

India is a country the scale of whose history and physical features alike condemn those who would take small views. The monuments with which her land is enriched attest the faith and perseverance of her master craftsmen, and reprove those who would believe that any other qualities can serve the constitution builder, who builds not for himself but for

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futurity. I believe, as I have said often, that the right and the best solution of the riddle of India will be found only by Great Britain and India joining together in the search. But this demands faith, which we are at times tempted to think only a miracle could now give in the measure dictated by our necessities; and many would have us believe that the age of miracles is past. Yet in India more than elsewhere there is the capacity to apprehend the spiritual power by which things apparently impossible are brought to pass, and I at least cannot doubt that, could we but recapture the spirit of mutual trust between our two countries, we should in so doing liberate invincible forces of faith to remove those mountains which have lately hemmed us round.

I am in better position than others here to know the effect that would have been produced in Great Britain, if the hand of friendship that she extended last November had been generously grasped in the same spirit by those who could speak for India. Many things said subsequently on both sides would have been said differently or remained unsaid; new misunderstandings would have been avoided; and the whole setting of the problem would have been favourable to a more just appreciation of the several points of views that have to be brought to harmony. It seems therefore utter tragedy that at the moment when the chances of settlement were perhaps better than they have ever been, and the stage was set for a free and unbiassed consideration of the whole problem, the party of Congress should have thrown aside the finest opportunity that India has ever had.

I would hope that it might yet not be too late for wiser counsels to prevail, by which all the political thought of India might be harnessed to the task of welding into unity the elements that compose her life, and in conjunction with Great Britain devising the best means for giving constitutional expression to them. Thus two roads today lie open, one leading as I think to turmoil, disunity, disappointment and shattered hopes; the other guiding those who follow it to the India of our dreams, a proud partner in a free Commonwealth of Nations, lending and gaining strength by such honourable association. India to-day has to make her choice. I pray God she may be moved to choose aright.

## LEGISLATIVE ASSEMBLY.

Thursday, 10th July, 1930.

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

### MEMBER SWORN.

Mr. Goswami Maheshpuri (Central Provinces : Landholders).

### PANEL OF CHAIRMEN.

**Mr. President :** In accordance with the provisions of rule 3 of the Indian Legislative Rules, I announce that I have nominated the following Members to be on the Panel of Chairmen :

1. Mr. M. A. Jinnah.
2. Mr. M. R. Jayakar.
3. Sir Hugh Cocke.
4. Nawab Sir Sahibzada Abdul Qaiyum.

### THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL.

APPOINTMENT OF SIR HUGH COCKE TO THE SELECT COMMITTEE.

**The Honourable Sir George Schuster** (Finance Member) : With your permission, I beg to move that Sir Hugh Cocke be appointed to the Select Committee on the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose.

The motion was adopted.

### THE MUSSALMAN WAKF VALIDATING (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**Mr. A. H. Ghuznavi** (Dacca Division : Muhammadan Rural) : I beg to present the Report of the Select Committee on the Bill to amend the Mussalman Wakf Validating Act, 1913.

### THE BENARES HINDU UNIVERSITY (AMENDMENT) BILL.

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : I move for leave to introduce a Bill further to amend the Benares Hindu University Act, 1915, for certain purposes.



**\*Rao Bahadur D. R. Patil** (Bombay Central Division : Non-Muhamadan Rural) : Mr. President, I rise to support the introduction of a Bill further to amend the Benares Hindu University Act, 1915, for certain purposes. The object of the Bill is really laudable, as it aims at strengthening the financial administration of the Hindu University by the formation of a Standing Committee that will examine the resources of the University and put a check on the application of the funds at the disposal of the University. Government have taken the right step in introducing the Bill in the financial interests of the University.....

**The Honourable Sir George Rainy** (Leader of the House) : Is the Honourable Member in order in objecting to the introduction of the Bill at this stage ?

**Mr. President** : He is not objecting. He is a new Member and wants to support the Bill. I should not like to stop a new Member when he wants to make a speech.

**Rao Bahadur D. R. Patil** : The Government of India have resorted to this legislation after consulting the Vice-Chancellor and the Court of the Benares Hindu University. Some other changes are proposed by Government in accordance with the wishes of the Pro-Vice-Chancellor. So, I think there will be no opposition from this Assembly to the introduction of the Bill.

**Mr. President** : The question is :

“ That leave be given to Sir Frank Noyce to introduce a Bill further to amend the Benares Hindu University Act, 1915, for certain purposes.”

The motion was adopted.

**Sir Frank Noyce** : I introduce the Bill.

#### DEMANDS FOR SUPPLEMENTARY GRANTS.

##### MISCELLANEOUS.

**The Honourable Sir George Schuster** (Finance Member) : I beg to move :

“ That a supplementary sum not exceeding Rs. 2,66,000 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, 1931, in respect of ‘ Miscellaneous ’.”

*Inadequate and Unsatisfactory Suggestions and Recommendations of the Indian Statutory Commission.*

**Mian Mohammad Shah Nawaz** (West Central Punjab : Muhamadan) : Sir, I beg to move that the Demand for a supplementary grant of a sum not exceeding Rs. 2,66,000 in respect of ‘ Miscellaneous ’ be reduced by Rs. 100.†

Sir, the Report of the Indian Statutory Commission has been published, and it would be idle to deny that it has created difficulties in the way of those who, on both sides, are working for peace. Political India

\* Speech not revised by the Honourable Member.

† (Inadequate and unsatisfactory suggestions and recommendations contained in Volume II of the Report of the Indian Statutory Commission and their probative value as part of the material to be discussed and considered by the coming Round Table Conference.)

as a whole has condemned the recommendation of the Commission as inadequate and unsatisfactory. I maintain, Sir, that no constitution framed by any Commission or by the British Government would be of much value, if it did not have behind it, the goodwill of those who would be willing to make it function. Judged by this test, I have no hesitation in saying that the recommendations and suggestions contained in Volume II of the Report are inadequate, disappointing and unsatisfactory. Now, Sir, the outstanding features of the Report of the Indian Statutory Commission are the ultimate constitution of India on a federal basis, the constitution of the provinces, the constitution of the Central Government and of the Army. I agree that the ultimate constitution of India should be a federal union, because in a sub-continent like India which comprises over 300 millions of people, which consists of so strange and unusual a collection of autonomous states, democratic provinces and backward tracts under the Central Government, no other constitution is possible. But I beg leave to point out that the Commissioners have postponed the completion of this federal union for an indefinite period. They might have recommended that the Federal Union could be started in British India, with autonomous provinces as units. They should also have either recommended, or at least suggested to the Ruling Princes, that they should have, in their respective States, Legislative Councils, on the lines of the Legislative Councils of major provinces of British India.

**Mr. President** : I understand this Demand is required for expenditure in India in connection with the Round Table Conference. I want the Honourable Member to let me know how he connects the Simon Commission's Report with the expenditure in India about the Round Table Conference. We cannot deal with the Simon Commission's Report in this way.

**Mian Mohammad Shah Nawaz** : I will explain. I understand the Round Table Conference is to be convened on or about the 28th October.

**Mr. A. H. Ghuznavi** : 20th October.

**Mian Mohammad Shah Nawaz** : This expenditure is in respect of the Round Table Conference.

**Mr. President** : In India.

**Mian Mohammad Shah Nawaz** : Of course in India, and further under next Demand also in England. But what would be the functions of the Round Table Conference ? The functions of the Round Table Conference would be to discuss the Simon Report along with other material that may be brought to their notice.

**Mr. President** : Order, order. That is not the analogy. I think the Honourable Member can raise all these points when he discusses the question of the expenditure in England, because all these questions will be raised at the Round Table Conference in England ; this has nothing to do with the expenditure which will be incurred by the office in India.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhamadan) : Sir, may I suggest that, if the Honourable the Leader of the House would direct that we might have a general discussion on the whole question connected with the Round Table Conference and not excluding the Simon Commission's Report and the Central Committee's

[Sir Hari Singh Gour.]

Report and the other schemes on the Report which have been published or are about to be published in connection with the future constitution of India, and if Honourable Members on both sides of the House are thus enabled to have this unfettered right of expressing their views and ventilating their grievances in connection with the policy of the scheme, then the Government would be in possession of what is the central idea underlying the various speeches of Members of the various groups of the House, and then, Sir, you might limit, in connection with the cuts, the discussion to any particular item which any Honourable Member may wish to express his views on. We may recall, Sir, the procedure that has been followed in connection with the general discussion on the Budget every year. We have a general discussion, and after that we descend to particulars and confine our speeches to the particular grievance on the basis of which that particular cut is recommended. I suggest, Sir, that it would be to the convenience of the House if that procedure is followed also to-day.

**The Honourable Sir George Rainy** (Member, for Commerce and Railways) : Sir, I may say that if in your discretion you regard it as expedient and generally to the convenience of the House that the procedure suggested by my Honourable friend, Sir Hari Singh Gour, should be followed, I should not offer any objection, but the nature of the cut which has been moved by my Honourable friend, Mian Mohammad Shah Nawaz, is such that it really raises the same question, raised by the supplementary vote itself and it seems to me that it would be impossible for speakers in discussing this vote to avoid frequent reference to the Report of the Royal Commission and an explanation of their views about it. I shall certainly take no objection, subject to your ruling, to any discussion or reference to the Report of the Statutory Commission in the course of the debate. Whether we should have a general discussion on the Demand itself or on a particular cut is a matter in which I wish to place myself entirely in the hands of the Chair.

**Mr. President** : Order, order. I think the analogy of the general debate on the Budget cannot be followed on this occasion, because on a supplementary grant, as has been the established practice of this House, and for which there are several rulings of both the previous Honourable Presidents of this House, questions of policy cannot be discussed. Well, on this particular occasion, I have allowed the debate on the question of policy, simply because this grant was not contained in the original Budget. The demand for the Round Table Conference was not contained in the original Budget and therefore the Chair has allowed a discussion on the general policy. But of course the analogy of the discussion of the General Budget cannot be followed here because there you can discuss the whole policy of the Government, while on this Demand there would be only a very restricted discussion on the policy of the Government as regards the Round Table Conference. Now this Demand, as I have already pointed out, refers to expenditure in India, and I think it would be better if the question of the policy of the Round Table Conference were to be discussed on Demand No. 85, where it would be more relevant. I think the discussion on this Demand should be restricted to the expenditure for which this Demand is required.

**Mian Mohammad Shah Nawaz** : With all due deference to you, Sir, Demands Nos. 75 and 85 cannot be separated. It is a difference without distinction. It is true that the Round Table Conference is to be convened in London. It is true that expenditure is to be incurred in India as well as in England and I submit that the recommendations of the Simon Commission can be discussed either under Demand No. 75 or Demand No. 85. I respectfully submit there is no difference at all between the two Demands.

**Mr. President** : I think I have expressed my view on the subject, and I do not want any more discussion about it. I think on this Demand the Honourable Member should confine his remarks only to the Demand under discussion and the general discussion on the policy of the Government we will have on the next Demand.

**Mr. M. K. Acharya** (South Arcot-cum-Chingleput : Non-Muhammadan Rural) : On a point of order, Sir. What would be the kind of amendments which you would rule as admissible under this Demand, if we are simply to deal with the expenditure in India and are not expected to go into the purpose of the expenditure? I might submit that the expenditure in India will be incurred only on people going to the Round Table Conference. What kind of amendment would you allow under this Demand?

**Mr. President** : If a discussion is raised on the expenditure which will be incurred in India, then, a discussion on that subject will be quite relevant under this Demand.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I gathered from your remark, that, when the next item is taken up, you would consider if the Simon Commission's Report could be gone into. I submit, Sir, that it is the custom in this House for Members to judge the purpose and object of an amendment from the brief statement of the Mover of the amendment, mentioned within brackets. We have the advantage in the present motion that the Mover has specifically raised the debate to discuss the Simon Report in the light of the Round Table Conference. In the next amendment of Mr. Acharya, the words mentioned in brackets are "Inadequate information regarding the function of the proposed Round Table Conference and the status of Indian delegates thereto". We have adequate information alike from H. E. the Viceroy's and Mr. Bann's statements that the Simon Commission's Report will be one of the subjects to be included in the discussions of the Round Table Conference. Therefore, the discussion, however cursory on the Simon Report, cannot be taken up under the next item but under this, and it would be more convenient for Honourable Members if you, Sir, can reconsider your ruling.

**Sir C. P. Ramaswami Ayyar** (Tanjore-cum-Trichinopoly : Non-Muhammadan Rural) : Sir, we are not discussing Mr. Acharya's amendment as I think that amendment is not now before the House.

**The Honourable Sir George Rainy** : Sir, may I make a suggestion for the convenience of the House? The Government attach importance to what has fallen from the Chair as to the vote upon which a discussion can most suitably take place. It would be very unwilling to create a precedent which would involve a departure from sound principle.

[Sir George Rainy.]

But the occasion is a rather exceptional one, and what I venture to suggest for the general convenience of the House is that you, Mr. President, might authorise a single general discussion on one of the votes. But this is a matter which is entirely within your own discretion.

**Sir C. P. Ramaswami Ayyar :** Mr. President, while I bow to your ruling, may I take the opportunity to indicate exactly the scope of the two Supplementary Demands? Supplementary Demand No. 75 is required for expenditure in India in connection with the Round Table Conference to be held in London in October next, the expenditure to be shared between Home and Indian revenues. Therefore it will be remembered, Mr. President, that this amount will be shared between Home and Indian revenues. That is a feature which may perhaps be borne in mind in coming to a conclusion whether it is necessary to keep in water-tight compartments the discussion on this grant and on the following grant. Of course, for the purpose of convenience of debate, it might be more expedient to limit the general discussion either to this grant or to the other grant, but may I, Mr. President, join with the Leaders of Parties in suggesting to you, as a matter of general convenience, that the matter is so interconnected that it is not possible to separate Demand No. 75 from Demand No. 85. It may therefore conduce to the convenience both of the House and of the Chair if a general discussion takes place with reference to all the aspects of the matter and a solid and single vote is taken on it.

**Mr. President :** If this is the general wish of the House, I have no objection. In fact, I had thought that the Leaders of the various Parties would come to an agreement on this question and that they would give me this morning some agreed proposals. I was expecting them to tell me on what Demand they would like to raise the general debate. If, however, it is the general opinion of the House that the general discussion on both the Demands may be taken on one item, then I will allow the general discussion to take place only on this Demand, and it must be clearly understood that the same discussion will not be raised again when Demand No. 85 is under discussion.

**Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) :** Sir, with very great respect, I do not quite endorse the statement that fell from the Chair that it is for the Leaders to come to agreement with regard to any point of order. It is entirely for the Chair to decide, and when a point of order is raised, it is entirely for the Chair to give the ruling.

**Mr. President :** In any case, I will allow Mr. Shah Nawaz to go on.

**Sir Hari Singh Gour :** Do I understand you aright that you have allowed the general discussion now under this head?

**Mr. President :** Yes.

**Mian Mohammad Shah Nawaz :** As regards the constitution of the provinces, the Commissioners think that they have given us provincial autonomy and they claim liberality for their proposals in this respect. It cannot be denied that there is a great advance. Dyarchy, which has been condemned throughout India and England, goes; and its place is taken by a unitary system of government, with Ministers in charge of all the provincial subjects with joint responsibility to the Legislature. The size of

the Council is very largely increased, and the voting strength is trebled. But if you go deeply into the matter, you will see that this provincial autonomy is not real and undisguised autonomy in the real sense of the term. It is not a complete provincial autonomy in which the powers of the Ministers would be unfettered. The powers of the Governor are still very wide. In fact, all the powers are centralized in him. He can select his Ministers, who will hold office during his pleasure. In the Ministry are to be included one or more officials. The word "more" is a very vague expression; it may mean two or it may mean three. I submit that the inclusion of the official Ministers in the provincial Cabinet is a step in the wrong direction. It is without precedent. These official Ministers would be influencing the decisions of the joint Ministry. These official Ministers would probably be in charge of law and order and finance. The House must remember that the Commissioners say that, in the event of a vote of no confidence being passed against the joint Ministry, these official Ministers can be reappointed on a new and reconstituted Ministry. This really means that the dyarchy remains in substance though, in form, it has been discarded. I submit, Sir, that the inclusion of the officials in the Ministry is entirely against the weight of the evidence that was placed before the Commission. The Central Committee and all the Provincial Committees, except the Committee of the Bombay Presidency, which were co-opted with the Simon Commission, have emphatically expressed their opinion that the Ministry should be without the officials. At least three Provincial Governments have said that the Ministry should be chosen from among the elected Members. But before selecting them, the Government should sound the opinion of the Council as a whole. Sir, I say without any hesitation that the official element should be eliminated. The official element should be eliminated because a Ministry which has one or two officials will not be working well. The timorous and subservient Ministers, as some of them no doubt are, will do what the official Ministers will tell them to do. An official Minister, who cannot be removed and can be reappointed, will always defy the wishes of the Legislature.

I now come to the overriding power of the Governor. The learned Commissioners lay down that the Governor can override the Ministry for two important purposes, namely, to preserve the safety of the province and the public tranquillity, and also to protect the rights of the minorities. I submit that, when you are making the Ministry responsible to the Legislature, no power should be given to the Governor to safeguard the public tranquillity. Ministers are the only persons who should see whether certain legislation or a certain ordinance is desirable or not. To this extent the overriding power, in my humble judgment, should be taken away from the Governor. I do admit that there are strong grounds for retaining overriding powers in the hands of the Governor in the interests of the minority.

I now pass on to the emergency powers of the Governor, which are given in paragraph 65 of Volume II of the Report. I think, with slight modification, the emergency powers must be retained, because these emergency powers are to be exercised in the event of a breakdown, in case the Governor comes to the conclusion that he cannot carry on the Government. In that case, it is quite right that he should take over the administration of the Government in his own hands and appoint delegates and assistants to help in the discharge of this responsible and onerous duties. But the Commission goes on to say that these emergency powers

[Mian Mohammad Shah Nawaz.]

can be exercised by the Governor for about twelve months. I submit that that is a very long period, the emergency powers should be restricted to a period of six months only. Sir, while I am discussing the constitution of the provinces, I desire to place before the House the case of the North-West Frontier Province and Baluchistan. The Commissioners admit that the inhabitants of the North West Frontier Province are as intelligent and as clever as the people of the other provinces. They also say that if there is a deficit in the finances of the North West Frontier Province, that can be met by a grant-in-aid from the Central Government. That solves the financial difficulty. They give to the North West Frontier Province a Legislative Council which is only a Council in name. It is no Legislative Council at all, it is an advisory body, probably worse than a District Board of any district of the Punjab.

They say that this Council should consist of 40 Members, out of which 20 are to be elected and 20 are to be selected by the Chief Commissioner. Out of the 20 that are to be elected, there are to be (a) representatives of the Khans from a special constituency, (b) Members to be elected by the Municipalities and District Boards, (c) ex-soldiers, to be elected presumably by ex-soldiers. I have never understood why there should be a special constituency for the Khans. I must confess to you, Sir, that I do not believe in Khans, and Nawabs, I only take my place as a commoner. Why should these Khans be elected from a special constituency? If these Khans are the real representatives of the people, as they pose to be, they should seek election from the commoners and not from a special constituency consisting of Khans and some big landlords.

**An Honourable Member : Why not ?**

**Mian Mohammad Shah Nawaz :** The Honourable Member is neither a Khan nor a Nawab. The days of Khans and Nawabs are gone. They must secure the goodwill of plebeians. The Khans have no business to be elected by a special constituency at all. They should seek election from the general constituencies as is the case in other provinces. Again, why should a certain number of the Members be elected by Municipalities and District Boards? The franchise in the North West Frontier Province should be widened, as wide as in other provinces. Again, Sir, what is the meaning of having a constituency for ex-soldiers? I do not understand how ex-soldiers are superior persons to civilians. No doubt in times of war, they may be formidable persons, persons on whom we rely for the defence of the country, but no invidious distinction need be made between the ordinary citizens and ex-soldiers. Further the Commissioners recommend that the Chief Commissioner should preside over the deliberations of this moth-eaten form of legislature. Why should he preside over the deliberations of this Council? Obviously the presence of the Chief Commissioner would be restraining the members from the exercise of independent judgment. He should not be allowed to preside over the deliberations of the Council. Sir, the main reason given by the Commissioners for not granting a full fledged constitutional reform to the North-West Frontier Province is that the inherent right of a man to smoke a cigarette must necessarily be curtailed if he is living in a powder magazine. I respectfully submit, that this analogy is unfair. To begin with, it is not the inherent right of everybody to smoke or drink. My Honourable friend Sardar Gulab Singh and my Mussalman friends,

would seriously object to smoking of cigarettes. Again it is assumed that the inhabitants of the North West Frontier Province are living in a powder magazine. I submit they are not. The North West Frontier Province is not so bad. I am stating my view about the settled districts and not of the tribal area. Sir, I maintain, and I say emphatically, that the people of the North West Frontier Province are not unruly and they are not living in a powder magazine. The inhabitants of five districts are living peacefully and calmly. Then, Sir, I submit, would it not be better that the powder magazine should be guarded by happy and contented guards? If the guard is unhappy, if he is discontented, he may set fire to the magazine. We all know that the defence of India really depends upon the goodwill, on the well being and on the contentment of the people of the frontier. The people of the frontier have unanimously demanded that they should have full fledged constitutional reforms on the lines of the other provinces. I am told by a very reliable authority that the present disturbances in Peshawar were due to the fact that the reforms were withheld from the people of the frontier. (Hear, hear.) We must give a full-fledged constitution for the frontier people. It is a demand of the Mussalmans, the Hindus, and the Christians, all alike. It is an all-India demand. It is the demand of the Congress. It is a demand of the Muslim League. It is the demand of the All-Parties Muslim Conference. There is no reason why full-fledged constitutional reforms should not be given to this province.

**Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) :** On a point of order, Sir. Was it your ruling that this was a fit opportunity for discussing the merits and the details of the Simon Commission's Report?

**Mr. President :** That seems to be the general opinion of the House.

**Mr. M. R. Jayakar :** May I mention that this is a cut relating to the expenses of the Round Table Conference? The Simon Commission's Report comes in only incidentally. A certain amount of reference to the Simon Commission's Report is inevitable. But may I submit that this is not a proper opportunity for considering the merits and details of the proposals contained in the Simon Commission's Report, because that is only very remotely connected with the subject before the House.

**Mr. President :** As the Government have no objection to deal with all these questions of policy, I do not think that I should restrict the debate.

**Mr. M. A. Jinnah :** The point is not whether the Government have any objection. I am very sorry that there seems to be some misunderstanding on the point. The point is not whether the Government have any objection or no objection. The point is not whether any other body has no objection or any objection. The point I should place before you, if you give me the opportunity, is this. There is not the slightest doubt that the grants before us are grants which we are asked to vote for the expenditure of the Round Table Conference; nothing else. What has that got to do with the Simon Commission's recommendations and their merits? That is the first question. I will read to you, Sir,.....

**Mian Mohammad Shah Nawaz :** Sir, can the Honourable Member raise this objection when I am in the middle of my speech?

**Mr. M. A. Jinnah :** Demand No. 75 says this :

" This is required for expenditure in India in connection with the Round Table Conference to be held in London in October next for the purpose of considering the forthcoming general constitutional revision. The expenditure will be shared between the Home and Indian revenues. The total cost from the Indian revenues is estimated at Rs. 6,31,000 of which Rs. 5,44,000 is voted, Rs. 2,66,000 to be incurred in India and Rs. 2,78,000 in England under the control of the Secretary of State for India. The Standing Finance Committee has agreed."

This is Demand No. 75. What has this got to do with the Simon Commission's proposals and their merits? Or any other Commission or any other document? The Simon Commission's Report is one of the documents which will be considered by the London Conference like any other document. It may be an important document, but nothing more. Are we called upon now in this House to discuss the recommendations of the Simon Commission in connection with a Demand of this character which has nothing whatever to do with the Simon Commission? It is not a question whether Government have any objection or not. Government may have their own object in not objecting to it,—but we on this side of the House have the strongest objection to this irregularity, and feeling as we do, we can only appeal to you to give a ruling. If you agree with us, you should give a ruling that this discussion is out of order.

**Sir C. P. Ramaswami Ayyar :** Mr. President, very little is needed to enforce what has fallen.....

**Mr. President :** Order, order. I will not allow a discussion on this point of order. Of course Mr. Jinnah was not in the House when this point was raised by the Chair itself at the beginning of the debate. I read out this Demand, and I then explained what Mr. Jinnah has explained just now, and I found that it was the general wish of the whole House, official and non-official, that an opportunity should be afforded to the Members of the House to discuss the Simon Report on this cut; (*Voices :* "No, no") at least that is what I understood the general desire to be. Sir Hari Singh Gour got up and he said the same thing. The Honourable Sir George Rainy got up on behalf of the officials and he said that they had no objection if the policy of the Simon Report was discussed on this Demand. Therefore, in compliance with the wishes of the majority of Members of the House, I thought it would be better if I allowed the Honourable Members to say what they have got to say about the Simon Report and other things connected with the Round Table Conference, and I cannot go behind that ruling now. If the Honourable Member had been in the House at that time, probably he could have induced other Honourable Members to agree with him, but now as the discussion has been started, I cannot go behind that ruling. At the same time I would request Mr. Shah Nawaz not to go into the very minute details of the Simon Report. It would be better if the Honourable Members would only refer to the policy of the Report in a general way and also to the other matters regarding the constitutional advance of India. But it would certainly be a misuse of the privilege of speech if the Honourable Members go into minute details of the Simon Report in this discussion.

**Sir Cowasji Jehangir :** Sir, I am raising a new point of order. This is a cut for Rs. 100 on the Demand as a censure for the contents of the Simon Report. If that is in order.....

**Mr. President :** Order, order. That point was raised and a ruling was given. I cannot reconsider my ruling three or four times.

**Mr. M. A. Jinnah :** Sir, I am sorry I was not in the House when this point was raised. But I gather from what you said just now and I was under the impression that the Chair would probably rule it out of order. But you said you did not rule it out of order because you felt that there was a general desire to adopt that course. That impression may have been created in your mind, but that is not correct. There has been no such general desire, because we think that this is totally irrelevant. Not that we are afraid of discussing the Simon Report and expressing our views on a proper occasion. But in order to correct a misunderstanding I must say that there was no such general desire on this side of the House at least. You yourself felt that this was not in order, but as there was no serious objection raised, you allowed it. But I am pointing out to you now most emphatically that that impression was not correct. Surely it is open to you to say that, if serious objection is raised, you will give your ruling that it is out of order and if it is out of order, no amount of general desire in this House can make it in order.

**Mr. President :** I think it is not totally out of order. The Honourable Member will remember that His Excellency the Viceroy in his speech here last evening said that in the Round Table Conference all the schemes and documents, including the Simon Report, will be considered, and if these documents are to be considered at the Round Table Conference, I do not think that a reference to or a general discussion of the Simon Report will be totally out of order on this Demand. I do not want to prolong the discussion on this point, but as I have already said, Honourable Members, in making their speeches on this Demand, should restrict themselves to general observations on the Simon Report and should not go into the minute details of the recommendations of that Report.

**Mr. M. R. Jayakar :** Sir, I was also not present when this point was raised, otherwise I would have pointed out that there was no general desire on the part of the Party which I represent to have a discussion on the merits of the details of the Simon Commission's Report on this cut. The desire of my Party was just the other way. Of course a certain amount of reference to the Report is inevitable, because it is part of the material to be put before the Round Table Conference, but I do submit that you should give a ruling that nothing more than a general discussion of the Simon Report would be allowed on this occasion and that a minute discussion or a criticism of the detailed recommendations of the Report would be entirely out of place.

**Mr. U. N. Sen (Bengal : Nominated Non-Official) :** Sir, may I inquire why three days have been allowed for this discussion?

**The Honourable Sir George Rainy :** May I have your permission, Sir, to explain in one or two sentences the attitude of Government? What Government felt is, as my Honourable friend the Leader of the Opposition has said, that it is impossible, in discussing this vote, to avoid all references to the Statutory Commission's Report. To give a simple example, it is perfectly open to an Honourable Member to argue that he considered that the Statutory Commission's Report was so thoroughly bad that this money ought not to be provided. Equally clearly it is open to another Member to say that the Report is good and therefore the money



[Sir George Rainy.]

ought to be provided, or that, even though he disapproved of many parts of the Report, yet nevertheless the money ought to be provided, and that I understand is generally the line taken by the Honourable Mian Shah Nawaz.....

**Mr. M. A. Jinnah :** That has nothing to do with the Simon Commission.

**The Honourable Sir George Rainy :** I thought he was developing that point. But certainly, Sir, Government also feel that there must be some limit to the discussion on those points ; and it is entirely within the discretion of the Chair to decide whether or not a particular speaker kept himself within reasonable limits.

**Dr. Nand Lal :** On a new point of order, Sir.....

**Mr. President :** Let me decide this point of order first. I think, in the light of the discussion that has just taken place, Mian Mohammad Shah Nawaz might go on with his speech.

**Mian Mohammad Shah Nawaz :** Thank you, Sir. I did not think I was going into a detailed criticism of the Simon Commission's Report, because if I were to do so I might take two full days ; but I am not going to do that. I was referring to the reforms proposed for the Frontier Province. Sir, the Commission has given no Minister to the Legislative Council which they desire to establish in the Frontier Province ; the Members of the proposed Council are simply to discuss Bills and motions and the Demands for Grants which are to be presented by the Financial Secretary. No subjects are transferred to the control of a Minister or Ministers. Obviously this sort of reforms are very inadequate and disappointing. As I say, the demand of all India is that the Frontier Province should be given full-fledged reforms on the lines of the major provinces of India. In short, I have no use for the moth-eaten reforms which are proposed by the Commission for the Frontier Province.

With your permission, Sir, I will now pass on to the case of Baluchistan. I need not enter into the details of the reforms which the Commission has recommended for Baluchistan, because they have given no reforms. Their argument is very strange indeed. It is this : that it can safely be said that the Baluchis do not require any alteration in the existing system. In a few lines they dispose of this very important question of reforms in Baluchistan. The learned Commissioners tell us that the Baluchis do not want the reforms. Sir, I doubt whether this statement of fact is correct. I know the Baluchi Sardars very well. They do want an elective system to be introduced in Baluchistan. Sir, if Baluchistan is a part and parcel of India, and if we must hold Baluchistan for the defence of India, it cannot remain stationary ; either it must go backward or go forward ; and as it is unthinkable to go backward, is it not advisable to go forward ? I know how the present *jirga* system works in that province. Sir, I can say without any fear of contradiction that the *jirgas* simply endorse the decrees of the Chief Commissioner. It is no system at all ; I know the *jirga* system ; I know how it works on the frontier, and I know how it works in Dehra Ismail Khan, Dehra Ghazi Khan and in Baluchistan too. It is an old old system, good for nothing. Surely, Sir, Baluchistan must progress and Baluchistan must be given some sort

of reform. If you do not want to give a full-fledged constitution to Baluchistan, then start with some sort of reforms. But it is no use saying that the Baluchis are gypsies and nomads and they do not want any alteration in the existing system. Baluchistan is surrounded by countries which enjoy the benefit of the modern elective system. There is no reason why Baluchistan should be deprived of reforms if they are good. With all due deference, the reasoning of the Commission is not correct, and I submit that some sort of reforms must be given to Baluchistan and we must make a beginning, but it should be substantial.

Sir, now I come to the constitution at the centre. Sir, it must be admitted that the Commission have proposed no change of any value in the Central Government. The Viceroy is still supreme ; as a matter of fact his powers are enlarged. It is true that he can select his Executive Councillors from among the Members of the Assembly and the Council of State ; but there is no statutory obligation laid on the Governor General to select so many Members or all Members of his Cabinet from the elected Members of the Central Legislature. Sir, the Government of India, with an irremovable executive, faced with an elected majority is neither strong nor dignified. No constitution will work unless it has goodwill behind it and an autocratic Government of India would have little driving force behind it. Sir, the unanimous demand of India—and I believe there is no dissentient voice now—is to proceed along the lines of an immediate Dominion Status in the Central Government, with reservation in respect of the Army, foreign affairs and Indian States, and it is only by proceeding along these lines that a solution of the present difficulty can be found. Sir, it is a fact that the Liberals, the Muslims, the Sikhs and all others, barring the Congress, have agreed that all subjects in the Central Government except the Army, the Indian States and foreign affairs must be transferred to the control of Indian Ministers, as stated above.

Then, Sir, these learned Commissioners recommend indirect election to the Assembly ; that is to say, the Members of the local Councils are permitted to elect Members to the Legislative Assembly. I am not aware, Sir, of any federal system in which there is indirect election to the first House. The United States of America consist of as many as 48 States and they have direct election. In all federal systems, in Canada, and outside the British Empire—in Brazil, and in Germany—there is a system of direct election. There is no reason why direct election, which now prevails, should not be maintained. Sir, I submit that if Members to the Assembly are to be elected by an indirect method, demoralising tactics will be employed in the local legislatures ; and the non-official Ministers, and—if I may have the liberty of saying so—the official Ministers, would be sending those men to the Assembly who would be safe from the point of view of the Government. In short, the result of this proposal of the Commission will probably be—they will forgive me for saying so—to kill the independence of the Assembly. Further, according to mathematical calculation, if a candidate were to secure the first eight votes from Members of the Provincial Legislature, he would surely be returned to the Assembly. He would hardly be called a representative of the public. Sir, I do not believe in an election by the elected.

Coming to the Army, I find, the proposals of the Commissioners are extremely disappointing and unsatisfactory. The Army is for many many years to come to be

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placed beyond the control of the Legislature. It will wear the complexion of an army of occupation, forced upon the people of India to keep them in bondage. And India will have to pay 50 or 55 crores without question to England for the up-keep of the Army, without having the right to utter a single word about it. But if the Commission thought it advisable to put the Army in the hands of Agents of the Imperial Government, I think that they should transfer every other subject to the control of the Central Legislature except the Army. When I read the first volume of the Report, I thought that the idea of the Commissioners was to have an Imperial Army in this country with the Viceroy as its head, acting in conjunction with the Commander-in-Chief; I believed that the Commissioner's earnest desire was to establish an Army of Dominion pattern under the control of an Indian Minister in the Central Legislature. But when I read the second volume, I observed an entire change of front. The Commissioners make no suggestion of any kind as regards the Indianisation of the Army. They do not go into the recommendations of the Sandhurst Committee; they neither approve nor disapprove of the recommendations of that Committee. They express no opinion as regards the eight units scheme. They say nothing as regards the establishment of an Indian Sandhurst in 1933. They leave the question of the Indianisation of the Army untouched. And yet the Commissioners say that the question of the Indianisation of the Army must be faced. I humbly submit that they have not faced it, and we must face it. How are we going to Indianise the Army? That is the most important question, and that is the acid test, of the bonafides of Great Britain, because if the Army in India is not to be Indianised speedily, all talk of Dominion Status is humbug. Dominion status without the speedy Indianisation of the Army would be incomplete and possibly a great hoax. Sir, the important problem of the Indianisation of the Army can no longer be shirked. It must be faced and has got to be solved without further delay. Sir, I do hope that the Government of India will recommend a good scheme for the Indianisation of the Army, and in the absence of any scheme, they will recommend that the recommendations of the Indian Sandhurst Committee should be given effect to in their entirety.

Sir, with your permission, I now come to the services.

**Mr. M. A. Jinnah :** Is there no time limit to-day, Sir?

**Mr. President :** I am afraid not.

**Mian Mohammad Shah Nawaz :** Sir, I know there are some Honourable Members who are impatient.

They think that the Simon Report should be ignored and that it should be cast away, because it is unlookable. That is not a correct attitude. The Report is before the public. No doubt, the recommendations contained in the Report are disappointing, they are halting and unsatisfactory; in some respects they are retrograde in character; but they are to be considered very carefully. The Report naturally carries weight in the eyes of many Britishers. We must discuss it, and point out where the defects are. I do not agree with those Honourable Members who hold the view that there should be no discussion on this Report and

that it should be ignored. It cannot be ignored. I feel, Sir, that I am entitled to express my opinion on all the important problems concerning India which are embodied in the Report of the Indian Statutory Commission.

Now, Sir, coming to the question of the security services, I mean the Indian Civil Service and Indian Medical Service, I find that these services are still to remain under the control of the Secretary of State. That is in a way negation of provincial autonomy. But the part to which I seriously object is that the Secretary of State can employ these services in such numbers and in such appointments as he pleases. In my judgment, the provinces should be the masters in their own territories and they should have the power to say, "We will have so many members of the Indian Civil Service or Indian Police Service, and no more."

Then, Sir, as regards the fiscal autonomy convention which is said to exist in action, the Commissioners' proposal is actually retrograde. On the one hand they say that they do not want to suggest any change in the fiscal autonomy convention; but on the other hand they do make a change. Let me, Sir, read out to you a passage from page 306 of their Report. It runs thus:

"But delegation by 'convention' with the purpose of transferring responsibility in some measure to the Legislature raises different issues. The criterion should be, not whether an authority subordinate to the Secretary of State is in agreement with the Legislature but whether the interests at stake are of such a character that His Majesty's Government could waive or suspend its constitutional right to make the final decision. On this view the decision whether the will of the Indian Legislature is to prevail is one for the Secretary of State, or if need be, for His Majesty's Government, to take, after giving the fullest weight to the views of the Government of India, and before the proposal is put to the Legislature. A convention which sets the Government of India and the Legislature in opposition to the Secretary of State is constitutionally unsound and can only weaken the Government of India in the end."

It is quite clear that the fiscal autonomy convention goes, in practice, by the board.

I admit there are several favourable points in the Report. These are—(1) Provincial autonomy, which should be made real by eliminating the official element from the Ministry and by restricting the overriding powers of the Governor, (2) Enlargement of the sizes of the Provincial Councils and Legislative Assembly, (3) Extensive franchise in the provinces both to men and women, (4) a share of the provinces in the income-tax revenue with a view to developing the nation-building departments, (4) probability of having Executive Councillors from among the elected Members of the Central Legislature, (5) Establishment of a Public Service Commission in the provinces, (6) Separate representation to Muslims.

Sir, I would be failing in my duty if I did not put forward the demands of the Muslims of India. Those demands are given in the resolution of the All-Parties Muslim Conference, which was passed at



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Delhi on the 1st January, 1929. Therein we say that the Muslims of the Punjab and Bengal should be given a majority in their Legislative Councils, on a population basis. At any rate they are entitled to 51 per cent. representation. We also claim a specified share in the Services, that Sind should be separated, and that full-fledged reforms should be given to the North-West Frontier Province and Baluchistan. Those demands we have now reiterated in a resolution passed by the Working Board of the All-Parties Conference held at Simla on 5th July, 1930. I am glad to find that the Muslims have also come to the conclusion that all subjects in the Central Government excepting the Army, Indian States and foreign affairs should be transferred to Indian Ministers. Sir, I am afraid, these demands of the Muslims are not met by the Report of the Statutory Commission.

Sir, I now come to the Round Table Conference. (*Some Honourable Members* : "Hear, hear"). (*An Honourable Member* : "The real point.") In my humble judgment, the invitation to the members of the Round Table Conference who will eventually go should be couched in such terms that it should assure the co-operation of intelligent and representative Indian leaders, including a requisite number of Muslims. If that is not done, I am afraid the Round Table Conference may not be a success. If the Congressmen are not going to join the Conference unless certain terms are agreed to in advance, and if Government are not going to hold out the olive branch to them unless and until the civil disobedience campaign is called off, then I submit that all others, namely, the Liberals, the Muslims, Sikhs, and so on, should join hands and come to a decision that they will participate in the Round Table Conference. They should draft a constitution for India. I am glad that His Excellency the Viceroy has allayed the situation to some extent. Sir, we can safely trust the sincerity, earnestness and generosity of His Excellency the Viceroy and Mr. Wedgwood Benn. Sir, the fact remains that there will be a free discussion at the Round Table Conference. The proposals of the Simon Commission are proposals of seven gentlemen who were selected by the Conservative Government. It is now our right to put forward our own proposals for immediate Dominion Status or for the "substance of Independence" if you like, or for immediate Dominion Status with reservations in respect of the army, foreign affairs and the Native States with a view to arriving at the greatest possible measure of agreement and a lasting settlement between Great Britain and India. Sir, I submit that an alliance between Great Britain and India will very greatly promote the cause of universal peace and humanity. Sir, with these remarks, I move my cut.

**Dr. Nand Lal** (West Punjab : Non-Muhammadan) : I must confess that, on account of the wisdom which the Treasury Benches have shown to-day, they have got two most important and vital questions confused. I wish the discussion had been separate on the two most essential questions, but in obedience to the order which emanated from the Chair—every one of us is bound to obey and bow to it—and in compliance with that order, I propose to raise certain points and offer certain remarks with reference to this motion which has been moved.

To begin with, I shall take the point relating to the Round Table Conference to which really this motion seems to be confined. It has been repeated over and over again that this Conference will arrive at some points which will be favourable to India. Those hopes have been set forth on various occasions, but I am sorry to say that the constitutional advancement and rights which will be conferred on India have not, as yet, been particularised and definitely characterised, excepting the very encouraging announcement which was made yesterday by His Excellency the Viceroy, which appears to be some advance indeed. But, apart from that, all of us are in the dark as to the achievement we shall make in consequence, or by virtue, or by the assistance, or help of this Round Table Conference.

Sir, you are better aware than my humble self that the expenditure of money is directly concerned with the purse of the people, and the people have got a legitimate right to see that their voice in connection with the expenditure of money is heard and respected. Is there any provision made, any hint thrown out, or any suggestion made that the public will be consulted so far as the choosing or selecting of members of the Round Table Conference is concerned? If not, what right has this House got to make the grant? The people are the custodians of the purse. We are the representatives, namely, the elected Members, and we have, thus, not to put forward only our own views, but also the views of the people which have been expressed through impartial organs, namely, the Press and other channels. Irrespective of my personal opinion, I have to do my duty as the pleader of my constituency. I submit that no justification has been shown why this grant should be made in full and why this cut should not be accepted or approved of. I finish so far as the Round Table Conference is concerned.

The Honourable Mian Mohammad Shah Nawaz has dilated upon the question of the Indian Statutory Commission's Report; practically three-fourths of his time he has spent on that question. He has gone into details. But I must obey the Chair and I cannot thus afford to go into them. However, I shall make reference to it in a general way, with this hope that a further opportunity will be given to me for making certain important, essential, and necessary remarks which I shall reserve for a future occasion. (*Several Honourable Members* : "No, no.")

**Mr. President** : Order, order.

**Dr. Nand Lal** : As I submitted, I shall be very brief in submitting my points. There are three points to which I may invite the attention of this Honourable House. *Point No. 1* is the introduction of the official element in the Ministry. This suggestion in the Report has not had a cordial reception at the hands of the people. The opinion of the people is that what we wanted has not only not been given, but what we had has been taken away to a certain extent. I make this statement subject to correction. That is the view of a section of the people in India, and *prima facie* it seems to be correct. With the introduction of the official element in the domain of the Ministry, there is no knowing to what extent the legitimate rights and privileges of the people will be violated. The second point in connection with this Report is this, that separate representation has been permitted or has been allowed, on the ostensible ground of protecting the minorities. Well, the authors of the Report

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seem to have made out a case on that ground alone, if my reading of the Report is accurate and correct. Taking that view of the learned authors and comparing it with the remarks, as alluded to in Volume II, I find that the view, propounded by the learned and Honourable authors of that Report, appears to be erroneous. I shall point out why. Now, the ground on which this separate representation has been allowed by the Report is this, that the interests of the minorities may be safeguarded. That is the main ground. That is the plausible reason which is set forth. Now, if the minority itself wishes, prays, and humbly submits that we do not want separate representation and that it is not worth while to have it, why should the Commission thrust it upon them? Take the case of the Punjab. The Hindus are in a minority. The Hindu Minister expressed himself against the retention of separate communal electorates and the Hindu people, who appeared as witnesses, made a statement purporting to mean that they did not want separate representation. They substantially meant to say "You are thinking of giving us protection. We say good bye to this sort of protection. We want unity between Hindus and Muhammadans. We want brotherhood". They meant to urge that if a Hindu is a really good candidate and has got the confidence of Muhammadan voters, they will prefer him to a Muhammadan candidate. We do not want this sort of protection at all. We are in favour of joint electorates. We want and believe that in the course of time Hindus and Muhammadans may live as brothers, as loyal subjects of His Majesty.

**Dr. A. Suhrawardy** (Burdwan and Presidency Divisions : Muhammadan Rural) : May I ask the Honourable Member who said that? The Hindus never said that.

**Dr. Nand Lal** : If you will kindly read the Report of the Ministers, (Volume II, pages 57 and 59), and look into the Hindu spirit, you will see that they substantially were not in favour of separate representation.

**Dr. A. Suhrawardy** : I was present at the Joint Free Conference and heard the evidence.

**Dr. Nand Lal** : I ask, why this separate representation has been hurled upon the people of the Punjab? Why have Hindus been deprived of their aspiration to become friendly with Muhammadans and perform their duties as true representatives of the people?

The third point which I place before this House is this. I ask : have these learned authors of the Report given anything to India, so far as the privileges, rights and status of the Central Legislature are concerned? The answer would be "No". If you compare the privileges, the rights, the political status of the Legislative Assembly with those of the suggested Federal Assembly, you will come to this conclusion that India has lost a great deal in that behalf. Have you ever heard that a Member of a Provincial Council may be, at the same time, a Member of the Central Federation? The birthright of the constituents, who have been franchised and who have got the right to elect their representatives directly, has been violated and taken away from them. At least as a student of constitutional law (my knowledge perhaps may be limited and I make this statement subject to correction), I cannot find this sort of principle in any system of law in the world—that a

representative in a Provincial Council can be, at the same time, a Member of the higher House and he alone has got the right to give a vote as such to another Member who is his comrade and his associate in the same House. It means that a Member of a Provincial Council can simultaneously be a Member of the Central Federation. It is just like the complainant constituting himself the judge to give his decision in his own case. That is not right. That is not constitutionally correct. There is another inherent defect in this Report, and I am sure this House will extend its sympathy to my view. It is this. There are ten Members in a Provincial Council. Very good. They and they alone have got the right of electing a Member for a higher House. These ten gentlemen will constitute a body of friends. A will help B, B will help C, and C will help A, and so on. There will be reciprocity. And these ten men will be returned to the higher House in rotation. A student of constitutional law will feel surprised at the suggestions that have been made in this book, which is called the second volume of the Simon Commission's Report. These recommendations, when they are compared with the fundamental principles of constitutional law, are bound to betray the serious mistakes of the authors of the Report. I submit these proposals smack of unsoundness. After having said some thing in passing about this, I may point out to this House that there are a number of shortcomings, a number of defects in the Report. I admit there are some beauties too, but the number of shortcomings or the number of defects is greater, and consequently, I may submit that this Report is not such a report as may successfully induce this House to associate itself with the grant of this full demand. Therefore I support the cut which has been proposed by my Honourable and learned friend, though I may say, at the same time, that I congratulate again the official Benches that they have scored a great point in getting these two important issues discussed together. With these remarks, Sir, I thank you for giving me an opportunity to speak on the motion.

**Mr. M. A. Jinnah** : Sir, for several reasons I thought I would take part in the debate as early as I could, provided I caught your eye. I have been successful in catching your eye and I am glad to have the opportunity. Now I am really very sorry that the Treasury Benches (*Honourable Members* : "Louder please") should have encouraged the kind of procedure which has been adopted in this House to-day. Sir, they know perfectly well that if this House is to be called upon to express any valuable opinion with regard to the Simon Commission, that cannot be done on a cut motion to a Demand of this character. If you want to ascertain the definite opinion of this House with regard to the recommendations of the Simon Commission, then the Government ought to have placed on the Table a Resolution saying "This House recommends to the Governor General in Council that the recommendations of the Simon Commission should be accepted by him". And we would have met it in a proper way. Have you, the Government of India, accepted the recommendations of the Simon Commission? Have you formulated your own opinions? Have you come to any decisions? And do you expect this House at this stage, or any responsible men, to express their opinion on a document of this character by way of a side issue? And do you not know that the Simon Commission is not the last word, according to the latest pronouncement made by His Excellency

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the Governor General only yesterday? And do you not know that yet the London Conference has got to take its decisions? Do you want us to discuss here the various Reports that have appeared throughout this country? Do you want us to discuss the various proposals that have appeared in this connection from various quarters, on a cut of this character? Do you expect us to give you a scheme of the future constitution of the Government of India on this occasion? What could be the object, Sir, of what I may call the most improper procedure that has been encouraged by the Treasury Benches? Sir, I only say this that if you force us, if you ask us to go to a division on this cut, there can be only one answer and only one answer so far as this side of the House is concerned. What is the cut? The cut is, that this Demand be reduced by Rs. 100, on what ground?—on the ground of “the inadequate and unsatisfactory suggestions and recommendations contained in Volume II of the Report of the Indian Statutory Commission and their probative value as a part of the material to be discussed and considered by the coming Round Table Conference”. Do you want this House to support this cut or not? (*An Honourable Member*: “No.”) You do not? (*Some Honourable Members*: “No, no.”) Are the Government going to say that they are satisfied with the recommendations of the Simon Commission? Are the Government going to say that they are adequate? Have you formed your opinion? Sir, a more futile procedure could never have been adopted in this House (Hear, hear) for wasting the time of this House. How that procedure is going to be justified by the Government I will wait and see. I am quite willing to analyse, to dissect and to examine in all its details the Report of the Simon Commission at the proper place and on the proper occasion and I invite Government to meet us there at the proper place and on the proper occasion if they want to support any of the recommendations of the Simon Commission. Therefore I am obliged to say this—and I appeal to every elected Member on this side of the House to support me and decide that in the first instance this cut must be supported, and let us declare that the Simon Commission recommendations are not acceptable to us (Applause), and that we are not going to be side-tracked by the procedure that is adopted. Sir, I can only understand one reason for it, that some genius on the Treasury Benches probably thinks that this might display on the floor of this House a conflict and a clash between the two communities or between certain interests. I appeal to Honourable Members on this side of the House—don’t you play into the hands of Government. We are not going to show any kind of conflict or clash by this method. (Hear, hear.) We shall stand together, and we are all agreed that the Simon Commission’s Report is not acceptable to us and let us give our clear verdict to that effect.

**Mr. Gaya Prasad Singh**: It is untouchable.

**Mr. M. A. Jinnah**: If that was not the reason, I wonder what are or could be the reasons which you can assign? The Simon Commission has already gained a certain amount of notoriety. Do you want to add more notoriety to it by putting it before this House and discussing it on the floor of this House? Is that your ambition? A very poor ambition if that is so. Then what is the object? Sir, I have said enough on that point.

Now coming to the subject proper, so far as that is concerned, I have all along taken the view—rightly or wrongly it yet remains to be seen—that we should participate in the London Conference. I know that there is a certain body of my countrymen who do not see eye to eye with me on that point. Sir, I have considered all the pros and the cons. I have considered all the arguments, and I have not been able to get over one argument at least and one reason which compels me, to-day even, to say that we *should* participate in the London Conference: and that one argument which I cannot get over and which compels me to say this is this. I am prepared to grant that the London Conference may break down. The London Conference may even shatter our hopes and expectations. But I cannot get over this argument that, if I do not go there and if I do not fight my case, in the justice and the righteousness of which I am convinced, I shall not be doing my duty to my country and before the Bar of the world opinion, and I shall not be doing my duty to place my case before that Conference and get from them a definite and decisive answer as to what they proposed to do. I lose nothing by it and I commit myself to nothing. I hold strong convictions based on facts and figures. I am prepared to go there and face His Majesty’s Government. If my hopes are not realised and if my expectations are not fulfilled, it is open to me to adopt such course as I may think proper in those circumstances. Therefore, I do not wish to lose this opportunity. If I succeed in winning my case, I shall have rendered not only the greatest service to my own people, but I think to Great Britain also, because you will have then a contented, happy and friendly India. Sir, therefore, without going further into more details, I hold that I must participate in this Conference. If that is the conclusion that I have come to so far, then expenditure is necessary.

What does the Government want me to say on this point? I can only say: Yes, I am willing to vote for the necessary expenditure. But on this subject I am also entitled to say to the Government this. I know the difficulties that we have to face in choosing the representatives on behalf of India to go to this Conference. But, as I understand it, the representatives of India would be invited by His Majesty’s Government. That means that the ultimate choice would rest, theoretically, with His Majesty’s Government, but for all practical purposes it will rest upon the authorities in India, who will probably recommend those men. That procedure may not be the best, but under the circumstances it seems difficult to think of any other procedure. But in regard to the making of this choice of the representatives of India, I want to impress upon the Government to be careful and to see that they appoint or invite the true representatives of India who will command the confidence and trust and the respect of the people of India. It is a most delicate task to perform and I want to give them as strong a warning as I can to see that in that they play fair.

Then, Sir, there is one more point that I want to impress upon the Government, and it is this. I read in the newspapers some time ago that the Government have already provided the Secretariat staff for the Indian representatives who will be invited to the Round Table Conference.

**Sir Hari Singh Gour**: It was announced by the Viceroy yesterday.

**Mr. M. A. Jinnah :** Yes. Well, I do not know why the Government are in a hurry to do this and make the choice that they have made. I still ask the Government to reconsider that position. First of all, let us know who are the representatives who are going to be invited. Surely there is no need for this hot haste to burden us with these three members of the great and Heaven-born service, namely, the Indian Civil Service, before you have even decided upon the choice of the representatives. Whom, do you think, these people will assist? The representatives. Surely, therefore, you might wait until they come into existence. You might wait until you have consulted them. Sir, I fail to understand why they should show this hot haste in announcing the names of the three members of the Indian Civil Service. Of course, I have nothing to say against them personally. I have nothing to say against my friends, Messrs. Bajpai and Latifi and Sir Geoffrey Corbett as far as the personal aspect is concerned. But why should there be this haste, and I do think that the Government might still consider their position with regard to this matter. The position therefore that I take up, Sir, is this, that we must support this cut having regard to the views that I have expressed and I must support the motion that this Demand be reduced by Rs. 100 for the reasons specified and vote the reduced demand.

**Mian Mohammad Shah Nawaz :** On a point of personal explanation, Sir. The Honourable the Leader of the Independent Party insinuates, in a way, that I have moved this cut at the instance of the Government.

**Mr. M. A. Jinnah :** I never suggested that.

**Mian Mohammad Shah Nawaz :** I am glad that the Honourable Member has removed misapprehension. I wish to assure you, Sir, I have moved this cut with the consent of most of the Members of this House.

**Dr. A. Suhrawardy :** He has assured you himself.

**Mian Mohammad Shah Nawaz :** I am aware of the Honourable Member's opinion, namely, that this cut should not be moved in the House; but the general desire, after consultation amongst the Members, was that the Simon Commission's Report should be discussed.

**Mr. U. N. Sen :** (Loud Applause) Sir, I crave the indulgence of the House to intervene in the debate for a few minutes, as I feel that the motion now before us, especially after your ruling about the manner in which it is to be discussed, is so vitally important that I should not be justified in giving a silent vote. I will not follow my friend, Mr. Shah Nawaz, in dealing with some of the details of the Simon Commission's Report, nor will I join issue with Mr. Jinnah in urging on the House that the cut should be accepted. I understand, Sir, that the question immediately before us is whether we should send a delegation to London and whether the House should vote any money for it. I find in the Standing Finance Committee's Report, page 23, full details have been given why this money is wanted, and if any further details are necessary, I believe the Honourable the Finance Member will not withhold them from the House. I confess, I did not anticipate that on this question of sending a delegation to London there would not be a single discordant note from any part of the House. It is difficult to expect that on a momentous issue like this there should be, or there could be, an absolute unanimity among all schools of thought. The conflict of

interests is so great that any settlement, however finely balanced, is bound to catch some discontent in the rebound. Sir, I did expect some angry protests from some quarters of the House. That the recommendations of the Simon Commission have created a deep resentment in the minds of Indians is but natural, because some of us hoped that the Report would herald the dawn of a new era, the vision of which we were fondly hugging in our bosoms. That hope has receded away. But, Sir, there is no reason to give up all hopes. It is because I firmly believe that our delegation will reopen the entire question of constitutional reforms in England and that they will retrieve our fortunes in London, which Sir John Simon and his colleagues refused us, that I cordially support the motion which has been placed before the House by the Honourable the Finance Member. I strongly oppose the idea, which has been openly expressed in many quarters, that we should boycott the London Conference. Why? Because the Simon report has fallen short of our expectations? No argument to my mind could be more fatuous. Let us, Sir, accept for a moment that it is no use our going to the Conference. How does it improve our position? The Conference will be held, whether we like it or not. The Conference will submit proposals to His Majesty's Government, whether we accept them or not, and those proposals will eventually be embodied in a Statute. If men like Dr. Sapru, Mr. Jinnah, Mr. Jayakar and Sir C. P. Ramaswami Ayyar and a whole host of those eminent men who can speak with authority for us, who have got every right to go to the Conference and present our case—if they keep away from the Conference, do you realise what the ultimate result will be? Well, Sir, I shudder to think. It will be fraught with the gravest consequences is all that I can say. My own view is that whatever may be the shortcomings of the Simon Report, we ought to attack it at all points, if you like turn it inside out, but for Heaven's sake do not give a wrong lead to the country and say, "Do not send representatives; do not go to the Round Table Conference". You will be courting an awful disaster if you do that. Mr. Jinnah is perfectly right when he says that, whatever happens, he will go to the Conference and present the case of his country. I will go further and say that he will perhaps present an ultimatum on our behalf. May I, Sir, sound a note of warning in this connection? I know some of my countrymen opposite will not agree with me—but all the same, the note of warning is this: do not treat the Simon Report too lightly, nor try to throw it on the rubbish heap. It is needless for me to remind the House that the Report has been accepted as one of the most important State documents of recent times, and that every Englishman—philosopher or statesman—has welcomed it as the best possible solution of our constitutional problem. We have not accepted that view, but what is most important is that we have to combat that view and produce a scheme, call it alternative if you like, which will be equally weighty, equally thorough and a masterpiece of human ingenuity. Until you do that, it is no use your croaking "Down with the Report". That the Simon Report is not the last word on the Indian constitutional reforms has been admitted by no less a person than His Excellency the Viceroy. He said only yesterday, "The Conference accordingly will be free to approach its task greatly assisted indeed, but with liberty unimpaired, by the Report of the Statutory Commission or by any other documents which will be before it". Mark, Sir, His Excellency's words. No utterance could be more

[Mr. U. N. Sen.]

reassuring than this. I do not know how much His Excellency will have to pay for this utterance, judged from the telegram which we got yesterday about Lord Birkenhead's effusions in the *Daily Telegraph*. The Government of India have been unjustly accused of many sins of commission and omission in this respect, particularly for not publishing proposals with regard to the Simon Report. Personally I think when these proposals are published, we will be satisfied that Lord Irwin's Government have done their best. May I, Sir, if I am in order, take this opportunity of paying my humble tribute to Lord Irwin himself for the indomitable courage he has shown throughout in dealing with this question? I know of no Viceroy, since Ripon, who has been so unjustly and in so ungentlemanly a manner attacked on all sides, the worst attacks being from his own political friends in England. No politician within recent memory has suffered so much anguish of heart for his political convictions. This is perhaps the fate of all great pioneers, and as a true and great pioneer, Lord Irwin has put his hands to the plough and will not look back until he reaches the end of the furrow. He knows, if any one knows, that much rough ground has to be broken before one can plant on the soil, but posterity will bless his name when the whole land is fructified and they come to live under the cool of the blossoms. I believe, Sir, this is not the time nor the place to discuss the Simon Report in all its bearings, but there are two questions to which, with your permission, I should like to refer. First is the question of defence which greatly puzzled the Members of the Commission. I, for myself, would support their proposals for defence of this country, if everything else is given to us. Secondly, the communal question. This is one of the most complex problems which has defied solution. I would appeal to my Hindu countrymen carefully to examine the Muslim point of view and not to deny them what is their legitimate due. That great community has been in the background for decades, and it is time that we and they should now walk hand in hand to that common destiny which is the heritage of both.

Sir, before I conclude, I should like to make one personal appeal to Government about a very delicate matter and it is this, that the struggle in the country has gone on for a long time, much to its detriment and ordered progress. It is time that Government should give clear indications on what conditions they would be willing that negotiations should open with Congress Leaders so that the movement might cease and they will be invited to the London Conference. I personally feel that, with the Congress Leaders in jail, their having no opportunity to participate in the framing of the constitution, no scheme, however perfect, will have a chance of success. I, therefore, beg of the Government to explore all the avenues of a settlement, lasting and honourable to both. I feel, Sir, at no period of her history, England was in such a strong and proud position as she is to-day, and if the British Government to-day goes out of its way to treat its enemy generously, it will not be put down either to lack of strength or abject surrender of authority. It is by generous recognition of India's aspirations that England can alone help us to realise our hopes which still roll in the dim distance. (Cheers.)

**The Honourable Sir George Schuster :** Sir, I rise to intervene in this

debate to make a very few remarks only and those of a technical nature. I, Sir, am responsible for the motion in regard to which this cut has been moved, and although we have been discussing matters which are, or are going to be of very great constitutional importance, I also think it is important that we should consider the procedure of the House and take account of what precedents may be created by a debate of this kind.

I should like to say at the outset that I am very grateful to my Honourable friend Mr. Jinnah for a part of his speech. I venture to say that he has restored this debate to its proper channel and that his speech was entirely relevant. At the same time I am sure he will not quarrel with me if I dissent from the interpretation which he has put on the Government's motives. Sir, he has flattered Government. We are not capable of such ingenuity as he has attributed to us. (Laughter.)

I should like to remind the House of what the business is before us to-day and what the position of Government is. We desire that this Round Table Conference should be held. The holding of the Round Table Conference is going to cost money. We therefore have to come before the House with a supplementary Demand for the necessary expenditure. Now at the very outset a first point of order must arise. It has been held in the past—and you yourself, Sir, referred to that ruling—that in the case of a supplementary Demand questions of policy should not be discussed. But if you go behind that ruling and examine the cases in which that ruling has been given you will find that the reason for it is this. It has been held that, where the Demand is a mere supplementary Demand for additional expenditure and is supplementary to a grant which has already been approved in the Budget, the occasion of the presentation of the Budget is the proper time on which to raise discussions of policy in connection with that grant. But in the present case we are coming before the House with a Demand for a service which was not in contemplation at the time when the Budget was put forward, or rather a service for which we could not put forward proposals at that time. And that being so, I think it is obviously right that this House should have an opportunity of debating the policy on which that grant is proposed and it would not be right to rely on the ruling which has been given in previous cases that questions of policy should be excluded from discussions on supplementary votes.

Having arrived at that conclusion, we come to a second possible question of a point of order. It has been agreed on all sides that, in discussing this Demand, it would be impossible to exclude all reference to the Statutory Commission's Report.

**Mr. M. A. Jinnah :** I do not agree with that.

**The Honourable Sir George Schuster :** Perhaps if my Honourable friend will allow me to continue I might make the point which is in my mind clear. I thought it had been agreed on all sides that it would be impossible to exclude all reference to the Statutory Commission's Report. I correct what I said, as I realise now that my Honourable friend Mr. Jinnah does not accept that point of view. But the way in



[Sir George Schuster.]

which we have looked at the matter is this. When we come to this House and ask for a vote of money for this purpose, it is open to any Member to oppose that vote outright, or, if he does not desire to go so far as that, to make clear the conditions on which he gives his favourable vote for this grant. And it seems to me that it is at that point that it is almost impossible to exclude some reference to the Statutory Commission's Report. Any Honourable Member may say to himself, "If I give my support to this vote, it is possible that I may be taken as approving of the Conference which is going to discuss the Statutory Commission's Report, and that in doing so there may be some implication that I approve also of the conclusions which have been reached in that Report". I think that is a logical line of thought, and to any one who takes that line of thought it is very difficult, in speaking on this motion, to exclude all reference to the Statutory Commission's Report. But I venture to suggest, Sir, that that opens only a very limited field for the discussion of that Report, and I venture also to suggest that, in the further conduct of the debate, that limitation might be kept in view. I think it is an arguable point if one takes that view whether a speech on the main motion would not be the appropriate occasion to make clear those conditions which might be present, as I have suggested, in any Honourable Member's mind in recording his vote in favour of this grant, and whether it is really appropriate to move a cut of the kind which is now before the House. I think it would have been open to any Honourable Member to raise a point of order that a cut of this kind on a motion for a supplementary Demand is not in order; but as the nature of the discussion which would be produced is exactly the same in either case, it seems to me that the point of order would not have had very much substance. The result, I venture to submit, is the same, namely, that in either case a reference to the Statutory Commission's Report is only relevant for the purpose of enabling any Honourable Member who wishes to express a view on the motion to make clear what are the conditions on which he gives his approval to the vote, or what are the reasons for which he wishes to record his disapproval.

**Mr. M. A. Jinnah :** The motion before the House does not contain any conditions at all on which he is willing to accede to the Demand.

**The Honourable Sir George Schuster :** What I was venturing to submit to the House is that it is a reasonable line for any Honourable Member to take.

**Mr. M. A. Jinnah :** That is not before us.

**Mr. President :** I think that, according to the ruling which I have given last, observations upon the Simon Commission's Report will be restricted to general observations and no lengthy discussion on this point is required now.

**The Honourable Sir George Schuster :** I venture to say that I agree entirely with that ruling. The object of my own intervention was only to make it clear that we have come before the House asking for a sum of money; that that is the reason why this subject has come up; and that there is no intention on the part of Government either to

suggest a premature discussion or to promote dissension on the other side, or to do anything but to put before the House business which has to be put before it and to allow any Honourable Member who wishes to make his position clear and record his opinion on the proposal, to do so without unreasonable opposition or hindrance on the Government side.

**Sir C. P. Ramaswami Ayyar :** Mr. President, the remarks that have fallen from the last speaker have to a certain extent simplified the procedure which I had from the first intended to adopt, for, indeed the motion and the cut have produced a kind of dilemma in the minds of those who are faced with the problem now before the House. Like the Honourable Member, Mr. Jinnah, I am one of those who hold, and hold very strongly, that participation by India in the Round Table Conference is fraught with benefit to India and cannot be harmful to the interests of India. It is needless to dilate upon the point, and I should have confined myself just to a word or two on that topic but for the undeniable fact that there is a great deal of misunderstanding and misapprehension in the country, which I feel it to be my duty to deal with and if possible obviate.

Sir, the question has been propounded as to the benefits to be derived from India's participation in the Round Table Conference, and enquiries have been made as to what those who seek to go to that Conference stand to achieve by the procedure which they propose to follow. It is pointed out that the Press and public men of England are almost in serried array, united in hostility to our ideals and aims and vehement in their expression of their points of view. Reference is made to the utterances emanating from that very talented but equally irrepressible person in the upper House, Lord Birkenhead and to very recent statements like those of Lord Brentford and others. The latter noble lord has stated that it would be a calamitous day if anything were discussed beyond the four corners of the Simon Commission's Report, and that the programme—I hope I am not paraphrasing him inadequately or incorrectly—before the Round Table Conference should be mainly the consideration and discussion of that Report. The question therefore has been raised, if that is the outlook and the attitude of important interests and men in England, as to whether anything would be gained by going there and participating in the Round Table Conference. My answer is, it is just because of these factors, that India stands to gain and not to lose by participating in it. He would be a poor advocate who, because a jury is misapprehending his case or because the judge starts with a preconceived opinion against the justice of his case, would not press and fight his cause. I hold that the strength and justice of our case is so great that I am not afraid of any tribunal of impartial and fair-minded men.....

**An Honourable Member :** Are they impartial and fair-minded? You are mistaken.

**Sir C. P. Ramaswami Ayyar :** I still believe, notwithstanding the interruption, that England is not so bankrupt of fair-mindedness that that it would be no use our going there. I shall wait and pause till the conclusion of the Round Table Conference before I arrive at that decision if I have to.

**An Honourable Member :** Then you will be disillusioned.



**Sir C. P. Ramaswami Ayyar :** It is stated that I shall be disillusioned. I am free to be disillusioned, but each man has his period of disillusionment. To some it comes early and to some perhaps it comes later, and I shall be blameworthy perhaps if the disillusionment comes, but I am perfectly willing to stand the test of disillusionment. I was saying, before the interruption, that it is just because there is such massed opinion now expressing itself there through journals and newspapers and public men, that I and men of my way of thinking want to present our case to them, for I still believe in persuasion through reasoned argument. In a speech surcharged with emotion, which really raised the level of the whole matter to a very great height, Lord Irwin yesterday referred to many matters ; but in regard to one matter I feel really grateful to him and men of my party, the Liberals, will join with me in this. It has been said here and there that the Simon Commission's Report would not be the last word on the subject ; but I think an authoritative declaration emanating from the head of the Government of India that the Simon Commission's Report would be only one of the materials to be discussed in the Round Table Conference, and that it holds no higher and no different position from the Nehru Report or the demands of the Muhammadans, or the demands of the Sikhs, or of any other interests concerned, is a great thing. I hold that implicit in the declaration of the Viceroy was the suggestion and the admission that the Round Table Conference could and would consider the Simon Commission's Report as only one of the materials before it for decision. That is a great contribution which, I think, has been made. If it had been otherwise, if we had to consider, at the London Conference, the Simon Commission's Report as the primary or the only material, my attitude and the attitude of those who think with me and my party would have been different. But having regard to the conditions under which the Round Table Conference is meeting, having regard moreover to the explicit declaration that has been made that it is only one of the materials, I for one see no harm but great benefit by participation.

Sir, I shall take some time more.....

**Mr. President :** Go on.

**Sir C. P. Ramaswami Ayyar :** Now, Sir, the main topic to which I desire to address myself is the one partly already adverted to by my Honourable friend, Mr. Jinnah. Agreed as many of us are that the Round Table Conference is a means of achieving, if we can possibly achieve, that agreement amongst ourselves which will compel Parliament to accede to our demands, feeling like that, we still feel that the Round Table Conference cannot achieve that success which it ought to attain unless it is fully and wholly representative. There is no disposition on the part of any one to minimise the importance of any individual or party in this House or outside it. But can it be gainsaid that there are important organisations and men whose participation and co-operation in that Conference would lend greater weight to that Conference and add to its representative character ? Why do I say that ? I say that because I feel it to be my duty to urge upon the Government to leave no stone unturned and to explore all avenues by which the co-operation of those elements which are now keeping aloof may be effectively secured. Sir, on these occasions no notions of prestige or *amour-propre* should hinder one party or the other. As has been indicated in a statement published very

recently, the Congress Party, which has embarked upon a programme with which many of us profoundly disagree, has expressed its inability or disinclination to join the Round Table Conference. Is it too late on the part of men in this House or outside to appeal to the Congress Party to think twice before they lose this opportunity of demonstrating the strength of their case in London ? Is it too late to appeal to them to give up this programme which, at the best, can only amount to an exhibition of strength and which is essentially negative in character ? They have exhibited their strength ; they have shown that the country is to a certain extent behind them ; and having done that, let them pause and let them come to this Conference and prove by argument what they are now trying to prove otherwise—some of us think—calamitously otherwise.

But, Sir, the appeal cannot be one-sided. The appeal is similarly to Government also to reflect if it is worth while creating that spirit of bitterness and unrest whose results are not transitory. The bitterness will last for a long while after these particular events are forgotten. It is necessary therefore to get rid of that bitterness and the olive branch should be held out ; and it is in the hope and expectation that both parties will come together, each yielding so much as is necessary to make them co-operate in a great venture—it is in that spirit that I make this appeal.

And, Sir, if every individual goes to the Round Table Conference in his representative capacity, and even assuming that all the communities in India and all the great movements are represented there, the task is still by no means easy. We have been handicapped—I say that deliberately—by the Indian Statutory Commission's Report. Even if it is one of the materials to be considered by the Round Table Conference, there are many points in that Report which are grievously faulty. And why do I say so ? It is their outlook, the attitude with which the Commission worked with which we quarrel, and this is most apparent in two or three matters. Take, for instance, the question of the Army. No nation can be self-governing unless it can defend itself. In theory it is admitted by the Simon Commission. If the Simon Commission, having made it apparent that for the time being the responsibility of defence cannot be given up by the Imperial Government, had proceeded to define the steps by which a Dominion army might be created gradually perhaps but inevitably to replace the other army at the end of a specified period of time, one would have had no serious quarrel with the Simon Commission, but there is no attempt beyond vague phrases, there is no scheme to create or bring into existence an army, a Dominion army which, not now, not tomorrow or the day after but in course of time, may replace the other. Unless that idea is immanent in the Commission, the Commission does not think in reality of Dominion Government or Dominion Status whatever phrases may be employed. It is because of that outlook, and of that attitude, that many of us feel that the task has been approached in a wrong-headed and perverse manner and that the Report is not really worth serious consideration.

Similarly, Sir, with regard to the Indian States, beyond vague phrases, beyond catchwords, beyond inchoate suggestions of a Council of greater India, beyond suggesting that, when the willingness to co-operate begins,—there might be a federation in the course of an indefinite number of years,—there is nothing said in the Report.

[Sir C. P. Ramaswami Ayyar.]

So also in regard to the Central Legislature. With regard to it, one could have understood a well defined scheme for a federal legislature, where the provinces are represented, but that federation must be a live federation, where it has as its climax and as its summit full responsibility. What is the meaning of a half-baked theory regarding a partially responsible or wholly irresponsible Central Legislature with only this particular feature of a federal constitution borrowed from other systems?

With regard to the Provincial Governments, in one place they say that they believe that law and order would very likely be in the hands of officials, who with elected members are to form a queerly constituted cabinet. That is an attitude of mind which we cannot appreciate, notwithstanding the eminence of the Chairman as a constitutional lawyer and a debater, and notwithstanding the very estimable qualities of the other members. The scheme of provincial Government propounded by the Commission is not really anything like true responsible Government. This is an attitude of mind, which is calamitous, according to us, to the highest interests of India. We therefore think that, if the Simon Commission Report was the main or the chief material which had to be tested and examined by the Round Table Conference, one would have had very serious doubts in regard to the Conference. It is because of the declaration made by an honest and sincere friend of India that this Report would only be one of the elements of consideration, that other materials would also be considered, and that efforts would be made to bring about a representative Round Table Conference, that I for one support the Round Table Conference whole-heartedly. Supporting it, what is my duty on this occasion? I join with my friend Mr. Jinnah in thinking that it would have been much better if we had not discussed this particular cut. As matters stand at present, what are we voting upon? We are voting upon a cut moved by Mr. Shah Nawaz with regard to the inadequate and unsatisfactory suggestions and recommendations contained in Volume II of the Indian Statutory Commission.....

**Mr. President :** I would like to know how long the Honourable Member would take.

**Sir C. P. Ramaswami Ayyar :** Ten minutes, Sir.

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.

#### ELECTION OF THE DEPUTY PRESIDENT.

**Mr. President :** In accordance with the provisions of sub-order (3) of Standing Order 5 of the Legislative Assembly Standing Orders, I have to announce that I have received 15 notices duly signed nominating the following four candidates for election as Deputy President, viz.,

1. Sir Hari Singh Gour,
2. Rao Bahadur M. C. Rajah,

3. Lieutenant-Colonel H. A. J. Gidney, and

4. Sardar Gulab Singh.

The names of the proposers and seconders are as follows :

*For Sir Hari Singh Gour—*

|                   |                                |
|-------------------|--------------------------------|
| <i>Proposers—</i> | Sardar Gulab Singh.            |
|                   | Rao Bahadur D. R. Patil.       |
|                   | Mr. M. R. Jayakar.             |
|                   | Pandit Chuni Lal.              |
| <i>Seconders—</i> | Mr. C. S. Ranga Iyer.          |
|                   | Mr. B. Das.                    |
|                   | Mr. Saradindu Mukerjee.        |
|                   | Rao Sahib Baburao Ramji Patil. |
|                   | Mr. Lal Narendra Pratap Sahi.  |
|                   | Mr. M. R. Puri.                |
|                   | Rai Bahadur Lala Panna Lal.    |
|                   | Mr. P. Chowdry.                |

*For Rao Bahadur M. C. Rajah—*

|                   |                                         |
|-------------------|-----------------------------------------|
| <i>Proposers—</i> | Mr. A. H. Ghuznavi.                     |
|                   | Sardar Bahadur Captain Hira Singh Brar. |
|                   | Dr. A. Suhrawardy.                      |
|                   | Mr. R. S. Sarma.                        |
|                   | Mr. G. Sarvotham Rao.                   |
| <i>Seconders—</i> | Mr. Abdul Latif Saheb Farookhi.         |
|                   | Maulvi Sayyid Murtuza Saheb Bahadur.    |
|                   | Mr. Adit Prasad Singh.                  |
|                   | Mr. W. M. Ilaibaksh Bhuto.              |
|                   | Haji Chaudhury Mohammad Ismail Khan.    |
|                   | Mr. B. N. Misra.                        |
|                   | Pandit B. P. Bhattacharya.              |

*—Lieutenant-Colonel H. A. J. Gidney—*

Lawab Sir Sahibzada Abdul Qaiyum.

[Mr. President.]

Seconder—Mr. A. H. Ghuznavi.

For Sardar Gulab Singh—

Proposer—Mr. Amar Nath Dutt.

Seconder—Mr. Raghuber Singh.

I have received two further nomination papers in which the proposer in the first one is Raja Ghaznafar Ali Khan and the seconder Dr. L. K. Hyder, the proposer and seconder of the other nomination paper being Maulvi Mohammad Shafee Daoodi and Mr. Amar Nath Dutt respectively. As the name of the candidate proposed has not been mentioned in either of these nomination papers I must hold that they are invalid.

As I announced yesterday, the election of the Deputy President will take place tomorrow by ballot at 11 o'clock.

## DEMANDS FOR SUPPLEMENTARY GRANTS.

### MISCELLANEOUS.

#### *Inadequate and Unsatisfactory Suggestions and Recommendations of the Indian Statutory Commission.*

**Sir C. P. Ramaswami Ayyar :** Mr. President, when the House adjourned for lunch, I was attempting to discuss the motion or cut which is now engaging the attention of the House. One thing I may say with reference to this question of the Report of the Indian Statutory Commission, and that is this, that it has produced a singular unanimity of opinion as the result of its labours. Although there have been differences—and pronounced differences—as to the details, yet I do not think I am exaggerating when I say that there is a great amount of agreement throughout the country as to the Report itself, as to the objective of the Report, and where it takes us. Sir, it is my fervent hope that this unanimity will be implemented by further unanimity between to-day and the summoning of the Round Table Conference, so that the delegates who go to the Round Table Conference will confer among themselves before they go and arrive at that concord which would make their united demand irresistible in London. I am also anxious that the course of this debate should also, if possible, present a similar unanimity. I can understand a straight vote either in favour of or against the Round Table Conference; but the discussion as it has been proceeding and is likely to proceed on these token motions for cuts may conceivably produce needless divergences in detail, harmful perhaps to the best interests of the country. When it is considered, moreover, that on this occasion, as has been pointed out by more than one speaker, it is unnecessary, if not futile, to discuss these different points of view, is it too much to ask the Honourable the Mover, whom I do not see in his place (*An Honourable Member* : “He is there”), the Honourable the Mover of this token motion not to press that.

**Mian Mohammad Shah Nawaz :** What does the Honourable Member say? (*An Honourable Member* : “Not to press the motion”.) I am not bound by your opinion, but by the opinion of the Leaders of Parties. The Honourable Member should consult his Leader. Then he will find out where he stands.

**Sir C. P. Ramaswami Aiyar :** Sir, it would be arrogance on my part to suggest that that Honourable Member or any other Honourable Member is bound by the opinion of another Honourable Member, but it would not be presumptuous or arrogant to suggest that that Honourable Member is susceptible to an appeal. What I was saying was this. If a straight vote were taken, I could understand those voting against the Round Table Conference, who are convinced that in essence it is wrong and mischievous to take part in that Conference, forcing a direct issue on the House, but to start a discussion on the Simon Commission's recommendations is, I submit, in reality,—though I do not say that in any spirit of disparagement or of any ill-natured comment—to draw a red herring across the trail. That was what was in the mind of my Honourable friend Mr. Jinnah when he made those remarks.

As, apparently, this discussion is going along pre-determined lines, let me conclude my remarks with just a few observations. I support the Round Table Conference, because I am a believer in the irresistibility of a great and true idea. I believe that the ideal and the idea of Dominion Status for India is such a great and true idea. I believe that that idea is bound to succeed, is bound to have its own way before any tribunal, provided that tribunal will exercise ordinary fairness. I have not lost my belief in the possibility of having such a fair and impartial tribunal; at all events, I am not going to pre-judge the tribunal before I have appeared before it. It is in that spirit that I am supporting the Round Table Conference, and I trust that those who are standing aloof from it will also realise that not to go there is really to disbelieve in the strength of their case. From that point of view, I again repeat the appeal which I made before lunch that it should be possible for the Government and the great parties to come together in peace and concord and to arrive at a *modus vivendi* by which the organised and one-pointed opinion of India can force itself upon public opinion and the bar of world opinion, so that the legitimate and the united demands of India may be met and satisfied. In that way lies the happiness of India. In that way lies the future happiness of Great Britain. The thinking minds in both countries, notwithstanding temporary obfuscations and temporary disagreements, must realise that. In conflict there is danger; in union there is strength. Let us in that spirit work so as to make this Conference the foundation stone of that great edifice of Dominion Status,—not a far-off ideal, but an immediate ideal for which many of us are working and yearning. (Applause.)

**Mr. B. N. Misra** (Orissa Division : Non-Muhammadan) : As this is a Demand for the Round Table Conference, I believe, this House is entitled to know whether it would consist of the representatives of British India alone. We have already seen in the newspapers that there will be twelve members from the Indian States and the States' people. Sir, up till now, in the annals of British history, there has been no occasion when the Indian States, or their people, joined the British Indian Administration or the

[Mr. B. N. Misra.]

British Indian people. Sir, when the Princes' Protection Bill came before this House, it was thrown out because it was said that we had nothing to do with the Indian States' administration, nor had the Indian States anything to do with the British Indian administration. We were told all along that we were separate and that the British Indian people have nothing to do with States, which have nothing to do with us. The States have not advanced in education to the same extent as we have advanced in the British territories. With the greatest respect to the States and their Rulers, they have never been accustomed to the same system of administration and education as we enjoy in the British portion. With due respect to the Rulers and Princes, although they enjoy vast territories and possessions, I must say these are the very cause of the misery of the Rulers. Probably they do not enjoy the same freedom as we ordinarily enjoy.....

**Mr. President :** Order, order. The Honourable Member cannot go into the internal administration of the Indian States.

**Mr. B. N. Misra :** I was only pointing out that they have not advanced to the same extent as we have. Probably it will be difficult for them to appreciate the position in British India. They have never taken any interest in the progress of the British Indian people. So it will be very difficult for the Rulers of the States or their peoples to join with the British Indian people in their aspirations and in their demand for self-government. Therefore, I submit, that they will not be proper associates with the British Indian people in their demand. I have some doubts and misgivings about their coming for the first time to join with us in the Round Table Conference. It is probably to frustrate the demands of the British Indians that this scheme has been devised.

Then, Sir, so much has been said about the Simon Commission's Report. In spite of all that has been said about the much maligned Commissioners, I must say that we have talked only of what they have not given. The Honourable Members on the Treasury Benches have not thought of giving effect to their recommendations. I refer to their recommendations in respect of the Oriya-speaking people. In their Report, on page 312 of the second volume, they have stated that, as regards provincial areas, the question whether some redistribution is desirable should at once be taken up, and they mention that the case of Sind and the Oriya-speaking people will be the first to be considered. My submission is this. Whatever may come out—we all assume that some golden egg will come out as a result of the Round Table Conference deliberations—be it Dominion Status or be it Autonomy—it will be of no use to the Oriya-speaking peoples. We are in a minority in four provinces. This House is very keen and the Indian Government is also very keen and very anxious about the interests of the minority communities. We are a minority. What has been done for us in spite of so many declarations? Sir, Lord Curzon's Government in 1903 made a declaration that the Oriya-speaking tracts should be joined in one province; also from the Montagu-Chelmsford Report we got something in 1917. They said that a new province should be formed at an early date. The Simon Commission recommended that it should be done at once. We, Indians, are not very familiar with the meaning of English words and expressions. According to the Britisher, does early date mean 20 years or 30 years or 100 years? We have learnt

to believe that at once means at once, not 100 years or 10 years or a month. Honourable Members on the Treasury Benches have not taken any action in the matter. They have not brought forward any proposal for the formation of an Oriya province at once. Whatever may be the reforms or the new constitution of the Local Governments or the Central Government, in any case they will be of no use to the Oriyas, unless the formation of a new province is taken up at once. Sir, the Treasury Benches ought to realise that the Simon Commission should not form the basis or the only basis in considering the interests of every class and community in the country. As regards other matters His Excellency has very kindly announced that the Conference will be free to consider any matter. The only objection is that we should be asked to mix with the Rulers of the States. It is left to them to follow our system or not. My point is that the question should first be decided for British India alone. Let other people come in or not, as they like.

**Dr. Ziauddin Ahmad** (United Provinces Southern Division : Muhammadan Rural) : I sent a direct motion recommending to the Governor General in Council that he may communicate to the Secretary of State for India that the Simon Report is not acceptable to this House; but unfortunately during the last 12 years when I have been in different Councils, I have never had good luck at the ballot. This time also a colleague of mine who also sent in a similar motion drew it, but drew it at the fourth place on the last day, that practically meant that the debate would probably never come off. Consequently I had to enter by the back door and I sent in a cut to the motion which is now under discussion, but it was agreed between us that I should not move it but should simply support the cut now moved by my Honourable friend, Mr. Shah Nawaz. I admit that there are some persons who maintain that the Simon Commission's Report is a back number; it is useless to waste time over it. I hold a somewhat different opinion, and I say that the Report is here. (*An Honourable Member* : "Burn it".) How can I burn it? I paid for this Report. (Laughter.) Therefore, I have a right to express my opinion even if it may not be worth the paper on which the Report is printed.

**Mr. Gaya Prasad Singh :** Perform its funeral ceremony.

**Dr. Ziauddin Ahmad :** Persons who practically do not acknowledge the Report at all remind me of a story, which is not a story but a fact which happened in my presence. One gentleman went to the police officer of a town in Germany to get permission to go out, as according to their rule every *bona fide* German must inform the police if he leaves the town for more than a fortnight. The policeman said, "My friend, how can you leave the town? You are not yet born; your name is not in my book. I cannot issue permission because you do not exist". Now, Sir, I wish to express my dissatisfaction with the Simon Commission's Report, both from the point of a view of an Indian and from the point of view also of a Mussalman. I must say that the Report is disappointing. It is unimaginative, uninspiring and unsympathetic. One can see the contrast between the first volume and the second volume. There the thoughts are different, the language is different and the sentiments are different, and it leaves the impression on the mind of readers that the second volume is not written in such a masterly manner as the first volume and I am led to suspect that Sir John Simon, under official and professional pressure of work, may have asked some junior to write the second volume for him.

**Mr. B. Das :** How do you know that Sir John wrote the first volume ?

**Dr. Ziauddin Ahmad :** It is only a presumption, Sir. There has been a good deal of talk amongst persons who derive their inspiration from Government, about Dominion Status. Those persons believed that the best way of pleasing officials was to demand "Dominion Status". They are also disappointed because the words "Dominion Status" do not occur in the second volume at all. I looked for these words very carefully but I find that they do not occur anywhere.

**An Honourable Member :** They were intentionally omitted.

**Dr. Ziauddin Ahmad :** I do not find the words anywhere, and shall be glad to stand corrected if there be any.

**Nawab Sir Sahibzada Abdul Qaiyum :** You are quite correct.

**Dr. Ziauddin Ahmad :** Sir, in the first place I draw attention to the question of the Frontier Province, and this for two reasons, because, (1) the present disturbances which are going on may lead to complications not only in that province but all over India, and (2) they may also affect our frontier policy. Therefore, Sir, if you will excuse me, I should like to go in some detail into this frontier province question.

**Mr. President :** I am afraid I cannot allow the Honourable Member to go into details, after all that has been said this morning.

**Dr. Ziauddin Ahmad :** Then will there ever be a chance some other day to bring up the subject ?

**An Honourable Member :** Never, in the near future.

**Nawab Sir Sahibzada Abdul Qaiyum :** Leave out the word 'detail' and you will be all right. (Laughter.)

**Dr. Ziauddin Ahmad :** Sir, we all know that the Frontier Province once formed part of the Punjab and then it was separated. I may quote from Lord Curzon's despatch to the Secretary of State and that was practically the keynote of the separation.

**Mr. President :** I am afraid I shall not be able to allow the Honourable Member to go on like that. He will have to restrict his speech to the Demand.

**Dr. Ziauddin Ahmad :** I shall come only to the broad observations about the Frontier Province and shall leave out the details for some further discussion. That province was denied the Morley-Minto reforms; they were ignored in the Montagu-Chelmsford reforms. The Bray Committee was the first body which seriously discussed this question. Now, that Report was published a few years back, and had action been taken on that Report immediately, then all the occurrences which happened during the last few months would have been avoided.

**Mr. President :** Now from the Simon Commission's Report you are driving to the Bray Committee's Report. I think I cannot allow that.

**Dr. Ziauddin Ahmad :** The Bray Report is rather important because the Simon Commission endorsed the recommendations of that Committee.

**An Honourable Member :** The Simon Commission refer to the Bray Report.

**Dr. Ziauddin Ahmad :** The Simon Commission say that they entirely agree with the Bray Committee's Report, but when they come to the actual recommendations they do not go even so far as the Bray Committee did. The latter recommended sixty per cent. of the elected members in the Council, while Sir John Simon's Report reduced the number from 60 to 50. The Bray Committee recommended a Minister. There is no talk of a Minister in the Simon Commission's Report. So it appears that they have not gone even so far as the recommendations of the Committee appointed previously which they have endorsed in words but not in practice.

Now allied to the Frontier Province question is really the question of the frontier policy. Now we all know that there are three policies, that is, the forward policy, the stationary or stay-on policy and the backward policy, and we expected that Sir John Simon's Commission would discuss these policies and would definitely pronounce judgment in favour of one or the other. But reading between the lines, I have a strong suspicion that they are really in favour of the forward policy. Now this is an important question, and whenever Government contemplate a change in policy, it is very desirable that this Assembly should be given a chance to discuss it. This will establish good relations between the Executive and the Legislature. Now the forward policy was advocated by Lord Roberts in the famous debate in the House of Lords in 1898 and it was also accepted by the then Under Secretary of State, Lord Onslow, and also it was advocated afterwards officially by the Secretary of State for India, Lord George Hamilton in 1901; and I have not seen any kind of official negation of this forward policy. I expected that this particular policy at least would be discussed by the Simon Commission and that they would recommend India not to adopt the forward policy, but to remain at the Durand line. I think those who go to the Round Table Conference should clearly define the limits of British India, and tell us what our commitments are, and to what extent we are bound to pay for the maintenance of the Government policy in the North West Frontier Province.

Now closely allied to the frontier policy is really the policy of defence. Now there are three kinds of defence. The first is the defence of the five settled districts from the raids of the frontier tribes on the side of the Durand line. Then there is always a chance of an attack from the trans-  
3 P.M. border tribes and also from Afghanistan. Then, there is the Imperial question of the defence of our North West Frontier Province from attack by Russia. As regards the first point, the Simon Commission's Report, while endorsing the Bray's Committee's Report, admitted that it is the business of the people of the Frontier Province themselves to defend their province against the attack of the trans-border tribes who are under the protection of British India. Now, for this purpose, we give them all the protection that the Bray's Committee recommended, e.g., militia, constabulary and everything else. And it is but right and just that the Government of India ought to make adequate contributions to the Frontier Province for this kind of self-defence. This force which is required to protect the inhabitants of the settled area should be placed definitely under the Local Government. Then, there is the second question of the defence from the invasion of the trans-border tribes, that is, those tribes who are on the other side of the Durand line. For this purpose, we do not require a really large army. Experience has shown that the Foreign Office is much more important than the Military Department for this

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purpose. I do not want to mention the details, as you have ruled, Sir, that we cannot refer to them to-day, but anyone who will consider the past history will find that, though an efficient army is an important factor, yet the Foreign Office plays a still greater part in the defence of India. We do not want a very large army for the purpose. This army required for this second defence should be under the Army Department of the Government of India. Then, the third defence is the defence of the North West Frontier Province from a foreign attack. This, as has been pointed out by the Simon Commission, may be an attack of an Imperial nature, as it may possibly be due to a trouble in any other part of the British Empire. The whole fight may be fought on the Indian territory for international reasons. Therefore, that kind of defence ought to be taken as an Imperial question and not an All-India question. Now, the way in which the Simon Commission have suggested the solution is very much open to question. I put it rather bluntly when I say that they have recommended that India should have, what I may call, an army of occupation, that is, an army entirely under the Imperial Government having no connection whatsoever with the Government of India. In my opinion it savours more of an army of possession than the army of defence.

As regards the Imperial defence, I would very much like—and I would urge upon the Leader of my Party to take note of it when he goes to the Round Table Conference—that it should not be considered with reference to India alone. It ought to be considered with reference to all the Dominions and also the mother country. India ought, of course, to contribute her share to Imperial defence. India should not hesitate to bear it. My point is that, whatever strength may be fixed for India by the Council of Imperial Defence, India should provide it; but this force should not be an Imperial force, but it should be an Indian force which should be entirely under the Government of India and not under the Imperial Government. India ought to pay her share in the general defence of the Empire.

I assume that India will also require an army for purpose of foreign defence, as well as internal peace, and it is important—though it may not come off all at once—that the army ultimately ought to be an Indian army manned by the Indians and entirely under the Government of India. For this purpose we ought to make provision for the training of the Indian officers. I have really to note with great regret that the important five recommendations of the Sandhurst Committee have not been given effect to by the Government of India. Those demands were very modest and did not contemplate that the whole Army should be Indianized at once, but according to their scheme it would have taken about 26 years even to get half of the officers Indians. I might mention that the most important of the five recommendations was the establishment of an Indian Sandhurst. The second recommendation was the expansion of the Dehra Dun College, about which nothing has been done. The third recommendation was that the Government of India should impress upon the educational authorities the paramount national importance of improving their system of education. The fourth recommendation was the training in technical arms, and last of all was the special instruction for the officers holding the Viceroy's Commission, so that they might be eligible for appointment to the King's Commission. Now, none of these five recommendations has been given effect to,

and I would very much like to say that, if the Army is to be Indianised, these recommendations ought to have been accepted and followed.

Sir, I next come and make some passing reference to the question of the Indian States. This is the first time that recommendations have been made that they ought to come in in the Federal Assembly. We have heard so far the theory of two Indias promulgated by Sir Leslie Scott. I had the opportunity to attend several meetings in London addressed by him on this topic, but I daresay the impression produced on my mind, and also on the minds of many other persons with whom I had the opportunity to converse, was just the reverse of what Sir Leslie Scott wanted to communicate. He said that there are two Indias, the Indian India and the British India, and that they ought to be governed on entirely two distinct principles. His advocacy has done more harm to Indian States than to British India and I am rather glad that the Simon Commission have at last in their first volume, which is really the most important from our point of view, admitted that geographically, economically, socially and politically, the two Indias are practically one and form part of one organic whole. It is impossible to make a differentiation between them. But when they come to make their recommendations definitely, we find that their recommendations are not in keeping with the fundamental facts which they propounded in their first volume. Now, they begin with the definition of the paramount power. The expression "paramount power" has been defined time after time. It is quoted in Harcourt Butler Committee's Report, and it was also quoted in the despatches of Lord Reading that the paramount power is the King Emperor in Parliament, acting through the Government of India. So, in that case, the real power was practically vested in the Government of India. Now, the Simon Commission have made a fundamental change in the definition of the paramount power. That is to say, in place of the Government of India they have placed the Viceroy. Of course, the word "Viceroy", as we know, does not occur in the Government of India Act at all. The only place where it did occur was in the Proclamation of the Queen in 1858. At any rate, the Simon Commission want to bring it in here again and have thus made a differentiation between the Governor General in Council and the Viceroy. This is rather a change of fundamental importance because it will really mean a differentiation between the Indian India and the British India, which they wanted to unite.

The second important point in which their recommendation contradicts the fundamental principle is the creation of a Council for Greater India. This Council of Greater India, we see from the Report clearly, will not be a sub-committee of the Federal Assembly. It will be something parallel to it, and they have recommended at one place that it may be quite possible that a sub-committee of this Council of Greater India may work in harmony with a sub-committee of the Legislative Assembly. Therefore from this fact and from other recommendations, it is quite clear that they were contemplating the Council of Greater India distinct from the Federal Assembly. If we want to have one India and not two Indias, then it is very desirable to have one form of Government and not two forms of Government; that is one under the Governor General in Council and the other under the Viceroy. Because this would really mean two Governments, and not one. The inclusion of the States under Greater India, I admit, is a very difficult problem and a problem which has to be faced sooner or later, if we want to build a constitution for the whole of India.



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It is a fundamental principle at least to me—others may not agree—that a monarchical form of government cannot exist under a democratic form of government. Look at Germany, with the disappearance of Kaiser, all other monarchies which formed part of the old German Empire disappeared at the same time; in spite of the fact that some of the Dukes were very popular. I think if they agree to come into the federal India, it is exceedingly desirable that we ought to treat them very delicately and very cautiously, because they are really making a great sacrifice in coming to a common Government and forming part of the federal State.

A few other points I would suggest for the consideration of this House for they will have to be discussed sooner or later. The first is when we give seats to Indian States in the Federal Assembly, it is very desirable to give them, like minorities, more seats than their numerical strength may entitle them to get. During the transition period we should treat them with as much care and with as much courtesy as may be practicable.

The second thing which is also very desirable is the regulation of Customs. Now, Customs, we know is rather an important question from the point of view of the Central Government and several Indian States, and I think we cannot do better than adopt the general methods of the old German Empire before the war which our conditions most resemble. For the control of Customs we may institute what is called a 'Zollverein'. This is also referred to in the Butler Committee's Report. I think the Zollverein will solve the question of Customs, and the differences between British India and Indian States will disappear. Sir, another question which is also very important is the adjustment of financial relations between the Indian States and British India. There is the question of railways, there is the question of communications, and there are many other questions such as the Mint and Post Offices in which financial adjustments would be necessary between British India and the Indian States, and for this purpose, probably a Committee in which the Central Government and Indian States may be adequately represented will have to be instituted to go into details.

Sir, as I said, I do not like to go into the details. Had I been permitted, I would certainly have referred to the question of zemindars. They are the main support of the Government and they are very badly treated in this Report. They are deprived of special seats and they are advised to pay double taxes. I have not seen in any country in the world that any person is asked to pay income-tax twice over as the landowners are asked to pay, first in the shape of land revenue to the Local Government and a second time again in the shape of income-tax to the Imperial Government. That is an important question, about which I am not allowed to go into details at present.

The next question of policy which I would like to discuss is the question of education. I was greatly disappointed in not finding a single section in the second volume of the Report dealing with education in spite of the fact that the Simon Commission appointed a special Committee for this purpose, and I expected that at least they would review the findings of that Committee and lay some definite recommendations. It may be argued that education is a transferred subject and the Central Government, and probably the reformed constitution, should have nothing to do with it. Education may or may not be a transferred subject, but it is of

such importance that no person who is interested in the welfare of any country can overlook it. At present education is not very satisfactory and there are several reasons for it. The first reason is that, though we have appointed Ministers, very often, I do not say always, the Ministers are not educational experts and sometimes they do not have the benefit of University education themselves. In the second place, the Government have not provided them with money.

**Mr. President :** I think the Honourable Member has gone too far. He is going very much into details and I am afraid that he should restrict his remarks to the general policy and not to details.

**Dr. Ziauddin Ahmad :** I want to discuss the policy that it ought to be the duty of the Central Government to help the Provincial Governments in education. That is the point which I wanted to discuss.

**Mr. President :** That is finished.

**Dr. Ziauddin Ahmad :** I am just touching the question of policy and I would ask the Honourable the Finance Member to give me, from his experience, the instance of any country in the world in which education is not supported by taxes and Customs. Every country in the world devotes its funds derived from railways, from income-tax and from Customs to support education, partially though not entirely. Here the Central Government gets all the income from Customs and from income-tax, but does not spend a penny in education which it is their legitimate duty to do. Therefore it is rather an important financial question to be discussed in the Round Table Conference. They should discuss how far the Central Government should make contributions to the Provincial Governments for the purpose of education. Without such assistance, mass education or technical education is not likely to prosper. The other question of policy about education is that we are all feeling just now the pinch of unemployment. Now, whenever we speak of unemployment in India, we do not mean unemployment of the labourers, but we always mean the unemployment of educated middle class people. Where does the fault lie? It lies in the system of education and it is very desirable to change the ideal of education. Our ideals were designed, our machinery was devised, fifty years ago by the Hunter Commission in 1882. Many things have happened during the last fifty years since that Committee met. We have been demanding compulsory primary education; we have been demanding technical education; we have been demanding a change of educational ideal, but no notice has been taken by any province.

**Mr. President :** I hope the Honourable Member will pass on from education to some other important subject.

**Dr. Ziauddin Ahmad :** Sir, as you and other Members think that education is not an important subject, therefore I leave it alone and I pass on to another topic which I hope may interest you more, that is, the question of the Muslim point of view. (Hear, hear.) From the Muslim point of view, I have also examined the constitution very carefully. I do not speak for Provincial Legislatures, which I leave to the provinces to discuss, but taking the Central Legislature, I find that we are put in the background. In the Lucknow Pact it was agreed that the Muslim strength in the Assembly should be 33 1/3 or one-third. Now, the Simon Commission, in their Report, reduce it to 28 per cent. Now, if you work out the figures in detail, Muslim representation, in practice, will work out to less than

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one-fourth. If we include the representatives of the Indian States, then the number of Muslim representatives in the proposed Federal Assembly will be further reduced to about one-fifth. Now, this is a very serious item, and it is very desirable to find ways and means to overcome this difficulty and adjust the position of the Muslim strength in the Assembly by nomination or otherwise, equal to one-third, which is really the proportion fixed by the Lucknow Pact.

**Mr. C. S. Ranga Iyer :** Sir, I believe the Honourable Member is labouring under a misapprehension because there is no such provision in the Lucknow Pact.

**Dr. Ziauddin Ahmad :** The Honourable gentleman says there is no such provision. If I had the first volume of the Report with me I would have been able to show that the proportion is fixed at one-third. It is given in Appendix VIII of the first volume.

**Mr. C. S. Ranga Iyer :** I would ask the Honourable Member to read page 259 of the Report of the Indian Central Committee, where the facts are given.

**Dr. Ziauddin Ahmad :** I will deal later on with this point of order, if permitted.

**Mr. C. S. Ranga Iyer :** It is not a point of order. It is a point of information and accuracy.

**Dr. Ziauddin Ahmad :** The second point is the question of the provision of Muslim members of the Cabinet in the provinces and in the Cabinet of the Government of India. People may say that it is not necessary to make statutory provision, because in practice it will happen to be so. But a contingency may possibly arise and we have to provide for all emergent cases. It is quite possible that in a province where the Muhammadans may be in a minority a difficult political situation may arise when the majority community may say that they would pass a vote of non-confidence on the Ministry if a Muslim Minister is included in it. Sir, to meet such exceptional situations, it is desirable that statutory provision should be made for the inclusion of at least one Muslim member in the Cabinet.

I need not go in detail into the other questions. They have been worked out in the 14 points of Mr. Jinnah and also in the Resolution of the All-Parties Conference. Looking into these demands we find that there is only one point which has been acceded to, i.e., separate electorates in the provinces. With this exception, all the points have been neglected.

Now, Sir, I come to the Round Table Conference, and I will make just one or two suggestions about it. One very important thing is the communal question. I strongly urge that the persons who will have to deal with the matter should try to settle this communal question in India before they go to England, and if the communal question can be settled in India, all the members can put their forces together and get the best possible constitution for India. If by chance they could not settle it by themselves, I would not hesitate to admit my weakness frankly and ask the third party to come in and settle our differences. We should be ready to pay high fees for this weakness. It is very desirable to settle this thing before we go to the Round Table Conference, and if unfortunately we cannot come

to any agreement, it is quite possible that our future efforts may be wasted in the same manner as efforts and money were wasted on the Simon Commission.

**Mr. M. K. Acharya :** Sir, I thank you for allowing me on this very first day of the debate on this very important question to express frankly my views on the problem in general which is before the House and before the country at large. I came to this House this morning with a feeling of great shock and grief; because on my way I saw a demonstration which showed how fast we were denationalising India and corrupting the best products of India into something which might do credit to other countries, but not to the soul of our ancient Motherland. I saw before me a number of girls misled into playing the part of picketers. This may please the hearts of those people who want to transform India into another America and to bring India to Miss Mayo's diabolical standards; but it gave my heart great grief to see my daughters and sisters so spoiled. God forbid that these things should go on!

**An Honourable Member :** Why should they not do it?

**Mr. M. K. Acharya :** I decline to answer that question. If the Honourable Member really wants to learn what European scientists call the Law of Sex Polarity, he should pay me for it and learn it in the proper place and manner. This is not the place for it. I am sorry that an Indian should put that question to me on the floor of this House, and ask why should our daughters and sisters not go on such dirty business?

Sir, I shall now draw the attention of the House to the larger problem which I think is really the serious problem before us, which India either today or tomorrow will have to solve, namely, as to what is to be her immediate political destiny. Sir, what we see today in the country, as far as I, an old man, can recollect, is simply a repetition of what I saw in 1921 and took part in, of what I saw in 1917 and took part in also. It is a repetition of that same story; and continuation of that same struggle that has been going on in this country for over forty years, the struggle between Britishers who would like, if possible, to continue their political domination over India for as long a time as they can, and Indians, who want to secure for India an honourable place of political partnership, though not of independence, in the great comity of nations making up the British Empire. That struggle has been going on for some forty years, and more; and intensively since, 1916. In 1917, I, a religious lunatic, for the first time became a political lunatic also. I took part in the then Home Rule agitation under Mrs. Besant—under Mrs. Besant who was shut up because she was the leader of the Home Rule agitation. My friend, Sir C. P. Ramaswami Ayyar there, must remember those years very well. So should my other friend, Mr. Srinivasa Iyengar, now not here, the then Advocate-General of Madras, upon whose advice it was that Mrs. Besant was shut up. She was interned because of certain articles, of which one was written by myself in *New India*. I simply said that the struggle was a spiritual struggle, between Hiranya and Prahladh, between brute force on one side and soul force on the other. It was for publishing this that Mrs. Besant was shut up in 1917! Similarly in 1921, there was this demonstration of national aspiration on one side met by repression, as it was called rightly or wrongly,

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on the other side, when a number of people were sent to jail in the course of the non-co-operation movement. Today we see very much the same thing. It does not matter how it has been brought about some of the best sons of the country—I speak with emotion, rightly, I hope—some of the best children of the country have been shut up in places where they do not deserve to be sent.

How shall we help the cause for which they are suffering? That is the problem; and what are we here for? We who are supposed to be also fighting for the liberties of the country, how may we best solve this question? How shall we prepare the way for the Round Table Conference which is after all to be convened only in order to find out a solution for this great problem of how to adjust the claims of the party on that side which says, “As long as I can, I shall dominate over India”, and of the party on this side which says, “As soon as I can, I shall liberate myself from that domination and see that India gets self-government”. This is the plain and simple question. Now let us realise the real issue. I am sorry that the discussion should have been drawn into side-tracks such as how many rupees should be demanded for education, and how many places for this community or that. After all the real question is, shall India have an honourable place under the sun or not? Shall she be an honourable partner in the great comity of nations that make up the British Empire or not? I would beg of everybody here to pay his best attention to solving this problem, and not be obsessed by what may happen temporarily to Baluchistan or Peshawar, nor whether Muslims get 20 or 30 or 40 per cent. of seats. I beg on my knees of my Muslim friends to keep aside all this talk of 30 and 40 per cent. of seats; they may take 50 per cent. or 60 per cent. or even cent. per cent. in the fullness of time; but I beg of them now to concentrate on winning freedom for India; and not to demean the name of their community by any preliminary demands that Moslems should have 40 per cent. representation in the services or 30 per cent. in the Round Table Conference or in the Councils and so on.

These are very very minor questions. But first let us get from those who have got in their hands the power to give; I mean constitutionally, what we want for the whole of India. Let us make them realise that all Indians are united in demanding for India what I would call self-determination—not Dominion Status. For to me Dominion Status is a contemptible thing, and connotes only the domination of the few over the many; it is nothing but the domination of a handful of middle-class leaders—the British Parliamentary system is nothing but the domination today over England of MacDonald and his dozen; tomorrow it may be of Baldwin and his dozen or of Lloyd George and his dozen; but there is no real democracy even there; and therefore the British Parliament is not my model. Yes; let us make it clear that we are determined to win for India some form of self-government in which all the various communities and interests and castes and creeds shall have then due share. And I for one am neither afraid nor ashamed, as others are, of this tangle of castes and creeds for amidst all the diversities of castes and creeds, of communities and languages, India has ever progressed. Indeed, India has always stood for Unity in diversity; she is, divinely an epitome of the whole world. And so India is destined to be a cultural guide to

the rest of the world—not Britain, not America, not Canada, not Australia. I am proud to belong to an India so diverse seemingly. Now all these communities and interests have to be welded more and more until one day India will set the example to the world of how all may unite, not only politically, and socially, but culturally and spiritually, how all may qualify themselves to stand before the Throne of God. Yes, it is for India to show to the world how diverse paths all lead to one goal. This is India's appointed destiny.

Sir, the Simon Commission's Report naturally is just as good or as bad as any other Report of that kind. I am not going to attach undue importance to it, or go on dissecting its details. It is quite like any ordinary Government report. The first volume contains a lot of statistical and other information which we all knew already; there is nothing wonderful about it,—it contains a lot of census figures and so on. I do not see why any one should be upset about it: this first volume may be of some use to people over there in England, it is no use to us here. As for the second volume containing the recommendations, I must say it is of very mixed merit, it contains proofs of great logical ingenuity, not of psychological foresight, nor of human warmth. We should not take seriously those people who say, “Oh, it is an invaluable report; it marks a great landmark” and all that. This is all the art of advertisers. I am not bound by their opinions. Even the New Testament is thrown into the sea by some people: is the Simon Commission's Report going to be the gospel for all futurity? Sir, my friend who interrupts me there must set himself to read the history of the world. Many Royal Commissions have come and gone; many a settled fact has been unsettled. It was forty years ago that the *Times* of London wrote something like this: “Do what you will, the Government of India will never become constitutional; it is by force that India was won, and it is by force that India shall have to be governed.” Can anybody think of the *Times* writing that today? Sir, I decline to take seriously any talk about the invaluable, wonderful, the almost divine significance of the Simon Commission's Report. The Simon seven are not the seven sages whether of ancient Greece or of ancient India. They are good men, I do not want to blame them; they have done their honest best—with a dishonest little, perhaps, here and there. I am not overconcerned with what the Simon seven have done; we shall take that Report for what it is worth.

This is quite by the way. I am sorry, that I have been deflected from the trend of my argument. As I said, the struggle is, if the other side will permit me to put it frankly, between British Diehardism on the one side and Indian nationalism or radicalism on the other. British diehardism or, to use a milder word, British Conservatism says, “It is a very long way to responsible government that you have to traverse; and you will have to go very slowly; and we cannot part with control over you in a hurry”. On this other side you have the surging demand for political freedom, growing in intensity every hour. It is not confined to men today; women have come into the movement. How are you going to reconcile this obstinate British diehardism with the demand of Indian nationalists that they should be forthwith masters in their own house? That is the question. It is a very difficult problem to solve without doubt; because in the first place there is a such great ignorance on one side and such a great distrust on the other. I do not believe that the Simon

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Report will go far to dispel either British ignorance or Indian distrust. I do not believe that the Report is going to make the people of England become all wonderfully acquainted with the conditions in India or genuinely sympathetic towards Indian aspirations. I really do not know how many are even going to read the Report; very probably it will have a seven days' sale in the market and will then disappear. But whatever happens to the Report, Sir, you have the gross ignorance to reckon with of the average Britisher with regard to India on the one side. On the other side you have the great, the almost colossal distrust—not quite unmerited, I fear,—which Indians feel with regard to all protestations from England. This is the two-fold difficulty. How may we truly bring India and England together? Sir, I believe that India and Britain have a great common purpose to serve in the world that is to be. It is for that purpose they have been divinely brought together—not for any paltry Dominion Status for India or territorial domination for England—but in order that international adjustments may go on smoother lines hereafter than heretofore, in order that Universal Dharma, so necessary for the peace of the world, may be safeguarded; in order that true Islam may triumph—not technical Islam. For this India and Britain have to be even more closely welded together; how shall we do it? How shall we get rid of the terrible ignorance of the Britisher on the one side, of the colossal distrust and lack of confidence of the Indian on the other? I believe that is the problem that His Excellency Lord Irwin is trying to solve; I believe that all these three years he has been attempting to bring some among the best Britishers and some of the best of Indians together in order that they may help to solve this problem.

Apparently, it is only a problem of constitutional advancement for India, but really, in the long run it will be found, it is a problem of world solidarity and world progress. It is a colossal problem therefore. We Indians have been trying in our own way to solve it. We said in 1921 that the Montagu-Chelmsford reforms were inadequate, unsatisfactory and disappointing, and a good many of us stood aloof from working those reforms. But in 1923 we tried to make some kind of compromise; and some of us did come in; and the very first thing we did, as soon as we came in in 1924, on the floor of this House, was to pass a Resolution demanding constitutional revision, and pointing out the method of that constitutional revision. What was that method? Here, Sir, is the Resolution moved by Pandit Motilal Nehru on the 8th of February, 1924, which said:

“This Assembly recommends to the Governor General in Council to take steps to have the Government of India Act revised with a view to establishing full responsible Government in India and for the said purpose to summon at an early date a representative Round Table Conference to recommend, with due regard to the protection of the rights and interests of important minorities, a constitution for India.”

This is what in 1924, Pandit Motilal Nehru himself as our leader, my leader then he was,—I wish he were my leader in the House today—and he was then also the leader of my friend over there, Mr. Ranga Iyer, that is what Pandit Motilal Nehru demanded in 1924. Sir Malcolm Hailey with great eloquence quoted from Shakespeare and described the Pandit as being:

“Like one who stands upon a promontory  
And spies a far-off shore where he would tread,

Wishing his foot were equal with his eye;  
And chides the sea that sunders him from thence,  
Saying that he will lade it dry to have his way.”

And so, Sir Malcolm practically said, “How are you going to get to that Heaven?” In a word, he said, we must wait and wait and wait. Now the House will see that a Round Table Conference was proposed in 1924, to settle the details of our constitutional scheme; and after that, Pandit Motilal Nehru's Resolution wanted “to place the said scheme for approval before a newly-elected Legislature for its approval and submit the same to the British Parliament to be embodied in a Statute”. So we did recognise the British Parliament as the final authority to pass the statute revising the Indian constitution. The same process I hope, Sir, we shall be able to accomplish now, if there be goodwill on both sides, by means of this proposed Round Table Conference. We shall attempt in December or in whatever month it may be in the year 1931, a thing which we wanted to accomplish in 1924, I mean through a preliminary Round Table Conference settling the details of the scheme, with adequate safeguards for British interests, with adequate safeguards for my friend's communal interests, and with adequate safeguards even for the interests of my Brahmin community, if I may say so. All this we wanted in 1924. Let us hope that we may get it at least now, because, after all, man has to live on hope. Therefore, Sir, this idea of the Round Table Conference is no new thing, and those like me who have been in the House for the past seven years, will remember how we tried hard to press this matter then, how unfortunately the then Government of Lord Reading—I wish Lord Irwin had been the Viceroy then—how the Government of Lord Reading kicked that Resolution into the waste-paper basket.

**Dr. A. Suhrawardy:** You are kicking the Round Table Conference now.

**Mr. M. K. Acharya:** I am not doing it, Sir. Therefore, Sir, this Round Table Conference, for which we have been asked some money this morning, is not altogether a new thing. At the Round Table Conference, I am glad His Excellency in so many terms announced it yesterday, Indian and British representatives will meet on terms of perfect equality and discuss and settle details. And here again, Sir, may I venture to disclose a little secret? (Hear, hear.) There may be people outside who will say that I have been purchased by Government, that I am attempting to play into the hands of the Government, or other uncomplimentary things about poor me. I am not afraid of what false, prejudiced people say. God above knows I am speaking the truth. Now, if the Congress had been less obstinate and more far-seeing in January, 1928, we might have got, in 1928, January, what we are likely to get in 1930, December. I wish to read to the House, Sir, a draft Resolution from the Assembly debates. This was meant for the 16th February, 1928, the day on which we debated a Resolution about the Statutory Commission, when the boycott of the Statutory Commission was resolved upon a Resolution moved by the late Lala Lajpat Rai. That was done because the Congress in 1927, very unfortunately, in my opinion, resolved on the unconditional boycott of the Simon Commission. Although I was an ardent Congressman, although I was a member of the Congress Party then, I took courage, Sir, in both my hands, to think

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a little for myself and to put up a Resolution which was slightly different from the Congress Resolution. I was helped by certain very influential and very learned people to draft that Resolution before it was admitted by the President. That draft Resolution of mine the gods decreed to come out in the ballot. Yes ; it did come out in ballot, but I am sorry to say that I had not after all the courage to move it on that day. For, if I had moved my Resolution, as I shall tell you presently, something would have happened which should have saved us all a lot of difficulty. Now, Sir, this was the Resolution which I could have moved on the 16th February, 1928 :

“ This Assembly recommends to the Governor General in Council that he do make an authoritative statement regarding the powers and rights of the Committee of the Central Legislature proposed to be appointed to co-operate with the Parliamentary Commission on Indian Reforms ; and this Assembly further recommends to the Governor General in Council that he do inform His Majesty's Government in England that in the considered opinion of this House no such Committee should be appointed, unless the Committee have absolutely equal rights and status with the Commission and the Joint Committee of Parliament in sifting the materials collected by the Government in India for any inquiry into the working of the present Reforms, and also in taking and testing evidence relating to further Constitutional Reform, including draft Constitutions for the establishment of Responsible Government in India.”

This Resolution, in other words, demanded that the Indian Committee and the Statutory Commission should sit on equal terms and sift all the materials, produce one joint Report, submit it to Parliament ; and when the British Cabinet brought its Bill before the Joint Parliamentary Committee, the Indian Committee should sit on equal status and terms with the Joint Parliamentary Committee and examine that constitution. This was my Resolution, Sir, then, and I must say that, when this Resolution came out in the ballot, then very, very strangely, I received a note from Government House calling on me to see His Excellency the Viceroy. When I went to him, he asked me to go back and tell the leaders of my party that His Excellency would be willing to accept this Resolution if moved. That is a secret which I kept confidential during these two years. But on that eventful day in 1928 I was after all persuaded to think that as a humble member of the party, the party mandate was binding on me ; and so when I was formally called up, I simply said that, “ Under instructions of my party I do not move the Resolution ”. Then came the next Resolution of Lala Lajpat Rai, and he of course thundered away and easily succeeded in persuading the majority in the House to accept his Resolution for unconditionally boycotting the Commission, and the boycott was passed by a majority of this House. Now, Sir, I am in a position to state the honest truth I knew that, even in 1928, His Excellency Lord Irwin was for securing for the representatives of the Central Legislature in India absolute and perfect equality.....

**Mr. C. S. Ranga Iyer :** On a point of order, Sir. Is it in order for an Honourable Member to refer in this House to some conversation which he is alleged to have had with some high authority outside ?

**Mr. President :** I hope the Honourable Member will avoid making a reference to some private conversation he had with some one outside.

**Mr. M. K. Acharya :** Sir, I take the fullest responsibility for the truth of my statement. Yet I bow to you ; I do not want to drag in anybody's name. I simply make the statement, and I say I take the fullest responsibility for the statement, that in 1928 the Government of India were prepared to secure for any committee that might be appointed by the Indian Central Legislature equal status and equal powers with the Statutory Commission appointed by the Parliament in 1928 and with any Joint Parliamentary Committee later. I do not want to drag in names ; but I do make the statement that I have good reason to believe that for the past two or three years His Excellency the Viceroy and the Government of India have been trying to secure for Indian representatives and for British representatives occasions and opportunities to come together, to discuss freely, and to arrive at some satisfactory solution of the great constitutional problem, in which solution both England and India are both vitally interested. That is the point towards which I am driving. The Round Table Conference idea, I do not believe, dropped from heaven at the end of 1929. I believe there was a desire—I do not know whether the original initiative came from the Government of India, or the Government in England, or from which particular statesman, here or there, but there has been during these two years a desire,—and I give credit for it to the Government of India in the collective sense, because I suppose I should not refer to His Excellency Lord Irwin—there has been some real desire, so far as I can see, to bring the representatives of India.....

**Mr. President :** I hope the Honourable Member will avoid repetition and will come to the point.

**Mr. M. K. Acharya :** I am ready to sit down if my talk is unpleasant.

**Mr. President :** I do not want to gag Honourable Members, but I want that the Honourable Member should not repeat the same argument. He has been repeating the same thing over and over again. I should like the Honourable Member to speak to the point at issue.

**Mr. M. K. Acharya :** I, of course, bow to your ruling ; but I am not accustomed to be an irrelevant speaker, I thought. However, Sir, I shall try to learn, if I can, even in my old age the new laws of relevancy. Now, Sir, here is the present troublesome situation. Just as in 1928 the Congress resolved on unconditional boycott of the Simon Commission and not on qualified boycott, so unfortunately now the Congress has launched on civil disobedience. Greatly as I long,—I do long as greatly as others—to see India free, I say with all veneration, with all respect to the Congress leaders, I am afraid I cannot but deplore the fact that the civil disobedience movement has been started a little too prematurely. After the declaration by His Excellency that there was going to be a Round Table Conference, I for one, speaking in all humility, would have preferred that Mahatma Gandhi should have waited until the Round Table Conference was held ; and then if nothing came out of it,—I for one, was always prepared for the worst, “ Blessed are those that do not hope for they shall not be disappointed ”—if nothing came out of the Round Table Conference, and if then Mahatma Gandhi had started his civil disobedience movement, I for one should be the first of his followers. Any way, the civil disobedience movement has been started ; it has been going on for three months ; and we see the great tension to-day. I

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believe it is our duty today to try to ease that tension, to find some way of bringing the best brains in India and in England together to solve the great question. The Round Table Conference is going to be held, as I see, in order to bring together the best brains of India and of England together. And the purpose of the Round Table Conference, I hope, is, as I have already stated, not to see which particular community should have what number of seats, how many ministerships here, how many ministerships there, or how many appointments elsewhere, and so on, but to find out a general scheme of constitutional development which would enable India to take her rightful place among the great partners of the British Empire. Now, I am very anxious that the very best brains of India should go to England, and so I am in favour of the Round Table Conference.

I am very anxious that the very best sons of India should go to England. I am anxious that men should go—not men who will clamour for particular privileges for particular communities, sub-communities, and so on, but I want that those men should go who will have a larger vision of the future destiny of India, who will demand self-determination for India, the right, in fact, hereafter to shape the constitution in such a way that it will be in the best interests of all the interests in India. Everything else appears to be very subordinate, very subsidiary. I would, therefore, beg of the Government to see, and of this House to see that only the best men are sent. How can the best leaders of India be in England in October or in December unless some way is found to bring out the great leaders who are now in jail? The very great delay taken by the British Government in responding to the Indian appeal, to the persistent Indian demand, has exasperated these Indian leaders. Rightly or wrongly, they are in a place where they do not deserve to be. Can there be any Round Table Conference worthy of India in the eyes of the world without Mahatma Gandhi at the head of the Indian delegation? That is the question that troubles me. I am not, after all, an unqualified follower of Mahatma Gandhi. I have my differences with him, but, with all his faults, he is the greatest son of India today. There is no denying it. He is the greatest son of India today, and I therefore beg of Government to see some way for bringing out Mahatma Gandhi, for bringing out Pandit Motilal Nehru. Without these two and some others along with them, will that Conference, will that delegation to England be a delegation worthy to be called an Indian delegation? Therefore, Sir, we must create the necessary atmosphere of peace and goodwill in India as early as possible by which these great sons of the Motherland can come out. We want to create some true measure of peace and goodwill in the country. On what plank shall we have it? On what programme, on what conditions, subject to what safeguards? These are points which I will beg leaders on this side of the House and leaders on that side of the House very carefully to consider. This civil disobedience movement must stop. The best brains of the country must go, and all of us should put our shoulders together in order to see that the problem of India's future self-government is solved satisfactorily. How are we to do it? How can there be a Round Table Conference, therefore, without this preliminary work within the next few weeks of clearing the atmosphere and making it one of peace and goodwill in

order that the greatest of the leaders of India might come out? I put this subject of proper representatives down as a definite cut, but I am not keen to move it.

Here are my ideas. I want somebody to go and speak and interpret the soul of India to England. I really do not know who is best qualified for it. I know that there are a great many able children of India,—great lawyers, great educationists, great administrators. Indians there have been great in many walks; but I am yet to come across a recognised public man who dare dream of the future of India in the spirit in which he ought to dream. I would like to find today somebody like the late Swami Vivekananda; I want somebody like the late Lokamanya Tilak or Das who will be a first class constructive political thinker. Dominion Status, Nehru Committee's scheme, the Australian constitution, the Canadian model—these are all to me contemptible objectives. I want first class political thinkers. . . . . (*An Honourable Member*: “Why don't you produce a scheme yourself?”). (*Another Honourable Member*: “What about yourself?”) I am not a leader; I am content to be a follower. Therefore, Government and we alike must take pains to find out the proper men. Who knows there are not in the country great minds?

“Full many a gem of purest ray serene,  
The unfathomed caves of ocean bear.”

They may not be sitting on the front Benches here; but I am sure that somewhere in the bowels of Bharata Mata lie hidden great geniuses that can produce some of the finest constitutions in the world. It is your business, of those who want the Round Table Conference, it is your business to find out those talents.

Again, the Government must invite to the Round Table Conference representatives of all parties, communities and interests in the land that count. I know my difficulty. I am speaking now in some representative capacity. A number of orthodox Hindu organisations have put this point before me. Our difficulty is this. Comparatively speaking, my Muslim friends are at a greater advantage; because they have an All-India Muslim League. But there is no such recognised organisation on behalf of the orthodox Hindu community; and what organisations there are have not the same status, nor the same advertising capacity in the newspapers as perhaps other organisations have.

The All-India Muslim League looks after the interests of all Muslims.

4 P.M. (*An Honourable Member*: “You have the Hindu Mahasabha”). I do not want to you all the recent Resolutions passed about the Hindu Mahasabha; I may just say that the All-India Sanatana Dharma Conference held in Bombay very recently dissociated itself completely from the All-India Hindu Mahasabha, because the All-India Hindu Mahasabha consists only of a few denationalised social reformers; and very unfortunately it has ceased to command the respect of orthodox Hindus. That is our great difficulty. Among my orthodox countrymen there are not many who are in the political forefront. There are many great souls, many great Pandits, many learned men; but the Anglicised Indian has no respect for the old learning which he despises as Panditary. The Anglicised Indian honours only those who can talk English glibly. Whoever can talk the foreign language well, becomes great and poses as a great leader. That is unfortunately the difficulty of the orthodox Hindus. We do not know who are going to be the representatives



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of orthodox Hindu interests at the Round Table Conference. (*Voices* : "Oh, oh".) I will beg of you not to interrupt me.

**Mr. President** : I beg of you not to attend to the interruptions.

**Mr. M. K. Acharya** : I know, Sir, that my friend the great Rai Sahib Harbilas Sarda, the hero of the Sarda Act, may consider himself to be the best representative of all Hindu India in his own estimation ; but I am afraid not even my very esteemed friend, the Right Honourable Srinivasa Sastri, can truly claim to have the confidence of orthodox Hindu India. Therefore it is for the Government to find out who is competent to represent the interests of Hindu India, of orthodox Hindu India. It will not do for the orthodox Hindus to be represented by those so-called reformers who want untouchability Bills and promiscuous marriage Bills and so on. I claim, Sir, we too have a place in India. We make up some 20 or 22 crores of the population of India. Except for a few lakhs of Anglicised Hindu social reformers, all the rest of us are proud to be orthodox Hindus. Our interests must be safeguarded—our religious and our worldly interests, our economic and our political interests also. Therefore, Sir, I plead on the one side that there must be the representatives of the Congress Party—which from the political standpoint, is the most dominating popular party in India ; and I plead on the other side that you must also have some representatives who can speak for the vast bulk of orthodox Hindus who cannot be represented by any Anglicised social reform gentlemen of Bombay or Lahore or even Madras or Allahabad. We also must have some representative there—(in reply to an interruption)—No, Chingleput will not go. That is another point I wish to place before Government.

**Mr. President** : I hope the Honourable Member will now try to conclude his remarks.

**Mr. M. K. Acharya** : Yes, Sir. That is what I am trying to do. These are my points. The Round Table Conference must be convened ; but for what function ? It may be due to the official reticence of the spokesman in England or in India, but through whatever reason I am sorry that the function of the Round Table Conference has not been properly conceived and put forth before India, or before England for the matter of that, so far as I know. The function of the Round Table Conference ought to be to bring the best brains and hearts of England and India together in order that they may confer on the goal in all humility, in order that the diehardism of England may go and the distrust of India may disappear ; in order that the two countries may come together in close and brotherly relation ; in order to find out a scheme by which the soul of India may expand and develop and manifest itself to Britain, and through Britain to the rest of the world. I know we shall have to wait long until the time comes when the rest of the world will be able to take lessons, politically, socially, spiritually, from the great constitution, which will be India's constitution, perhaps a hundred years hence. Meantime in order that England may understand aright, in order that India may teach to England what the true soul of India is, this Round Table Conference must be convened, not for trifling details of places here and places there, or even provincial autonomy and things of that kind. Now, Sir, if this should be the true function of the Round Table Conference, Government should take all the care they can take to send to England those

who can speak to England aright on behalf of India, who can interpret the soul of India to England aright, and bring that kind of moral and spiritual pressure to bear upon the statesman in England as will help them to recognise the just claims of India. I want the best sons of India and of England to be brought together in order that, in the most friendly manner, without hitch, without strife, without struggle, through soul-force a constitution may be evolved which may be well worthy of England to give and well worthy of India to take. That is the great purpose we must set before the Round Table Conference. I do for this reason, for this dream if your please, support the offer of the Round Table Conference ; and I beg of all of you to unite in bringing to it Mahatma Gandhi and Motilalji and others who can speak freely, not stuntedly, for the purpose of securing for India her rightful place among the nations of the world. She was once the mistress of the world and in the distant future... (Laughter). You may laugh now as much as you like, but those who come to scoff will remain to pray in course of time. The conquest of the world by India's spirituality is what we should aspire for and towards that end we want an honourable political constitution, not for the sake of a few places anywhere for a few people. I repeat I want political autonomy, self-rule or Swaraj, or whatever else you may call it as a means towards a higher end ; for I, for one, believe there is a greater world-purpose to be served, namely, the conquest of the world by India's spirituality. That is the final goal—nothing more and nothing less. Therefore, I beg of every competent Mussalman friend and every competent Hindu friend to go to the Round Table Conference and place the very best that Muslim India and Hindu India has to place before the world, to convert England to the universal Dharmic creed of India, and bring about that consummation of joint effort towards world-harmony which we all so earnestly desire. Sir, subject to the suggestions I have made, I support the original motion.

**Dr. Ziauddin Ahmad** : I want to place before the House a correction of fact....

**Mr. President** : Under what rule ?

**Dr. Ziauddin Ahmad** : On a point of personal explanation, Sir.

**Mr. President** : That is not a point of personal explanation.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : The question before us is at present whether the recommendations contained in Volume II of the Report of the Indian Statutory Commission are satisfactory and adequate or not, and that is the only point with which we can deal at present. Of course, my friend, the Honourable the Mover, of the cut recognises indirectly that the suggestions, recommendations and findings in the first volume of the Report are satisfactory, and whatever is found in Volume I is really satisfactory to him and he does not challenge it at all. As far as I have heard the debate that has gone on in this House, I have not heard any individual Member challenging the survey contained in the first volume of the Report. Now, the only point of difference is whether on the basis of those things which the Commission have written in their first volume the recommendations contained in the second volume are really satisfactory or not. Anyone who reads the first volume will appreciate that the grasp of many facts which the Simon

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Commission showed was really creditable, and they came to many correct conclusions and arrived at many correct findings about the situation which was existing in India at that time. There have been certain changes since then on many things. Now if a great portion of the considerable matter which is contained in the first volume is put up before anyone now, he may now make certain suggestions and recommendations probably different from those that the Simon Commission have made. The attempt in the second volume seems to be the result of three parties differing in their recommendations. Probably the Labour Members were thinking of making different recommendations to what the Conservative Members were thinking of making and the Liberal Members were trying to make up their mind as to the recommendations; and the result was that a kind of compromise was arrived at between the three groups, which has left practically no idea of any party or of any sect, and therefore the findings at which they have arrived and the recommendations which they have formulated fall short of everybody's expectations. (Hear, hear.) Their attempt has been to win over everybody's heart, but a man who tries to win over everybody's heart certainly fails in his attempt altogether. Now we cannot say that their recommendations are altogether satisfactory or altogether unacceptable. There may be certain recommendations which may be acceptable to somebody, while there may be other recommendations which may not be acceptable to that very person, and for the other party there may be other matters which may not be as acceptable to them as those which have been acceptable to the first few.

**Mr. M. A. Jinnah :** What do you accept ?

**Mr. Muhammad Yamin Khan :** I accept certain portions, as probably you may have read from the Report regarding the All-Muslim Parties' recommendation.

**An Honourable Member :** They do not accept anything ?

**Mr. M. A. Jinnah :** What do you accept, can you tell us ?

**Mr. Muhammad Yamin Khan :** I hope my Honourable friend, who is a senior Member of the House, will not try to interrupt me like this.

**Mr. M. A. Jinnah :** I was only trying to seek the information, what part do you accept ?

**Mr. Muhammad Yamin Khan :** If my friend will have patience, as I have patience when he is speaking, probably he will come to know. There are many matters. I would like to mention here that one of my Honourable friend's demands was for the federal system of Government in the centre. Of course that principle has been accepted, though not to the extent my friend wanted, but they have laid down the seed, and they want to build up a constitution according to that scheme. That may be a contestable point, but the principle is there, the constitution they have laid down is there, and the principle they have accepted is acceptable to me as well as to my friend, Mr. Jinnah.

**Mr. M. A. Jinnah :** I do not agree with that at all, Sir.

**Mr. Muhammad Yamin Khan :** That is very unfortunate. Then, Sir, another point which was acceptable to my friend, Mr. Jinnah, was the separate representation of the minorities or of the Mussalmans at least, and that has been accepted.

**Mr. M. A. Jinnah :** Not as I wanted.

**Mr. Muhammad Yamin Khan :** So, Sir, that point has been acceded. (*Honourable Members :* "Question"). As long as that principle exists there, nobody can contest that they have not conceded the principle which had been asked for. (Laughter.) There may be other points which are not acceptable to him and to me and to everybody else. First of all, Sir, to me coming from the United Provinces, I know that my province laid great stress upon a second Chamber and they wanted that there should be a second Chamber for the Provincial Legislature. Now the Simon Commission have not accepted it, although they recognize that there ought to be one, but they leave it for the future. I submit we cannot accept their recommendations, and the second Chamber is essential for a Legislature like that of the United Provinces. The scheme for that Chamber was not put forward merely by the Government, but was accepted by all the parties concerned in the provinces. The Committee from the Provincial Legislature, which sat with the Simon Commission to help them, recommended that there ought to be a second Chamber, and they have conceded this point, and they say, "The United Provinces of Agra and Oudh demand a second Chamber and we recognize the necessity of a second Chamber, but we are not ready to accede to this request at present". The material point in the first volume contained, I must point out, another point which they did not bring out in their second volume, *viz.*, in the first volume they say that the zemindars and taluqdars are the natural leaders of the masses, that the opinion of the former has got a great weight in the province and they have got great influence and the masses follow them as their natural leaders, but, still, Sir, when the question comes up in the second volume as to whether zemindars and taluqdars should have separate seats allotted to them, they do not see the necessity for that, and this conclusion cannot be accepted by the zemindars and taluqdars and other people who have got vested interests in the country. I do not see why the Simon Commission laid so great stress upon the interests of the commercial classes being represented in the Legislatures. We have got so many different people who come here to represent the interests of commerce only. The European Group is mostly concerned with the commercial community. They have got no other interest except commerce. There are many other people from Bombay, Calcutta and other places who come here to represent commercial interests, but why, Sir, when it is recognized that, since these classes who have got vested interests in the country, must be given separate representation, the same consideration is not shown to the zemindars and taluqdars who have got much larger vested interests than the commercial classes. A commercial man may be carrying on his commerce today in the country and may wind up his business tomorrow and leave the country, but the zemindar, who owns big areas of land, cannot leave the country which is his home in a similar fashion. Moreover, when it has been recognized that he is the natural leader, I do not see why he is not given the same right as is given to the commercial community. Here, Sir, the Simon Commission I think have failed in their recommendation. By the recommendations contained in the second volume of their Report they are running counter to their own arguments contained in their first volume.

There is, Sir, another point. Although they recognize about the frontier that the North-West Frontier Province has got people who are

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as intelligent as the other people in India, and they recognize and adduce arguments by reading which in their first volume one would come to the conclusion that they—at any rate I would have thought so—were going to recommend full autonomy for the North-West Frontier Province, yet, by adducing different reasoning in the second volume, they absolutely contradict their own arguments contained in their first volume on this point. And then they say that the people who are living in a powder magazine cannot light matches for lighting their cigarettes. That is an absolutely unsound reasoning and cannot be supported by any facts and figures. The one great objection which could have been taken was on the financial question. They recognise that, for internal purposes and for the administration of the province, the revenue of the province would suffice. It will fall short by a very small sum which can be given by the Central Government. The only expenditure which is beyond the revenues of the North-West Frontier Province is for the Imperial purposes for which the North-West Frontier Province can have no responsibility at all. That expenditure should be met from the Central revenues. While recognising all these factors, they come to propose a constitution for the North-West Frontier Province which, of course, cannot be accepted by that province, and it cannot, I think, be accepted by India as a whole. This House has laid great stress and has passed unanimously a Resolution demanding the same constitution for the North-West Frontier Province as is given to the other provinces in India. That Resolution was even supported by the late Lala Lajpat Rai and it had this great force, that the whole political India and the people of the North-West Frontier Province are unanimous in demanding a constitution similar to other provinces which is denied by the Simon Commission. That was the basis of one of the great demands of the Mussalmans, because when the Mussalmans thought about the federal system, the great factor was the creation of certain autonomous provinces, on which Muslim India could rely. But the system which they have evolved in the federation, although it will be improved upon in the future, is so dark, that nobody can predict when it will mature and when this federation will come into shape, as was demanded by my friend, Mr. Jinnah.

There is, Sir, another point which cannot be accepted by many people in India, and that is a new device of proportionate representation in the federal system which they have laid down. That is bound to create the same friction in the minds of the Mussalmans and the Hindus and will also create disturbances for which they have been trying to seek a remedy. They recognise the necessity of separate representation in the Central Legislature but it is a fallacious argument when they say that the Mussalmans should have a proportionate representation in the Central Legislature, but at the same time they devise means whereby only a Mussalman in the Provincial Legislature will vote for a Mussalman and a Hindu for a Hindu and a member of the depressed classes for a member of the depressed classes. When they recognise this principle, then there ought to be a separate election and, in fact, there will be a separate election of these people. I do not see why these differences have been created and dragged into the Provincial Councils for the election of the Members in the Federal Assembly when people in the Provincial Councils can live very peacefully after they have sought their election from their constituencies. This is a seed which will bring about conflict of opinion and

conflict of interests and many people will be dragged into some kind of controversy, which will not be desirable or healthy in the Provincial Legislatures. I would have said nothing had there been a finding that there should be no communal representation in the Central Legislature. That would have been a very strong argument in favour of them. But, on the contrary, they have said that there ought to be a sufficient representation of the Mussalmans in the country. They do recognise that, in the Federal Assembly, the Mussalmans must be sufficiently represented, and they have devised the means by which they should come in through the Provincial Councils. This is creating bad blood in the provinces, where the Mussalmans and Hindus are working side by side in great co-operation with each other. I think my province has been one of those provinces which has set up the noble example of how the Hindus and the Mussalmans can work in the Provincial Council harmoniously and in collaboration with each other. That fact could have been seen from even the Report of the Provincial Committee, which was unanimous. Even the Hindu members have supported the demands of the Mussalmans. In fact, they have come to a unanimous conclusion on this question.

**Mr. President :** What about Mr. Khan's minute of dissent ?

**Mr. Muhammad Yamin Khan :** His note refers to certain points which were not the common concern of both communities. On the general question, however, the Muslim members and the Hindu members came to the same conclusion, except on a few points. So, I do not think this device will create a healthy influence. I do not like the scheme whereby a Mussalman candidate runs only after the Mussalman members, a Hindu member only after the Hindu members and a depressed class member only after the depressed class members. I fail to see the efficacy of this system when the depressed class representative in the Provincial Legislature comes by the vote of the depressed class men as well as of the caste Hindus. It will be creating very bad blood when a depressed class man will seek his vote only from the depressed class members of the Provincial Legislature. I think that device will be more harmful than the system of separate representation given to the constituencies. They have so much magnified this question of proportionate representation in the Provincial Legislatures that it will spoil absolutely the harmony which exists at the present moment in the provinces, and I think nobody can accept this principle. By this device I am sure the results which they have anticipated will never be achieved. I challenge anybody who maintains that it will be possible to achieve the results which the Simon Commission have contemplated. There is one great drawback in this proportionate representation from the Provincial Councils, and it is this. They presume that there will be only so many candidates standing from one community as will be covered by their proportionate representation. Supposing in one Provincial Legislature there are only ten Mussalman members and the first five votes can be given to one Muslim candidate and the second five votes to the other. This can be done only when there are two Muslim candidates. But if there are three candidates, none of them will be elected. So, I do not think this device will be a great boon for the minority communities. One factor that has been recognised by the Simon Commission, for which I give them great credit, is that the problem of India is the problem of minorities. If the problem of minorities is settled, then the question of India's future is settled. India can never be bright unless the minorities in all the provinces, whoever they may be, whether they are Muslims, Hindus or Sikhs, feel security at the hands of the majority. They

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must feel that their rights will not be trampled down by any one community when they are in power and that they will receive the same consideration from the majority communities as they expect to be their due share. If any community has any suspicion in its mind that it will not be treated properly in future, then it can never agree. Then there must be a third party coming up to decide between them. As long as the majority community in every province does not come to understand that they will have to deal with the minorities in such a way that the minorities may feel security at their hands, and as long as the majority communities do not accede to the demands which the minority communities are putting forward, so long will India never improve and will never be able to achieve what it is aiming at. There are all these intricate problems.

**Mr. President :** How long does the Honourable Member wish to speak ?

**Mr. Muhammad Yamin Khan :** About half an hour, Sir.

**Mr. President :** The House stands adjourned till eleven o'clock tomorrow morning.

The Assembly then adjourned till Eleven of the Clock on Friday, the 11th July, 1930.

## LEGISLATIVE ASSEMBLY.

*Friday, 11th July, 1930.*

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

### MEMBER SWORN.

Mr. Satish Chandra Sen, M.L.A. (Calcutta : Non-Muhammaḍan Urban).

### STATEMENT OF BUSINESS.

**The Honourable Sir George Rainy** (Leader of the House) : With your permission, Mr. President, I wish to make a statement concerning next week's business in this House. On Monday Government propose to put the motions necessary in order to pass the official Bills which have come before the Assembly at one stage or another during the present Session. First of all, there are the Lac Cess Bill and the Bill further to amend the Negotiable Instruments Act, 1881. Reports of the Select Committees on both the Bills are before the House. The other four Bills are (1) the Bill to amend the Indian Forest Act, 1927, (2) the Bill further to amend the Indian Telegraph Act, 1885, (3) the Bill further to amend the Bombay Civil Courts Act, 1869, and (4) the Bill further to amend the Benares Hindu University Act, 1915.

After the legislative business is finished on Monday, I propose to move two Resolutions, both dealing with draft conventions made by the International Labour Conference at its 12th session held in Geneva in 1929. The first relates to the protection against accidents of workmen employed in loaded or unloaded ships, the second to the marking of the weight of heavy packages transported by vessels.

The House will also be asked to elect two of its Members to be members of the Governing Body of the Indian Research Fund Association. Subject to your approval, Mr. President, I propose that nominations should be made on Monday and the election held, if necessary, on Tuesday.

Finally, with your permission, Sir, I shall move a Resolution regarding the exercise of the option which the Governor General in Council will shortly have of purchasing the Assam Bengal Railway. The option of giving notice of the intention to purchase must be exercised before the 31st December, and it is important that the House should have an opportunity of expressing its opinion.

Tuesday will be devoted to non-official Bills, Wednesday and Thursday to non-official Resolutions. If the Government business is not finished on Monday, Government will ask you to direct that the House should sit on Friday, the 18th.

## THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL.

## PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

**The Honourable Sir George Schuster** (Finance Member) : Sir, I beg to lay on the table the Report of the Select Committee on the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose.

## ELECTION OF THE DEPUTY PRESIDENT.

**Mr. President** : More than one Member having been proposed for the office of the Deputy President, the House will now proceed to the election by ballot of a Member to fill that office in accordance with the provisions of Standing Order 5 (3) of the Standing Orders of this House. The names of the candidates proposed, together with the names of their proposers and seconders, were read out to the House by me yesterday. Since then Sardar Gulab Singh has intimated to me that he has withdrawn his candidature. There thus remain the following three candidates who have been duly proposed and seconded for election :

1. Sir Hari Singh Gour.
2. Rao Bahadur M. C. Rajah.
3. Lieutenant-Colonel H. A. J. Gidney.

The rules regulating the manner in which the ballot shall be held have already been circulated to Honourable Members.

Honourable Members will now come up to the table and receive the ballot papers for the first ballot from the Secretary in the order in which I call their names.

(The ballot was then taken.)

**Mr. President** : I hope that votes have been recorded by all Honourable Members who desired to vote.

(After the votes had been counted.)

**Mr. President** : The result of the voting is as follows :

|                                |    |    |    |
|--------------------------------|----|----|----|
| Sir Hari Singh Gour            | .. | .. | 62 |
| Lieut.-Colonel H. A. J. Gidney | .. | .. | 17 |
| Rao Bahadur M. C. Rajah        | .. | .. | 15 |

As Sir Hari Singh Gour has got more than half the total number of votes, I declare Sir Hari Singh Gour duly elected. The approval of His Excellency the Governor General is necessary by statute for this election and it will be duly sought for.

## DEMANDS FOR SUPPLEMENTARY GRANTS—contd.

## MISCELLANEOUS.

*Inadequate and Unsatisfactory Suggestions and Recommendations of the Indian Statutory Commission.*

**Mr. President** : The House will now resume discussion on the supplementary grant which was moved by the Honourable Sir George Schuster yesterday and on the cut moved by Mian Mohammad Shah Nawaz. Mr. Muhammad Yamin Khan was speaking last and I will now call upon him to resume his speech. But before I do so, I would like to

inform Honourable Members that there is a desire on the part of a very large number of Members to speak on this question. Considering that there are so many new Members in the House who will have only this opportunity of addressing the House, I am very anxious to give an opportunity to as many Members as possible. This can only be done if Honourable Members would try to restrain themselves in making speeches. Although there is no time limit, and I do not want to gag Honourable Members, still I hope that Honourable Members will try to be as brief as possible, in order that a larger number of Members may have an opportunity of speaking on this subject. Mr. Muhammad Yamin Khan.

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : Sir, I was talking about the problem of minorities yesterday when the House adjourned for the day. Once it has been found by the Simon Commission that the problem of India is the problem of the minorities, and that it should be solved as amicably as possible, I submit that there cannot be proper progress, proper constitutional progress in India as long as the problem of the minorities is not solved. Now, Sir, as regards the system which has been proposed by the Simon Commission for representation in the Federal Legislature, that is, the indirect method, although I am in favour of the indirect method, the method which has been recommended is not acceptable to any one. They limit the franchise to only a few people, and when they wanted that the indirect method should be applied for the election of Members to the Federal Assembly by Provincial Legislative Councils, they had a difficulty before them. That difficulty was that in certain Councils certain communities had a very limited number of their representatives, and it would not have been advisable to suggest that ten persons should elect two representatives of their own community for the Federal Assembly. They laboured under that difficulty and they proposed that the entire Council should send representatives to the Federal Assembly. At the same time they should have realised that it would be impossible and impracticable for the entire Council to vote and send people who might be considered true representatives of the communities coming up in the Provincial Councils through the separate electorates. They realised that Members of particular communities should vote for their own representatives. But they could not suggest it because they knew there would be few voters of each community in the Councils of the provinces and they did not want to limit the franchise in such a way that it would make their suggestion ridiculous if they had proposed it. In trying to avoid the impression in the eyes of the public that their suggestion was ridiculous, they have proposed a scheme which cannot be acceptable to any one. If an indirect method had to be sought, they could have given wider representation even there. Why should not the members of the Municipal Boards and District Boards, who come up from different constituencies, be included in the list of voters in the scheme of indirect election ? They play the part of representatives of certain constituencies in a limited sphere. Why should they not be allowed to come up and have a choice in the selection of the Member who comes to the Federal Assembly ? There may be others under this method, like the members of the Courts of the University. There may be a wider franchise for this than that for the Provincial Councils. They knew that the proposal which they were putting forward must be disguised in such a way that it might look to

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be a practical proposition. It is a practical proposition only in theory, but in practice it is not a practical proposition at all. As far as I have gathered the views of a majority of the people in India, their views are opposed to this system and they will never accept the recommendation which has been put forward for the election of the Federal Assembly, as has been suggested by the Simon Commission. There may be a direct or indirect method. I would much like the indirect method but not in the way suggested by the Commission. Undoubtedly everybody wants that the qualifications of the people, who want to seek election to the Assembly, must be higher than what are generally accepted as sufficient for the Provincial Council, but we cannot discuss that question now because it will be framed in the rules that will be made under the constitution.

The second point is about the Council of State. Here I think they were in a difficulty to make any suggestion at all. They did not know what to say. They wanted to say something. They wanted to say something different from the present constitution. While labouring under that idea, they put up a suggestion which is novel and which I think is absolutely unacceptable to anybody. In a bicameral system, if there is an election by indirect method to one House, certainly there ought to be representation by direct election in the other House. They ought to have proposed for the Assembly a direct election and for the Council of State an indirect election. But while they have suggested that there should be an indirect election to the Federal Assembly, they thought, as the Council of State is going to be a revising chamber, that they could not possibly suggest a direct election there and they had no idea at all as to what to suggest. They found no fault whatever with the present system of election and the constituencies of the Council of State, and unless they have shown any good ground for changing the present system, the change they have suggested cannot be accepted. I think the present constitution of and the method of election for the Council of State is quite satisfactory and that must continue if the Council of State exists at all. Taking away the right of vote from the people to elect to the Council of State cannot be accepted by any one, and I think this suggestion about the Council of State should be absolutely done away with and the Council of State should remain as it is.

About the reserved powers of the Governors. That is a debatable question. My friend Mr. Shah Nawaz does not agree with that. He only agrees with a limited portion of that. I find that the United Provinces Provincial Committee have recommended that the Governor should have considerable reserve power. That is reported in the Simon Commission's Report and they laid great stress upon this. This was an unanimous suggestion of the United Provinces Provincial Committee and I wholeheartedly agree that the Governor should have considerable reserve powers in the provinces, because India at present is changing from a bureaucratic system into a democracy. Formerly we were accustomed to autocracy. Now, we have bureaucracy, and in future we will have democracy. Until all the communities are accustomed to the democratic ideas, we will require, during the transition period, that the Governor should have extensive reserve powers which will mean the protection of those interests which cannot be protected in the provinces in any other way, and unless the Governor has got considerable power, there will be many communities

which will not get the proper protection which they can get if the Governor enjoys those powers, and I think most of the people in my province wholeheartedly support the idea of giving those powers which have been suggested by the Simon Commission.

There is another point about the Army. I think no Indian in the House can agree to the suggestion which has been put forward about the Army. In 1923 I moved a definite Resolution in the Assembly about the Indianisation of the Indian army and my suggestion seven years ago was that the Indian regiments should be officered by the Indians in future, and the system which I proposed at that time was to fill up all new places of officers as they fell vacant by the appointment of Indian officers and that Indians should be given the King's Commission in such number as might be required by the vacancies that occurred. If that principle had been accepted seven years ago, we would have made considerable progress in 1930, but unfortunately, as the Assembly was about to pass my Resolution by a large majority, the announcement came from His Excellency the late Lord Rawlinson that eight units were going to be Indianised at once. That took away my votes, but I thought, even at that time, the best solution was not the one which had been suggested, and that it would not be accepted by Indians in future at all. That system of separating the eight units was not really the proper solution for the problem which we have to face. There ought to have been no separation of any units, but there ought to have been new ranks filled up by Indian officers, who would have worked under European officers and inherited the traditions of those officers, which they have kept in their regiments, and they, after having enjoyed the confidence of the men and the officers, would have been useful officers and would have kept up the same traditions which had been kept up by European officers in Indian regiments. But that system was not accepted at that time, and I think it is time now that an effort be made in this direction. That would eliminate greatly the feeling existing at present in India. While I still think that the retention of British regiments in India is absolutely necessary for keeping the peace in India, unless and until the different communities living in India find their own solution and give up their communal riots and communal disturbances and have got confidence in one another and learn to live peacefully, as they used to do in the past, unless and until that time comes, the retention of British regiments is absolutely necessary. But there is no reason whatsoever why the Indian regiments should not be officered by Indians. There have been in the past many officers who have taken a glorious part in the conquests on many fields in many countries, and their children are living today who have inherited the same feeling, and such people can be greatly useful as officers even today. The military classes in India and the sons of properly educated Indians of the martial classes are second to none and can lead their men in the same efficacious manner as any European can do, and this has been proved on the battlefields of France, Mesopotamia, Egypt, Palestine and other places,—that Indian officers worked in the same way as European officers on those fields and have proved their worth, and I do not see any reason why they should be denied altogether the right of officering their own regiments. Every Indian regiment, whether it is infantry, cavalry, or artillery, should be officered by Indians. I think, in all units, and in the Air Force also there should be Indian officers; there should be a policy adopted that in the shortest period they must be all Indianised; and if an effort is made in that direction



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and it is shown to India that such an effort is seriously being made, that will bring peace and quiet, and that will show that the British Government are not simply trying to postpone the day on which it could be really said that Indians had got the confidence of the British Government. At present there is a feeling in the minds of many Indians, and especially amongst the martial classes, that they are not properly treated, that they do not enjoy the same confidence as is reposed by the British Government in the British officers. Once the principle I have advocated is adopted, that will eliminate many controversial questions and India will progress, and those Indian people, who are agitating today, probably will find that they have no cause which can be supported by anyone if this principle is conceded by the British Government. I think the policy about the Army should be changed at once and there should be a principle laid down in the constitution that, in the nearest future and shortest period, all Indian regiments should be Indianised absolutely and should be officered by Indians alone.

Now I shall come to the last point about the Round Table Conference. We have had people coming up here who have sat for a long time and met at different places under the name of the Patro Committee. That was a kind of Round Table Conference of all political parties. (Hear, hear.) You may say they were not representative, that they were not elected by their people; but of course some people who thought they were the representatives of their community met, and they thought that they might go on and talk and find out a certain solution between themselves. Well, these self-styled representatives of India met in different places and came to no conclusion at all. Every community was putting up its own demands, and the other community was reluctant to concede the demands of the other community. They wanted to see things from their own angle of vision and they did not like to see them from the angle of vision of the other community; and if the Round Table Conference is going to be composed of such people, who cannot come to any conclusion, I think it would be the laughing-stock of everybody, and if Indian leaders of the Patro Committee are being laughed at today in India, then the whole of Europe and the whole world will laugh at the whole of India tomorrow when these representatives at the Conference will come to no conclusion and no solution. Then they will not have the audacity to claim to have put forward any constructive proposals; they will be weak and led by the people instead of their leading the people. We want such people to go to the Round Table Conference who can lead the people and who will not be led by the sentiments of the masses, who can come to a certain agreement between themselves. We want such people to go to the Round Table Conference as will be ready to see the other peoples' point of view, as will be ready to grasp the true situation in India, and as will not be trying simply to get the upperhand for their own community.

**An Honourable Member :** How to discover that?

**Mr. Muhammad Yamin Khan :** That will have to be seen. If the leaders on the other hand behave like advocates of their own communities only and talk on behalf of their own communities only, then they will be unable to come to any conclusion whatsoever. (Hear, hear.) That is the point. As I have said, the problem of India is the problem of the minorities. (Hear, hear.) When people can appreciate the rights and privileges of the minorities, as asked for by them, when they can see that these

rights and privileges are not jeopardised, then and then alone can there be a proper solution of this problem; otherwise you will make yourself a laughing-stock before the whole country, and whatever prestige India has got today will vanish in the eyes of the nations of the world when they come to know that these so-called representatives of India cannot come to any agreement whatsoever. Each man will be fighting.....

**Mr. President :** I hope the Honourable Member will avoid repetition.

**Mr. Muhammad Yamin Khan :** Now, Sir, the conclusion I come to, and which I ask the House to consider, is that all persons who seek to represent India at the Round Table Conference should meet in India before proceeding to England, and only if they can come to conclusions here in India, should they seek to proceed to England. If they do not come to any conclusion here, then it is useless for them, unless of course they are desirous of making a trip there and of having enjoyment at the public expense. (Hear, hear.) That is the point. I know there are many people who would be very anxious to go there. The Central Committee had been denounced by many people even here in this House. How then can those very people who denounced the Central Committee on the score that they did not represent them, now seek to go to the Round Table Conference and say that they are the representatives of India at all?

**An Honourable Member :** They are not going.

**Mr. Muhammad Yamin Khan :** How can anybody who did not take part in the selection of the personnel of the Central Committee have the decency of accepting, even now, an offer of invitation to the Round Table Conference? But if he even chooses to go there, then I will suggest to him that he should, by his action and not by word, prove that he is a sincere well wisher of India and is not a man who tries by crookedness to get power for his own community at the expense of others.....

12 Noon.

**Mr. President :** Probably the Honourable Member is now going into very minute details.

**Mr. Muhammad Yamin Khan :** I bow to the ruling of the Chair that I am now going into the details, but I shall try to avoid them.

Now, Sir, my point is that, as I have laid stress on the question of the zemindars, I will suggest to the Government that nothing can be acceptable to the zemindars unless and until, in the Round Table Conference, there is a proportion of the zemindars to the extent to which they wield influence. These zemindars are the only responsible people who can come to any agreement, and among them there is the least communal feeling at the present moment. They can certainly come to an agreement very easily, as compared to the other classes. Sir, seven-eighths of the population of India depend entirely on agriculture and therefore, in the Round Table Conference, the proportion of the people who will represent agricultural interests must also be the same. Of course, Government should see that such people are the natural leaders of the people. If this is not done, then there is a danger that the Round Table Conference may be denounced as an unrepresentative body and therefore their decision and agreement cannot be binding upon that community. With these words, I support the cut which has been moved by my friend Mr. Shah Nawaz.

**Raja Ghazanfar Ali Khan** (North Punjab : Muhammadan) : Sir, while I fully appreciate and acknowledge the arguments advanced by the Leader of my Party and some other leading Members on this side that it was not appropriate to raise this discussion on the Simon Commission's Report in connection with the Demand for Grant for the Round Table Conference, looking at it from another point of view, I think my friend Mr. Shah Nawaz has done some service by providing this opportunity. The only conclusion we can draw from the result of the voting on this amendment, which I am sure will be unanimously carried, is that the amount of disappointment and resentment caused by the publication of the Simon Commission's Report is so wide that a mere apprehension in the minds of certain Members that this document may possibly form part of the material to be placed before the Round Table Conference, they have decided to repudiate it unanimously. I say this motion will be carried unanimously because the wording of the amendment is so modest that I do not think there is any Member in this House who would like to commit himself to the converse of what is contained in the amendment. Even the Treasury Benches, I am sure, would not oppose this amendment and thus indirectly commit themselves to the principle that they regard the recommendations contained in the Simon Commission's Report as adequate and satisfactory, and thus practically contradict what is contained in His Excellency's speech.

Now, Sir, I will try to act according to the advice given by you, namely, that we should confine our remarks to the principles of the Simon Commission's Report. Sir, the first thing which, with your permission, I want to point out is that every section of the House has been working for one object with regard to the future constitution, and it is that the constitution should be based on such lines that it should automatically lead them to full responsible government within a reasonable period, subject to certain conditions, and that it should not be necessary, at the end of a short time, to appoint other Commissions and hold more inquiries and get more statutes passed by Parliament. Now, in this connection, if we turn to page 7 of the Simon Commission's Report, we find that, while criticising the 10 years' limit, they themselves say that the constitution which they are giving us is of such a nature that the object now to be aimed at is a reformed constitution which will not necessarily require revision at stipulated intervals but which will provide opportunities for natural development. Now, I have very carefully gone through the various proposals contained in that Report and I have not been able to understand by what means India, through the constitution recommended by the Simon Commission, can achieve that end within any humanly foreseeable period. It is very difficult to reconcile this statement of the Simon Commission with another paragraph which occurs in the same Report on the next page, wherein they say :

"We do not think that within the compass of a single statute, provision can be made for a continuous evolution of the main government of India by the method of internal adjustment and growth."

So, they themselves acknowledge that they have failed to give a constitution which would automatically lead us to the achievement of responsible government within a definite period.

Now, Sir, my second objection to the Report is with regard to the provincial autonomy which they claim to have bestowed upon the various provinces. Now, what does that autonomy come to if we examine it rather closely ? If we consider the innumerable restrictions placed on the powers of the Legislature and the overriding powers vested in the Governor, we come to the conclusion that this provincial autonomy does not lead us anywhere. Our experience shows that, in the modern democratic constitutions, where the elected Presidents have been vested with enlarged powers, it has been found that this procedure, instead of stabilizing the democratic form of government, has substituted a dictatorship. What would be the result if such enlarged and enhanced powers are vested in a Governor ? Secondly, let us look at the constitution of the Cabinet. The Governor may call upon certain officials to become members of the Cabinet. He may call upon certain other Members from whatever group he likes to come and assume the responsibility of Ministers. Now, it is an admitted fact that, if the Government or the Cabinet is so constituted that the coalition consists of various hostile groups, then it is impossible to expect that they will be able to adopt any creative policy. As long as such conditions remain in any constitution, it will be found absolutely unworkable. Now, again, while they have agreed to transfer the portfolio of Law and Order to the popular control, while discussing the military policy, they say that the troops will be put under the charge of the Imperial Government and the Member in charge of Law and Order, if he wants the assistance of the military to quell any internal disturbances, shall have no right to call for the troops but shall have to apply to the Governor. The Governor will then hold an inquiry, and if he is satisfied that it is necessary to send military aid, he may recommend to the Imperial Government to lend the troops. If that is the limit of power which is intended to be given to the Minister for Law and Order, who will be responsible to the legislature, it will be impossible to expect that he will be able to run the Government efficiently.

Now, Sir, there is only one other point about the Simon Commission's Report and I will finish with that, and that is with regard to the Central Government. The Commissioners themselves say that they do not want to give any enhanced powers to the Central Government. The chief argument, which they have given for taking away the military entirely from the control of the Governor General, is based on the fact that they do not want to introduce diarchy in the Central Government, because a thing which they have found to be unsuitable for the Provinces they cannot now very well recommend for the Central Legislature. I could have seen the force of this argument if all the other Departments under the Central Government were transferred to the control of Ministers responsible to the Legislature, but if there is not a single Department or portfolio which is going to be transferred to any Minister responsible to the Legislature, then how does this argument come in ? Therefore, we are unable to find what exactly is the policy behind this suggestion of taking away the Army from the control of the Governor General in Council.

Then, Sir, my Honourable friend, Mr. Yamin Khan, in the first volume of his speech (Laughter.) yesterday, said that there were certain proposals contained in the Simon Commission's Report which may be acceptable to few of us on this side. As typical instances, he mentioned the federal system and the separate electorates. As far as the federal

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system of Government is concerned, if we see the Report of the Commission, we find that one of the main reasons why they have recommended a federal system is contained in page 15 of the second volume of the Report, wherein they say, "There is the wish of certain minority communities to take full advantage of their local majorities where these exist".

**An Honourable Member :** In which volume ?

**Raja Ghazanfar Ali Khan :** This is not in the first volume, which contains only maps and figures. It is in the second volume. Now, Sir, on the other hand we find that there is not a single province in India which, according to the recommendation of the Simon Commission, will give a majority to a minority community. Our chief object in asking for a federal form of government was really this, that the minority communities, at least in those few provinces where they are in a majority, should have the privilege of commanding a majority, while the Simon Commission's Report does not give a majority to any minority community in any province. Is this the federal system of government which my Honourable friend desired ? Or is this the form of government which any of us desired ?

Then, Sir, turning to the question of separate electorates, everybody will agree that a separate electorate is after all a means to an end. It is not an end in itself. (Hear, hear.) Are we prepared to accept separate electorates on the condition that we reduce ourselves to a minority in the provinces, where we are in a majority ? And that is what the Simon Commission gives us. In the Punjab, in Bengal, where we are in a majority, according to the recommendations of the Simon Commission's Report, we are reduced to a minority. Now, what consolation can separate electorates give us if these recommendations are given effect to and we find ourselves helpless in every province. The only province where, in spite of the Simon Commission's Report, or in spite of anybody, we could be in a majority is the North West Frontier Province, and what form of government have they recommended for the Frontier Province ? Is that the form of government which was desired by my Honourable friends, or is that the form of government which anybody belonging to any political thought in India desired ? If not, then, what is there in the Simon Commission's Report which can be acceptable to any Member on this side of the House ?

Now, Sir, leaving the question of the Simon Commission's Report at that, I would just make a few observations with regard to the Round Table Conference. Sir, it is impossible to discuss this question without taking notice of what has happened in India during the last three months. It is really very regrettable and unfortunate that some of our countrymen, the Congress Party, should have decided not to participate in the deliberations of this Conference. Although I am of opinion that, even if the Congress is left out, the other delegates who will be going to the Round Table Conference do represent a fairly large section of public opinion, particularly that section who have got large stakes and interests in the country, although this class may not be as vocal as the other parties. Nevertheless, we cannot deny that, without the Congress participating in the Round Table Conference, the Conference would not be as much representative as it would be otherwise. Therefore naturally it should be the desire of every Indian to pray and strive.....

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural) : Has the Congress not a stake in the country ?

**Raja Ghazanfar Ali Khan :** This was not the question I was discussing. What I was saying was that naturally any Conference which also contained the representatives of the Congress would be more representative than it would be otherwise. (Hear, hear.) Therefore naturally it should be the desire of every one in this House to strive in his own humble way to persuade our friends to give up the course which they have adopted and to take part in this Conference.

Now, Sir, I think there can be no two opinions that the object is common, the object of the Round Table Conference and the object of the Congress activities are the same. Both are intending to get a scheme for India which would make India an equal partner in the British Commonwealth. If that is the object before us, is it not possible still to co-operate and to give up the method which they have so far adopted, when we all agree that that method is not going to lead us to any constructive results ?

**An Honourable Member :** Question.

**Raja Ghazanfar Ali Khan :** The Honourable Member may question it, but I am strongly of opinion that those of us, who are aspiring to take charge of this machinery of Government, which we now find in the hands of others, would naturally desire that we should take charge of this machinery while it is in running order and while it is in working condition, and not when it has been absolutely ruined and wrecked by our own hands. I can assure you that, once the passions and the feelings of the masses have been roused, and the respect which they entertain for law is gone, whoever may be the party in power, they will find it very difficult to restore that feeling. (Hear, hear.) Therefore, Sir, all who have got the betterment and welfare of the country at heart will not shirk from taking courage and putting their case before the Round Table Conference in as reasonable a way as they can possibly do. On the other hand, I am absolutely certain that a sympathetic friend of India like His Excellency Lord Irwin would not hesitate to withdraw all the repressive measures which, I am sure, he had promulgated against his will, because as long as Government is to remain in the country, they have got to carry on, whatever the legal means they may have to adopt. I am also certain that, as far as the question of releasing the prisoners is concerned, the Government would only be too glad to create a feeling of friendship in the country which is so essential for the successful termination of the Round Table Conference.

Then, Sir, another question which is of very grave importance is the united front which Indians must offer in the Round Table Conference if they really desire to achieve some results, and the only hope of achieving that end lies with the leaders who will go there, if only they would show courage to speak out their honest opinions without caring what one or the other party might say. And after they have agreed to some conclusions, they should have the courage to fight for the adoption of those by their parties.

The two obstacles upon which too much emphasis has been laid by the Simon Commission, as well as by other persons, who are not very anxious to give India her rights, are the minority question and the question of the

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Indian States. About the minorities I can assure you, Sir, and I can assure my friends that I am voicing the sentiments of all my friends, when I say that the Muhammadans are more anxious than any other community to get their full share in the responsible government of India and to see that Dominion Status is given with necessary safeguards at an early date. Though they might be in a minority in certain provinces they would not stand in the way of the other communities enjoying their majority provided the other communities are broad-minded enough to see that when they may happen to be in a majority they should not stand in their way. As regards Indian States, the leading Princes have already expressed their views through the Princes Chamber that they are agreeable to British India getting Dominion Status. I am sure, now that the time has come to give practical proof of their sympathy with the welfare of their country, they will co-operate actively with the British Indian leaders and will certainly not hesitate to agree to a settlement which will lead to the betterment of the Motherland and will not be influenced by the small considerations of individuals.

**Mr. R. S. Sarma** (Bengal : Nominated Non-Official) : Mr. President, I strongly oppose the motion for the cut of my Honourable friend Mr. Shah Nawaz, because to my mind there is no sense in that motion. I know, Sir, that the remarks I make will not be acceptable to a section of the House. I think that already much time has been wasted on this debate, and I hope no more time will be wasted by unnecessary interruptions. I must confess—and I hope I will not be misunderstood by those who have already taken part in the debate—that during the last 12 months that I have been a Member of this House I have never listened to a more purposeless, meaningless, futile, and therefore in its total effect most mischievous, debate than what I have listened to in the last 24 hours. The debate is bound to create a most disastrous effect outside the country. I cannot persuade myself to appreciate what this particular cut has got to do with the Round Table Conference. I could understand a cut of Rs. 100 if the personnel of the Round Table Conference had been announced and considered unsatisfactory by this House.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Are you sure of your nomination ?

**Mr. R. S. Sarma** : No, Sir. I am not going there. You may take it from me that I am a very humble individual and I do not aspire to that honour.

If the personnel of the Round Table Conference had been announced and considered unsatisfactory by this House, there might have been some justification for a cut of this nature ; or there might have been a motion that so much money should not be spent upon this delegation, or that the democratic representatives, who are going from a poor country like India to settle the future constitution of this country, should not have the luxury of a P. and O. First Class, but should go as deck passengers ! That attitude I could really appreciate, but I certainly cannot understand what the Simon Report has got to do with the Round Table Conference at all. We do not want to give any importance to the Simon Report, but as Miss Mayo's book was advertised, so it is the people who do not want the Simon

Report who have been giving importance to that Report. In this connection, I must say that I was amazed yesterday that so shrewd and eminent an advocate as Mr. Jinnah should have drawn conclusions from his own arguments which did not lead to those conclusions. He was developing a line of argument yesterday to which I listened with great respect, and I thought that the conclusion of his arguments would be that, for the particular reasons that he advanced, he was going to oppose the cut and support the original motion. He himself said that he did not care at all for the Simon Report. He said that he would discuss the implications of that Report at the proper time and analyse it at the Round Table Conference. He said that the Viceroy himself had declared that the Simon Report would probably be one of the Reports that would be considered at the Round Table Conference. If the Simon Report is one of the Reports that will be before the Round Table Conference, I think it is possible and probable that the Nehru Report itself will be one of the Reports, and Sir Muhammad Shafi's memorandum will be one of the Reports that will be considered at the Round Table Conference ; and with equal justification and equal relevancy, any Member can bring a cut of Rs. 100 for the purpose of discussing the recommendations of the Nehru Report. I think it will be ridiculous at this stage to carry on a discussion on either the Shafi memorandum or the Nehru Report.

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : Sir, may I explain my position to the Honourable Member ? I think he has misunderstood me. I said that the motion for this cut was entirely out of order in my humble opinion ; but since it was before the House I must, if I was forced to vote, vote in favour of this cut because I was already of opinion that the Simon Report was not acceptable to India.

**Mr. R. S. Sarma** : The statement of Mr. Jinnah has added to my amazement, because of the very fact that the Simon Report has nothing whatever to do with the Round Table Conference. If, as he himself suggested yesterday in the course of his speech, there had been a clear-cut Resolution to discuss the recommendations of the Simon Report, I could understand the attitude he has taken. But to my mind it has nothing to do at all with the Conference, and as such I expected from his line of argument that he would draw the conclusion that we must support the original motion and not the cut.

Sir, I myself said that more time should not be wasted on this debate, and therefore I will take only a minute more to refer to a statement made by my new nominated colleague Mr. Sen. In the very admirable maiden effort that he made yesterday, he showed that he has inherited from his great leader and chief, whom he has replaced in this House, Mr. K. C. Roy, the qualities of prudence, wisdom, tact and worldly-mindedness in such a measure as to keep the Treasury Benches as well as the Congressmen in good humour ! After paying a well-merited tribute to the Viceroy and the Civil Service, he made a passionate appeal to the Treasury Benches yesterday to pursue a policy of conciliation.

**Mr. C. S. Ranga Iyer** : Why not ?

**Mr. R. S. Sarma** : Is there any need to offer any advice to the Government of Lord Irwin after the clear statement and announcement of policy that His Excellency made in this House day before yesterday ? Behind the statement of His Excellency the Viceroy there is a boundless love of India ; there is a grim determination to advance India along the line of

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self-government ; there is a passionate plea for conciliation and goodwill, and I think it is unnecessary to offer this advice. On the other hand I honestly feel that, after the most conciliatory policy enunciated by His Excellency the Viceroy the day before yesterday, it is the clear duty of Members of this House, who call themselves public men, to go into the country and tell our countrymen not to pursue the mad folly of civil disobedience, and as my Honourable friend, Sir C. P. Ramaswami Ayyar said yesterday, to go to the London Conference and try to get what they want by argument, which they are now trying to get by other means.

In conclusion, Sir, I would say this to those Benches. My Honourable friend, Mr. Jinnah, said to these Benches yesterday as a warning, "Play fair". I will say the same to the leaders opposite, "Play the game and leave the rest in the hands of Lord Irwin, who by the common consent of friends and foes alike is considered today as God's greatest gift to this country at this critical juncture".

**Mr. C. S. Ranga Iyer :** Sir, the Honourable the Nominated Member has spoken.....

**Mr. R. S. Sarma :** On a point of order, Sir. The Honourable Member is repeating a joke that has been repeated half a dozen times and I want to know whether this repetition is in order.

**Mr. President :** Repetition of jokes is not out of order. (Laughter.)

**Mr. C. S. Ranga Iyer :** Truth, says Professor Max Muller, must be repeated, though this is the first time that I use the expression with regard to the Honourable Member for the Imperial Secretariat. (Laughter.) I thought he was an Honourable Member for somewhere else.

It is very impertinent, Sir, for an Honourable Member who has no constituency to face to come and tell us what we should do and what we should not do. It is very impertinent, Sir, for the gentleman to characterise this debate as "mischievous". It is, in the first place, an impertinent attack on those who are responsible for initiating this debate, that is, the gentlemen to whom he owes his nomination to this House. (Laughter.) We did not ask for this debate. If it is "mischievous", the mischief lies entirely on the shoulders of those who brought him into this House ; and if he presumes that our contribution of a little wisdom to this debate is "mischievous", I think he is talking through his hat ; he has no business to say that about this debate, which is one of the most important debates held in this year, including the discussions of the Delhi Session—it is an important debate, a Report of which I hope will be duly submitted by the Government of Lord Irwin to His Majesty's Government ; it is a debate by way of which the Government have come to us and asked us to vote for the expenses of the representatives of this country going to the Round Table Conference ; and here is a gentleman who advises the Government that His Majesty's nominees, representing the Indian nation, should travel by I do not know what class he has in mind—that perhaps they should not have the luxury of a P. & O. first class. (A voice : "He said they might go as deck passengers".) Sir, I know of one man in India, about whom even Raja Ghazanfar Ali Khan will not dispute as having a stake in the country—I know of one man who never indulged in the luxury of a P. & O. first class, and that gentleman today is one of His Majesty's guests in the Yerrawada prison—the greatest man

in the world today—but who has travelled as a deck passenger ; and when an invitation is issued to him, as it must be in the fulness of time if the Indian dispute is to be ended, then I believe he may reject the Government's offer of a P. & O. first class. But, Sir, it is very remarkable that a gentleman with the views and practices to which the Honourable Member, let us presume, is addicted, namely, luxurious habits—and I do not consider them to be very bad habits.....

**Mr. R. S. Sharma :** On a point of personal explanation, Sir. I never suggested that such facilities should not be given. I merely said that the cut could be discussed on the ground that so much money cannot be spent. I cannot understand the Honourable Member's reference.

**Mr. C. S. Ranga Iyer :** I am not concerned with what he can understand or what he cannot understand, but I say that the Government are acting according to their own wisdom in the matter. The leaders of the Irish movement were brought to England in His Majesty's saloons—Michael Collins and Arthur Griffith. I am not in the confidence of the Government, but I believe that they propose to extend the luxury of a first class P. & O. though Honourable Members like my Honourable friend, Sir C. P. Ramaswami Ayyar who, by the way, has very little time to spare, might like to travel by air. Sir, we are not today discussing the point about luxuries and about what are luxuries and what are not luxuries.

The Honourable Member then referred to the Honourable the Leader of the Independent Party. I am sure he did not listen to the speech of the Honourable Mr. Jinnah. We on this side of the House are perfectly in agreement with him. What he said was—and it is necessary to repeat what he said in order to show what the position exactly is—what he said was.....

**Mr. President :** Order, order. Today being *Juma*, I would like to adjourn the House after ten minutes ; and so I would request the Honourable Member to conclude his speech within ten minutes.

**Mr. C. S. Ranga Iyer :** I shall try my best, Sir, to conclude in ten minutes, but the act of speaking sets the mind thinking (Laughter.) and as I want to dispose of the arguments already mentioned before developing my own point of view, I am afraid I may take another additional twenty-five minutes ; but, Sir, if I had this intimation before, I might have ignored the previous Member altogether. (Laughter.) Sir, it is a very essential point that the Honourable the Leader of the Independent Party has placed before this House. We did not want a debate on the Simon Report. Perhaps some of us had not read it, though we might not think it "very criminal"—as an acting Congress President, since incarcerated, put it—to read the Simon Report. We might like to read it with a view to combat the tactics of our enemies ; and undoubtedly Sir John Simon is one of them, for he has contributed his best to destroy the effect of the Irwin Proclamation ; he has not only omitted it from the papers published with his Report, but avoided the use of the expression *Dominion Status* in that Report. I emphasise the word "Status" ; for I was present at the debate, even as Sir John Simon was present, in the House of Lords. Both of us were witnesses of that debate, although both of us were not Members of that House. (Laughter.) He was in his place as a Member of the House of Commons and I was in my place as a member of the Empire Parliamentary Association ; and, Sir, the word that was emphasised in the debate by Lord Birkenhead and other



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speakers, including an *ex*-Lord Chief Justice and *ex*-Viceroy, who at least ought to have known better, the word that was emphasised was "status"; and if you read the Report of the House of Lords on that debate, you will find the word "status" italicised in that Report. As Honourable Members are aware these italics are put not so much by the Reporter, as by the gentleman who revises the report. There is a great deal of difference between Dominion *Status* and Dominion *form* of Government. Lawyers know what fundamental difference there is between those two words. However, Sir, Sir John Simon has avoided the former expression and what India demands is Dominion *Status*; and if Dominion *Status* is not granted you know what India—or that part of India which is absurdly supposed not to have a stake in the country—is going to do; and it may not be very long before the other part prepares itself to march alongside that part of India which is fighting for India's rights. (Hear, hear.) Today we are taking our stand on Dominion *Status*; the Viceroy has promised it; His Majesty's Government have promised it; Lord Birkenhead an *ex*-Secretary of State for India, one of His Majesty's Ministers, has repudiated it in language the severity of which is worthy of a better cause. Lord Reading has repudiated it in a manner which is unworthy of the position he occupied in this country; and, Sir, I have only to add that the Simon Report, instead of following the evidence that it had in this country, has trampled under foot the Viceregal proclamation (*Cries of "Shame"*); and surely if the Honourable the Leader of the Independent Party wanted that we should not be asked to give a vote on a side issue, it will not be characterised by a sensible Member, even though nominated, as "mischievous".

Sir, he was trying to teach lessons to another member of his own community, the community of nominated. I honour the maiden speech of Mr. Sen. It is usual in Parliament for maiden speeches to be treated with respect, but perhaps the Honourable the Nominated Member from the neighbourhood of Calcutta—(An Honourable Member: "Not Calcutta.") (Another Honourable Member: "Bihar and Orissa.") (A third Honourable Member: "Don't slander Bihar and Orissa please.")—there seems to be a controversy about the origin. (Laughter.) of the Honourable the Nominated Member's constituency,—but be that as it may, the Honourable the Nominated Member, thinking in terms of his tribe unknown to other Parliaments, thought that the other gentleman had no business to tell even Lord Irwin that he should adopt "a policy of conciliation". Lord Irwin's policy, Sir, at present is not wholly a policy of conciliation. I do not blame Lord Irwin for it. The blame must be taken by us as much as by Government, but to say that you must adopt a policy of conciliation when we are faced with the situation that we find in this country, and for a Nominated Member to say that, shows that all Nominated Members are not tarred with the same brush. Sir, I take off my hat to Mr. Sen for having expressed sentiments which should have come from this side of the House.

Then came the climax of impertinence on the part of the Honourable the Nominated Member when he advised us "to play the game". What does he understand by that expression? Does he mean to say that we are not playing the game? I say, even those who are not in this House are playing the game; I say the Congress people are playing the game;

but Lord Birkenhead and a majority of the Members of the House of Commons I do not believe have played the game with us. I do not think they have played the game with Lord Irwin. (Hear, hear.) I was witness to that debate; I do not think they have played the game with "the man on the spot", the great Viceroy, who thought, and rightly thought, that he had a great mission, though the pinchbeck Empire builders, indulging in the luxury of irresponsibility that freedom from office gives them, spoke against His Excellency like irresponsible journalists. They uttered the language of the *Daily Mail*; they became the megaphones of misguided Imperialism. They have contributed everything to make the movement, which, all of us deeply regret, has been prematurely set on foot, but a movement of that kind once set on foot cannot stop unless a policy of conciliation is resorted to.

And this leads me, Sir, to the Round Table Conference conclusions, for the Round Table Conference will have to conclude its meeting; whosoever goes and whosoever does not go will have to meet each other and face their own country. Today Lord Irwin's policy and the policy of His Majesty's Government have transferred the responsibility of settling the Indian problem on to the shoulders of Great Britain. If Britain is prepared to play the game, we shall of course shake hands with Britain. If our friends come from the Round Table Conference cheated and disillusioned, then they will know how to deal with Britain. Other parts of the Dominions dealt with Britain likewise. General Botha, once a powerful enemy of England, became its friend. There is no greater admirer of Imperialism today than General Smuts, who was once its inveterate opponent. A policy of conciliation, Sir, was adopted in regard to South Africa. Even so, a policy of conciliation was adopted in regard to Ireland. There was a form of violence, a form of force, not the same force, not of the same noble form that you find in this country, resorted to there, but in spite of that, what happened? A policy of conciliation was adopted. Human nature is everywhere the same, if it is not always the same in respect of Nominated Members of a certain variety. (Laughter.)

Mr. President: Order, order. The House stands adjourned till Half Past Two.

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. C. S. Ranga Iyer: Now, Sir, during the course of this debate let me address myself to the main arguments of the case. But before doing so, I speak, I believe, on behalf of the entire non-official side of this House, be they European or Indian, when I say that we were delighted,—it was with feelings of genuine pleasure—that we read this morning the King's message to India. Sir, the King's message has a vital bearing on the Round Table Conference. His Majesty's message, I suppose, is meant as a healing balm to the bleeding wounds that have been inflicted, that are being inflicted on this country, and His Majesty, we are pleased to find, is not embarrassed by the existence of the minorities in this country on which the Simon Commission have made such an excessive statement.

Sir, the King says, "The emblems of the religions, provinces and States of India" testify to "the unity of India itself". Sir, I believe



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I can say, without fear of much contradiction, that India is still loyal to the King, and the symbol and proof of that loyalty was the statement of Mahatma Gandhi himself to a representative of a Government newspaper in England, who had the unique privilege of interviewing him in prison in spite of the jail gates and the jail regulations. In that statement—I look upon it almost as an apology for the Independence movement when he interpreted Independence in terms of Dominion Status and when he said that, Dominion Status not having the same meaning in this country that it has in England, he had been forced to launch the Independence movement,—the Mahatma summed up the demand of the people in his own inimitable words, namely, that India wanted “the substance of Independence”.

Sir, on the eve of his arrest, the erstwhile Leader of the Opposition in this House, with whom I had the privilege to work for long years, with whom also it was my privilege or misfortune, call it what you like, to measure swords—on the eve of his unfortunate, and, in my opinion, imprudent imprisonment—it is not only my opinion, this opinion is shared by such a shrewd judge of men and critic of events, one of the great journalists of England, namely, Mr. Spender, and I believe, Sir, this opinion is shared also by other representative spokesmen of Great Britain, leave alone the Left Wing of the Labour Party—on the eve of his arrest, the erstwhile Leader of the Opposition stated that what he wanted was a settlement, and that settlement made provision for a transitional stage between the transfer of power from that side of the House to this side of the House.

That, Sir, is the entire case of India for the Round Table Conference and for Great Britain. We want a transfer of power from Great Britain, from the British electorate, including the flappers, who do not understand so much about politics as my own village constituents (Laughter.)—Sir, we want a transfer of power, of responsibility from the supremely incompetent, apathetic and ignorant British electorate. They are our masters. Our masters are incompetent, and therefore, we want to transfer responsibility from our incompetent masters abroad to competent masters at home, namely, the Indian people. (Hear, hear.) That was the issue before the Irish people. Redmond, the leader of the Irish constitutionalist party, in his American speeches characterised Dominion Status as Independence. I do not want to quote from his speeches,—for want of time—but any one who disputes that statement has only to say so and I shall read from the book by a semi-official and Conservative authority, “The Revolution in Ireland, 1906-1923”, the author being W. Alison Phillips, who had the unique opportunity of referring to and consulting not only officials of Dublin Castle, but also official documents. That, Sir, was the position in that country, and I am afraid the position in this country is drifting towards the same. Call it non-violent non-co-operation of India which is certainly better, or the violent revolution of Ireland—the spirit behind both of them is the same. So, I am afraid, if the words uttered by His Excellency the Viceroy in this House do not go further in the way of conciliation, just as similar words went further in the way of conciliation in the case of Ireland—I am afraid we will not be acting in the way in which far-sighted statesmanship would have us act. However, I do not want to anticipate events. Those who go to the Round Table Conference—and there will be many who would like to go—and those who do not go to the Round Table Conference—and there will be a larger number out in the

country who may not like to go—both of them are face to face to-day with the settlement of the question. And, Sir, the Viceroy, in his words addressed to this House, said :

“In my judgment, and in that of my Government, it (the Congress Campaign) is a deliberate attempt to coerce established authority by mass action, and for this reason, as also because of its natural and inevitable developments, it must be regarded as unconstitutional and dangerously subversive.”

I do not want to take exception to these remarks, coming as they do from the highest authority in the land responsible for carrying on the King's Government. Any Indian in that responsible position, I dare say, face to face with a similar movement, would have uttered the same words. Similar words were uttered by Mr. Lloyd George when he was face to face with a similar situation in Ireland. The Prime Minister told the House of Commons that “the Government intended to take more vigorous measures to suppress lawlessness in Ireland, and that for this purpose more troops would have to be sent”. On the following day, the Chief Secretary, Sir Hamar Greenwood, declared that the Government would go on “until the last revolver was picked out of the hand of the last assassin in Ireland”.

The revolver question does not in India arise at present. We are dealing with mass action, and mass action, according to His Excellency, even if it is intended by its promoters to be non-violent, is nothing but the application of “force under another form”. Application of force under another form! The Indian form is better than the application of force under the Irish form. But when force was applied under the Irish form, when Mr. Lloyd George, the then Prime Minister, uttered words of warning Ireland forged ahead, but Redmond and the Irish constitutionalists had been almost eliminated. That stage does not appear to have arisen so far in this country. But what followed in Ireland? Soon after the declaration of Mr. Lloyd George in the House of Commons, in the same year, what happened? Auspicious date was chosen by Mr. Lloyd George to address a letter to De Valera, as “the chosen leader of the great majority of Southern Ireland”, inviting him to attend a conference in London “to explore to the utmost the possibility of a settlement”. And then came a settlement which was disapproved by De Valera and approved by some of his comrades. I need not go into it at present, but let me hope that, out of the Round Table Conference will emerge a situation which will bring peace to this country and will lead to something like a settlement on the Irish lines, something in the shape of a treaty between India and England. If you do not like the word “treaty”, call it by any other name. I prefer the word treaty. There must be an arrangement made with this great country, for which the King has expressed great sympathy and great admiration, which we all appreciate. We want a treaty on the same lines, so that it will be possible to say that England is playing the game. “The terms of this agreement”, said De Valera, in a statement addressed to the Gaelic people “are in violent conflict with the wishes of the majority of this nation. I cannot recommend the acceptance of this Treaty either to Dail Eireann or to the country”. But, Sir, there was Arthur Griffith, who issued a statement which defined the attitude of himself and his promoters in clear and statesman like language. He said, “I have signed the Treaty of Peace between Ireland and Great Britain. I believe that the Treaty will lay the foundation of peace and friendship between

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the two nations. What I have signed I shall stand by, in the belief that the end of the conflict of centuries is at hand."

Judging from the present situation, the darkest clouds hang on the horizon. Sir, the Viceroy says that the Government must either resist or abdicate. The Government not having an intention to abdicate has got to regulate resistance. Here I should like to quote the words uttered by an English lady, however sad they may be. She was a witness of certain acts of the Agents of this Government and those who were responsible for the maintenance of law. I warn you that, in an atmosphere like this, it will be extremely difficult for the Round Table Conference to come to a settlement and even if it comes to a settlement, it will be extremely difficult for those who have come to a settlement to face the country, even as it was difficult for Arthur Griffith to face Ireland. I do not want here the repetition of that chapter of Irish misunderstandings and fratricidal strife. For goodness' sake, when the Round Table Conference is going on, do not go on doing the things that an English lady, the daughter of an Admiral, says are being done. She was a witness of these incidents. Writing in *Young India* Miss Slade tells the distressing tale of the excesses alleged against the police. "No head so cool, no heart so callous but must be stirred to indignation and pity by the tale, if only a part of it was true" says the *Modern Review*. She sums up her charge as follows: "Lathi blows on head, chest, stomach and joints" and then follow words which I would rather not read. These are delicate words. They come from a great-hearted English lady, the daughter of an English Admiral.

**The Honourable Mr. H. G. Haig** (Home Member): On a point of order. May I draw the attention of the Honourable Member to the fact that the Bombay Government, in an official communiqué, had denied these allegations?

**Mr. K. C. Neogy**: That is not a point of order.

**Mr. C. S. Ranga Iyer**: I admit it is no point of order, but it is a point of pointed information and for my purpose I am satisfied. I am saved from the agony of reading a thing that I felt so very delicate to read. I am glad that the Government have issued a communiqué on the subject, and I leave it for the time being there. Whether the communiqué speaks the truth, or whether Miss Slade speaks the truth, I do hope, when this movement is going on gathering strength, that the Government will bear in mind that a day of reckoning will come sooner or later—I hope it will be sooner than many faint-hearted people imagine—and bearing that in mind see that their method of resistance does not embitter feelings a great deal too much. There is a great and growing party in England which to-day constitutes His Majesty's Government. My association and my conversations with His Majesty's Ministers and also with the Socialist Members of the House of Commons convince me that the day is not distant when Socialism will make Indian Home Rule its battle cry even as Gladstonian Liberalism took up the question of Irish Home Rule. Remember that this is a movement for the achievement of freedom. Every country has fought like this for the achievement of its freedom. If by a fiat of the fates the Great War had ended otherwise

and if the Kaiser's flag were flying over Buckingham Palace, I am sure every Englishman would have resisted that foreign rule. Do not imagine that there is no meaning behind this resistance. Do not imagine that there is no will behind this resistance. They are resisting for the freedom of their country. If you destroy constitutionalism and instal revolution, the responsibility for that shall rest entirely upon the Government in this country and in England. When the representatives of the people, who go to the Round Table Conference, fail to deliver the goods, when they do not rise equal to the occasion, then will begin a sad day. I hope they will mean business. I hope, in the interests of a better atmosphere and better understanding, there will be a meeting of two equal nations, as in the case of Ireland.

**Mr. President**: I would remind the Honourable Member of his promise to finish in ten minutes.

**Mr. C. S. Ranga Iyer**: All promises are not always meant to be kept. (Laughter.)

**Mr. President**: I must ask Honourable Members to limit their speeches to ten minutes. I have got a very large number of speakers on my list, and I am anxious that they should get an opportunity to speak. I have given sufficient latitude to Honourable Members till now and I hope that they will be as brief as possible.

**Mr. C. S. Ranga Iyer**: I was about to finish when you interrupted me, Sir. I have the right to speak as long as the House is willing to listen though I am in no such mood to-day, because there is no rule to regulate this debate. However, I was only going to say this. Let it not be said, as it was said in the case of Ireland, that Government carried on their fight too long. I will quote here the author of this book on the revolution in Ireland and finish my remarks. His words are pregnant with meaning. With those words I conclude my speech. He said:

"If the Government had accepted the verdict of the Irish elections of 1918 and made it the excuse for taking the line which it adopted in 1921, it would have spared Ireland much of the bloodshed and misery, and itself the ignominy, of the years that followed. *The Times* and other organs of public opinion in England were urging this course; and indeed it is difficult to see what objections there were to it that were not equally valid three years later. For the Great War was over; and it was therefore as safe in 1918 as in 1921 to throw over the people in Southern Ireland who had been foolish enough to stand by England in her time of trouble."

I do hope, Sir, the Government will have wisdom and will not put its head into the sand like the ostrich.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, when I rise to speak on this motion, I wish to recall the words of His Excellency the Viceroy, uttered only the other day, when he said that he had summoned a session of the Indian Legislature because it seemed to be clearly right that Members of both Houses should have the opportunity of discussing matters of public interest on which also His Excellency wished to have the privilege of addressing them, before the Legislature was dissolved. In a later passage His Excellency said that his Government was at the present moment engaged in considering the future constitution of India and it is for this dual purpose of assisting the Government of India in their deliberations as to the future constitution for India and for giving our representatives to the Round Table Conference an expression of our views as to what

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they should press for and what they should resist that this motion has I understand been moved and is being debated in this House. Whatever may be said, Sir, as to the utility or non-utility of the Simon Report, the fact remains that it is there, and in the memorable statement, dated 31st October, 1929, His Excellency the Viceroy made it clear that, after the publication of the Simon Report and the Report of the Central Committee, the Round Table Conference would be convened; and both the Secretary of State for India and His Excellency the Viceroy have made it clear what indeed was clear enough from their previous statements, that whatever may be the view of those of my friends who boycotted the Simon Commission, whatever may be their prejudices and prepossessions, the fact remains that it is a State document, and those representatives who sit round the round table in London will be called upon by the British representatives there to explain why they wished that scheme to be abandoned in favour of any other scheme; and when they give their answer, the question will be, "Have you a mandate from your Legislature, have you the authority of the Legislature of which you have been a Member? Do you pledge the word of the Legislative Assembly against the recommendations made in these two State documents?" And if our representatives who go there say that we have discussed in public these two Reports and we have come here with pronounced opinions supported by the reasons given by our fellow-Members in the Legislative Assembly, the position, I submit, would be very much stronger than if they were to say, "We closed our eyes to the Simon Commission and consequently we have closed our eyes to the Simon Report". Sir, whatever may be said about the sentimental value of these objections, I submit that hard practical men, those who sit to fashion and frame constitutions for a great empire like that of India, cannot ignore suggestions and recommendations—whether they come from a tainted or untainted quarter it does not matter—and I submit, therefore, and I have always felt, that whatever may be our prejudices against the constitution of the Royal Commission, whatever may be our individual views, these recommendations are likely to be placed before the Indian Members of the Round Table Conference, and I therefore desire to speak, if I may be permitted to do so, on the various recommendations made as to the future constitution of this country.

Sir, whatever may be said by those who have boycotted the Royal Commission, that charge cannot be levelled against me. Honourable Members here are aware that I was unfortunately the only elected Member from a general constituency in this House who took my stand on the view that, whatever may be the shortcomings of the Royal Commission, we must co-operate with it and give it such assistance as lies in our power. The result of that is embodied and enshrined in the Report with which Members of this House are already familiar. I contrast the recommendations of that Committee with the recommendations of the Statutory Commission.

Mr. M. A. Jinnah : Both are wrong.

Sir Hari Singh Gour : And, Sir, when I read the constitutional history of India, I went back not only to the Government of India Act of 1858, and to the earlier Councils Act, but even to the regulating Acts

of 1774 to find some dim parallel for the recommendations which are the framework of the Royal Commissioners' recommendations. Honourable Members are aware that, ever since India was owned by the Honourable East India Company, the revenues of India were appropriated by that Company in London. In 1858, when the Government of India Act was enacted, following the old procedure of the commercial Company, the revenues of India were declared by statute to be received in the name of the King and were disposed of by the Secretary of State in Council. Honourable Members will remember that the Secretary of State in Council is not responsible to Parliament though the Secretary of State is. The revenues of India, therefore, from 1858 down to this day, have been at the disposal of the Secretary of State in Council, and the fundamental recommendation marking the line of difference between ourselves and the Statutory Commission is this, that while the Statutory Commission retain the vesting of the revenues of India in the authorities in England, we recommend that the revenues of India shall hereafter vest in the Government of India; and from the speeches made by Honourable Members yesterday, and on previous occasions I have been confirmed in my view that the recommendation we have made is certainly a recommendation which obtains the support of the large bulk of the intelligentsia in this country. Sir, if once you postulate that the revenues of India shall hereafter vest in the Government of India, you have got all you want, because once the Government of India becomes the custodian of the revenues of India, that Government must become responsible to somebody and that responsibility must necessarily devolve upon the Central Legislature. I therefore submit that, once you grant that the revenues of India shall be at the disposal of the Government of India, the necessary logical constitutional corollary and deduction follows that that Government must be responsible to a lawfully constituted Legislature.

Now, Sir the other point upon which we have been at variance with the Statutory Commission is a very vital one.

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Honourable Members are aware that, for a long time past, in fact since the early days of the Company, the power of direction, supervision and control, which was held by the Board of Directors, was transferred to the Secretary of State in Council. And, if Honourable Members will study the constitutional document therein on the Government of India, they will find the scheme working in this way. The Secretary of State in Council is the ultimate authority; the Government of India are subject to the direction, supervising and control of the Secretary of State in Council; and then comes lower down the Governor: the Governor in Council is subject to the control of the supervision, direction and control of the Government of India. Thus, within these three circles you have the entire authority, the sovereign authority, vested in three distinct bodies under the Government of India Act. Now, if you really want to have a responsibility in this country, if you really wish that the Central Legislature and the Provincial Legislatures should exercise any degree of autonomy, then the first thing we have to do is to see that the Secretary of State in Council's authority to supervise, direct and control is limited, and it indeed was so limited by the Act of 1919, where the words "subject to the provisions of this Act" were added by the Reforms Act of 1919. But, mark you, now what have the Simon Commission done? While the Act of 1919 nullifies the right of direction, supervision and

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control, and while the section of the Government of India Act of 1919 gives the Secretary of State the power to further transfer his power of control to the Government of India, the Statutory Commission now recommend that the ultimate control shall remain with the Secretary of State in Council. Honourable Members will find (*Mr. M. A. Jinnah* : "We will take it from you.") this view if they will turn to three paragraphs of Volume II of the Royal Commission's Report. (*Mr. R. K. Shanmukham Chetty* : "Do not read the whole of it.") The paragraphs are 97, 98 and 181. If you read these three paragraphs, you will find that the scheme of future Government of India according to the Statutory Commission is that, whatever may be the devolution of power in the circumference, and whatever may be the devolution of power in the centre, the power of the Secretary of State in Council remains unfettered and unqualified, even indeed, as it was before the Act of 1919. And in that respect, I submit, this recommendation goes back upon the Montagu reforms.

Then, Sir, the third point was recently debated in this House. Honourable Members will remember in connection with the Cotton Tariff Protection Bill when the question about fiscal autonomy was debated in this House. The Honourable the Leader of the House then stated that you have got fiscal autonomy but you have got no machinery to enforce it. It may be that in the Round Table Conference such a machinery will be devised for the purpose of making fiscal autonomy a real convention. These are the words of the Leader of the House. Now, what is the recommendation of the Statutory Commission. They say that this fiscal autonomy places the Government of India and the Legislature in antagonism with the Secretary of State; the ultimate authority must be with the British Cabinet; and they therefore suggest, though they do not expressly say so, that this fiscal autonomy in India is a dead letter. Now, I ask Honourable Members to notice that this fiscal autonomy convention was strongly emphasised by the Joint Parliamentary Commission in their report and they have further pointed out that, following upon this fiscal convention, the Government of India should make it a practice that, when they and the Legislature were in agreement upon other matters, the Secretary of State should stand aside. In other words, though fiscal autonomy was granted to India as an incident of what the Secretary of State said about Dominion Status in action, the Joint Parliamentary Committee wanted that the convention should be extended and enlarged in other spheres. But what have the Royal Commission recommended? They have passed a blue pencil through the whole fiscal autonomy convention. Sir, I do not think that there is any Indian in this House, whatever party he may belong to, who will ever subscribe to this most reactionary recommendation of the Statutory Commission. The present Government of India Act takes for granted that the further advance must be along the line of the British Parliamentary system. The Statutory Commission sapiently observe that this form of Government is wholly unsuitable to India.

Sir, I pass on to other phases of the Government of India Act, and I hope Members of the Executive Council will listen because their own future depends upon the new convention or the new constitution that the Royal Commission propose for them. In the Government of India Act—and that Government of India Act follows the old Government of India

Act—India is defined in two places. It is called "India," where it includes India and Indian States. It is called "British India," where it deals with British India alone, excluding the Indian States. Now, mark my words. Under the Government of India Act, since 1858 and earlier, the whole of India, including Indian States, were under the control of the Governor General in Council. The Statutory Commission say that this will never do. (*Mr. M. A. Jinnah* : "They are quite right.") The Viceroy should hereafter be in charge of Indian States and the Governor General in Council shall only be in charge of British India. But the matter does not rest there. What is the position of the Executive Council? According to Mr. Montagu's Report and the convention since established, the Viceroy's Executive Council, leaving out the Commander-in-Chief, consists of six Members, of whom three are Indians (*Honourable Members* : "No, no.") and three British people. Now, we have been complaining from 1921 that the Viceroy must keep on changing the portfolios, so that the Indian Members.....

*Mr. President* : Order, order. I wish to remind the Honourable Member that we have already decided that we will not go into the details of the scheme.

*Sir Hari Singh Gour* : I am not going into the details (Ironical Laughter) but I am simply trying to explain point by point. Honourable Members will remember that we have been complaining from 1921 that some of the important portfolios, such as the Home Department, the Finance Department and the Railways, should occasionally be transferred to the Indian Members of the Executive Council, so that there may be a gradual association of Indians in the higher administration of the Government of India in accordance with the declared policy of the Government of India Act. From 1921 down to date this has been the desire of the Legislative Assembly. At any rate, there is an equipoise between the British Members and the Indian Members, a partnership in which the British and the Indians are half and half. (*Mr. M. A. Jinnah* : "Are they?") At any rate, nominally they are. Now, look at the scheme suggested by the Royal Commission. They say that one civilian Member in charge of the Army Department should be added to the Executive Council and he should be the Leader of the Federal Assembly. Well, Sir, I have read the Report again and again, and I can only understand that the real effect of this would be that there would be a standing majority of four European Members in the Viceroy's Executive Council and a standing minority of three Indian Members. I am still dealing with the Executive Council. Up to now the Army and defence have been in charge of the Governor General in Council, but under this scheme the Army is removed from the Executive Council and is placed directly under the Viceroy, and a suggestion is made that India should contribute a certain definite sum of money to England, and England should make herself responsible for the defence of India.

Sir, this is the constitution of the Central Government. If we turn to the provinces, what do we find? Look at this picture and at that. Under the Montford reforms, at any rate in the diarchical system of Government, in the subjects transferred to the charge of Ministers, the Governor has only a nominal control, and the amount which is required for the administration of the transferred half of the Government is voted. Now under the recommendation of the Statutory Commission, the present

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division between votable and non-votable subjects, both in the Legislative Assembly and in the Provincial Governments, shall continue and yet we are told that diarchy is dead. So long as the difference between votable and non-votable subjects in the province continues, I cannot understand how there can be and has been an end of diarchy. Then, it has already been pointed out, and I do not wish to repeat it, that official Members are to be in charge of defined portfolios and they are to be called Ministers, and the curious recommendation is made to this effect that a vote of censure or a vote of no-confidence by the local Councils shall not be directed against any one Minister, but shall be against the Ministry as a whole. On that, what will be the result? Let us assume to ourselves a case of a very unpopular official Minister who has made himself very obnoxious. I am only assuming, I do not say that such things will happen, but we have always to take extreme cases for the purpose of making our point. Suppose we get a very unpopular official Minister to sit in the Cabinet and four non-official Ministers are in utter disagreement with him, and thereupon the Council passes a vote of censure against the Ministry: now what is the result? The result is that, for his offence, the other four non-official Ministers resign. Sir, I have heard that in China vicarious punishments were above time permitted to a condemned man, but I have never heard or thought that that system, which has long since been abolished in China, would be introduced in India and innocent Ministers would be sacrificed for the vagaries of official Ministers. And as if this was not all, the Royal Commissioners pointed out that, ordinarily speaking, supposing there was a reconstitution of the Ministry, what was the suggestion? The suggestion is not that the offending Minister should go. Generally speaking he is not to go at all but, there should be a reconstitution. Supposing Sir, four other Ministers come and the official Minister makes himself equally unpopular to the others, the same system is repeated. I know what the answer will be. The answer will be that you must leave the Governor a large discretion to deal with a situation of this character, but that is exactly what I object to. If you wish to trust your Ministry with the duty of carrying on the Government of the province, do not create a *deus ex machina* for the purpose of coming down upon the Ministry with a heavy hand at any time when it is found that the Ministers are not in entire agreement with the head of the Government. You must assume that either the provinces are ripe for autonomy or they are not. If they are not, then cancel the reforms. Let us have a pure, undiluted system of bureaucratic Government, but I do not believe in this masked government, which is in reality bureaucratic, but of which the semblance is democratic. Sir, there are many other points. I do not know whether the recommendations or the schemes prepared by the various Local Governments have been published. I see there is an advertisement here that all the schemes have been published. I do not know whether the memorandum submitted by the Government of Madras is published. I wish to ask the Honourable the Home Member whether it is a public document, I mean the recommendations of the Madras Government.

**The Honourable Mr. H. G. Haig :** I believe, Sir, that all the Reports of the Local Governments have been published.

**Sir Hari Singh Gour :** Very well, Sir. Just think of this. The Madras Government in their recommendation very clearly point out that

the existence of an all-India service responsible to the Secretary of State is incompatible with the establishment of provincial autonomy. If you wish to create provincial autonomy, you must equally provincialise the services. The Ministers must be free to engage the tools with which they will work. But what is the recommendation? The recommendation is that, while we give you provincial autonomy, the services will be all-India services.

**Mr. President :** I hope the Honourable Member knows that he should address the Chair.

**Sir Hari Singh Gour :** Yes, Sir. The recommendation is that while we give you provincial autonomy, the services will be all-India services, not subject to the provinces, but to the Secretary of State. Now, Sir, I wish to ask Honourable Members how is even that attenuated provincial autonomy, which the Statutory Commission recommend, practicable or workable when you have got the Agents not responsible to you and not removable by you and not even subject to your discipline. I submit, Sir, that that is the weakest point in the scheme of the Statutory Commission. Honourable Members will further remember that, in the days when Mr. Montagu published his scheme, he saw at the time the difficulty that would arise and the conflicts that might be engendered between what is a votable subject and what is a non-votable subject and between what is a reserved subject and what is a provincial subject or an Imperial subject. In other words, conflicts between province and province, between the centre and the circumference and between India and the Home Government were extremely likely. He said that, during this transitional period of ten years, he would leave the Governor General in Council to decide all these questions. But the provinces and the Ministers complain that the Government of India, being the complainant, ought not to be the judge in its own case and you must instal an impartial tribunal for the purpose of upholding the constitution and decide all disputes between man and man. It is one of the essential features of all the Dominion constitutions that you have a judicial body set apart for the purpose, *inter alia* to decide matters of this kind. I believe, Sir, that in all the recommendations, in all the schemes, whether of the Indian States or of the Associated Chambers of Commerce, or of the European Association or of all the all-Parties Conferences, the establishment of a Supreme Court for India is a common feature. It is there provided that you must have a Supreme Court in India for the purpose of deciding these disputes. Apart from that, for a very long time past the Privy Council have been complaining that they have been converted into a court of criminal appeal, whereas they are no such court at all, and Lord Haldane pointed out, about 20 years ago, that the time had come for India to have an ultimate court of appeal. Now, Sir, we recommended that there should be a supreme court of appeal in India. There is no recommendation of that kind in the Statutory Commission's Report. But there is one line in which they say that they do not think that the matters in dispute should be the subject of litigation and that they should therefore be decided by the Executive Government. I submit that if you really want that these questions should be disposed of, you must establish an impartial tribunal. Only the other day I asked the Honourable the Finance Member as to what procedure was going to be followed in deciding a long-standing dispute involving several million pounds between India and England. He said



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that the matter was in the course of negotiation and that he would consult this House before the machinery to be appointed by the Government of India was finally settled. I suggest, Sir, that in cases of this kind which have remained long pending and in which the existence of an impartial tribunal would speedily dispose of matters held in abeyance for want of a suitable tribunal and for other reasons, if any advance is to be made, it must be accompanied by the establishment of a supreme court in this country.

Sir, I do not wish to labour the questions dealing with the relations of British India and the Indian States. The establishment of a Privy Council to deal with questions excluded for the time being from the purview of the Government of India Act is the solution which we suggest and a solution which has partially been accepted by the Statutory Commission, who recommend the establishment of a Council for Greater India.

Sir, I submit that these are in brief the broad outlines of the Statutory Commission's Report with which we are unable to express our concurrence. May I say further that we are strongly of opinion that those who go to the Round Table Conference should emphatically and with unequivocal voice declare themselves against every one of the recommendations of the Statutory Commission regarding the future constitution of India? I think, therefore, this debate has not been in vain if the ground has been cleared and our representatives in the Round Table Conference have been charged with the duty of safeguarding the interests of India by explaining to the British representatives and to those who will confer with them the inutility of carrying out any of these recommendations. I submit, Sir, that the Round Table Conference will serve a great purpose. I am glad that the Round Table Conference has been acceded to. If there had not been a Round Table Conference, the position would have been that the recommendations of the Statutory Commission would have immediately either gone to the Parliamentary conveyancers and draftsmen for drawing up a Bill or they would have been referred to a Joint Parliamentary Committee. This intermediate stage of discussion between the representatives of India and England is a happy augury of the times, and I can only hope that the Government of India will possess a large vision which is called for on this occasion. They see around them signs of revolt and revolution; they see around them a movement intended to bring into contempt the established Government in India; they see around them a mass movement which is thirsting for a new order and a larger freedom. And if they really want that the London Conference should be representative of all interests and all classes, their primary duty is to make all available efforts to secure the co-operation and support of those who at the present moment hold the centre of the stage. I say therefore that the Government of India have sufficiently shown their might and power to quell disturbances. It is now time that they should show their clemency. Let them send for the leaders, the well-known representatives of the Congress movement, let bygones be bygones, and ask them to join this grand work of framing and fashioning the future constitution of India. I am sure that if these leaders of the Congress movement are approached in the right spirit, they will gladly respond and they will join in this grand work of reconstructing the India of tomorrow. Without them I fear that, whatever may be the

merits of the scheme agreed to by the Round Table Conference, we shall not have done with the recrudescence of unrest which will continue and which will, I am afraid, react upon the success of the future constitution of this country. I therefore appeal to the Honourable Members occupying the Treasury Benches that on this occasion they should take into confidence the leaders of the Congress movement and they should, above all, see that the representatives who go to London are representatives who will construct a scheme that will endure and be for the benefit of united India. Sir, I therefore support the motion for a supplementary grant for the Round Table Conference, but I have equally to support the cut because I feel that I shall not be justified in asking our representatives to go to that Round Table Conference unless they are charged with a definite mandate, which this House should give them, that by all means in their power they should circumvent the reactionary recommendations of the Statutory Commission; and when any scheme is put forward in that Conference, it should be met upon the grounds which we have suggested and upon grounds which will occur to them which we have not suggested here. I feel therefore that our representatives should be doubly armed when they go to the Round Table Conference with an expression of our views and criticisms. I venture to think that even the Honourable Members of the Treasury Benches must be raising their heads up towards Heaven and asking for guidance because I do not think many of them see what the Simon Report can possibly mean, how it is workable, and how it is going to reconcile a constant antagonism between an irresponsible executive and a central Legislature not of 145 Members, but of 300 Members. This constant friction between an irresponsible executive and three hundred irresponsible Members of the Legislature will bring about a deadlock and will create a stalemate in the administration of this country, which you will very soon regret. Look back to the past. We have been told by high authority that the Government of India must either go backward or go forward. It cannot stand still. (*An Honourable Member*: "Question.") The Statutory Commission are going to send us backward; but let me tell them that, if they go backward, they will fall into a ditch from which it would be difficult for us to rescue them. Let them take their courage in both hands and go forward. Let me in those inspiring words of the Viceroy appeal to them and let the Government of India be.....

**Mr. President**: What is the use of making an appeal to them? They cannot do anything now.

**Sir Hari Singh Gour**: They can do a lot; and so far as they are concerned they should voice our sentiments and our feelings and advocate our demands. Let them for the time being, irresponsible though they be, show themselves as the national Government of India (*Honourable Members*: "Oh, oh.") and as such make such recommendations as will be conducive to the welfare and happiness of the people of this country. Men come and go; we are all birds of passage; but remember one thing and it is this: Mr. Montagu is dead, but everybody remembers the great work he has done; his name is enshrined in the hearts of the people of this country. I ask the occupants of the Treasury Benches to feel inspired by a similar vision and to be moved by a similar feeling. Let them show to the people of this country that, whatever may have been their irresponsibility in the past, they are going to fashion a constitution that will be for the lasting good of the people of this country. Sir, I have very great pleasure in



[Sir Hari Singh Gour.]

supporting the fundamental principle of the Honourable the Finance Member's motion but I regret that I have equally to support the cut (Laughter.) because I am not in a position to allow the Simon Commission's Report to remain on the agenda of the Round Table Conference without a protest from this House.

**Mr. President :** There are some other cuts on this motion and I think it would be better if I were to call upon the Movers of those cuts to move their cuts so that the House may be in possession of the entire subject and it may be easier for Honourable Members to cover all the points in the course of their speeches. I understand that Mr. Acharya is not very anxious to move his cuts.\* Am I right?

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : That is so, Sir ; I am not very anxious to move the cuts standing in my name, provided the Government see that they take note of the suggestions I made yesterday in my speech.

**Mr. President :** Mr. Abdul Latif Saheb Farookhi.

*Failure to create an atmosphere of peace and goodwill for the Round Table Conference and the inadequate and unsatisfactory Recommendations made by the Simon Commission both from the point of view of the country in general and that of the Muslims in particular, which will be placed before the Round Table Conference.*

**Mr. Abdul Latif Saheb Farookhi** (North Madras : Muhammadan) : Sir, I move :

"That the Demand for a supplementary grant of a sum not exceeding Rs. 2,66,000 in respect of 'Miscellaneous' be reduced by Rs. 100."

In moving this cut I beg to point out that I have three main points to bring to the notice of the Government. The first is that I feel that no genuine new attempt has been made by the Government to see that all politically minded parties in the country seek to co-operate in the Round Table Conference. The second point is that I feel that the Simon Commission's recommendations have fallen short of the demands of the country. Lastly, I also feel that the demands of the Muslim community have been ignored.

Now, Sir, in moving this cut, I should at the very outset like to point out that I am not one of those who feel that no useful purpose will be served by going to the Round Table Conference. I maintain that there is a very great force in the argument that there should be a free conference, where no party should go with any previous commitments. I do not agree with those who believe that the freedom of India could be attained, under the present circumstances, by resorting to civil disobedience. I feel that the declaration of war by the Congress at a time when much of the misunderstanding that has been created between the

\* "That the Demand for a supplementary grant of a sum not exceeding Rs. 2,66,000 in respect of 'Miscellaneous' be reduced by Rs. 100. (Inadequate information regarding the function of the proposed Round Table Conference and the status of Indian delegates thereto.)"

"That the Demand for a supplementary grant of a sum not exceeding Rs. 2,66,000 in respect of 'Miscellaneous' be reduced by Rs. 100. (No information regarding the interests and parties that will be represented at the Round Table Conference—Failure to seek non-official advice regarding such representation.)"

people of India and the Government could be removed by a frank heart-to-heart talk at a free conference—at such a time the declaration of war by the Congress was most unwise and most inopportune. But, Sir, at the same time, I cannot resist the feeling that, in spite of the fact that His Excellency the Viceroy has got very genuine sympathy towards the aspirations of Indians, which has been admitted by his severest critics, in spite of his sympathy, no genuine effort has been made by the Government to induce those who feel that they ought not to go to the Round Table Conference to find their way to co-operate with the Conference. It cannot be gainsaid that those who have been advocating a boycott of the Conference are a very influential section of the Indian population. Such being the case, I personally feel and I have no doubt in my mind that most Members—at least elected Members—of this Assembly also feel that a conference without that influential element, which can speak on behalf of a considerable section of the Indian people, would not represent the real feelings of the Indian people. I also feel that, without the co-operation of the leaders of the Congress, it may perhaps be necessary for the Government to be holding conference after conference, and who knows what the result will be? Therefore, Sir, I feel that if an attempt is made at the very beginning, and if fortunately the Congress leaders are persuaded to co-operate with those who are in favour of going to the Round Table Conference, most of the difficulties that stand in the way of solving the political problems of India will disappear. Now, Sir, why do I say that no attempt, no renewed attempt, has been made by Government to placate the Congress leaders? The reason is this. After the conference of the Viceroy with Mahatma Gandhi, Pandit Motilal Nehru and my friend, Mr. Jinnah, the Leader of the Independent Party, broke up without achieving any fruitful results, as far as I am aware, the Government did not try as much as it was possible for them to do so—and they could have used many influences—to bring round leaders like Mahatma Gandhi, Pandit Motilal Nehru and others to their point of view and to convince them that to sit in a Round Table Conference on honourable terms would do no harm to India.....

**Mr. Muhammad Yamin Khan :** What are the honourable terms?

**Mr. Abdul Latif Saheb Farookhi :** My friend, Mr. Yamin Khan, asks me what the honourable terms are. I think he values self-respect as much as I do, and if my Honourable friend thinks that the Government are not offering honourable terms to those who are going to the Round Table Conference, I think he should be the first gentleman to boycott this Conference. (Hear, hear.)

Now, Sir, as I said, it was not beyond the resources of the Government to try and bring round the Congress leaders, because, from the reports which have appeared in the Press, before Pandit Motilal Nehru was arrested, I found while I was at Madras that he, I mean Pandit Motilal Nehru, made a gesture of peace, and though the terms and conditions contained in his gesture under which he was prepared to co-operate with the Government might not have been acceptable to Government, yet there was a clear indication on the part of the Congress leaders that they were prepared to open the door for negotiations and for co-operation. Now, Sir, the Government have regrettably failed to seize that golden opportunity. (An Honourable Member : "Shame.")

[Mr. Abdul Latif Saheb Farookhi.]

What did the Government do on the contrary? They have launched on a policy of repression, which no Indian, whatever may be his religion, or whatever may be his political creed, would endorse. The indiscriminate *Lathi* charges by the police throughout India, very often on innocent crowds which assembled not in sympathy with the civil disobedience movement, but for the sake of mere curiosity, the ban placed on the legitimate freedom of the Press, the rule of Ordinances and the indiscriminate arrests of a large number of people, including respected leaders like Mahatma Gandhi, Pandit Motilal Nehru, Dr. Mahmood and others, all these, Sir, did not go to create an atmosphere of peace and goodwill, which is very necessary for the success of the Round Table Conference. Sir, I am not blind to the harm done to the cause of India by the civil disobedience movement started by the Congress leaders in a moment of indiscrete haste, without previously entering into any reasonable compromise with the minorities in general and the Muslim minority in particular. I do not also fail to appreciate the onerous responsibility that rests upon the Government of India for maintaining law and order. But, Sir, what I feel is that those responsible for the maintenance of law and order have abused their power. They did not use that minimum force which was necessary for putting down the unrest which was created either by the Congress leaders or the Congress followers, or by other people who wanted to take advantage of the opportunity and create more trouble. Well, Sir, I should like at this stage to bring to the notice of this House—my friend, Mr. Rangaswami Ayyangar, has just reminded me—about the police excesses at Madras on the innocent Madras public, but I do not want to go into details. But what I desire to point out is that, taking into consideration all these factors, it cannot be denied that the Government have failed in their duty to create that atmosphere of peace which is essential to bring about the co-operation of the people with the Government to sit and discuss in the Round Table Conference. Of course, I know that there is no use in flogging a dead horse. Let bygones be bygones. Let us not regret about the past, but let us be mindful and cautious about the future. I should like to know from the Government what action they propose to take to bring about the co-operation of all the political parties of India, so that we may sit in the Round Table Conference in an atmosphere of peace and settle matters amicably. Now, Sir, I should like to suggest to the Government that, for bringing about that atmosphere, there are some circumstances which should be regarded as conditions precedent. The first thing that I feel is that Government should declare a truce, and then all political prisoners, including the Moplahs, should be released. Now, some Honourable Members may not quite agree with me when I say that the Moplahs should be released. (Some Honourable Members: "No, no.") I should like to give my reasons for that. The Moplahs, Sir, in the Moplah Rebellion of 1921.....

Mr. President: The Honourable Member need not go into the reasons.

Mr. Abdul Latif Saheb Farookhi: I want to say only one sentence and no more. They took part in that rebellion, even as the Congressmen took part in the civil disobedience movement, actuated by feelings of patriotism, however, misguided they might have been, and therefore,

I feel that they were not guilty of any offence involving moral turpitude. Hence, I say that all political prisoners, including the Moplahs, should be unconditionally released. Then, Government should use their resources—I cannot say what those resources are—but they should use their own resources to persuade the Congress leaders and convince them that, by sitting in the Round Table Conference, they will be losing nothing. My Honourable friend, Sir George Rainy, is taking note of this point and I hope he will not come out with an evasive answer.

Having said so much about the repressive policy of the Government, and having suggested means which can possibly bring about the co-operation of the Congress leaders, I now come to the next point, that the recommendations of the Simon Commission have fallen short of the demands of the country.....

Mr. President: As the Honourable Member knows, this point has been discussed so much that I think the Honourable Member need not go into the details of that point. The new point which he has mentioned in his motion for a cut has already been discussed at great length, and I hope that he will now try to conclude his remarks.

Mr. Abdul Latif Saheb Farookhi: I beg your pardon. I was not unaware of your ruling, and if you had allowed me to continue, you would have seen that I was not going into details. I was simply going to say one or two sentences about each point and nothing more. The Simon Report, as I have said, has fallen short of the demands of the country at large, because the country at large irrespective of political parties or religions, has demanded complete Dominion Status, which, much to our disappointment, we do not find in the recommendations of the Simon Commission.

Now, I come to the Muslim demands, and I hope you will allow me to say something more about them and I do not think I will take more than five or ten minutes. So far as the Muslims are concerned, though they have not concealed their appreciation of one or two recommendations contained in the Simon Report, they, on the whole, consider the Report to be retrograde and reactionary. The views of the Muslims were expressed in unambiguous and unmistakable language in the resolution passed only a few days ago, on or about the 5th instant, by the Executive Board of the All-India Muslim Conference held at Simla. With your permission, Sir, I should like to read out that Resolution:

“(a) In the opinion of the executive board of the All-India Muslim Conference, the report of the Simon Commission, as a whole is unacceptable to the Musalmans of India because it falls short of their demands formulated by the All-India Muslim Conference in Delhi on 1st January, 1929 (*vide* page 5) and because it is retrograde and reactionary in spirit.

(b) With reference to some of the main proposals of the Simon Commission, the Board resolved as follows:

1. While appreciating the recommendations of the Simon Commission that the future constitution of India should be on a Federal Basis, the election to the Provincial Legislatures should be by the system of separate electorates, and the provinces should have provincial autonomy, it is considered that the demands of the Muslim Community with respect to these matters as embodied in the resolution of the All-India Muslim Conference at Delhi, on January, 1st, 1929, have not been fully met by the Commission.

2. While reiterating these demands the Board is strongly of opinion that the elections to the Federal Assembly and the Council of State should be through separate

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[Mr. Abdul Latif Saheb Farookhi.]

electorates. While expressing no opinion at this stage whether election to either chamber of the Central Legislature should be by the direct or indirect election the Board is definitely opposed to the system of proportional representation, as suggested by the Commission. The Board is emphatically of opinion that Muslims should be guaranteed a minimum of one-third of the total number of seats both in the Federal Assembly and the Council of State.

3. If at any time the Muslims of any province decide by plebesite of two-thirds of Muslim votes to waive the right of separate electorate they should be allowed to do so. The opposition of other communities to such a course should not prevent their abolition.

4. Provincial autonomy should be real and should not be whittled down by the unlimited overriding powers of the Governors. All the ministers should be elected non-official. The ministry should be jointly responsible to the Legislature.

5. Muslims must be guaranteed a clear majority in Bengal and the Punjab. While the Simon Commission has maintained such a Hindu majority in six provinces they have deprived the Muslims of Bengal and the Punjab of their majority in the only two existing provinces, viz., Bengal and the Punjab.

6. While agreeing with the Commission that there are strong reasons for the separation of Sindh from Bombay, the Board is unable to agree in their suggestion that the question of the immediate separation should be considered later. The Board is emphatically of opinion that Sindh should be separated from Bombay without further delay and constituted into an autonomous Province.

7. While realizing that the Commission have conceded the grant of reforms to the North-West Frontier Province, the Board is strongly of opinion that these proposals are entirely inadequate and the reasoning advanced by the Commission is unsound. The Board is emphatically of opinion that the North-West Frontier Province should have the same measure of reforms as the other provinces of India.

8. The Board is strongly of opinion that Baluchistan should be guaranteed full provincial autonomy, possessing the same powers as are enjoyed by other provinces of India.

9. The Simon Commission has not made adequate provision for the representation of Muslims in the public services of the country or the Cabinets of the Governments of the various provincial and the Federal Governments. In Board's opinion it is essential to the stability and success of any constitution that the Muslim Community should be guaranteed adequate and effective representation in the Cabinets and the public services of the country. A provision to this effect must be embodied in the constitution.

10. The Board has noted with regret that the demands for the representation of Muslims in all statutory self-governing bodies such as local bodies, Universities, and other bodies created by Law as also their proposals for the protection of education, culture, language, charitable and religious endowments, Muslim Law (*Shariyat*) and religion have not been discussed by the Commission. The Board feels extremely disappointed at the failure of the Commission to provide for effective guarantees for the carrying out of these safeguards. The Board is emphatically of opinion that these safeguards should be a fundamental part of the constitution.

11. The Board is unable to agree with the proposal of the Commission regarding the Army. The Board is greatly disappointed at the failure of the Commission to make effective provision for the speedy Indianisation of the Military and Naval services and the establishment of an Indian Sandhurst. The Board feels that the Commission have ignored the genuine desires and aspirations of Indians of all parties or this subject. The Board is strongly of opinion that in any scheme of the Indianisation of the military, naval and air forces that may be framed, adequate and effective representation of Muslims in all grades of these forces should be guaranteed to them by Law.

12. The Board is strongly of opinion that Finance, Commerce, Railway, Posts and Telegraphs, in short, all subjects of common concern should be entrusted to the minister responsible to the Federal Assembly, with such safeguards as may be necessary in respect of Army, Foreign affairs and Indian States for the transitory period. The Board does not agree with the proposals of the Commission regarding the constitution of a Central Government as they confer greater powers on the Governor General than are consistent with the parliamentary form of Government."

Now, Sir, this Resolution speaks for itself. There is no necessity for either commenting upon it or explaining it. Now, Sir,

4 P.M.  
only a few remarks more and I shall have done. I now come to the representation at the Round Table Conference. I am speaking with due respect to such of my friends as have served on the Central and Provincial Committees. It is my personal opinion, and I have this consolation that I am backed by my constituency in this respect. I am voicing the feelings of my constituency, that no person who has served on the Central or the Provincial Committees should be invited to the Round Table Conference. The reason for this is that these people have had their say, and if they are to be invited again to the Round Table Conference, it would mean that they would be asked to sit in judgment over themselves. Now, Sir, the other suggestion that I would like to make is that only such persons should be invited to the Round Table Conference.....

Mr. President : Order, order. I think the Honourable gentleman is tiring the patience of the House. He ought to remember that there are many Members who are anxious to speak. All these points have been brought repeatedly on record. Therefore, I would request him to bring his remarks to a close.

Mr. Abdul Latif Saheb Farookhi : I have not even taken half an hour. I am now closing my remarks.

Mr. President : Please do.

Mr. Abdul Latif Saheb Farookhi : The other suggestion that I should like to make is that only such persons should be invited as command the confidence of their community, and they should not be invited merely because they are favoured by the Government. In this connection, Sir, I should like to read a few sentences from a Resolution passed by the Executive Board of the All-India Muslim Conference very recently. This Resolution says :—

"The Board trusts that the British Government are not unaware of the fact that no constitution will be acceptable to the Mussalmans until and unless adequate safeguards are provided for their rights and interests as laid down in the Resolution unanimously adopted at the All-India Muslim Conference held at Delhi under the presidency of His Highness the Aga Khan on 1st January 1929 and they are adequately and effectively represented in the Conference by men who truly represent the community, respect the inviolability of Islamic Law, possess the confidence of their co-religionists and give true expression to their views and sentiments."

Sir, in obedience to your ruling, I do not want to say anything more with regard to this point. I appeal to this House and to the elected Members in this House that it is their moral duty to support this cut because no elected Member can tolerate the present state of things and at the same time go to the Round Table Conference. With this appeal, I move the cut.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : While having no desire to cry over spilt milk, I venture to suggest that, had the Government in England acted on the united wishes of India and associated some Indians with the members of the Indian Royal Commission, my Honourable friend, the Finance Member, would not have had the trouble of moving for a supplementary grant today. During recent years there have been two occasions on which Government have defied the united voice of India and they have rued the day. While

[Sir Cowasji Jehangir.]

passing what is commonly called the Rowlatt Act, they defied public opinion, and in the face of the strongest opposition of every party in India, that legislation was carried through. I do not desire to dwell on the results. When I heard that Indians were not going to be represented on the Royal Commission, that it was to consist entirely of Englishmen, I ventured an opinion and it was that the Government in England were making a blunder, of capital magnitude, equal to that of the Rowlatt Act. I regret that my opinion then expressed has come out to be true. If it had not been for the defiance of the united voice of India on these two occasions, we would not have had the atmosphere in which we have to live today. Sir, I readily admit that, in the case of the second defiance of public opinion, the Government in India and in England did try to make amends, but the blunder had been committed. They did appoint the Indian Central Committee to make up for the want of a few Indians on the Royal Commission, but I venture to say, in the presence of one or two Honourable Members here, who were members of the Central Committee, that that step did not have the desired effect. I do not know whose fault it was, but the Commission and the Committee did not work harmoniously. There was no consultation at the last moment between the Central Committee and the Commission as the Central Committee's Report was issued months before that of the Simon Commission. Sir, if there had been a few Indians on that Commission, there would have been a clash of minds and of opinions which I am sure would have led to a different result to the one, some of us are now here to discuss. Well, Sir, I do not desire to cry over spilt milk, but we have all to learn a lesson, and the question I ask myself is: "Have we arrived at a time when the united voice of India will no longer be defied?" Sir, the future of India and England lies in the answer to that question, and it can only be answered by my Honourable friends opposite and their masters in England. We are told that we shall get our answer in England before this year is out. Mr. President, I have been associated with Englishmen during the whole of my life, both in England and in India and I desire to sound a note of a solemn and earnest warning, and especially to those Englishmen in India and in England who are known today as Diehards. I would tell them with all the emphasis that I possess that, if they attempt to defy the united voice of India again, it will be a disaster both for India and for England (Hear, hear.), and that the lives of many Indians and most Englishmen will be intolerable in this country. It is for them to answer. I may be told that the answer does not lie in the mouths of Englishmen alone. I may be told that there are Indians and Indians, minorities and a majority who have to decide this question. I admit that fact.

But I have the fullest confidence that the minorities, and the majority will come to terms.

**An Honourable Member :** When ?

**Sir Cowasji Jehangir :** There will be an accommodation, in the words of the Simon Report, between these communities, and I venture to say that the reply whether there is going to be peace and harmony in this country, or whether there is going to be strife and disorder is in the mouths of statesmen in England. I am quite prepared to admit,

more so, I agree, that every party should be represented at the Round Table Conference and I agree that every attempt should be made to bring all parties to this Conference. But in my humble opinion, there is an even more important matter, and that is this—a mentality both in India and in England prepared to accept a self-governing Dominion constitution with the necessary safeguards. If there is this mentality in England and in India, I venture to suggest that, however great a handicap it may be that one party should not be represented, there are possibilities of success for the Round Table Conference. But if that mentality is absent amongst statesmen in England, and if it is not encouraged from India, I see nothing but disaster. The right atmosphere is also necessary, and I venture to say to my Honourable friends opposite that in certain instances perhaps the right atmosphere has not been encouraged. No one realizes more than myself the difficulties of the police. They are working under most difficult conditions and are having the most strenuous times. But that is no excuse for exceeding the limits that are necessary for maintaining law and order. The city which I have the honour to represent is by no means a happy place just now. There have been occasions when the police have, in my opinion, overstepped the limits and have assaulted innocent people, not connected, mind you, with the passive resistance movement, nor, mind you, near the scene of defiance of police orders. There have been two such black days in Bombay. These, after all, may be small matters to bring to the notice of the Legislative Assembly, and perhaps they are better discussed in the Provincial Councils. But the important point is, not that some innocent men were unnecessarily assaulted however regrettable that may have been; the important point is, what are the consequences of those assaults? (Hear, hear.) The consequences of those assaults have been to drive thousands into the camp of those opposing the Government; to make thousands sympathise with the civil disobedience movement who had no thought of joining it. These unnecessary assaults give rise to processions in which you find men and women of all classes. They join those processions, not because they sympathise with the civil disobedience movement, not because they do not desire Government to put down lawlessness, but they express, by these processions, their strong condemnation of the excesses that, on certain occasions the police have committed.

**The Honourable Mr. H. G. Haig :** I hope my Honourable friend does not mean to imply that any innocent persons, who may have suffered injury, were attacked deliberately.

**An Honourable Member :** Yes, deliberately.

**Sir Cowasji Jehangir :** I am sorry the Honourable Member has asked that question. I am not in a position to say whether policemen deliberately assaulted innocent men and women or not. I do not know their mentality. I can only judge from the facts, and it will be for my Honourable friend to judge from the facts. He cannot get behind the minds of any individual policeman; he will have the facts placed before him, and from these facts he will have to judge. I can judge, from such facts as where the police assaulted innocent men, namely, in what place, how, at what distance from the scene of deliberate defiance of police orders, and so on. Therefore, I regret my Honourable friend should have asked me that question. It will be for him to judge when such cases are brought to his notice.

**Mr. M. A. Jinnah :** It is not possible for any man to know the heart of another man.

**Sir Cowasji Jehangir :** I am just trying to make that point. At any rate, Mr. President, what I was trying to bring to the notice of the Government was that it is not the question of an assault or two. It is not a question whether a man was assaulted while getting into a tramcar, or inside a tramcar, or when he was returning from his business. These are questions for the Local Government. It is the consequences of these actions that I want the Government to realise. The consequences are that today Bombay is more antagonistic to Government than it has ever been since it was handed over to the British administration as a dowry of the wife of a British King. And why is it so ? It is not because it refuses to acknowledge His Majesty the King, or the Government of India, or the Government of Bombay. A city that was known for its loyalty is today, I regret to say, not happy, because she has seen in her midst on two days, namely, the 16th of June and the 21st of June, actions of the police which no man can call justified. It is regrettable and the same story comes from all parts of India.

Now, Sir, there is another aspect of the case to which I would like to draw your attention. It is this. I am perfectly aware of the untruths that are spread against Government officers. I have personal experience of them. One error may have been committed, and there will be a rumour all over the city that hundreds of such cases have occurred. An officer very often may be wrongly condemned. It is the atmosphere. You cannot get away from it. One individual case may be generalised, and one of these big cities may be informed that all sorts of murders are being committed, which may be all falsehoods. But the point is that when acts have been committed in the presence of respectable men and women, acts to which they are ready to testify, and if these are denied, then everything else is believed, however wrong it may be. Let me draw the attention of my Honourable friends to this aspect. I know, as I have said, how false rumours can be spread deliberately, but inexcusable mistakes on the part of Government officers give justification for all of them.

Mr. President, I have said enough on this occasion. May I again repeat that I have done so with a sincere and honest desire, that the acts of Government may not be misconstrued and that Government here and in other provinces may see that, by mistakes on the part of their officers, their good intentions and their actions are not misunderstood by millions of the people of this country and they may not play into the hands of their enemies which, I am afraid, many of their officers are doing. We are living in dangerous times. I have never been the last to express my condemnation of the civil disobedience movement. I see clearly how it is going to end. Whatever its advocates may say, it is doomed to failure, and if we did not think that it was doomed to failure, then the majority of my Honourable friends behind me would be with this movement. We realise that the movement is based on wrong foundations, that it can never succeed and it can never bring India happiness. It can never bring India nearer to the goal of her aspirations. That is why we have condemned it and we are prepared to adopt another method, namely, the Round Table Conference, which we know has chances of success. And those chances of success will depend, not upon the mentality of my Honourable friends here

who belong to the minority and majority communities, but will depend upon the mentality of the statesmen in England. All I can say is : may Providence guide them aright ; and if India's united voice is to be again defied, then God help England and God help India.

**Mr. N. G. Ranga** (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, it is very difficult for me now to decide what to say, and how much to say, because I do not know how much time I am going to be allowed. It is already the closing time. Anyway, I must, first of all, protest against one of the statements made by the last speaker before I proceed with my own discussion. It is said that the movement that is being carried on in the country is doomed to failure. Sir, I am not so sure about it. I do not approve of it. We must realise, as honest people, that there are two parties in the country who are fighting, one is the Government, and the other is the Congress, and we do not know who is going to win. They are willing and anxious to see that it is a fight to the finish. We are anxious that these two parties should be brought together and made to accept reason, peace and conciliation. It is really too early, and it would be disastrous and even inadvisable and unwise for us to say that one party is going to win and the other party is going to lose.

Now, Sir, coming to the question of the Round Table Conference, I am one of those who have welcomed the great Viceregal announcement of 31st October, last. I am one of those who really thought that India stood to gain by not opposing the Simon Commission ; but what has happened till now since then ? In spite of the support that has been given to the Simon Commission by many people, who have been accused as being traitors to their own country, the Simon Commission to-day have hurled upon India a Report which is unjustifiable from whatever point of view we may look at it. Now, so far as the Round Table Conference is concerned, everyone of us expected much from it. Everyone of us was convinced, or felt at the time when the great Viceregal announcement was made, that here was a chance by which India was going to attain Dominion Status. More than six months have elapsed, and yet to-day we are no nearer to Dominion Status than we were before the 31st October. We were expecting great messages from His Excellency the Viceroy, as well as the Secretary of State for India, and only the other day His Excellency the Viceroy made a sincere appeal for co-operation between Indians and the English. At the same time, he made a very ineffective appeal, because he was not able to satisfy a large majority of the people of this country as to the *bonâ fides* of his Government and the Government in England. Sir, what are we going to do in the Round Table Conference ? Are we going to set up the future constitution for India ? If so, is it not necessary that both the parties in this Conference, Indians on the one side and the English on the other, should be prepared to co-operate with one another on terms of equality, goodwill and good humour ? Where is the good humour that is absolutely necessary ? Where is the idea of equality or concession of equality from the English to the Indians ? In India to-day we are faced with a nationwide agitation with which most of us, I dare say, are not in sympathy, and we have made it clear on the floor of this House. At the same time there is that movement in this country, and this movement has had the support of the people, not to the small extent that has been put by one of the leaders of my own party, but it has the support of a large majority of the people of this country, although it may be they have been misguided. Well, Sir, what have the Government been doing till now ? Instead of giving a



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chance for the Round Table Conference to decide the future constitution of India, the English Government have chosen, Sir, to give wide publicity to this disastrous and mischievous Report, the Simon Commission's Report, by advertising it and by selling it cheaply. To-day it has been stated that the first edition has run out and the second reprint is coming out shortly and is expected to sell out. In addition to that, as my Honourable friend behind me just reminds me, the Secretary of State, Mr. Benn, has announced in the House of Commons that he is considering seriously the possibility and the necessity for getting this Report translated into as many languages as possible, so that England can carry on as much mischievous, disastrous and useless propaganda against India on behalf of England not only in England, but also in all the countries of the world to justify the position of England and to justify the diehardism of England. Sir, is this the atmosphere in which the Round Table Conference should meet? Is this the time when a Conference called the Round Table Conference should meet in England, where the future constitution of India can be discussed?

What is the part that is being played by the Government of India itself? Is the Government of India trying its best to see that the number of friends for itself and for the ideal of the Round Table Conference is increasing? Instead of that, as my Honourable friend, Sir Cowasji Jehangir put it, they have attempted to try to increase their enemies. All their actions have resulted in increasing the number of their own enemies in this country, although these enemies are as anxious as my Honourable friends on the opposite side of the House to have a strongly organised Government to maintain law and order in this country. If you go anywhere in the country from which I come, the Andhra country, you will find that there is not even one important person who is prepared today to stake all his property and all his position in supporting the Government. Why is it so, Sir? Only till the other day there were a number of people who called themselves co-operators, who called themselves Justicites and who came forth willingly and gladly to support the Simon Commission. And why should it be that all these millions of people should today be ranged on the side of anarchism, on the side of those people who are against the Government? What is the cause? It is all very well, it is all very easy for my Honourable friends on the other side to say that they are not responsible for this state of things, but that it is civil disobedience and its adherents who really are the cause for this uprising of anarchy and for this atmosphere of anarchy. On the other hand, let them have some patience and let me say to them that in none of the important cities in the Northern Circars on the Coromandel Coast, is it possible for any one to organise a meeting, whether it be for the peaceful purpose of co-operative movement, or for anarchical purposes, or for the purpose of the civil disobedience movement. Only the other day, when a co-operative conference was about to be held in Guntur, the police authorities prevented its being held on the plea that there was section 144 in force. This demon of section 144 is visiting every place. It is a contagious disease, which is spreading from place to place. The whole of the country which I represent is now subject to the virulent attack of this demon of section 144, Criminal Procedure Code, as I would put it. In addition to that, you have what is known as a ban on the Gandhi cap. I can wear a Gandhi cap here, but I cannot wear it in Guntur. If I go there tomorrow, though I am a Member of this august Assembly, with this cap, I would be clapped in jail. Do you think that

that is a thing which any self-respecting Government, which any civilised Government, a Government which is really anxious that Indians should come to terms with it, that Indians should co-operate with it, that Indians should accept the olive branch as it now says it is offering, should do?

Again today we are told that there is local self-government in this country. We are told, "Look here, the Simon Commission have recommended provincial autonomy. You are going to get it. Why don't you go to the Round Table Conference?" Well, Sir, what are we having in that part of the country from which I come? In Guntur, the Collector issued a mandate to the Municipality of Guntur, stating clearly that, unless each and every member of that house voted in favour of the removal of the National Flag by a particular date—that was the 21st of last month—unless this was done, each and every member was liable to be arrested. It is a statutory body. It is a public body and that body has already taken that particular decision, namely, to hoist the National Flag on the Municipal Office. Now here are the members who are threatened with arrest. Do you want to convert all of them into anarchists? Or do you want them to remain loyalists, moderates and co-operators? This has happened in my district. If they decided to keep the flag flying, they would have been clapped in jail, and you would have accused them as being irresponsible people, as being mad people. On the other hand, they have, except for two courageous people, rescinded their own past Resolution and they have passed another Resolution saying that they are prepared to remove it. You are prepared to applaud them, I suppose. Sir, no self-respecting Indian in this country, who has got one decent drop of blood in him, can congratulate them. At the same time I sympathise with them. I do not expect them. I do not want to advise them to become unwise, to become mad people. Sir, there were police excesses everywhere. I went to several places myself. I have seen broken heads. I have seen broken limbs of several people. I have seen many people lying down in the hospitals in villages like Angalur, Gudlavalleru, Kantaram, Gudivada, Ellore and other places. In addition to that, I have seen doors broken, windows broken, houses broken into, and women insulted. It does not stop there. There were *dhobies* who were threatened with imprisonment if they washed *khaddar* cloths. All people were beaten there, whether they were *khaddar* clad people or foreign cloth clad people, wherever they were found. Look at the humour of the police action. They simply go to a gathering of five or six people and ask them to disperse. When they start dispersing, the police begin to beat them. To avoid this beating, if they run, they are still beaten until they are able to get into their houses. I know of cases where people were taken by their pig-tails out of their homes into the streets and insulted as being cowards for having run away from the police. Is this the kind of action, is this the kind of behaviour that a civilised Government should exhibit in this country, if the Government of India expect to establish a proper atmosphere for the Round Table Conference?

Again there were police excesses in Rajahmundry. As my Honourable friend Sir Cowasji Jehangir has put it, certainly there might have been exaggerations, and to some of the responsible and authorised exponents of British law formed themselves into a body of inquiry to inquire into the police excesses and stop the exaggerations, if any. And what did the local authorities do? They simply sent them an order informing them that they should not form themselves into a committee of inquiry. When they refused to abide by this police decision, the great demon of section 144



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was hurled upon them, and so they had to stop their inquiry. Is this the atmosphere that you are creating?

As my Honourable friend, Sir Cowasji Jehangir has put it, it is not the number of people who have been hurt, killed or insulted which is the most important thing, but it is the kind of atmosphere that is being created in this country which really matters. Can any one of the Honourable Members of this Assembly, however proud, however aristocratic, and however great he may be, go to any place in the Andhra country today and tell them to go to the Round Table Conference where they will get all kinds of reforms and more power for their own country? Can you talk sense to them? Can you make them realise the benefits that they are deriving from this peaceful Government? Can you make them see the necessity for law and order? Not at all, because the people have gone almost mad; mad, because they have been asking for freedom and they have been denied it; they have been asking for constitutional advance, and they have been denied it. They have been expecting more improvement, and what has been offered today is nothing. This Commission's Report is a regular insult to the self-respect, to the manhood and also to the hopes and desires of Indians. Sir, we cannot go on at this rate.

I really want a Round Table Conference, I want it at once. I want peace and goodwill to reign between England and India. I know that England, of all the Imperialistic countries, is the best. I was in England for six years, and I can claim to have as many English friends as my English friends in this House can claim to have Indian friends for themselves, friends for whom I have got great regard, friends with whom I have moved for years. And yet, Sir, I cannot understand the attitude of Government here and their supporters in England in bringing about the kind of atmosphere that we are now having in this country. If we are to have peace and goodwill to reign between these two great countries and nations, what we should try to do is somehow or other to get hold of these people who are today making a mad and desperate attempt to grasp at the fruit of freedom and liberty. Government may say, "How are we to get hold of these people, when you yourselves say that they are mad and will refuse to grasp the hand of fellowship which we offered in October 31?" Sir, what did the British Government do in Ireland? They asked the professed Irish rebels, some of them condemned to death, to come and meet their responsible officers and Ministers. You can ask the Congress to do the same thing. You can ask them to stop this agitation and say that you are prepared to offer this particular promise of implementing the scheme of Dominion Status at the forthcoming Round Table Conference. Is that more indecent and undignified than the offer which was made by the mighty British Government to the professed rebels of Ireland?

Again, Sir, I wish to put another question. How are you going to end this impasse which, as you say, these civil disobedience people have brought about? Is it by the breaking of heads, or is it by conciliation, by bringing them round to follow the path of wisdom and responsibility in their actions? We have got Dr. Ansari, one of the greatest of Congressmen, an ex-President of the Congress, ready to help as far as possible and mediate between the Government of India and Mahatma Gandhi and Pandit Motilal. If again Government wish to take that course, a glorious opportunity has been given by Mr. Slocombe, the special representative

of the *Daily Herald*, by his interviews with Mahatma Gandhi and Pandit Motilal. He showed to the British Government and also to the Indian Government that these people, who are supposed to be mad, have got some sense in them and are prepared to come to terms with the British Government. Are not the Liberal leaders, men like my leader here, Mr. Jayakar, anxious that Dominion Status should be achieved for India? They have asked for it time and again. What more is being asked today by Mahatma Gandhi and Pandit Motilal? Nothing more than the "Substance of Independence". What else is it but Dominion Status as it is understood in the Dominions and also in England by responsible politicians and statesmen? Every one is anxious to have the same thing. Why is it so difficult for Government somehow or other to assure the people that they can go to the Round Table Conference without any injury to their ideas or to their conception of self-respect? Why do they not take this initiative? Is it beneath their dignity? Is it not their duty somehow or other to bring back the people who are going mad? Bring them back again into your fold and see that these people are able to enjoy the peaceful, progressive, civilised and respectable form of Government which they desire. In these circumstances, since the British Government and the Government of India have failed to implement a scheme of Dominion Status, since the British Government and the Government of India have failed to bring about conciliation in this country amongst the different sections of the people and themselves, I think it is really beneath the dignity of any self-respecting Indian to go to the Round Table Conference. It is not proper for us to go to that Conference, however beneficial, however useful and however tempting it may be. I know the Honourable the leader of the Independent Party, Mr. Jinnah, is very very confident of his own powers of advocacy and his ability to go to the British people and convince them of the reasonableness, the sacredness and the justice of his own case for Dominion Status. But, Sir, I wish to tell him most respectfully and humbly that if the whole of the civil disobedience movement is not able to reason with the British Government and the Government of India, although it is supposed to be a mad movement, would it be possible for one Mr. Jinnah, however intellectually great he may be, to convince the British Government who have already made up their minds about the Round Table Conference and also about the Simon Report? Would it not be better for him, intellectually eminent as he is, to stand by the side of the people and say, "Do not go on in that mad rush, but come and let us fight with this Government. It may be the Government is Satanic, but it has still a bit of reasoning capacity in it. Let us go and attack it." Of course, up till now, there have been very few signs of reasoning powers in the Government of India. At the same time, of course you should not take my expression "Satanic form of Government" to be absolutely and literally true, because it consists of human beings who are agents of the Satanic Government, and it may be possible for us to convince these human beings, in some sub-conscious way, to change the very character of this form of Government. That is why I am extremely anxious that my leader, Mr. Jayakar, and also Mr. Jinnah should remain here on the floor of the House and say it is beneath their dignity to go to the Round Table Conference.

There is yet another point. In the Viceregal announcement that has been made, it is stated that the representatives of India should go to England to confer with—not the representatives of the British Government—but the

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representatives of the British people. This is a new expression ; and it jars on my ears. Hitherto we have been given to understand that our people are to go into that conference with the representatives of the British Government and we were not given to understand, or even to guess, that the conference was to be between the people of India and the people of England. Sir, if it is going to be the latter conference, I can assure you, if it were to be given to me to forecast events, that nothing more than the Simon Commission recommendations will be got for India in its future constitution.

Secondly, Sir, the Viceroy, in his announcement, said that people of all different parties will be welcomed and invited, but he did not state that the leaders of these different parties in the country are going to be consulted in a responsible manner before the representatives for the Round Table Conference are selected. The Honourable Mr. Jinnah gave the warning to the Government, that Government should try its best to see that it did not get into a mess and that it selected proper representatives of the people who could deliver the goods. Sir, I wish to address a question to him as to how far he can feel confident that Government will show reason and sense in selecting responsible people to represent India, even if we are to ignore, for the time being, the followers of the civil disobedience movement and Gandhiji himself ? Can he feel confident, taking the Government's past into consideration, that the Government have got that much of wisdom or sense as to invite only such men as can really deliver the goods on behalf of the different communities of which this country is composed ? Can he feel sure about it ? I do not ; and that is another reason why I oppose this particular motion. I would like to oppose the whole of this motion. If that is not permitted, I should like to support the cut. There is a mischievous suggestion on the floor of this House by one responsible speaker that this cut should be withdrawn. I protest against that ; I do not approve of it ; it is the sacred duty of every one of the elected Members of this House, as was indicated by Mr. Jinnah, to vote for this cut in order to show in an emphatic manner our indignation, our dissatisfaction and our disillusionment against the past as well as the present policy of the Government.

**Mr. President :** Anxious as I am that as many Honourable Members as possible should get an opportunity to speak in this important debate, under the powers which are vested in the Chair, I prescribe a time limit of fifteen minutes for each Honourable Member to speak.

**Sir Hugh Cocke (Bombay : European) :** Sir, I have listened with very great interest to the speeches.....

**Mr. M. A. Jinnah :** May I rise to a point of order ? I thought when I raised the point you said you had no power at all.

**Mr. President :** What I meant was that no time limit was prescribed by law. But the President, I suppose, has the power to prescribe a time limit if he wants to do so.

**Mr. M. A. Jinnah :** What is the time limit you have prescribed now ?

**Mr. President :** Fifteen minutes.

**Sir Hugh Cocke :** I have listened, Sir, with very great interest to the speeches which have been made today and yesterday. I do not propose to follow the course which has been taken by many Honourable Members of discussing in detail or even in a general way the recommendations of the Statutory Commission. I should like to remind the House once more that that Commission was appointed for a definite purpose, namely, to inform Parliament of the state of progress in India and to make recommendations for a future constitution. It is not surprising that Indians should not agree, in the first place, with the composition of that Commission, or, in the second place, with its findings. I think that there is very good material in that Report, but I do not for a moment suggest that we agree on these Benches with every part of it ; it has to be taken more as a guide or a basis for discussion, and it is a Report which, I venture to think, will be found to be extremely useful when we get round the table. One reason why I do not desire to go into particular recommendations is that I am very slow myself, not having a quick legal brain, to come to conclusions on the recommendations. The morning they were published I had a Press representative in my office at about 12 o'clock wanting my opinion on the Report. When I told him that I had not even completely read a summary but only the headlines, he suggested that it was quite enough and that he had already got several opinions. But I said that I was not following that course. The Report is being examined by the Associations which represent European interests in this country and by their various branches, and it will take time to digest the Report and to decide what particular recommendations they agree with and what they are opposed to. It is often said—I do not know whether it has been said in this debate—that Europeans in this country are diehards and are not prepared to work with Indians to secure a more responsible constitution. If that has been true at any time, it is not true today. I can safely say, on behalf of the European interests, from such opinions as we have been able to gather up here from Calcutta, Madras and other places, that there is no diehard spirit today among the Europeans. (Hear, hear.) Our object is to assist India to get a constitution which is suitable and acceptable ; and if any degree of unanimity can be reached at the Round Table Conference, to which our representatives will go, you can rely on us to press those recommendations home with the authorities in England. I see no reason why, in spite of the fact that many conferences have been held and have failed to reach any degree of unanimity. I see no reason why, having regard to the spirit which exists, we should not reach agreement on many many points when we get round the table ; and the diehards in England, who have never been to India or perhaps only visited it many years ago, are not going to dictate to India, provided we can all come to a reasonable solution of the various problems.

Sir, many points have been touched on in this debate with reference to the Commission's recommendations, and I have already said that I do not wish to enter into them ; but those who consider that the Report is not worthy of being read and that it should not even be taken to the Round Table Conference are, I think, being unjust to the Commission.

It is perfectly true that the Commission consisted of seven British gentlemen. It is also perfectly true that they had not a lifelong knowledge of India, which gentlemen in this

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House have. But the fact remains that they made a very exhaustive study of the constitutions in the other Dominions and of the conditions prevailing in India today, and I think that when their recommendations are carefully examined, it will be found that many of them are probably the most useful which can be obtained. It is all very well to condemn the recommendations which appear in the Report. It is quite another matter to substitute others which are more satisfactory and which are more likely to meet with general acceptance. I should like to join with those Honourable Members of this House who have spoken today in expressing the hope that it will still be possible, although the time is very short, to get the representatives of the Congress to the Conference. It has been suggested today that the initiative for this must come from the Government. I think, Sir, that the first move must come from those who started the movement, and I hope Honourable Members who have spoken about the importance of the co-operation of the Congress leaders will try and get into touch with those who started and who are carrying on the non-co-operation movement and the civil disobedience movement with a view to getting them to the Round Table Conference, because I feel quite sure that Government will not be able to resist any approach from them. Nor do I think that Government will be able to resist any desire from responsible men to get into touch with the leaders of the Congress who are now in jail. I trust, therefore, that the Members of this House will use all their influence, in the short time that remains, to get into touch with the Congress representatives with a view to getting them to the Round Table Conference. If the Congress representatives do not go to the Round Table Conference, it will be said afterwards that the decisions which have been arrived at at the Conference will not be acceptable to Indians, because representatives of a large section of Indians were not present at the Conference. I think it is very desirable that that should be avoided if possible. I know the difficulties are very great, and it remains for those who have influence with the Congress Party to get into touch with them and to do their best to induce them to come to the Round Table Conference.

**Mr. Adit Prasad Singh** (Darbhanga *cum* Saran : Non-Muhammadan) : Sir, I beg to rise to press one point which is by far the novel point and which deserves the most serious consideration of this Honourable House. Sir, in paragraph 296, at page 257 of Volume II of the Commissioners' Report, they speak about new provincial taxes, among which that on agricultural incomes is conspicuous by its high figure. Sir, the Honourable Members of this House are well aware that India is mostly an agricultural country. The poor rayat population of India are already heavily burdened, or rather overburdened with so many taxes that they can hardly meet their requirements in spite of their hard struggle for bare existence and the necessities of life. Take the case of the zemindars and other landlords. In almost every case they pay at a very high rate to the utmost capacity land revenue to Government. It is so hard in their case that several old and ancient zemindaries have been sold for arrears of revenue. Be he the poor rayat or the rich zemindar, every one will be hard hit by this oppressive tax. Moreover Sir, this will be quite contrary to and against the existing laws of the land. This will be not only against engagements and declarations of Government at the

time of the Permanent Settlement, but against all the existing laws and Acts for imposing income tax from the year 1818 till 1930.

There is another matter in the Report which seriously affects the zemindars. The very meagre representation which the zemindars enjoyed under the Montford reforms is proposed to be taken away. If the Honourable Members will be pleased to analyse the reasons given by the Commissioners for the abolition of the existing separate landholders' constituency, they will at once see the fallacy of the arguments advanced by the Commissioners in support of their views. The Commissioners say that the landlords predominate in the Councils and Legislative Assembly, as they manage to get in through other constituencies, ignoring the fact that such landlords do not get in as landlords, but say as Swarajists or on other tickets abandoning the landlords' interests. It would not be correct to say that they are the representatives of the zemindars. Moreover, as Honourable Members are aware, every professional man or man of business owns some land and is called a zemindar, whereas his main interest is in something else. It would not be fair to classify them as representatives of the zemindars, as the Commissioners have done.

Sir, with these words, I, on behalf of agriculturists and landholders, condemn the Simon Commission's Report. Therefore, with all the force at my command, I hope this House will pay a very serious attention to this aspect of the question.

**Rai Sahib Harbilas Sarda** (Ajmer-Merwara : General) : Sir, I rise to support the motion moved by my Honourable friend, Mian Mohammad Shah Nawaz, proposing a cut of Rs. 100 in demand No. 75. Though the policy and the general merits of the Round Table Conference are under discussion in this House, we have heard very little about the Round Table Conference itself, while we have heard a great deal about the Simon Commission. Is this not a sure indication, Sir, does it not clearly show, that the chief work before the Round Table Conference will be the consideration and the discussion of the Simon Commission's Report. That Report, Sir, is a very vicious document. It is a Report based partly on one-sided evidence which Government has laid before the Commission, and partly on the evidence produced before it by persons who have openly and clearly advocated their own sectional interest; but apart from all this, there are many recommendations in the Report which are not based on any evidence or any facts and thus reveal the Commission's reactionary designs. To illustrate this latter—recommendations based on no evidence—I will give the House one instance. While dealing with the Minor Administrations, the Commission, in the first Volume of their Report, say that Ajmer-Merwara is a Non-Regulation province, administered by a Chief Commissioner, but that the people of Ajmer-Merwara enjoy the privilege of electing a Member to the Central Legislature. In the second Volume, containing their recommendations, the Commission, without proposing any political advance in the province, say the administration should remain as it is, that the Chief Commissioner should continue to administer the province, but they go further and recommend that the privilege enjoyed by the people of Ajmer-Merwara to elect a Member to the Legislative Assembly should be taken away from them and the Local Government should be empowered to nominate a Member to the Central Legislature. Now, Sir, no evidence has been produced before

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the Commission advocating this view. Neither the Hindus nor the Muhammadans have asked for it. The Commission have given no reasons whatever in support of their recommendations as to why the people of Ajmer-Merwara should be deprived of their right of representation by election, and why nomination should be substituted for election. Sir, does this not clearly show the hostile attitude of the Commission towards India, her rights and her claims and does it not show the reactionary policy of the Commission?

This Report, Sir, is an unmitigated evil except for one good suggestion—the enfranchisement of women. It unfolds in reality a scheme of dark designs, the darkness of which is unrelieved by any ray of sympathy, goodwill or justice. If the Simon Commission's Report is at all allowed to come for consideration before the Round Table Conference, what guarantee is there that the dominant party in the Conference will not make the misleading case, presented by it, the basis of their recommendations for the future constitution of this country?

The Report, Sir, should be banned; it should be thrown on to the scrap heap.

A learned and Honourable colleague of mine, on these Benches declared yesterday that he was not afraid to go before the Conference and put his case before an impartial tribunal. An eminent advocate that he is, convinced of the justice of his case as he is, he is prepared to go and put his case before any impartial tribunal. But is he satisfied that the conditions which he envisages to exist do actually exist? Is there any impartial and disinterested tribunal which will judge his case? Is he quite sure that the tribunal before which he will put his case, prejudiced as it must be by the Report submitted by a Commission containing people representing all the parties in Parliament and some of whom are members of the present British Cabinet,—that they will be so disinterested as not to be influenced by the misleading facts that have been placed before the public in that Report? And, then, is he quite sure that that tribunal is disinterested? The first qualification of an impartial judge is that he has no interest whatever in the case that is before him. Is he quite sure that that tribunal, which is the custodian of the interests of Britain, is merely a disinterested observer of events in India, and is not interested at all whether the domination of a foreign power over this country is maintained or loosened, whether the power which the constituents of that tribunal have over the resources of this country is retained by those constituents or given up by them? Sir, it is no use talking of impartiality and disinterestedness. It is time that this camouflage about impartiality, about the white man's burden, about disinterested service rendered by Englishmen to India was given up.

Sir, some people lay the unction to their disturbed souls, hoping against hope, that the Simon Commission's Report will be only one item amongst several other items before the Conference. Deluded are they who think so. What guarantee is there that the party whose interests lie that way will not base its decision on that one item? Can you prevent a judge from basing his decision on any piece of revelant evidence which is placed before him? It is therefore absolutely hopeless to expect

fair play before any tribunal when the opposite party holds loaded dice in its hands. The dice are loaded in their favour by this Report and fair play can not be expected. Therefore, this Simon Commission's Report must be thrown on to the scrap heap. It should in fact be buried deep on the English shore, a cable's length from the sea. It is only then that you can expect to have fair play in the Round Table Conference.

Sir, I am not against going to the Round Table Conference at all. I am not against meeting any opponents or others anywhere. But when we do meet and have a game, let there be a fair game. If this be secured, I would have no objection to going to the Conference, I would not only advocate going to the Round Table Conference, but I would, speaking for myself, vote not only the amount which is claimed in Demands Nos. 75 and 85, but would gladly vote four times that amount, if I could be sure that there would be fair play in that Conference and that all those who do really represent the people and the interests of this country will participate in that Conference.

**Pandit Chuni Lal** (Jullundur Division : Non-Muhammadan) : Sir, I will oppose this cut and support the original motion for the grant with the following remark, that the vote of this House should not be pressed to a division on this cut. If we vote in favour of the cut and carry the motion, it means that we are not in favour of the Simon Commission's Report. But that is not the case. The Honourable the Mover of this cut motion, I mean Mian Mohammad Shah Nawaz, has said that it does secure an advance on the present state of the constitution in India, and many other Honourable Members are also of the same opinion. Again, if we reject this motion of my Honourable friend, that means that we endorse the Simon Commission's Report, which again is not the case, I suppose, because nobody wishes that it should be the guiding principle of our constitutional destiny. I beg to submit that it will place us in a wrong position altogether. I therefore submit to the House that we should not go to a division on this motion.

The other question which I wanted to place before the House is this. Directly or indirectly, this motion means, if it is carried, that we stand for the boycott of the Round Table Conference.

**Mian Mohammad Shah Nawaz** : Nothing of the kind, if you will read my motion.

**Pandit Chuni Lal** :

“This is required for expenditure in India in connection with the Round Table Conference to be held in London in October next for the purpose of considering the forthcoming general constitutional revision.”

The Demand states that the amount is required for the expenses that are to be incurred in connection with the Round Table Conference. If this cut motion is carried, it will mean that we stand for the boycott of the Round Table Conference. My submission is that that is not the view that I have been able to gather from the various speeches that have been made in this House by so many Honourable Members since yesterday. I therefore say that this motion should not be supported.

**Mian Mohammad Shah Nawaz** : How do you say that my motion will have that effect?

**Pandit Chuni Lal :** Because the Demand is directly connected with the expenses that are to be incurred in connection with the Round Table Conference that is coming off. It has got nothing to do directly with the Simon Commission's Report or the recommendations made in that Report. On the other hand, it has everything to do with the expenses that are to be incurred in connection with the Conference. It has got two portions ; one portion to be spent in India, and the other portion in London. I therefore submit that it will not be to the credit of this House if we pass this vote of censure against the Government by voting for this cut, and at the same time say that we are in favour of the Round Table Conference.

Now, Sir, I come to the subject matter of the present discussion. So far as that point is concerned, my submission is that the idea of holding a Round Table Conference is no doubt an unique triumph of this Honourable House. It was in 1924, as was remarked by Mr. M. K. Acharya, that this demand was unanimously made by all the elected Members of this House, and the appointment of the Round Table Conference is a success and a triumph for this House. Whatever detractors on both sides may say, it is, of course, a great opportunity. I say, Sir, with all the force that I can command, that we should not lose this opportunity, because, if we lose this opportunity and boycott, or do not take advantage of this Round Table Conference, we will be told that we were judged and found wanting. If the opportunity is lost, I do not mean to say that we will be hopelessly lost for ever, but it will mean another period of trial and suffering for the country. True statesmanship lies in taking hold of the psychological moment, and that is the reason why, in my opinion, we must take advantage of this and do our best for the betterment of the country. The Round Table Conference will mean that the leaders of both the nations will have to sit together round a table—whether it is round or otherwise—and put their shoulders to the wheel in order to make constitutional progress that is acceptable to this country possible. Now, Sir, knowing what are the duties of the elected Members of this House, I also say that the Government have got a very clear duty to perform. They must know that the movement that is going on in the country at the present day is not a temporary phase. This movement, I would submit, is an expression of a deep malady, a malady which is the outcome of economic and social unrest. My submission is that the Round Table Conference that is going to be held will not be a success, it will not serve the purpose for which it is meant, if it is not representative. The best of India—I mean the greatest son of India, Mahatma Gandhi—with all his followers, both men and women, is behind the prison walls. With about 20,000 of them in jail, we cannot talk of negotiations for peace. I therefore wish to join hands with the Honourable Mr. Sen, when he appealed strongly to the Government to find out some way of reconciliation with the Congress leaders. I read from the papers that a section of the Congress are thinking of revising their old policy. If we can get a genuine gesture for these Congress people from the Government, then I am confident that the people will take up that gesture and then we can very well ignore the revolutionary portion of the Congress. If that can be possible, then of course we shall be successful in arriving at a settlement which will give us peace, so that India and England may go on together for some time at least. Otherwise the Round Table Conference will be a mere formal ceremony.

Now, Sir, if we are in favour of going to the Round Table Conference, we should not carry this cut. In that view there is no reason to oppose this Demand of Rs. 2,66,000. On the contrary we must oppose this cut which has been moved by the Honourable Mr. Shah Nawaz. Almost all the parties in the House have supported the idea of going to the Round Table Conference. Some of them have been saying that they are very anxious to go to the Round Table Conference. Therefore it does not stand to reason that we should oppose this Demand, which represents the sum which is meant for the expenses of the Round Table Conference, which they are all very anxious to join.

The Assembly then adjourned till Eleven of the Clock on Saturday, 12th July, 1930.

## LEGISLATIVE ASSEMBLY.

*Saturday, 12th July, 1930.*

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

### ELECTION OF THE DEPUTY PRESIDENT.

MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

**Mr. President :** I have received the following Message from His Excellency the Governor General :

(The Message was received by the Assembly standing.)

*"In pursuance of the provisions of sub-section (2) of section 63 of the Government of India Act, I, Edward Frederick Lindley Baron Irwin, hereby signify that I approve the election by the Legislative Assembly of Sir Hari Singh Gour as Deputy President of the said Assembly." (Cheers.)*

SIMLA,  
*The 11th July, 1930.*

(Sd.) IRWIN,  
*Viceroy and Governor General.*

### ELECTION OF MEMBERS TO THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : Sir, I move that this House do proceed to elect, in such manner as the Honourable the President may direct, two Members to sit on the Governing Body of the Indian Research Fund Association in place of Sir Purshotamdas Thakurdas and Dr. Moonje, who have ceased to be Members of this House.

Sir, a few words of explanation are I think due to the House in support of a Resolution which, at first sight, may seem unnecessary as the tenure of the two Members of the House who are to be elected to sit on the Governing Body of the Indian Research Fund Association will in the nature of things be very short. As the House will doubtless remember, in February last, in the course of the debate on a Resolution moved by the Honourable the Leader of the Opposition, I gave an undertaking that the Government would not proceed further with the scheme for the location of the Central Medical Research Institute at Dehra Dun until they were in receipt of the views of a conference consisting of representatives of the Medical Faculties of the different Universities, the Director General of the Indian Medical Service, the Public Health Commissioner with the Government of India, the Director



[Sir Frank Noyce.]

of the Central Research Institute, Kasauli, a representative of the All-India Medical Association, and two Members of this House and one Member of the Council of State. That conference has been fixed for the 21st of this month. It has not been possible to hold it earlier for two reasons, partly because the material to be presented to it was not complete, but mainly because Major-General Graham, the Public Health Commissioner, and Colonel Christophers, the Director of the Central Research Institute, Kasauli, have been in Europe. Colonel Christophers only returned a few days ago, and General Graham reached India yesterday. It appeared to Government that the obvious representatives of this House were the two Members it had elected to the Governing Body of the Indian Research Fund Association, which is very closely interested in this matter. Unfortunately both of them have resigned and, in these circumstances, it is necessary to fill their places in order that this House may be suitably represented at the conference which is to meet on the 21st. Sir, I move.

The motion was adopted.

**Mr. President :** I may inform Honourable Members that for the purpose of election of members to fill the vacancies caused by the resignation of Sir Purshotamdas Thakurdas and Dr. Moonje on the Governing Body of the Indian Research Fund Association the Assembly Office will be open to receive nominations up to 12 Noon on Monday, the 14th July, 1930, and that the election, if necessary, will take place in this Chamber on Tuesday the 15th July, 1930. The election will be held in accordance with the principle of proportional representation by means of the single transferable vote.

#### DEMANDS FOR SUPPLEMENTARY GRANTS—concl'd.

##### MISCELLANEOUS—concl'd.

#### *Inadequate and Unsatisfactory Suggestions and Recommendations of the Indian Statutory Commission.*

**Mr. President :** The House will now resume the discussion on the cut moved by Mr. Shah Nawaz to the motion of the Honourable Sir George Schuster.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I think my Honourable friend, Mr. Farookhi, did right in trying to focus the attention of this House on the great desirability of securing a proper atmosphere for the holding of this Conference in London. I was rather distressed to note His Excellency the Viceroy's observation, when he addressed this House last, to the effect that Government were determined to prosecute their fight against the civil disobedience movement. I have no quarrel with Government in their desire to uphold law and order. Indeed my very presence here to-day ought to signify that I have nothing in common with the civil disobedience movement (Hear, hear) ; but what I maintain is that if the Government must fight, it must be a clean

fight : and I am here to-day, Sir, to tell this House from my own experience that the fight has been anything but clean so far as my experience goes. I was rather interested to hear the Honourable the Home Member while he made an interruption during the speech of my Honourable friend, Sir Cowasjee Jehangir yesterday. He said, with perfect naïveté, that he did not know that innocent persons had been assaulted.

**The Honourable Mr. H. G. Haig** (Home Member) : That is not what I said, Sir.

**An Honourable Member :** He said that he did not know that innocent persons had been deliberately assaulted.

**Mr. K. C. Neogy :** The Honourable the Home Member inquired as to whether innocent persons had been deliberately assaulted. Sir, I am here to tell him that every word of the accusation that fell from my Honourable friend, Sir Cowasjee Jehangir, on this point is true, and that what is happening in Bombay is happening almost all over India. Either the Honourable Member chooses to keep his eyes shut, or he is incompetent to hold his present office. Sir, from my own experience I have found that it is nothing but the spirit of General Dyer, nothing but the spirit that prompted the Jallianwala Bagh, that is stalking this land. Jallianwala Baghs are being enacted every day all over India ; and if the Honourable the Home Member pretends ignorance about it, all I can say is that he is not fit to discharge the obligations of his office and that I do not consider that he is loyal to His Excellency the Viceroy, because I have no doubt about the sincerity of His Excellency in his desire to promote an atmosphere of peace and goodwill in this land so that this Conference may come to useful conclusions.

Sir, what I have seen with my own eyes in Bengal enables me to bear testimony to the reign of terror that has been instituted during the Haig-Emerson regime. I do not know whether the Honourable the Home Member cares to read all that appears in the newspapers. But the reports that have appeared from time to time in the various newspapers, particularly of Bengal, contain enough evidence of what I am alleging here. The Government, however, instead of taking the straightforward course of prosecuting any of these newspapers for any alleged misrepresentation of facts, have promulgated the Press Ordinance in order to gag the Press. I will not draw the attention of the Honourable the Home Member to the reports that have appeared from time to time in the daily newspapers of Bengal or in the periodical Press, but I should like to know if his attention has been drawn to the pictures that have appeared in these papers. Sir, men may lie, even Government officials may lie, but I do not think the camera lies. Here is a photo of a ten year old boy beaten senseless by the District Magistrate with his hunting crop. He is lying in the laps of three ladies. This appeared in a leading periodical on the 1st of May. Has any action been taken against this publication ? Has the District Magistrate of Midnapore sued the editor for damages ? Have the Government taken any notice of it ? Will it merely do for the Honourable the Home Member to get up in this House and say that all that appears in the Press is false ? That is hardly sufficient ; things have gone too far now.

Sir, I will now come to another story. When these allegations about the excesses of the police began to reach us in Calcutta, we held a conference of a number of responsible men, because at the present

[Mr. K. C. Neogy.]

moment it is not possible to hold a public meeting in Calcutta, thanks to the promulgation of section 144 of the Criminal Procedure Code. The conference decided to appoint a non-official committee of inquiry to go about and see things for themselves and make a report. The Chairman of this Committee was Mr. J. N. Basu, M.L.C., President of the Indian Association, which is the leading liberal body in Bengal. I am very pleased to find the Honourable the Law Member in his seat to-day, because I want him to tell this House as to whether the testimony of Mr. Basu can be relied upon. I understand that Mr. Basu has been selected as one of the members of the Indian delegation to the Round Table Conference. It may or may not be true, but I do not think the Honourable the Law Member would question his competency to represent India at that place. Mr. J. N. Basu was the Chairman of this Committee, and the names of the other members are as follows :

Mr. Akhil Chandra Datta, Senior Advocate, who was in the Bengal Legislative Council for many years. He sat there even during the Morley-Minto days. Mr. B. N. Sasmal, Barrister, an *ex-M.L.C.* Mr. P. Banerji, a present Member of the Legislative Council, who fought the Congress and defeated the Congress candidate. Dr. J. N. Maitra, another *ex-M.L.C.*, who is a very eminent physician of Calcutta. Then there was myself and a Professor, Mr. P. R. Sen of the Calcutta University, who has so far taken no part in politics, myself and Professor Sen being the Secretaries of this Committee. The first place we went down to was Contai, wherefrom most of these reports had been coming. Now, what happened the very first morning when we went out to visit certain localities from which we had received certain definite allegations ? The first thing that happened to us was that we got arrested, all of us, including Mr. Basu. (*Cries of "Shame, shame" from Non-Official Benches.*) Will the Honourable Members bear with me when I give the circumstances of the arrest from the report of this Committee and may I pause and tell this House as to how effectively the present Government policy has been operating in Bengal. We have found it impossible to get this report, unanimously signed as it is, published in any newspaper, except in a garbled form, because every little thing that has a bearing on incidents of a certain kind and which is to appear in the Press has got to be submitted, first of all, to an officer whose name I find it difficult to pronounce. I am told he has been appointed as a sort of Press censor. And what is more remarkable is that there is not a single printing press in Calcutta which is prepared to undertake the printing of this report. This is the letter which I received from the Joint Secretary. It is dated the 7th July. He says :

"I have been unable up till now to find a press which is prepared to undertake the printing of it."

This is the position. The main purpose why I came here this time was that I wanted to find some place somewhere where I could put the findings of this Committee on record. Sir, now to resume my story. At about 7-30 A.M. on the 25th May, 1930, the visiting members left for a place called Pichaboni which was at a distance of about 6 miles from Contai and which was one of the localities in connection with which complaints had been made. When they were nearing Pichaboni, several villagers came up to the cars in which the visiting members were travelling and requested them to stop. Many of the villagers, who appeared to be in a state of

panic, complained that some officials and policemen had visited their houses that morning, a short time previously, and had beat them with *lathis* and had destroyed a great part of their belongings at their houses. Some of the men showed fresh marks of assault on their bodies. With a view to ascertain the truth of the statements about destruction of property, the members decided to visit the house of some of the complainants. They crossed some fields on foot and went to Subarnadighi which was the village nearest to the point where their cars had stopped. They saw at a distance some officials and some policemen passing near the village with *lathis* and guns. The visiting members went into the hut of Bhima Charan Samanta, where they found very recent signs of a raid. Most of the domestic articles were scattered about and many were broken. Parched rice and ghee were found scattered on the ground. Some gunny bags containing seed grain and other grains had been torn open and a large part of the grain had been scattered about the courtyard. They were told that policemen had entered the house that morning, and though there was no resistance or opposition of any kind from the inmates of the house, the policemen had without any cause destroyed the belongings which mean so much to a villager. (*Cries of "Shame, shame", from Non-Official Benches.*)

"While the members were thus engaged in inspecting the nature and the extent of the devastation inside the hut, an official entered it followed by police constables, who had guns and hatchets."

Mark these words. I do not know whether the Honourable the Home Member has laid down any regulations for the police to carry hatchets as arms. This official asked them as to what they were doing there. He was told that the members had come from Calcutta to make an inquiry to ascertain the proof of complaints made in connection with certain happenings at Contai, and they were inspecting the house to ascertain the truth about the complaint regarding loss of and damage to property. The official, who was the Sub-Divisional Officer, stated that the members were inciting the people. He was told that his statement was not correct and that the visiting members were only ascertaining the facts. To cut the long story short, we were arrested and taken to the police camp. Then on our way we found a large crowd near the police camp who had gathered to manufacture salt. The Sub-Divisional Officer stated : You have been inciting these people. We said that we had nothing in common with them and that we did not believe in that sort of thing. So we continued there under arrest for some time. Then after a time we were released. We said that we were going to tell those people that if they continued manufacturing salt in this way, our inquiry would be hampered, and we would try our best to induce them to go back to their villages so that we might carry on the inquiry in a peaceful and judicial atmosphere. Now, what did we see when we met these people ? Some people came up to our cars and showed marks on their bodies of hurt inflicted by the police, which, they stated, had been inflicted without provocation. Some of the wounds were fresh and looked as if the same had been inflicted within a short time. One man, who was unable to move and appeared to have been severely beaten, was carried on the shoulders of the persons. An aged man said that he had been assaulted that morning by the police without provocation while he was following the Sub-Divisional Officer and the members of this Committee at a distance, as we were being marched to

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the police camp. This man's fault was that he was following us and he had been assaulted almost in our very presence.

"They found Indra Jana's wounds fresh and his cloth had fresh stains of blood. An elderly woman named Surja also showed her arm which had been severely injured causing bleeding and swelling."

We saw all these things as we were coming back to the village from which we were arrested. The Report proceeds :

"Then they re-entered that village and went to the house of Mahendra Nath Samanta and made notes of the damage which they saw there and which was said to have been done by the police that morning. The Members found that a large number of earthenware vessels in the house had been broken, some books,"

—perhaps those primary text books belonged to some children of the house,—

"some books and papers had been scattered about in the verandah and in the courtyard, a part of the thatch of the roof with the framework had been pulled down. Some paddy bags had been cut open and part of the contents had been strewn about and some pumpkins smashed. The members next visited the house close by where they found a girl about 18 years old in an advanced stage of pregnancy. Her name was Ambu. She was lying down on the verandah apparently still suffering from shock and pain. She was breathing with difficulty. Her eyes were closed with tears trickling. She made her statement with some difficulty. She complained of her breast being twisted and of her being kicked on the hip." (Shame.)

Now, Sir, all this happened in the presence of the Sub-Divisional Officer. The Committee in another place go on to refer to this particular case and say :

"At Subarnadighi, the girl in an advanced stage of pregnancy was found to be breathing with difficulty, tears trickling down from her eyes, and she bore marks of molestation on her person. It is surprising that a case like this should have happened with a Magistrate accompanying the police party. The girl was not physically capable of creating such troubles as might lead to her being assaulted. She had also no time to concoct a story as the Members arrived at her house soon after the police left her house."

**The Honourable Mr. H. G. Haig :** Is the Honourable Member aware of the communiqué issued by the Government of Bengal on 2nd June, referring to the allegations of assaults on women in Contai, which contains these words :

"Government have caused enquiries to be made and are satisfied that these statements are false and calculated misrepresentations of the facts."

**An Honourable Member :** It is a lie.

**Mr. K. C. Neogy :** It is a deliberate lie. I want an opportunity to publish my facts and my Honourable friend might prosecute me for that if he has the courage to do so. We are familiar with such communiqués emanating from that manufactory of lies known as the Bengal Secretariat.

**Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) :** Nobody believes that communiqué ; certainly not we.

**Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) :** Is the Honourable Member in a position to state through whose agency the Bengal Government made these enquiries ?

**The Honourable Mr. H. G. Haig :** I have no information other than the Government communiqué.

**Mr. Gaya Prasad Singh :** Is that all ?

**An Honourable Member :** That is absolutely useless.

**Mr. K. C. Neogy :** I will not dwell on this part of the story any further. Now, Sir, when we were recording the statement of this girl, some officials again came up and took us away saying that the Sub-Divisional Officer wanted us. Thus we were prevented from continuing our enquiry in the way that we wanted and we told the Sub-Divisional Officer so. I read from the report :

"The Members told him that they were being prevented from continuing the local enquiry in the village in the neighbourhood, but the Sub-Divisional Officer pressed them to accompany him to Contai which they did. The villagers were willing to place evidence before the members. But the local officers were reluctant that the visiting members should see more than what they had seen or hear more than what they had heard."

The Committee proceed :

"A local enquiry at that stage would have been of great help in ascertaining facts, as the assaults and raids were said to have been committed within the previous hour or thereabout and there would have been no difficulty in ascertaining the nature and extent of the injury said to have been inflicted on the villagers. The Committee were surprised that anxiety should have been shown by the local officials for stopping a careful enquiry at a time when the events had only recently happened. The presence of the visiting members led for the time being to the discontinuance of manufacture of salt. There was no ground for the unfounded statement of the Sub-Divisional Officer that the visiting members were inciting the men of the locality. They recorded statements, observed wounds and inspected damage to the property. They succeeded in dispersing a gathering of people, in order that the enquiry might proceed in a calm and judicial atmosphere. They acted with forbearance when obstructed by local officials. But though the local officials found that the presence and attitude of the visiting members led to the atmosphere becoming peaceful, with the absence of all incitement to violence, yet they tried to stifle the enquiry in the locality where evidence tendered by the villagers against the local officials and the police was fresh and the physical signs had not been obliterated."

Now, Sir, the Committee examined a large number of witnesses, including women and as a result of the examination of the female witnesses, this is what they have recorded :

"Seven female witnesses were examined, some of whom still bore marks of injury on their persons."

—This was in one particular place called Kholakhali—

"All of them complained of severe assault by canes, fists and kicks. They also said that the clothes of some of them had been torn off their bodies and they produced some such clothes. A middle aged widow Kurani Dasi stated that she had been so roughly handled and pulled about that she had fainted."

Now, Sir, coming to another incident in that particular sub-division :

"On 7th June, 1930, some of the members of the Committee visited Pratadighi village,"

—Here shooting had taken place a few days previous to this,—

"within the jurisdiction of the Patashpur Thana and examined 37 witnesses. At this place shooting by the police had taken place on the 1st of June, 1930, resulting in the death of two persons. The father of one of the two persons killed was examined by the members. A number of villagers showed marks of injury on their persons, some of them had as many as twenty or twenty-two cane marks on their backs, arms, trunk and even faces. Besides loss and destruction of household articles, grain and foodstuff, there were several complaints of loss of cash, one wealthy respectable villager complaining of loss of as much as Rs. 1,307. About ten of the witnesses complained of loss of silver and gold ornaments. Almost all the witnesses stated that their houses

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were raided by the police and their utensils and other household articles were wantonly destroyed or damaged by the police. At Kharika-patna, a village near Pratapdighi, there is a local industry for making bangles from conchshells, the manufacture being carried on by women, some of whom deposed that a large quantity of such ornaments was destroyed in their houses. The members examined carefully the locality where the shooting had been done on the 1st June, 1930. They found no brickbats or stone anywhere near about the place or in the village where the said shooting had taken place. There is no brickbuilt house in the village at all."

This conclusively shows that the Government communiqué, in which they say that the villagers had given provocation to the police by hurling brickbats at them, is false. Now proceeds the Report :

"It will be seen that some members of the Committee visited altogether nine houses in connection with which complaints had been made that local officials and their subordinates including excise officials and peons had forcibly entered private houses and had assaulted the inmates without any provocation, and had damaged or destroyed the belongings of the villagers. They also visited six sites where general assaults by the Police were said to have been committed. Altogether 102 witnesses were examined of whom seventeen were women."

Then, the Committee go on to classify the witnesses :

"(1) Villagers on whom physical injury was inflicted or whose property was injured or destroyed while they were in their own homes employed in their ordinary avocations and were not connected with the civil disobedience movement.

(2) Passersby who were assaulted on the public roads or in huts.

(3) Persons who were attracted to the places where salt was being manufactured or was intended to be manufactured and who were assaulted.

(4) Villagers who were engaged in the manufacture of salt or who desired to manufacture salt, and who were assaulted.

(5) Volunteers or satyagrahis who intended to offer or offered civil disobedience and who were assaulted.

(6) Persons who had visited the localities shortly after the incidents complained of had happened or had made enquiries themselves into the incidents."

Then this Report says :

"The witnesses, both male and female, made their statements in a frank and straightforward manner. So far as the statements of the witnesses at Subarnadighi are concerned, those persons had no time or opportunity to manufacture a story as the members arrived in the village very shortly after the occurrences."

Then they go on to summarise the nature of the complaints under these heads :

"(a) Unprovoked assaults on the villagers ;

(b) Damage to and destruction or removal of property ;

(c) Threats and physical violence to extract promises and undertakings from the villagers ;

(d) Forcibly taking possession of buildings belonging to public bodies like schools."

We found that the police had actually commandeered some of these buildings belonging to certain public schools and they were in possession, I do not know under what law. Perhaps the Honourable the Home Member will enlighten us as to the law under which this is being done.

"(e) Provision of wholly inadequate accommodation in some of the places where men were kept in detention at Contai ;

(f) Detention without charge and without trial and sometimes without food."

Now, Sir, in another part of the Report the Committee observe :

"In some cases the assault was directed not only physically to hurt the person assaulted but to humiliate him in the eyes of others. Some men were made to hold their ears and to stand up and sit down several times. Some men were also made to rub their nose on the ground",

--things reminiscent of Amritsar under General Dyer.

About damage to and destruction or removal of property, this is what the Committee say :

"The police and excise officers have the right to make house searches under certain specific circumstances. From what the visiting members saw with their own eyes, they found that in the cases in which the police and other officials had entered the houses of the villagers there was no circumstance which could lead to a house search. If the entry into the houses was meant for the purposes of search, it was strange that such entry was not peaceful and was followed not by a lawful search, but by the destruction of property and beating of the inmates. There appeared to be no justification for such violence and interference with elementary personal rights.

The Committee do not see any justification for the breaking up of the pots and pans, the destruction of domestic stores and food-stuffs, the smashing of vegetables and the scattering about of grain at the houses of the villagers. They fail to see how the smashing of conch bangles, the making of which is a local industry, or the pulling down of thatch from the huts could have been of any use.

There were also several complaints of loss of small cash."

"If the object" say the Committee, "was to terrorise the villagers, the method adopted could not and did not succeed."

Of course Government, as it is being carried on at the present moment, is Government by terrorism and nothing short of that :

"As regards the shooting at Pratapdighi on the 1st of June, 1930, the police had prior to shooting raided some houses in three or four villages one after another and had damaged or destroyed property in those houses. Having regard to the value the villagers set on their small belongings and the great labour they had to undergo to earn the same, it can be easily understood as to what exasperation they feel when they see that those belongings are wantonly destroyed or damaged or taken away. The incident at Pratapdighi is unfortunate, but the acts of the police probably created a situation to meet which resort was had to shooting men who had no arms and had not even stone or brickbats to use as missiles. It should be remembered that the villagers are ordinarily of a peaceful disposition."

This is how the Committee conclude their Report :

"The villagers who mostly suffered from the oppression and who were examined by the visiting members of the Committee were not guilty of any violence. Some of them were engaged in the manufacture of salt, but they did not offer any violence and were prepared to suffer the consequences of their action. The local officials appeared to forget what law was and what their duty was under the law. They suffered acts to be done which were in breach of law and of the elementary rights of individuals. The conduct of the local officials has led to widespread embitterment of feeling."

Sir, when I went down to Contai, the first thing that struck me was that if the people had broken the salt laws, the authorities had broken all the other laws, including the laws of morality. And His Excellency the Viceroy says that they must fight the movement. Fight with such weapons ! Sir, His Excellency said that if there is a fire, the fire-brigade when it is called in to extinguish the fire may cause some damage. We unfortunately find it very difficult in Bengal to distinguish between the incendiary and the fire-brigade.

Sir, if I have spoken strongly, I apologise to this House because, having seen what I have seen with my own eyes, it was impossible for me to control my feelings ; and the only excuse for my intervention

[Mr. K. C. Neogy.]

in this debate is that I wanted some place, as I said before, where I could put on record what I have seen with my own eyes, which Government by their policy have prevented so far from being published for the edification of the world.

**Mr. H. P. Mody** (Bombay Millowners' Association : Indian Commerce) : Sir, it is a pity that the Report of the Simon Commission should have come up before us for discussion by a side door. If a clear-cut issue had been placed before the House, the vote of the House would have decisively reflected the feeling roused throughout the country by the publication of this document. Some two years ago when the question of boycotting the Simon Commission was before the Assembly, there was a large section which was willing to give the Commission a trial and to utilise it in the best possible way. I want to know whether there is to-day a single Member in this House, or for the matter of that, in the other House among the elder statesmen, who is prepared to stand by the Report. Sir, I regard the Simon Report as in one way or another responsible for most of our difficulties. It was foisted upon us through the insolence of Lord Birkenhead, whose tenure of office was distinguished by nothing so much as a studied contempt for every one's feelings and opinions but his own. That superior person now comes forward with warnings and advice to His Excellency the Viceroy, and one can only advise His Lordship to confine himself to the counting house, and not seek to come back to the councils of the Empire.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Ignore him entirely.

**Mr. H. P. Mody** : He cannot be ignored, he must be attacked on all fronts.

Sir, if the country is not seething with trouble from end to end today, it is largely because of the personality of the Viceroy, and of the confidence he has inspired in his statesmanship and sincerity. If today there are large and important sections of the people willing to grasp the hand of friendship which he has held out, and to utilise the instrument which he has forged, it is, I repeat, largely because of the Viceroy. Now, Sir, I do not propose to discuss either the principles or the details of the recommendations of the Simon Report. But there are one or two considerations arising from the Report on which I should like to dwell as briefly as possible. Before the Commission entered upon its duties, Sir John Simon thought fit to write a letter to His Excellency the Viceroy suggesting the method of a joint free conference, and among other things, he said :

"Above all, I would urge that one of the merits of the method of joint free conference is that besides securing due recognition of equal status, it provides an opportunity for that free exchange of views and mutual opinion which are best calculated to promote the largest measure of agreement that is possible."

In view of the fact that the Report of the Indian Central Committee is hardly referred to in the Report of the Commission, and the two Reports are diametrically opposed to each other, and also the known fact that there was nothing in the nature of joint consultations at the crucial stage when conclusions were reached, I wonder what value is to be attached to this statement. We have heard a good deal of the value of the clash of mind

upon mind. So far as the Indian Central Committee and the Simon Commission are concerned, the clash of mind upon mind seems to have produced very few sparks.....

**Mr. M. A. Jinnah** (Bombay City : Muhammadan Urban) : It did not take place at all.

**Mr. H. P. Mody** : My leader says that it did not take place at all ; I do not know how that is, but if it did, even to a limited extent, it seems to have produced precious little result.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : I can inform the Honourable Member that it never took place.

**Mr. H. P. Mody** : Then I would like to ask the Honourable Member why he continued to be a Member of the Central Committee.

**Sir Hari Singh Gour** : It was too late to withdraw and we published our Report eight months before the Simon Commission published their Report so as to influence their judgment.

**Mr. H. P. Mody** : Sir, I am afraid I cannot follow my Honourable friend, Sir Hari Singh Gour.....

**Dr. A. Suhrawardy** (Burdwan and Presidency Divisions : Muhammadan Rural) : Nobody can follow him.

**Mr. H. P. Mody** : We can only make the attempt ! All that I want to say is, whether the Report was published eight months or a year before the other Report, the fact remains that a joint free conference was promised and that joint conference was not forthcoming at the crucial stage, and still my Honourable friend says that he thought it right to continue on that Committee.

There is another general consideration arising out of this Report on which I would like to dwell. At the very end of the Report the Commission say that they have not altered a single line of their Report, and that they have been absolutely unaffected by the events of the last few months. I do not know whether the Commission intend to claim something wonderful for themselves by this air of detachment, much as if, like Manu and the ancient law givers, they were concerned only with the eternal verities, and fixed their gaze with unclouded vision upon the future. This air of detachment ill suits the Commission. What after all, Sir, is not this Round Table Conference the outcome, if not of the fact that the country was roused in a manner it had never been roused before, of the way in which the Parliamentary Commission had been foisted on the country ? His Excellency the Viceroy did not sit on such a high perch as the Commission ; he saw the realities of the situation, and he thought it necessary to hold out the hand of friendship in the way in which he did ; and yet here is the Commission coming forward and saying that not a single word of their Report was altered by the fact that India was passing through a very grave crisis.

**Mr. B. Das** : But the fact remains that Sir John Simon was lying, as he referred to the speech of the Maharaja of Bikanir.

**Mr. H. P. Mody** : I am somewhat afraid of discussing Indian Princes and the like. I would rather confine myself to ordinary people.

**Mr. B. Das** : I am only pointing out the lie of Sir John Simon when he referred to the Maharaja of Bikanir's speech in the Simon Report, while

[Mr. B. Das.]

he was saying that he did not refer to the Indian situation after November last.

**Mr. H. P. Mody :** I am not concerned with these things. I was going to say that, beyond these two general considerations which arise out of the Report, I have not the slightest desire to waste any time over the findings of the Simon Commission. (Hear, hear.)

And now, Sir, I would like to say a few words with regard to the Round Table Conference. An appeal has been made by most of the previous speakers for conciliation. I heartily endorse that appeal; and I am sure that the Government of India realise that it is not enough that an agreed solution should be reached at the Round Table Conference; it is even more important that whatever solution is reached should carry with it the willing assent of large and powerful sections in this country. From that point of view, Sir, I am sure that the Government of India realise as fully as we do the value of a conciliatory gesture at the present moment. I would like to make this point a little more plain, and I wish not to be misunderstood in that connection. I do not want the Government of India, now that they feel sure of the support for the idea of the Round Table Conference on the part of prominent leaders of the people, to give up the attempt of conciliating the Congress and other elements as either futile or hopeless. I want them to realise that the inclusion of the Congress will certainly give the Round Table Conference a representative character and will ensure for the decisions of the Conference that calm and dispassionate judgment and willing assent which are essential if peace is to be restored.

But, Sir, if we make an appeal to Government, the appeal must be made with even more earnestness to our people. When there are two sides inspired by the conviction that right and reason are on their side, it is essential that the appeal should go out to both people. Sir, apart from the political unrest, I would like to tell this House that a very grave situation confronts the country; that trade and industry have been completely paralysed, and unless something happens in the next few months, a very grave economic disaster threatens the country. That disaster is not merely going to inflict hardship upon millions of people: that is only one aspect of it. I would like the Government and the people to realise that, apart from that aspect, important as it is, there is also this consideration, that such a state of things would constitute one of the chief obstacles in the path of self-government. In that view of the case, a very grave responsibility rests on the shoulders both of the Government and the leaders of the people, and if they do not realise it sufficiently or in time, I say that the clock of progress will be set back in a manner which we do not seem to appreciate at the present moment.

There is just one more consideration, and it is this: that apart from the value of conciliation at this juncture, apart from the importance of taking to the Round Table Conference all the elements that count in the political progress of this country, it has to be remembered that the success of the Conference will depend not merely upon the unity of those who are asked to go to that Conference, but also in a large measure upon the attitude which the Government of India adopt towards the proposals that will be placed before the Conference. I want the Government of India to put themselves forward as the strongest allies and supporters of the progressive elements in that Conference. I want the Government of India

to lend their fullest support to whatever demands may be agreed upon between the representatives of India. We have heard a great deal.....

**Mr. President :** I would like the Honourable Member to close his remarks within two minutes.

**Mr. H. P. Mody :** I will, Sir; in fact I was going to do so. We have heard a good deal in the last few days of the fact that the Simon Commission's Report is going to form only one of the many documents which will be considered by the Round Table Conference. Let us be under no delusion on the subject. So far as we the representatives of the people are concerned, it may be so; but so far as the opponents of our demands are concerned, the Simon Report is going to be the most important material in their hands; and I say that the Government of India will render a service, the magnitude of which it is difficult to over-estimate, if they put themselves forward as a national government of India, and support the progressive elements in this country. Sir, a situation has been created in this country which places only two alternatives before us: either India continues to remain a willing partner of the British Commonwealth of Nations, or she goes out of the Empire. On the attitude which the Government of India and the Government of Great Britain adopt towards our demands will rest very largely the question whether India will continue as a willing partner, or whether some day or other she may decide to go out of the British Commonwealth of Nations. (Hear, hear.)

**Mr. M. R. Jayakar :** Sir, I was waiting to hear a prominent Member from the Government Benches speak, and I thought it would be fitting to rise after he had spoken, but apparently there is no desire on the part of my Honourable friends opposite to interpose in this debate at this stage, and I thought I would not wait any longer. Sir, I am speaking as an isolated remnant of a large body of influential people on this side who have thought it proper to go away from us. But, Sir, some of us who belonged to that body, I mean my friends behind me and my Congress friends to my left, have thought it necessary to remain here in order that we might have our say from our seats in this House rather than from outside. When I came into the Legislature six years ago, I conceived my duty to be that of a watch-dog. I knew well that the Legislatures as constituted at present would be full of disappointments, disillusionments, humiliation and provocation, which a watch-dog cannot afford to be affected by. In that belief I have continued, and if today this House finds me here with some of my friends on these Benches, it is not because I am enamoured of the atmosphere of the Assembly or that I love my life here or am pleased with the results we have achieved here. The resentment which some of my friends who have gone away felt at the provoking behaviour of Government when the Cotton Tariff Bill was passed in this House in the last Delhi Session, in spite of all warnings, is none the less great in our case. We have, however, allowed ourselves to remain here, because a watch-dog cannot desert his place in resentment, especially when other watch-dogs have gone away. In that belief, we have come to attend the Session of this House, and we shall sing our swan song, if I may say so, before we go away. I see a good sign, Sir, of which there is an indication in this morning's papers, that our Congress friends are seeing the error of their decision to desert the Legislatures and are very wisely reconsidering their position. (Hear, hear.) I am glad that they are thinking of capturing the next elections. Today's *Pioneer*, Sir, which reached us this morning, reports as follows,



[Mr. M. R. Jayakar.]

and with your permission I shall read for the benefit of my friends opposite this most interesting news which the *Pioneer* publishes :

" Mr. Vallabhbhai Patel ", the present Congress President, says " that he had expressed his frank opinion that the boycott of the elections by the Congress would be a tactical error if only for the reason that Congress abstention would mean that the Legislature would lack in effective opposition and instead be filled with political non-entities, with the result that Government would be able to do much as they pleased, and yet say that they were ruling with the assistance of the representatives of political India ".

If this report is correct, then I am glad, Sir, that no less an authority than Mr. Vallabhbhai Patel has voiced the very gospel in which I have believed during the last six years, and I have to warn Government to beware and to prepare themselves for the grim fight they will have to carry on in the next Delhi Session when my Congress friends would be sitting on these Benches. Sir, these are the few words that I wanted to say in order to justify and explain from this important platform my point of view. Sir, there is no other platform like this for the expression of public opinion. That is my faith, and I have clung to it during the last three months through all the manifestation of public disfavour. I will have my last say from this seat. I thank my friends, Sir, who have enabled me to form a strong party of opposition and to occupy this seat of great distinction which Pandit Motilal Nehru occupied only a few months ago. Sir, from this seat I shall raise my voice.

I am very glad, Sir, that you have allowed this debate. Whatever technical objections might have been raised, we now see the wisdom of your ruling in allowing this debate to take place. It has brought to light a considerable amount of public sentiment. I am very sorry that my nominated friend, Mr. Sarma, should have characterised this debate as " mischievous ". If I were a nominated Member, Sir, whatever I might do or not do, I would certainly be more cautious and modest in my utterances, knowing that I represented no popular constituency, and I do hope, Sir, that if Mr. Sarma is nominated again to this House, he will practise the virtue of modesty and not pronounce opinions with unseemly vigour which even Members representing popular constituencies would be chary of doing.

Sir, this debate has brought forward many points of view. It has been very useful in laying before the Government Benches several important points of view. Two issues emerge before us : first is the Round Table Conference, and the second is the Simon Commission's Report. The Simon Report, Sir, as I said in the speech which I made on the point of order two days ago, comes in only incidentally, and I propose to deal with it very briefly, in order to make clear to Government, as it is my privilege to do, a few points of view. This is necessary because I understand that the Government of India are examining the Simon Commission's Report with very great care. I am one of those, Sir, who boycotted the Simon Commission, but I recognise that the Commission's Report is there. It is an important document from the Government point of view, although it may not be so from ours. It has got to be carefully examined by the Government of India, and I understand that it is being so examined. If I can sound a word of caution, Sir, I will say, let the Government of India examine that document in the light of present conditions. That document,

Sir, was written, as my friend Mr. Mody rightly observed, without taking note of any of the conditions which exist today in the country. With a certain amount of self-satisfaction, the Commission, at page 369 of their Report, observe :

" In writing this Report we have made no allusion to the events of the last few months in India. In fact, the whole of our principal recommendations were arrived at and unanimously agreed upon before these events occurred."

As my friend Mr. Mody remarked, this is a detachment absolutely to be condemned, and why ? The Commissioners were reporters ; I think I am right in describing Sir John Simon and his party as " reporters ", and the duty of reporters is faithfully to report things as they exist at the date of their report. He and his friends forgot their most primary duty, for the omission of which they strangely take credit for themselves, that they wrote this Report without taking note of recent conditions, the great intensity of feeling that has appeared in India during the last three or four months. Sir, my views against the civil disobedience movement have already been placed before the public. But may I point out to Government that the civil disobedience movement has generated in the country a great intensity of public feeling which will have to be recognised by a wise administrator. In the city of Bombay to which I belong and my people have belonged for

several generations, the miracle has taken place that 12 Noon. aristocratic ladies, not necessarily coming from agitating Hindu families, aristocratic ladies of wealthy, influential, and may I say without disrespect, very sane-minded families of Parsis, have taken part in leading processions. (*An Honourable Member* : " Where ? ") Honourable friends must have read in the newspapers that a distinguished son of a very wealthy and influential Parsi family in Bombay, who would ordinarily never get mixed up with frantic agitation,—that lady was leading a big procession if the newspapers are to be believed.....

**Mr. M. A. Jinnah** : That has been contradicted. It is absolutely incorrect.

**Mr. M. R. Jayakar** : Then my learned friend must have other avenues of information which I have not.

**Mr. M. A. Jinnah** : It is contradicted by the Press itself and they have expressed their regret, and Lady Petit has written a letter to the *Times of India* denying that statement.

**Mr. M. R. Jayakar** : I am sorry I did not observe that. However, my point is not affected by it. It may be that since the arrival here of newspapers which I saw up to yesterday, this statement has been withdrawn.

**Mr. M. A. Jinnah** : It takes two days to get papers from there.

**Mr. M. R. Jayakar** : That is so. But the fact is there and I do not think that anybody can deny it, that an intensity of political feeling has come about in the city of Bombay the like of which I have never seen in all my life. Honourable Members must have likewise read that a lady belonging to a very wealthy and influential Guzerati family has taken part in a big Poona demonstration. I am not justifying these things. My own opinion is that the civil disobedience movement is a wrong movement and I have openly said so. But any wise Government, and may I say any wise " reporters " of a wise Government, like the Simon Commission, would

[Mr. M. R. Jayakar.]

have taken note of this intensity of feeling. India has rapidly advanced. During the last four months a great deal of advance in public sentiment has taken place. Even the Viceroy in his last speech very wisely remarked, "India is growing every year more conscious of national feeling". I am, therefore, sounding a note of caution that the Government of India in framing their proposals on the Report would be wise to take note of this very important fact that political opinion in this country has been rapidly advancing. If the Government of India want to be the true spokesman of political-minded India, they will have to take note of the advance in political thought which has happened during these months, although Sir John Simon and his friends might not have thought it necessary to do so.

Coming to the Report, Sir, from my place, I must lodge my emphatic protest against the insidious and mischievous propaganda which was carried by this Commission by publishing their first volume a fortnight in advance. We know what that trick was. It was a trick very much of a piece, though different in colour and intensity, with the production of a notorious lady who wrote about India, whose name I shall not soil my tongue by mentioning here—a propaganda very much alike to that, intended to create a world opinion that Indian conditions were so hopelessly bad that Britain was justified in not giving responsible Government to India. It was a most mischievous, most insensate, cunning and insidious propaganda carried against India, and my fear is all the greater when I remember, as was published a few days ago, that 32,000 copies of the first volume of the Report were sold in Great Britain alone. That was about ten days ago. Now, I understand that the whole of the first print has been completely exhausted. This is very serious mischief. But unfortunately all that we can do now is to lodge a protest against the insidious way in which propaganda has been carried on against India. Sir, it is a most dangerous propaganda, because it seems at first sight so reasonable and specious.

As regards the Report itself, I think we are justified in saying that this is a worthless document, unlookable at as one of my Honourable friends said here, and I shall tell my Honourable friends why I think so. The Commission were obsessed with two bogeys, which disfigure the whole of this Report. One is the Hindu-Muslim dissensions. We can turn to any page and we will find the appearance of this big bogey, one is almost inclined to call it a *deus ex machina*, of which the reporters take advantage whenever they are in a difficulty. "Hindu-Muslim dissensions". There are some words which the Report always avoids, like, e.g., "Dominion Status", and there are some other words which are profusely used. Hindu-Muslim dissensions are of the latter description. The second bogey is the conflict between the Legislative Assembly and the Government of India. The Commissioners are always fancying a conflict between the Legislative Assembly and the Government of India, and they are so obsessed with this fear, that in one place they go so far as to say while considering the possibility of conventions growing of transfer of power from the Secretary of State to the Government of India,—a gradual devolution of power in favour of the Government of India, from the Secretary of State—they say such conventions should not be multiplied. Why? Because they say that the Assembly of the future, the Federated

Assembly of 250 worthy men as they will be,—this Assembly will be a strong Assembly. *Vis-a-vis* this strong Assembly the Government of India would be weak and feeble. How do my friends opposite like this prospect? What is the good of growing conventions in favour of a weak body of men? They will not be able to resist the strong pressure of the Assembly. Therefore, forsooth, do not allow any conventions of transfer of power to the Government of India from the Secretary of State. Without taking much time, I will quote from the paragraph in which this precious sentiment is set forth. This paragraph 352, from which I am tempted to read one or two sentences to show the attitude of mind, of suspicion, distrust, and antipathy if not embitterment, in which Sir John Simon and his friends approach the important problem, namely, the relation between the Secretary of State and the Government of India. Discussing the convention which has already grown and the travesty of which we saw in the Delhi Session when the Cotton Tariff Bill was on,—the fiscal convention as it is most grandiloquently called,—discussing that convention and the possibility of such conventions growing in future, this is what the Commissioners say :

"But the assumption underlying such delegation is that the Government of India's approval of the course proposed is arrived at independently of the views of the Assembly; and that it takes account of all Indian interests and not merely those for which a majority of the Assembly speak. But we regard it as inevitable"—

—My Honourable friends will mark the following words—

"But we regard it as inevitable that the Government of India will in the future become more and more responsive to the views of the Legislature. In so far as this is true, the Government's approval of policies like that covered by the fiscal convention ceases to be the result of an independent examination; and to this extent its power to resist the view of the Assembly decreases."

A most extraordinary line of thought! Conceptions like these colour the whole of this Report. There are two ways of looking at the Indian problem. The first and the most important one from the Indian point of view and where the Simon Commission have gone hopelessly wrong, is the transference of power from the Civil Service to the people of the country through their elected representatives. I am putting the point in a popular way. The whole problem is how to transfer the power from the Civil Service, in plain words, how to put the civil servant in his proper place—to make him a servant, to make him civil and to make him Indian. How to put him in his proper place in a constitutional scheme is the whole problem—to transfer from the civil service power into the hands of the popular representatives. And yet, this precious Report says in more places than one—I do not want to tire my Honourable friends' patience by going through all of them—that this cannot be done. It says that the civil service in the method of its recruitment, the extent of its power, privileges and emoluments, would be left absolutely untouched. My Honourable friends may not believe it, but it is a fact that the civil service is practically left untouched by the Report. This appears at page 314 of the Report, from which I shall read one sentence. Speaking of the transference of power in paragraph 367, the Report says :

"As regards the Civil Services of India, the security services must continue to be recruited as on all-India service by the Secretary of State and their existing rights must be maintained."

That is the keynote of the whole Report. I, therefore, submit, Sir, that it is a most mischievous Report. It does not take note of public feeling,

[Mr. M. R. Jayakar.]

and of what the people want. Besides, it makes here and there proposals which are absolutely unpractical. When I say that, my Honourable friends opposite, some of whom have seen the working of this Assembly for the last ten years will agree with me that the Commissioners' scheme with reference to the Central Legislature is a most unworkable plan. I am surprised, Sir, that a publicist like Sir John Simon, who has seen the working of the British Legislature, should have put his signature to a document containing a most obnoxious, unworkable and unpractical plan. What is the proposal? In future, the Report recommends, the Central Legislature will be strengthened. That means the popular element in the Assembly will be increased to 250 Members. The official bloc will be reduced to 12. The popular element goes up and the Report wants to strengthen the Central Government. But curiously enough this strengthening means raising the popular element, without giving it any increased power or responsibility. This is a very extraordinary way of "strengthening". The Commissioners raise the popular representatives to 250. They reduce the gentlemen opposite to 12. My bloc will go up a few benches behind. I may or may not be here, but there will be more benches behind me. There will be a very small bloc sitting on the benches opposite where the Leader of the House is sitting now. I hope he will look on this experiment with amusement in his retirement. My numbers will go up, but there will be not one iota of more power on our side, or of more responsibility. It is like increasing the appetite of a patient without increasing his food supply. The Governor General will select a few of us as his cabinet ministers. But in what way? He will select whomever he pleases. The moment he selects "A", "A" will have to sever his connection with his party. He is not selected *qua* member of the party. He does not remain a member of the party. After his selection there is no affinity between himself and his party. He is selected as a nominee of the Viceroy. He leaves his party. He can not retain his seat in the Assembly. He becomes a member of the Government, confabulating with brother officials. What happens to him, Sir? He may become unpopular with the rest of his colleagues, the officials. I tremble to think what will be his fate after his five years' life on the Government Benches, torn off from his party and his constituency. The result of this system will be that the future Assembly will contain people who may scramble for office. The moment they accept their office, they go out of the party and out of public life. This, Sir, is not even the beginning of responsible government but its travesty. The process is wrong. The essence of it should be that the man retains his membership of the party, retains his membership of the Assembly and yet he serves on the Government Benches as a kind of nexus between the Government and the popular Benches. The value of such a nexus is great when the Government are not popular. That important bridge, I use the word "bridge" deliberately, between popular representatives and an irresponsible executive is taken away, and the process is made one of absorption. If I may say so without exaggeration, the process will be something like this. My gardener collects and brings me every morning a large heap of flowers to select from. I select the best six or seven and put them in my drawing room, in beautiful places, and reject the rest. In like manner, our electors will elect 250 men for the Viceroy to select a few and put them into his cabinet. They are then lost to the people

and become officials. He will no doubt select the best ones but they will be lost to public life. I hope the House will not call it an exaggerated picture. This, Sir, is Sir John Simon's plan. What happens to the poor Viceroy? I should like to ask His Excellency Lord Irwin what he believes from his experience will be the lot, under this Report, of his successor in office. A most miserable lot. He selects men who have cut themselves off from their party. He takes their advice and supposing that advice is not followed, the whole Government does not go out. Then the future Lord Irwin will say, "My dear Mr. A, you are an honest man. I value your presence at my dinners and parties, but you are not able to keep your fellows in check. You must go away". Then Mr. A goes back to Bombay and starts his practice at the bar! This is the system propounded in this precious Report.

**Mr. M. A. Jinnah :** He will draw a big salary in the meantime.

**Mr. M. R. Jayakar :** He may draw a big salary for a few months, but he will have to go into the wilderness afterwards. He has got to make a choice. I therefore ask the Government of India to be very careful of the pitfalls of this Report. I can only say, Sir, that knowing as I do Sir John Simon and his great reputation, that he did not give proper thought to the practical nature of his suggestions. Therefore the care of the Government of India becomes all the more necessary and, I am pleased to know that Government will take counsel with the representatives of the people, with those who are in a position to advise them as to the achievements of this Report from the popular point of view, which the Government of India may not be in a proper position to judge. We say therefore that the Report is not helpful from our point of view.

I now pass to the second question, more important than the Report, *viz.*, the future of the Round Table Conference. When I think of it, I almost feel as if a big tragedy was being enacted in front of us. It is as if a wise physician prescribed a sovereign remedy, and inferior quacks made a hash of it. Sir, we first talked in this Assembly about the Round Table Conference in 1924. The United Nationalist Party consisting of the Congress Party and another party led by my Honourable friend, Mr. Jinnah, made the proposal in 1924, if my memory is right. It was repeated in the year 1925. It was not given. I am reminded of a statement made by the late Mr. Gokhale, which he quoted to me times without number. He was a great optimist, a believer in British intentions and their genius for Government. He often said to me "My dear Jayakar, there is one thing which I tell you after nearly 25 years of intimate contact with Government". His remark is as true today as it was then. He said "On every portal of the Government of India and their Secretariat are written large the words 'Too late'." If the Government had granted this Round Table Conference in 1924 or 1925, when public opinion demanded it, it would have been accepted. Now, it has come too late, as Mr. Gokhale said. Now, Sir, the Round Table Conference was announced on the 1st of November. Nothing was done for a long time after that. The Government went to sleep like a great pugilist, exhausted after his efforts. Some of us accorded a warm reception to the statement of the Viceroy last November. We braved public opinion, and became unpopular with our associates. Nothing happened day after day. Some publicists gave interviews and tried to draw the Government of India out from their fastnesses. No. The Rip Van Winkle had gone to sleep and would not be awakened. Then came a most memorable pronouncement on the

[Mr. M. R. Jayakar.]

25th January before the Assembly. It was a most unfortunate pronouncement. I have no doubt that the framer of that pronouncement, the high and exalted noble man who made that pronouncement before the Assembly, had no intention of conveying to India the impression which he did unfortunately convey, namely, that Dominion Status was a distant goal, it was a wearisome journey which had to be traversed step by step. I have no doubt, knowing as I do something of the mind of the great Viceroy who is now presiding over our affairs, that it was not his intention. But those who were responsible for framing that pronouncement in January last never realised, that the words would create that impression in the minds of the bulk of the Indian people. All this time we were reading in India the speeches of British statesmen in England. These were causing great mischief in India. A former Secretary of State, who had done every thing to inflame public opinion during his term of office, did not let India alone even after he had gone away from office. Decency should have taught him not to tinker with a question which he had done everything to spoil by his utter lack of sympathy with the Indian people and by the insults which he hurled at them from time to time. We were all surprised in India that this gentleman should have had the temerity now and then to return to the regions of Indian politics and pronounce opinions which no body valued here. I think, Sir, it was a misfortune that party discipline in England found no means of putting a curb upon the antics of this gentleman. All this had helped to make the situation more and more uneasy, and we have now arrived, at the stage when the Round Table Conference has come very nearly to be regarded as a pet delusion of a few, if I may say so, as it has become the pet aversion of others. Well, Sir, I shall say quite frankly that I am personally in favour of Indians going to the Round Table Conference as most of my Honourable friends must have seen from the statement in which I joined a few days ago. But as a man who is familiar with the sentiments of a large bulk of my countrymen, I shall be failing in my duty if I do not convey to this House an accurate picture of what the popular feeling about this Round Table Conference is, in order that the Government may know what the truth is and take speedy measures to effectuate a remedy. Government today must know that the Round Table Conference is regarded by some as a myth, by some others as a trap, and by some others as a delusion. (Hear, hear.) These views may be wrong, but it is I think perfectly obvious that Government, by their inaction, by their long and foolish inactivity, have made it a weird apparition—that is my description of it. There is only one way, Sir, even now of making the Round Table Conference a great success, and that is to make it as representative, as truly representative of Indian interests as Government can. Do not regard it—if I may say so to the Government Benches—do not utilise it as an opportunity to reward loyal friends or to punish political enemies, but regard it as a power held in trust, to make proper nominations with the sole view of making it thoroughly representative. Put in only such men at the Conference—irrespective of their political hostility or loyalty to Government, irrespective of all irrelevant prepossessions or predilections,—as really represent India in all its varied interests. (Hear, hear.) I say this because it has been often said to me by men in Simla in and out of office that Government must not forget those friends of theirs who have stood by them in this fight. (Laughter.) I have heard this sentiment, I do not know how

many times, since I came to this height a few days ago. “We must not forget our friends who have stood by us in this great conflict”. That is the phrase. By no means forget them. Nobody desires that Government should be ungrateful—a Great Government like this cannot afford to be ungrateful—but please do not make the Round Table Conference a congregation of all your loyal friends. That is all I have to say. This is not the place to reward them with a seat. Government can give them any number of titles and honours which they possess in abundance (Laughter), but the conference is not the place for them. This is a great trust, and I want the Government of India to remember that they must make every effort to realise that it is a high obligation which they owe to this country and which has to be discharged in a dispassionate and single-minded way. If they fail in making a proper selection, they will frustrate the purpose of the Round Table Conference. Remember, Sir, success depends upon who go there. If the right type of men go, our work is done. If on the other hand people go there who are selected from wrong considerations, then the Conference will end in failure. That leads me, Sir, to the last topic which I want to refer to, namely, the great necessity of conciliating public opinion in this country. A great deal has been done, Sir, to irritate public opinion. Coming from the city of Bombay, I may say a great deal on this question, shall I tell the Government that they have by the excesses of their over-zealous officers, irritated public opinion? I shall not go over the same topic that my Honourable friend from Bombay, Sir Cowasjee Jehangir, has traversed. Let us remember, Sir, that he is an ex-Member of the Cabinet of the Bombay Government, not an agitator all his life like some of us, but a man of great restraint and responsibility who sat on the Government Benches as I sat opposite to him in the Bombay Legislative Council. Well, then, if this ex-Member of the Bombay Government today can get up and launch such a diatribe against the Department of my Honourable friend, Mr. Haig, that is a sign of which the Government I hope will take note. Sir, I endorse every word of what he has said. Sir, men and women have been beaten. (*An Honourable Member*: “Deliberately.”) Sir, I have seen them, I have seen women and children being beaten. Sir, I am not justifying what the Congress men did, but there is no doubt that the whole situation has been very badly handled. I do admit, Sir, that the Government have either to assert law and order or to quit. They must take all measures necessary for the maintenance of law and order, but I do maintain, Sir, that there ought to be tact, self-restraint, and a sense of proportion in doing all this. It is said, Sir, in Bombay that the Government of India screwed up the Government in my province. What truth there is in it those sitting opposite can only say. I shall only say what the popular feeling is. For a long time the Bombay Government went on very well. They showed commendable self-restraint in the same way as the Government of the Central Provinces has done, but the time came when all this disappeared. Public whisper has it that they were screwed up by the Government of India from this side. If this impression is wrong, I apologize. But if it is true, I hope the Government will take a lesson from these instances that have happened in Bombay. There is no doubt that a great deal of irritation has been caused by wrong police methods. And, the worst of all is that the Government have played the part of touts for British commercial interests. (*Cries of “Shame, shame.”*) This House will be surprised if I say so, but this great and mighty Government have played the part of touts for putting up the interests of British commercial men.

[Mr. M. R. Jayakar.]

I may here refer to a pamphlet which was published in the Bombay newspapers and of which I am sure my Honourable friend opposite is fully aware. It emanated from the Government Central Press in Bombay and it was published in the Bombay newspapers. And what did it contain? I would refer to only a few extracts from that circular. It was a reply to the Congress propaganda for the boycott of British goods, a perfectly legitimate propaganda, which, even the Viceroy said, in its economic and Swadeshi aspect is perfectly justifiable. In the Ordinance which proceeded from the Viceroy it was made clear that the Ordinance was not intended to strike against genuine endeavours to develop Indian industries and Indian enterprise. I would call the attention of the Government of India to that excellent statement in the Viceroy's Ordinance, and it was directly against the spout and terms of that Ordinance that this statement was published by the Publicity Officer in Bombay. It refers to Indian Banks, Indian Insurance Companies and Indian Shipping, and its attempt is to point out that all these Indian enterprises are inferior, untrustworthy, slippery and delusive. Therefore, it asks Indians not to have anything to do with them. I quote a brief extract :

"Is this (boycott) practicable? Every student of economics will tell you that it is not, and that any attempt to carry it out would inevitably lead to great harm to the consumer and the average citizen. Why? Because the proposal means that the consumer must abandon the superior products from Britain and confine himself to inferior types of articles for which he would have to pay in all probability inflated prices. It is well known that many British products are the best in the world." (Honourable Members will mark these words "are the best in the world.") "For instance, British machinery is unrivalled, British drugs hold a high place in the market. The consumer is now called upon to confine himself to commodities which in point of usefulness, durability and efficiency are much inferior to these. British Banks are the mainstay of our Banking system in India. They provide wide facility and the strongest security. Why should people ignore these security concerns in place of much less stable ones?"

Similar remarks are made about Indian Insurance Banks and shipping offices. I do hope that, as Publicity touts of British commercial interests, the Government of India and the Government of Bombay will send a proper bill to the producers of all these British products, charging commission for the wide publicity which they have given to them. Why not make a little money out of publicity work? This great Government, Sir, has stooped to the contemptible methods of touts. I am using these words with full responsibility. They are using the reprehensible methods of touts in order to down Indian goods and to puff up British goods. I can only hope that they will charge a proper commission, having regard to the exalted and high office which they occupy in this country. In this way, Sir, the irritation has gone on. I do hope, Sir, that the Government will soon turn over a new leaf. I do hope, Sir, that the Government of India will realise that it is entirely in their hands to create a conciliatory atmosphere without which the Round Table Conference will be a failure.

Before I conclude my remarks, I would like to warn the Government that they are going too far in their methods of dealing with the Congress propaganda. I am bound to say, however unpleasant the truth may be, that there is a desire among a certain section of the officials here to arrive at no conciliatory understanding until the national movement is crushed and its back is broken. Government have right to adopt all reasonable means to put down defiance of law; but it is wrong to take

hold of this opportunity to crush the national spirit. The desire is to *punish*, not for the sake of arriving at an armistice, but to punish so that the awakened spirit may be crushed for long. I would like to warn these officers that they should bear in mind that the idea must not be to crush and achieve a victory, so that a similar movement may not raise its head for another 40 years. Please do not be guided by that desire; nor also wait for an honourable settlement until something more drastic is done by the civil disobedience movement. Take stock of the present circumstances and do try to find a solution, which is not impossible. It was a regrettable tragedy, Sir, that when the esteemed Leader of the Swaraj Party, who was our colleague here for many years, with whom we had free discussions, and who sat next to us at dinners, luncheons and teas, came down with his proposals, into a region of reasonableness from his talk of independence—he was clapped into Jail. After I read his last interview, I left Bombay in hopes of making it the basis of an honourable compromise, and yet when I came here I found that he was locked up in jail. I do not say that the Government might have had no justification for doing this, but may I ask what would have been lost by waiting for three or four weeks more until prospects of a compromise had ended? If Government had any imagination, they would have said to themselves: "Here was an approach made; here was the leader of a hostile movement practically coming out with proposals of peace. Let us therefore leave things in *status quo ante*, and see what prospects of peace there are. Instead of acting like this, the Government have clapped him into jail, making settlement almost impossible. The solution which he offered was certainly not unreasonable, but this unwise Government have sent him to jail, with the result that there is hardly any body with whom the Government can now deal. This is not politics; it is not state-craft; nor is it playing the game. I submit it was a wrong step to take, whatever departmental justification there might have been for it. Nothing would have been lost by waiting until the prospects of peace were investigated. Perhaps further negotiations with the Government would have taken place, leading to fruitful results. I do maintain, Sir, that it was highly impolitic to send Pandit Motilal Nehru to jail the moment he descended into the region of a possible compromise. That is not the way to attain peace.

In conclusion, I would like to warn the Government again. It is in their hands to make this Round Table Conference a success or failure. It is still three months distant. We wish therefore to give Government every chance to make it a success. Therefore the opinion of my party is that we should let this grant go through. We do not wish to close the door on the Round Table Conference because we know there are still three months in front of us. We do not wish, as practical men, to close the door on the Round Table Conference by voting against this grant. We shall therefore let go this grant, voting for it and contenting ourselves with making our views perfectly clear, as to the great necessity of the Government taking up conciliatory measures in order that all important men may be attracted to this Round Table Conference. I may tell the Government that the men who have to work the future constitution must be made to attend the Round Table Conference unless Government wish to repeat the mistake of 1921.

**Mr. E. Studd** (Bengal : European) : Sir, it is with very considerable diffidence that I rise to address this House, having only been a



[Mr. E. Studd.]

Member of it for such a short time. But I feel that I should be failing in my duty if I did not take the opportunity of endorsing Sir Hugh Cocks's remarks yesterday, on behalf of the Europeans in Bengal and particularly the Calcutta commercial community, one of whose representatives I have the honour to be. During the course of a good many years in this country, most, if not all of us, have formed friendships, many friendships, with Indians which we value very highly, friendships which have stood the test of time and of adversity. We have interests which are in common, for without mutual co-operation and understanding and goodwill no business intercourse between us would be possible, and in the course of our daily relations, we have had ample opportunities of forming opinions of the high capacity of Indians with whom we have had to deal. We realise that our interests are so intermingled that we are indispensable, one to the other. It is therefore quite natural that we should have every sympathy with Indian aspirations. As my Honourable friend, Sir Hugh Cocks, said yesterday, ten years ago, there may have been die-hards, but certainly today among us there are none. We are anxious to do anything that we can to show our sympathy with those Indian aspirations, and the only thing which we ask for is reasonable safeguards for the interests which have been built up for very many years; and I venture to remind the House that those very interests are so intermingled that it is impossible, strictly speaking, to call them purely British or purely Indian. We are, as I have already stated, fully convinced that there are plenty of Indians of the highest ability and capacity to occupy positions of responsibility. The only doubt that we have is whether the conflicting interests and parties can evolve a workable scheme acceptable to all. We sincerely hope that they will be able to. We can assure them, that, if and when they are able to evolve such a scheme, they will have all the support that we can give.

I do not propose to attempt to discuss the Report of the Simon Commission, although it appears to me to be quite a sound basis for discussion. Like my Honourable friend, Sir Hugh Cocks, it takes me a long time to form an opinion, and my political education and experience being so much less than his, it will probably take me a great deal longer than it would take him. It would be perfectly easy for me to pick out various items in the Report with which I do not agree, but it seems to me that destructive criticism is of little value unless it is supported by some constructive proposals to take its place. I cannot help feeling that continued destructive criticism, and sometimes acrid criticism will only help to create an atmosphere of distrust and doubt. I think everyone will agree that the function of the Round Table Conference is so complex and so difficult that an atmosphere of trust and friendship and goodwill is essential if they are to have any real opportunity of bringing their task to a successful conclusion. I entirely agree that the representatives who go to the Conference should be representative of all parties and all interests and that any reasonable steps which can be taken to make it so representative will have our full support. If it is agreed, as I think it is, that all parties should go to that Conference, I confess I find it a little difficult to see the necessity for this token cut, because the Simon Commission's Report is not accepted. The Conference is

not merely to deal with the Simon Commission's Report, but it has to bring all parties together and evolve a suitable and acceptable scheme. Therefore, if I may, I would suggest to the Honourable the Mover of the cut that, if he were willing to withdraw it, it would be a happy gesture, and an encouragement of that spirit of trust and goodwill which we are all so anxious to see brought about for the Round Table Conference before it sits. Sir, I support the Demand for the supplementary grant.

**Maulvi Mohammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Sir, I would confine myself to only one point. I would not touch the Simon Commission's Report. I would say a few words about the propriety or the impropriety of the Round Table Conference. The situation in which the Mussalmans of India are placed to-day is a very difficult one. They have on the one hand to find fault with Mahatma Gandhi in starting a movement of civil disobedience and thwarting the London Conference, and on the other they have to criticise and record their emphatic protest against the ruthless repression that has been going on of late in the country.

While criticising the action taken by Mahatma Gandhi after the announcement of the Round Table Conference, I have to say a few words which might not please my Honourable friends, who regard Mahatma Gandhi as something more than a human being. But I have got to say it. When I look to facts which we have seen during the last one or two years, I find that, as a matter of fact, there has been communal difference of a kind which no one would like to have in India. It was certainly a matter for the two communities living together to settle between themselves. But it was not done. When we were fighting over such matters, the announcement was made by His Excellency the Viceroy on the 31st October, 1929, that there was going to be held a Round Table Conference in London. It was a happy sign that at that moment all the political leaders of India worth the name welcomed that announcement. In the first week of November, 1929, the Leaders' Conference which was held at Delhi made it clear that they were going to co-operate in this London Conference. Some conditions were of course laid down, but they were not so difficult of achievement. There was also some sign of the communal differences being adjusted between the parties. I should rather say that every one who was interested in that question believed that that was the time when Indians would make up their differences and go ahead to the London Conference for the purpose of placing unitedly a case before the Conference, which could not be resisted by any statesman howsoever sagacious he might be. But it so happened that, on the 23rd December, 1929, we heard a very amazing incident. We heard that Mahatma Gandhi and Pandit Motilal Nehru had met His Excellency the Viceroy on that day and had decided to boycott the Conference. I must assure my friends here on this side of the House that it shocked every one of my friends who were then at Lahore preparing for the Conferences and Congresses there.

**Mr. President** (to an Honourable Member) : Order, order. The Honourable Member knows that reading newspapers is not allowed when the House is sitting.

**Maulvi Mohammad Shafee Daoodi** : I was telling my friends here on my right that they must believe me when I say that the announcement made by Mahatma Gandhi and Pandit Motilal Nehru that they had



[Maulvi Mohammad Shafee Daoodi.]

decided to boycott the London Conference shocked us to a very great extent. We began to find out the reasons for this boycott. We tried to question our friends who were in the know of things, but to tell you the truth, no satisfactory answer could be given to our questions, and we came to the conclusion that, by avoiding the London Conference, the great Hindu leaders were avoiding a settlement and adjustment of the communal differences. Of course it might appear too much to those who are not affected by that question, but those who are intimately affected by this question have got to think out the reasons for such a course. A month and three weeks before the thing was acceptable, but it became unacceptable some time later for no apparent reason whatsoever. There must be some reason for it. However, we made it plain to Mahatma Gandhi that the boycott of the London Conference at this moment would not be favoured by the people of India. We had laboured long for the settlement of the constitutional problem and the communal differences between the several interests and communities of India, and we had not been able to solve them. Now that the opportunity was there they wanted to avoid it. There must be very solid grounds to convince those who doubted the sincerity of the boycott. Since then the differences between the two communities have grown wider and wider. We apprehended at that moment that when a struggle of this magnitude would be launched against Government and the Mussalmans as a community would keep themselves aloof, it would be bound to create ill-feeling between the two communities, which would take a long time to forget. And the same has happened.

So far I have spoken against the boycott of the London Conference by Mahatma Gandhi, but I have got to say very bitter things against Government also. The occasion for this has arisen of late. I appreciate the sincerity of purpose of His Excellency the Viceroy in not interfering with the movement which was started by Mahatma Gandhi. We thought that this non-interference would continue and the movement when not resisted would subside; and I am sure, if that policy had been followed, the movement would not have gone to the length to which it has gone now. I have seen myself, in Patna, that the movement was going to die out, but the moment the military were brought and the poor non-violent volunteers were being trampled under by the military, the movement gathered strength to an enormous extent, and in short time, where there was no bitter feeling against Government, everybody began to feel as bitterly as the Congressmen themselves. I know personally how mercilessly Professor Abdul Bari of the *Bihar Vidyapith* was beaten by the police.

**Mr. Gaya Prasad Singh :** And Babu Rajendra Prasad.

**Maulvi Mohammad Shafee Daoodi :** I have met Professor Abdul Bari myself and have learnt from him the circumstances in which he was beaten. I do not doubt his veracity. The circumstances were really such that no one but a coward would try to beat a man who was unarmed and doing no mischief. At the same time, a non-violent man, an emblem of non-violence, Babu Rajendra Prasad, could not escape the *lathi* charge of the police. These are circumstances which convince me that the method adopted by Government in suppressing the movement has been very

ruthless. But it cannot succeed. I hope Government will take my word for it that it cannot succeed.

When I look to the Frontier Province and know the facts from the witnesses who have seen the occurrences there, I forget what have happened in Bihar. It really appears that the authorities in the Frontier Province consider the people inhabiting that province as so many animals and cattle. I cannot understand how, when the 12 men who were to be arrested had surrendered of their own accord, a commotion of the kind we have heard could take place. To me it appears that the first firing as well as the second was unjustifiable. However that may be, here is a Government official of the highest position, Mr. Justice Sulaiman, who also holds the second firing to be unjustifiable. I could have understood the wisdom of Government if they had at least shown some consideration for the judgment of this Judge of theirs, but they

I P.M. have no such consideration. Truthful and honest people have come to us from the frontier with tears

in their eyes complaining and asking why they are not allowed to use their weapons. I have been telling them all the time, "If you want something substantial to come out of this struggle, you should be non-violent." I am satisfied that the mob which was fired upon at Peshawar was a non-violent mob, because otherwise you would not have so few casualties amongst the rank of the Army and of the police. After all they are Pathans of the frontier; and do you know why these Pathans came forward in such large numbers? They were told that their *Shariat* was in danger, that the Sarda Act had been passed against the injunctions of their religion.

**An Honourable Member :** By whom were they told?

**Maulvi Mohammad Shafee Daoodi :** That is difficult to say, but they were told by those who were interested in agitating the people, but when they saw that a highly educated man like Maulana Mohammad Ali had also resented the passing of that Act, they certainly believed that their resentment was justifiable; and if any man went to them and told them that the Government had passed this Act in the teeth of the opposition of the Mussalmans and made it applicable to them as well as to the other communities who had wanted it, certainly these Pathans could not sit idle and not help a movement by which they might feel that they were doing some service to their religion. The difficulty is this; that in spite of the fact that protests after protests, deputations after deputations, addresses after addresses had been given to His Excellency the Viceroy representing the feelings of the Mussalmans, His Excellency the Viceroy would not believe these professions: he only believed a few who went and told him that the whole thing would subside in time and that there was no use in doing away with the application of the Act to the Mussalmans. That is the difficulty. The public feeling is not gauged at its proper worth. I find the same difficulty has arisen here in this repressive policy of the Government. If the Government were properly informed of the intense feeling in the country against the Government, I think such ruthless repression would not have been adopted. I want to tell the Government that they ought to listen to the real true opinion of the people and not of those who have their own axe to grind in keeping them ill-informed of events.

[Maulvi Mohammad Shafee Daoodi.]

We are men of the type that will not sit idle and merely make speeches ; when we came to believe that the movement of civil disobedience was not conducive to the welfare of the people, we stood up against it. We have addressed monster meetings in many many places throughout India ; we have taken our courage in our own hands and told the people that the movement was not conducive to their welfare and that they should not therefore follow it. But the Government should remember that these words will fall flat when the people find that, although there may be no reason for the civil disobedience movement, still after the movement had been started, the Government were having recourse to such methods of repression that any one who had seen or had experience of those measures could not rest content. It appears to me that thousands and thousands have gone into the fold of the Congress after this ruthless repression began. If this policy had not been adopted, I firmly believe that we would have been in a different atmosphere at this time. This is what we have done outside the Chamber, addressing meetings and bringing Lome to Mahatma Gandhi that the boycott of the Round Table Conference would not do ; he had got to face the stern facts and realities of the situation.

But here in this House, in the presence of those who represent the Government of India, as constituted today, I avail myself of the opportunity and want to tell them equally weighty facts which in my opinion are that the great mass of people have, by reason of unemployment and poverty, begun to distrust the Government ; the great majority of them are hankering for some method by which they can change the system. No man can satisfy them unless a radical change in the system is brought about. In my opinion therefore a change is inevitable if there is to be peace again in this country. If the Government sincerely wish that the change should come and that the responsibility of governing this country should be substantially transferred to the true representatives of the different interests and communities, they should rely on the sure ground of their sincere desire. It is needless for me to tell the Government Benches that no Government can rule a country of the culture and civilisation as India has by means of brute force, however gigantic that brute force may be. I should also say that the days of edicts and ordinances have gone by. The only policy that will do good both to India and to Great Britain is the policy of conciliation. I most heartily agree with what the Leader of the Opposition, Mr. Jayakar, just now said about the policy of conciliation which should be followed by the Government. I hold the firm opinion that the invitation to the London Conference should be extended, or if it has been given, it should remain extended, to Mahatma Gandhi and Pandit Motilal Nehru. If they are going to reject it, let the blame be on them ; let Government continue this attitude and remind them from time to time that their name is on the list of the Government.

The situation that has arisen in the country is very serious and seriously the remedy should be thought out. So far as my humble opinion is concerned, it is in reaffirming the policy of reconciliation that the remedy lies. How best it is to be accomplished it is not for me to say. My voice will be in the wilderness. But, Sir, there is one thing

which I cannot help saying, and it is this. Unless the Government will re-affirm their policy of reconciliation and show by their deeds that they do not mean anything but reconciliation and steadfastly go on acting on this principle, unmindful, I say, of the excesses which civil resisters may be committing, I cannot feel satisfied that the Government are on surer grounds. Let me tell them again that the way to achieve success is that the stronger must yield to the weaker, and the weaker must pause to analyse the consequences of the desperateness with which he acts. Having done this, I would like to resume my seat. I do not want to go into the question at any great length, but before I resume my seat, I must speak out what I have gathered from the speech of His Excellency the Viceroy on the 9th instant in regard to the scope of the Conference. His Excellency has made it definitely clear that the Conference is not going to be a meeting ground for discussions or debates, but it is going to be a joint assembly of the representatives of both countries on whose agreement the precise proposals of Parliament will be founded. I believe that this is what Mahatma Gandhi wanted on the 23rd of December, 1929. We however believed that if the communal differences were settled and the representatives of British India had proceeded to the Round Table Conference after that achievement, the same result would have followed. But now that the object and scope of the Round Table Conference has been made abundantly clear by His Excellency the Viceroy, I think there should be no doubt in the mind of any representative who goes to the London Conference that it is a trap. I do not for a moment think that it is a trap for those who have got a strong mind in themselves. It is of course a trap for those who are weak-minded. Those who know their business, those who know their mind, would make capital out of it if it is proved to be a trap. I have not the least doubt that it all depends upon the representatives who would go to the London Conference to present the case on behalf of India. Therefore, I would say that now that the substance has been conceded by His Excellency the Viceroy the civil disobedience movement should cease on the one hand and the political prisoners should be released on the other. With these observations, Sir, I support the cut moved by my friend, Mr. Abdul Latif Farookhi.

**The Honourable Mr. H. G. Haig :** Sir, I had not intended to take part in this debate, for the question primarily raised is that of the participation of India in the Round Table Conference, and on that matter the Honourable the Leader of the House will state the position and views of Government. In the earlier part of the debate it appeared to me that the House generally recognised the difficulties of Government in dealing with this civil disobedience movement as it undoubtedly regretted the starting of that movement, but in the later stages of the debate more and more stress has been laid on the inevitably unfortunate incidents which accompany the civil disobedience movement, and allegations have been made against the behaviour of the forces of Government, and the policy generally of the Home Department has been attacked. I feel, therefore, that it is necessary, in justice to the House, to say something on those points. I shall try and confine myself to general reflections, because though certain specific allegations have been made in the House, the

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Government of India cannot expect to be acquainted with all the incidents that have taken place all over India, and the place where, I think, specific allegations can most conveniently be made, as they can most conveniently be answered, is in the local Legislative Councils. I need hardly say that I am not prepared myself to accept some of those allegations. The Honourable Member opposite made certain specific allegations. I have no doubt that he is an excellent advocate, but I am not prepared at present to accept him as an excellent judge, and as far as I could gather from the long Report which he read out to the House this morning, he had formed his opinion on the examination of certain *ex parte* evidence.

**Mr. K. C. Neogy :** In spite of the opposition of the local officials, and of the personal observation.

**The Honourable Mr. H. G. Haig :** I feel, Sir, that it is for the Bengal Government to answer those allegations. I myself am not acquainted with the details.....

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Will the Honourable Member be prepared to investigate the statements that were made by the Leader of the Nationalist Party ? Will he put it to the Bengal Government how far those allegations are true, and will they advise the Publicity Department either of Bengal or of the Government of India to make a public statement on these facts ?

**The Honourable Mr. H. G. Haig :** I have no doubt, Sir, that the Bengal Government, when these allegations are brought to their notice, will deal with them.

Then, other statements have been made, such as those by my friend Sir Cowasji Jehangir. I do not in the least wish to dispute the general accuracy of the picture he has drawn, but as His Excellency the Viceroy in his address to this House recently said, it is inevitable that, when these clashes take place between the forces of the Congress,—and I deliberately use the words “forces of the Congress”,—and the forces of Government, the innocent or some of the innocent are likely to suffer.

**Mr. Gaya Prasad Singh :** They are deliberate.

**The Honourable Mr. H. G. Haig :** Government deplore that as much as any Honourable Member here. But I would ask the House to remember that the only way in which these deplorable incidents can be brought to an end is by the Congress abandoning its present methods. (*An Honourable Member :* “Unconditionally?”)

**Mr. K. C. Neogy :** And by the Government sticking to lawful methods.

**The Honourable Mr. H. G. Haig :** Well, Sir, I shall deal with the matter on more general lines. There has been.....

**Mr. M. A. Jinnah :** Do I understand that the Government are laying down this proposition, that until the Congress stop the civil disobedience movement, however wrong an action taken by an officer of the Government, it is not to be taken notice of ?

**The Honourable Mr. H. G. Haig :** No. That was certainly not my position. My position is, when one is dealing with large crowds, as apparently has been the case in Bombay, and when it is necessary for the police to disperse them, it is hardly to be expected that some innocent people will not suffer. I do not go beyond that.

**Mr. M. A. Jinnah :** But when they do suffer, surely the Government should take measures to prevent a recurrence of that.

**The Honourable Mr. H. G. Haig :** So far as possible, I have no doubt whatever that the Bombay Government are taking all reasonable measures.

**Mr. Gaya Prasad Singh :** And the other Governments too ?

**The Honourable Mr. H. G. Haig :** The other Governments, I am glad to say, are not faced with the same situation as the Government of Bombay. (*An Honourable Member :* “You will have a similar situation in other provinces also.”)

**Mr. K. C. Neogy :** That shows what little knowledge the Honourable Member possesses about things in Bengal. (*An Honourable Member :* “Also of things in the Madras Presidency.”)

(At this stage several other Honourable Members also interrupted.)

**Mr. President :** I think that it will be better if Honourable Members allow the Honourable Mr. Haig to go on with his statement.

**Mr. Gaya Prasad Singh :** He is making a reply. Some of us wanted to speak, and bring certain occurrences to his notice, but we cannot do so now. So, the only way is to.....(*An Honourable Member :* “Interrupt him.”) try to draw him out.

**The Honourable Mr. H. G. Haig :** I was saying, Sir, that the Government are accused in a general way of repressing this movement, and it has been suggested that that is a wrong method of dealing with it. I admit that repression is a word that has an ugly sound, but we have to consider what it is sought to repress. All Honourable Members in this House know very well that what it is sought to repress are breaches of the law, deliberate breaches of the law or incitements to taxpayers not to pay taxes. A Government that is not prepared to deal with such activities forfeits its claim to govern. A Government, any Government, the Government of the present and the Government of the future, must have authority. That is a point that is very well understood by the leaders of the civil disobedience movement. Their object has been quite definitely and plainly to undermine the authority of Government by promoting among the mass of the people a spirit of defiance. It is true that the issue has been to some extent clouded by the methods adopted,—the method, the policy of non-violence,—and I freely admit that in very many cases, in the majority of cases, that method has been followed out. The House knows very well that there are other cases in which non-violence has completely failed. But I grant that the means employed by the Congress to undermine the authority of Government have been very skilfully devised. They endeavour to place the Government in the dilemma of either acquiescing in the Congress activities, activities which cannot really be tolerated without destroying the foundations of the authority of Government, or, on the other hand, of opposing those activities by force. That is quite plainly the policy, and the very clever policy

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of the Congress. And they reckoned in a clear sighted way that, by placing Government in this dilemma, they would naturally rouse the sympathy of a large number of people who would not ordinarily sympathise with the Congress, by the very fact that Government were compelled to use a certain amount of force in dealing with those methods. That, Sir, is the position and I wish to make that plain to the House. Non-violence, as I have said, is merely a method. We have to look to what underlies it. The underlying conception is really that of force. It is that of applying force and coercion to Government. Another path is open, as His Excellency stated the other day, the path of argument and reason, and it seems to me a tragedy that these methods should be pursued, methods which must lead to increasing ill-will on both sides, when this other path is open. The tragedy is not, as it seems to me, one of those inevitable and relentless clashes of antagonistic forces; it seems to me rather a tragedy of misunderstandings and suspicions. We may differ about the degree and the pace of constitutional reforms, but our faces are all set in the same direction. (*An Honourable Member* : "Question.")

**Mr. K. C. Neogy** : Not of the Honourable Member's.

**The Honourable Mr. H. G. Haig** : I claim to speak for myself and to interpret my own views. The great misunderstanding, as it seems to me, —I know that Honourable Members opposite or many of them do not agree—the great misunderstanding is the belief, which is unfortunately very prevalent in this country, sedulously propagated, genuinely held, that nothing can be obtained from the British except by force. That is a view which is based on a certain reading of history. For myself I think it is misreading of history and a misreading of the real temper of the British people.

**Mr. C. S. Ranga Iyer** : What did you do with regard to Ireland ?

**The Honourable Mr. H. G. Haig** : I know, that is exactly the point. But I believe that this country is being seriously misled in basing all its policy and all its views on the history of Ireland. (*An Honourable Member* : "What about America ?")

**Mr. M. R. Jayakar** : Is the Honourable Member prepared to recommend to the Government some means by which such a general impression may be removed ?

**The Honourable Mr. H. G. Haig** : The general impression is possibly being removed by the events of the last three months, which I think are making it plain that the path which has been adopted by the Congress, the path of coercing the Government, is not leading to any successful conclusion. Therefore, I will appeal to this House, and it needs no appeal for I know their sympathies lie in that direction, that they should follow the other path, the path which has been open all along and which continues open, the path of reason and agreement. I believe—again I do not expect to convince Honourable Members opposite—that in the whole of this constitutional question what really matters is not force but the moral issues, and that it is the moral issues in this case that appeal to the British people. The claim for self-government is in its essence a moral claim and my own firm conviction is that the progress that this

cause has achieved in the past has been largely due to the moral appeal which it has made to the British people. I trust, Sir, that India will choose the path of reason, not of force, and that the representatives of various parties and interests will go to London in a spirit of friendship and good will, with the determination to seek a solution that may be acceptable to both countries.

The Assembly then adjourned for Lunch till Twenty-five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-five Minutes to Three of the Clock, Mr. President in the Chair.

**Mr. Kikabhai Premchand** (Bombay : Nominated Non-Official) : Sir, the Report of the Simon Commission, to which we had been looking forward so long, has now appeared and has met with almost universal disapproval throughout India. It was generally expected that nothing could satisfy the extreme left wing, but it is a matter of regret to observe that it has not satisfied even those who are prepared to co-operate with Government. Personally, I am forced to share this general dissatisfaction. For instance, the so-called provincial autonomy, as recommended by the Commission, will, on closer examination, show that this is largely illusory.

Even if an advance in this direction may be admitted, it is offset by the retrogressive nature of the recommendations for the Central Government.

The whole crux of the national demand for self-government lies in the control of the country's fiscal policy, which can only be obtained through advances in the Central Government. It naturally involves the control of tariff policy, which is of paramount importance to Indian trade and commerce, and the commercial community cannot reasonably be satisfied unless the decision in all tariff matters is left to the Indian Legislature. Personally I am in favour of Imperial Preference more as an economic advantage to India than as a gesture of amity. But we must be free to work out our own ideas for the protection of those industries which need safeguarding and bring in our own measures to prevent the stifling of the growing industrial sense in India. It is futile to have any advance if the Members of the Indian Legislature are to be in effect merely onlookers and not responsible participants in the shaping of the country's destiny.

Some of the suggestions made by the Financial Adviser to the Commission are particularly unfortunate. He says that there is no room for further taxation in India, while at the same time he suggests various methods of levying taxes, which are most unsuitable to India, like the terminal tax, a suggestion bound to foment inter-provincial jealousies and interfere with the free course of trade within the country. The United States is an example of a country whose prosperity has been built up largely by reason of the fact that it has an immense area with no restrictions whatever on legitimate trade within its borders. Europe, on the other hand, is endeavouring to find some way of getting rid of the barriers to trade which have been raised on all sides.

The reforms that I urge are not the demand of thoughtless or irresponsible people. They express the feeling of the conservative element,

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men who have an important stake in the country, educated men, who have learnt to study all the implications of a question and to consider consequences,—bankers, businessmen and landholders.

The present unrest seems, to my mind, due more to economic reasons than to anything else. The commercial community's sympathy has been alienated by the fact that Government have not taken business men into their confidence or availed themselves of their counsel, excepting as a last resort, preferring to take the advice of men whose interests are primarily political. It is vital to the interests of Government to regain the lost sympathies of business men by helping to grant a substantial measure of advance in the Central Government, of course, subject to necessary safeguards to prevent profiteering and ousting of Empire goods. It is therefore highly desirable that the legitimate demands of men who have everything at stake be satisfied and to win them over to the side of law and order. I should therefore recommend the House, to show their disapproval of the Simon Report, to vote for the cut motion of Mian Mohammad Shah Nawaz.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammalan Rural) : Sir, a perusal of the Report of the Standing Finance Committee will show that the Committee desired to point out that the Conference should be fully representative of all political parties in India. Before sanctioning the Demand in the Standing Finance Committee in which opinion was sharply divided, we had this recommendation made. Now if we are to pass the Grant that is now before us, we will have to see whether these conditions have been fulfilled. The House has to see to that. But we are in the dark about it. We do not know what the personnel of the Conference is going to be. Ample time has passed since then by which the Government could have announced the personnel of the Conference. One can well understand why the Central Government do not wish to declare the names before the Grant is passed. They are not forthcoming. And why? It is lest the personnel be disapproved by even those who do not approve of the civil disobedience movement. And what is the reason? I was informed a few minutes before by an Honourable Member of this House how the Government of the Honourable Mr. Haig and his subordinates is administering law and order. At Calcutta, when there was no picketing Ordinance, a small boy was picketing near a shop. I was told that this boy of 10 was caught by two European Sergeants and a revolver was pointed at his head.

**Mr. A. H. Ghuznavi** (Dacca Division : Muhammadan Rural) : Mention the name of the gentleman who gave you the information, otherwise it is very difficult to believe the story.

**Mr. Amar Nath Dutt** : I am not going to do that. I know it is very difficult for certain Members in this House to believe things which go against some Members of the Government. I know that my Honourable friend is not one of those Members, but if he turns out to be one of those Members, then I regret it very much. I can only tell him that he is a highly respected citizen of Calcutta and a moderate in politics. Then they began to beat the boy mercilessly, so much so that an old woman, who saw him from her house, ran down to save the child. That old woman was also going to be beaten, but fortunately she was protected

by her people. This is the way in which they create lawlessness and disorder in the country.

**Mr. A. H. Ghuznavi** : Where did it happen?

**Mr. Amar Nath Dutt** : It happened at Calcutta. Sir, I charge the Government with creating lawlessness and disorder in order to make a case against the Indian people getting responsible government. If this be the mentality of the Government of India, do they expect that we can vote for this Demand? Sir, the Honourable the Leader of the House, who is universally loved and respected, should know all these for he sees through other's eyes. Sir, the Executive Government have, to our great regret, turned His Excellency the Viceroy, Lord Irwin, into a Publicity Bureau to whitewash all the misdeeds of their subordinates. They swallow every statement that comes to them from the subordinate officers. It is in the interests of these subordinate officials to have lawlessness and disorder in the country; they provoke it and use *lathis* mercilessly. I know the Honourable Member on the side of the Government will say in reply that they have other versions of the case. They will always have other versions of the case, but they can take it from me that we do not believe that they have really made an inquiry about these matters and have really taken a judicial view of these facts. But as they think that it is in their interest to support their subordinate officials, they do what they have done and say that they do not believe the other side of the version which is laid before them. Sir, we had this morning from our friend Mr. Neogy a detailed account of what was happening at Midnapore. What reply has the Honourable the Home Member given to the charge that was made in this House about the conduct of the Sub-Divisional Officer of Cantai? This Sub-Divisional Officer did not hesitate in arresting even Mr. J. N. Basu, the President of the Indian Association, a position which was previously held by such eminent men as Mr. Anand Mohan Bose, Sir Surendra Nath Banerjee and others, and in company with him our friend Mr. Neogy was also arrested. Can high-handedness go further than that? And you still ask us to co-operate with you and to join you in this Round Table Conference. What has made people sympathise with this civil disobedience movement? It is such misdeeds and misrule on the part of your subordinates that have caused such unrest in the country. I know India is not your motherland; I know that you are interested in exploiting India; I know that you will try to continue your rule with the help of your bayonets and arms; and I know that you have no stake in this country. You can go away immediately in your boats when it is unsafe. But we, who are the children of the soil, who have permanent stakes in this country, want to have ordered progress through ordered Government. You come with all sorts of sweet words, but in practice you do otherwise. Your profession and your action is not the same, and I very much regret that this is so. I also wonder how an administrator of the type of Mr. Haig can overlook the real significance of what is happening. He was very unkind to me the other day when he said that I disclaimed all acquaintance with him. I did not mean that at all. What I said was that he was new to this House. I know of his reputation as a just, good and sympathetic administrator. But what has brought about this change in his outlook, I fail to see. Sir, look at that Mr. Haig, and look at this Mr. Haig. (Laughter.) How has he changed? I submit



[Mr. Amar Nath Dutt.]

that it is probably the atmosphere, the vicious atmosphere, which is created by not listening to the advice of the representatives of the people. Sir, it is regrettable that a sympathetic Viceroy of His Excellency Lord Irwin's type should be misled into thinking that the excesses are unavoidable. His Excellency said the other day that there is no doubt on which side the blame lies. His Excellency himself, of course, did not inquire nor did the men who advise him about all these things inquire. Wherefrom has all this information come? I know how this information of the Government is collected, when the Government of India ask for any information from the Provincial Government, the Provincial Government asks for that information from the Divisional Commissioner, who, in his turn, asks for it from the District Magistrate. The District Magistrate asks for that information from his Sub-Divisional Officer who in his turn asks for the information from the Circle Officers, or the President of the Panchayat. Ultimately the Chaukidar supplies the information and then it is communicated to Government. That is the evidence upon which the Government charges the people who are carrying on a non-violent war against the Government with violence. Violence there has been. But violence on whose side? On the side of the officials. It is a fact that at Midnapore, the police officials were rescued by the Congress volunteers. You provoked the mob and entered their houses and the shameful story of attacking a girl of 18 years of age has been read out by my Honourable friend Mr. Neogy. Do you mean to say that any human being can stand and look at it with indifference? They are bound to protect the honour of their women. Unfortunately in the communiqué issued by His Excellency for promulgating the Ordinance we find reference to Midnapore, where it has been said that a Sub-Inspector of Police was murdered. I do not know whether really a Sub-Inspector of Police was murdered or not. But if you want to hear the doings of this Sub-Inspector, I think, my Honourable friend Mr. Neogy can tell you that and your blood will boil if you are a human being. Why should even Indian women who are generally behind the purdah come out? Because your oppression has been such that no decent man who calls himself an Indian, so long as life runs in him, can allow such atrocities to continue. Sir, I warn the Government to take lessons from the fate of Ravana, the Rakshas King of Lanka. If you persist in this way, if you go on insulting our mothers and our daughters, then there will not be a single Indian left who will be on your side.

Sir, the Round Table Conference should be fully representative of all political parties in India. Which political party really represents the people? It is the Congress and Congress alone. We may be here, several of us, a minority not believing in a particular portion of the Congress programme, but I think every Indian, whether he be a Nationalist or an Independent or a Swarajist or be he of any other party, I believe all of them support the Congress in its demand for Dominion Status. Do you find anywhere in the second volume of the Simon Report the word "Dominion Status"? His Excellency the Viceroy in October last proclaimed that Dominion Status was the goal. If you declare that we are going to have Dominion Status automatically after passing through a certain transitory period, I think political India will accept that.

**Mr. President:** Order, order. I hope the Honourable Member will try to conclude his remarks. He has already exceeded his time limit.

**Mr. Amar Nath Dutt:** I will, Sir. I was saying, that you ought to have representatives of the Congress, you should declare their names before you can ask us to vote for this grant. Then again you ought to grant a general amnesty to all political prisoners. That was done in the case of Ireland.

**Mr. A. H. Ghuznavi:** Then call off the civil disobedience movement.

**Mr. Amar Nath Dutt:** I think my Honourable friend knows that even Dr. Ansari, an ex-President of the Congress, does not approve of the civil disobedience movement. In fact if you grant a political amnesty, they on their side will cease to pursue their civil disobedience campaign.

One other thing you will allow me to state. I was very much disappointed in finding the following words in His Excellency's speech:

"The Conference will approach greatly assisted by the Report."

As I said the other day, this Simon Commission's Report should be treated as non-existing, because the Report of Sir John Simon is nothing but the report of an advocate who was briefed by Members of British Imperialism to support the case for perpetual domination of India, and Sir John Simon, as a clever advocate, has put his case and has not acted as a judge.

Sir, an appeal has been made by the Honourable Mr. Studd that there should be an atmosphere of peace and goodwill. I say certainly there ought to be peace and goodwill, but it must be reciprocal for the well-being of the country and the better advancement of our people.

3 P.M.

You will please lay aside your arrogance, that arrogance which permits of the Honourable Mr. Haig to disbelieve all that is said by Honourable Members on this side of the House and to believe and accept the version of his own chaukidar as the more correct. That arrogance.....

**Mr. President:** I hope the Honourable Member will now conclude his observations

**Mr. Amar Nath Dutt:** That arrogance which has been at the root of so much misunderstanding and ill-will between the British people and ourselves should be put aside, and I appeal to them once more to be more conciliatory and show a change of heart for we are destined for many a long and weary year to work side by side in this country for our common good.

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : **Mr. President,** I must confess that I was greatly amazed at the first part of the speech of the Honourable the Home Member this morning. Both on the floor of this House and in the country outside, serious allegations have been made against the excesses of the police officials and the indiscriminate attacks made by them upon innocent mobs, and we, on this side, expected that the Honourable the Home Member would give some convincing reply to these



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allegations made at least on the floor of this House; and instead of doing that what has he done? He has taken up the amazing position that the Government of India are not expected to know the details of all the incidents that are going on in the provinces and that Provincial Governments must be referred to for a detailed explanation of these things. When my Honourable friend, Mr. Neogy, challenged him with a report that he, along with certain other respectable citizens, had produced, the Honourable the Home Member had nothing more to say in reply, but that it was for the Bengal Government to answer these allegations. I thought, Sir, that though the subject of law and order was primarily the concern of Local Governments, it was the Government of India in this country that was ultimately responsible for the maintenance of law and order. If in normal times, it is the duty of the Government of India to maintain law and order, the duty becomes much more important in a time of crisis like the one through which we are passing. I would like to ask the Honourable the Home Member to say, on behalf of the Government of India, whether, when they were faced with this serious crisis three months back, they gave any definite instructions to the various Local Governments as to the methods to be pursued in suppressing the movement of civil disobedience, or whether they gave a free hand to the Local Governments to deal with the movement as they liked in their own provinces. We came to know from the Press that the Honourable the Home Member himself very rightly paid a visit to Bombay, the centre of the great agitation, and conferred with the Local Government in the matter. Now, are we not entitled to ask whether the Government of India have a definite policy in this matter? Or, is the handling of the situation left to the various Local Governments in their respective areas? That is certainly not an unreasonable question to ask of the Home Member in a time of crisis like this. As my Honourable friend Mr. Neogy said, the very presence of some of us in this House is convincing proof, if proof were needed, that we entirely dissociate ourselves from the civil disobedience movement. But, Sir, if the civil disobedience movement has resulted in creating a feeling of intense bitterness throughout the country and if it has gained a momentum which none of us expected that it would gain during the last three months, it is to be ascribed in a very large measure to the methods pursued by Government in handling the movement. Sir, Government should not be blind to the facts of the situation. What is it that they see in Bombay today? It is not merely the professional agitators that have created trouble. It is to some extent the sympathy and the passive acquiescence of the great commercial communities of Bombay that have resulted in that city being plunged in disaster and ruin. Men of sobriety, men of judgment, men who have got an immense stake in the country, have come to look with horror upon the methods pursued by some of the over-zealous officials in the various provinces in dealing with the civil disobedience movement. Surely it is up to the Government of India to convince at least those who do not associate themselves with this movement that, in suppressing this movement, Government will follow methods which will commend themselves to citizens who value liberty and the maintenance of law and order. Sir, it seems to me that the mentality of Government is something like this: They are faced with a serious situation and they evidently feel that even

if the police officials commit certain acts of excess and if the Government of India or the Local Governments take the respective officials to task, it will be a sort of indirect encouragement to the civil disobedience movement. That seems to be the mentality of the Government of India and the Provincial Governments, which makes them shut their eyes entirely to the various allegations that have been made about the police excesses and the indiscriminate attacks by police officials on the mob. I for one would stand on the side of Government in all the legitimate methods employed for suppressing the movement, which is the very negation of orderly and peaceful Government. But surely Government cannot expect law-abiding citizens to come to their rescue when they pursue methods which cannot commend themselves to such citizens. In the city of Madras itself, which underwent some amount of trouble, not of course comparable to the extent to which Bombay was subjected, such a sober body as the Corporation of Madras thought it their duty to pass a resolution condemning the excesses of the police officials on a certain occasion and asking Government to institute an impartial inquiry into the allegations. The members of the Corporation of Madras are not professional agitators. They are interested in maintaining the civil tranquility of the province for the purpose of local administration itself. And what was the answer given by Government to this very reasonable demand of a body like the Municipal Corporation of Madras? Government gave no heed to it; and subsequently when the Report of the Police Commissioner of Madras City was published, the Government of Madras, without instituting any sort of an impartial inquiry, commended the Report of the Police Commissioner to the public and endorsed all that the Police Commissioner had said. That, Sir, would certainly enrage a man who would otherwise be on the side of law and order. I would ask the Honourable the Home Member to realise that he must face the situation boldly and pursue a policy of conciliation because the atmosphere in which the Round Table Conference is to be held must be one of mutual goodwill if the result of that Conference is to be a success.

Sir, while I was surprised at the first part of the speech of the Honourable the Home Member I welcome the conciliatory spirit of the second part of his speech. He pointed out that we are passing through a period of tragedy and misunderstanding and suspicion on both sides, and he said that the present national movement is merely an appeal to the moral sense of the British people and he felt confident that that appeal would not be in vain. The Honourable the Home Member ventured to think that this suspicion and misunderstanding was the result of our reading or misreading of the Irish history. But let me tell him, Sir, that it is not merely the Irish parallel but what took place in our own country in recent times that has created this suspicion and misunderstanding. I am one of those who are of opinion that it was a great pity that, in December, last, the Congress should have rejected the offer of His Excellency the Viceroy to go to the Round Table Conference. Sir, when the historic pronouncement of the Viceroy was made in October, last it gave encouragement and hope to many of us, but what are the incidents that subsequently followed that historic announcement? The speech of the Noble Earl, the Under Secretary of State for India, the fulminations and the outbursts of Lords

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Birkenhead and Reading and Mr. Lloyd George in the British Press and in the House of Lords.....

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, the Noble Earl whom the Honourable Member refers to was not, I think, at that time the Under-Secretary of State for India.

**Mr. R. K. Shanmukham Chetty** : I am referring to the period subsequent to the making of the October announcement by the Viceroy and I referred to Earl Russell who was at that time the Under-Secretary of State for India and who, when his dog died or was dying, made that speech which dispelled the hopes created in us by that announcement.

**The Honourable Sir George Rainy** : The Honourable Member is quite right ; I am sorry I misunderstood.

**Mr. R. K. Shanmukham Chetty** : These incidents shattered to some extent the hopes that some of us entertained as a result of the great pronouncement of the Viceroy made in October last ; and to crown all these disappointments, came the Report of the Simon Commission. Sir, the members of the Royal Commission, in the concluding part of their Report, make a fervent appeal to their Indian fellow-subjects to do them the courtesy of studying their Report. I am sure many of us have already shown that courtesy or are engaged in showing that courtesy, and as a result of the study that we have made, we have no hesitation in saying that the recommendations contained in this Report are wholly unacceptable to any section of Indian public opinion. The fundamental defect of the Simon Report is, in my opinion, a lack of appreciation on the part of the Commissioners of the true scope and function of their work. In paragraph 363 they reiterate what they stated in the first paragraph of their Report. They say :

"We will venture to repeat words which we used in the first paragraph of our former volume when we wrote that we were entering upon our task upon the basis and assumption that the goal defined by Mr. Montagu represents the accepted policy to be pursued and that the only proposals worthy to be considered are proposals conceived in the spirit of the announcement of 20th August, 1917 and inspired with the honest purpose of giving to it its due effect."

Sir, in laying emphasis on the pronouncement of 20th August, 1917, and in conceiving their duty to be to frame recommendations within the spirit of those proposals, the Commissioners have failed to take note of a great event that happened subsequently—the famous pronouncement of the Viceroy in October last. The Viceroy, speaking on behalf of His Majesty's Government, assured us that the logical sequence of the policy contained in the declaration of August, 1917, was the establishment of a Dominion Status constitution in India ; but to our utter amazement, the Commissioners have entirely failed to take note of this great pronouncement of the Viceroy. Sir, I went through the various papers that the Commissioners have published, and so far as I have been able to look through the volumes, even the text of the Viceroy's pronouncement does not find a place in the various appendices published by the Simon Commission. That shows, and to me it is an evidence, that the Commissioners, when they wrote their Report, were not fully alive to the implications of the task to which they had been called. If only they had interpreted the announcement of 1917 in the

light of the pronouncement made by His Excellency the Viceroy on behalf of His Majesty's Government, the Report and its recommendations would probably have been very different from what they are. But fortunately for us, we have been assured by His Excellency the Viceroy the other day that the Statutory Commission's Report, however important it might be, will not be the last word, neither would it be the sole basis of discussion at the Round Table Conference, and it is because of that assurance that I joined with some of my friends on this side in issuing an appeal to my countrymen to participate in the Round Table Conference and not to miss this great opportunity of coming to a settlement with the British Government. Sir, many who are keeping aloof from this Conference are doing so in a spirit of despair and some in fear. Some are afraid that it is a trap, but I am actuated by a feeling of hope rather than of fear ; for I remember a saying that if hopes are dupes, fears may be liars ; and we have ventured to advise our countrymen to participate in this Conference in the confident hope that His Majesty's Government and the British people have now come to realise the strength that lies behind India's national demand, and that the time has now come for them to realise, once for all, that if a settlement is not arrived at at the Round Table Conference, it will be a bad day both for England and for India.

**Mr. C. V. Venkataramana Aiyangar** (Madras : Indian Commerce) : Sir, it is my duty to oppose totally this grant, and in doing so I believe I shall be a member of a solitary party—probably the leader and the follower as well. But I shall give some reasons as to why I decided to speak on this point, though when I came here this morning I had no idea of taking part in the discussion or in the voting. I represent the Indian Commerce of the Madras Presidency, and I am sorry to see that all the speakers so far, more or less, suggested that the civil disobedience movement is entirely due to the Congress and that the Congress Party and its followers alone are responsible for the civil disobedience movement. But thanks to the gross and serious mistakes committed by the Government, in the economic as well as in other public spheres, all the traders, manufacturers and bankers of this country have been driven out of co-operation and have joined in sympathy with civil disobedience. It has been very well said that they have done so because for the last ten years the Government have been ruining them, ruining every vested interest in this country, by their actions and therefore having no hope of getting any remedy at the hand of this Government, these men have simply run into the hands of the civil disobedience people in the hope that they might have some chance of thereby getting out of their troubles. Look at these ten years and it is enough to convince you, Sir, how these business men have been ruined. During these ten years shares have fallen down to 25 per cent. of their former value ; the money has flown out of the country and the prices of foodgrains have gone down to pre-war levels. That is the reason why the business men of the country have practically revolted against this Government. In my opinion, to say now that the Round Table Conference will be of any use whatsoever to us is only imaginary.

Let us first of all see whether this is the time when we should go to the Round Table Conference and examine the place where it is going to be held and also the conditions under which we are asked to go as well as the persons who are to be invited. We were originally told that, so

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far as the Indian leaders were concerned, if there were any agreed proposals, the Government in England would give effect to them. That was the understanding on which the Round Table Conference was originally proposed. We had our own doubts and our doubts have now been strengthened. We were originally told that there should be agreement among ourselves; but now we are told that we should take the parties in England also with us; and if there is one thing which is most retrograde and reactionary—if I may speak with submission—in His Excellency's speech, it is this, that it says clearly that if all the parties in England and India come to some understanding, then they will use that as the basis of some legislation which will be placed before Parliament. What are the parties that we have to meet there? We have not so far been told as to who will be the members of the Conference from England, but we have no doubt whatever that people like Sir John Simon will be there, people like the ex-Secretary of State, Lord Birkenhead, will be there and that people like Sir Michael O'Dwyer will also be there. No doubt my friend, Sir C. P. Ramaswami Ayyar relies upon the justice of his case. Probably he thinks this is one of his cases where he has to deal with impartial judges, and after winning the case he can put into his elastic pocket currency notes and cheques of large values. But I ask him, is the condition of having an impartial judge fulfilled in this matter? The Viceroy has warned us that there should be an agreed arrangement between the parties, including the English parties as well as Indian parties—that is very clearly hinted at, though not clearly said, and that dashes all our hopes of getting anything at all in the Conference. So far as we are concerned, these proposals are absolutely useless. Today we read in the papers that the Labour Party escaped a narrow defeat by a majority of three; and the statement that was expected to be issued by the Labour Premier on the 9th has been postponed, evidently because he could not come to any terms with the other two parties, and I am sure they will never come to an agreement unless he agrees with what they say. The Labour Party will have to go to the other parties for the sake of their pockets and their position and power and agree to their terms.

In these circumstances, what can we expect? Can we expect anything from a Labour Ministry in which two members recently have been promoted to Ministers, members who unreservedly agreed to the unanimous Report of the Simon Commission?

I expected that some suggestions would be made here in this House as to how we could take Congressmen and others into this Conference. By a clever strategic move, the Honourable the Leader of the House included the Simon Report within the scope of this proposition. If the Government had been fair and honest, they should have placed the Simon Report before this House. The money for this Commission was paid by this Government, and therefore, in all fairness and honesty, they should have presented the Report to this House and invited a discussion. But they are cowards and they do not want to take that course because they know what the result would be; they know that this House would unanimously throw out the Report. But unfortunately, our leaders were side-tracked into the question of the Simon Report. We all shunned the Commission and we now see it contains nothing but scorpions. We wanted bread and they gave not even a stone but scorpions. Every page of this Simon Report is full of stings; touch it where you will, a sting is there. All our leaders

have unanimously condemned it; and by the course now followed, we are simply playing into the hands of the Honourable the Leader of the House who has laid a trap for us. I go further now, Sir, and throw out some definite suggestions which I place before the Government and before this House as to what should be done to bring Congressmen into this Conference.....

**Mr. M. A. Jinnah:** But why not smash the Report by a direct vote against the Demand?

**Mr. C. V. Venkataramana Aiyangar:** They do not care a copper pie for your vote. Can Mr. Jinnah assure me that, by voting for this cut, he can bring the Government round to agree with him?

**Mr. M. A. Jinnah:** My interruption meant that we can destroy this trap by supporting the cut and recording our verdict that we condemn the Simon Commission's recommendations.

**Mr. C. V. Venkataramana Aiyangar:** I do not agree with the first portion of my Honourable friend's statement. He says he can destroy this Report by the cut. How? How can you do it? The Report is there. Our learned Deputy President had so many hopes of getting something from the Simon Committee, but all his hopes have been shattered to pieces. What I want to say, Sir, is that we should not have touched the Simon Report at all, and but for the interruption of my Honourable Leader, I wanted to say, let the Government give us an assurance that at least on one point they are at one with us on the Simon recommendations if we carry a resolution about it in this House. His Excellency told us the other day most clearly that this Report will form an important basis. Whether this will form an important or unimportant basis, and if I can prophesy, Sir,—I do not claim to be prophet—I am sure that the Simon recommendations will become the only outcome of the Round Table Conference with some crossing of the "t's" here and dotting the "i's" there. I must warn this Government, as some of my leaders have already done, that it is futile for them to believe that they can crush the present civil disobedience movement. His Excellency the Viceroy has been unfortunately advised that there are two roads to peace, either we should crush the movement or we should abdicate. No, Sir, there is a third alternative which all sensible men should adopt and that is conciliation because the more you press the spring the more is the material ready to jump up. An attempt has been made to describe the civil resisters as mercenary people, but it is absolutely incorrect. People have gone to jail in very large numbers, and I must confess that at least a very large majority of them belong to very respectable families. Old and young, male and female, rich and poor, employed and employers, have all gone to jail, and more are ready to go. And what is the primary cause of that? It is the repressive policy of the Government. Now, Sir, it was pointed out by the Honourable the Home Member that the Congressmen are defying the law and that law and order must be maintained. May I ask the Honourable the Law Member to tell me under what provisions of the law a policeman is authorised to beat a person who disobeys the law? Sir, the Allahabad High Court has recently held that no policeman has got a right to beat anybody who disobeys the law, unless he threatens his life or causes some grievous assault. Therefore, Sir, I may tell this House that the doings of the police in using the *lathis*, etc., have all been illegal. The High Court of Allahabad has recently upheld the conviction of a police constable and a fine of Rs. 2

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for beating a non-violent person. By all means you can pass Ordinances signed by the Viceroy and say that any policeman can beat any person, and tell us that it is the law, it is an Ordinance. You have passed so many Ordinances recently, but you have not dared to put even one of them before this House, though a pigmy House as it is called.

**Mr. President :** I would remind the Honourable Member that he has got only two minutes more.

**Mr. C. V. Venkataramana Aiyangar :** Thank you, Sir. Now, I shall make a few suggestions to bring about a better and more satisfactory state of affairs. It has been said by His Excellency the Viceroy and by everybody else in the world that there is no use of holding this Round Table Conference unless it consists of all parties. It is also admitted, Sir, that the Congress Party is a very important party. It is also feared, Sir, that unless the Congress members take part in the Round Table Conference, any decisions that might be arrived at by the Conference will share the same fate as the Simon recommendations have shared in the country. Therefore, Sir, I want this Government to have some imagination. If the Government are wise, if they have learnt anything during the last three or four months, let them at once release all political prisoners. They are not people who will do any violence. If they do not come to any terms, whatever they may be, then you have the power and the right to put them in jail again. But the invitation in this case should come, as it had come in the case of Ireland, from His Majesty the King, who is the only person, I think, who can at present command the respect and confidence of all parties in this matter. It is he who should extend the invitation, because judging from his speech which was made at the opening of the India House the other day, it was as clear as daylight that, though he has been made silent regarding details, by his advisers, still every word of his speech breathes sympathy and a desire to do good for India, both future and present. Therefore, Sir, my appeal to the Government and to those who are to go to the Round Table Conference is that they must insist upon the invitation being issued to the Congress leaders by His Majesty. We know who Mr. Gandhi is. Only the other day I was reading an extract from a New York paper which regretted that the most civilized Government in the world should not have been able to come to terms with such a good and fair-minded person as Mahatma Gandhi, and instances were given to show that, when the plague broke out in South Africa, he recalled the civil disobedience movement. Then again when the Boer war broke out in South Africa, he recalled this movement, and again when the great German war broke out, he did not want to do anything which was calculated to hamper the Government. Therefore, Sir, Mahatma Gandhi is a man with whom you can safely and confidently deal in bringing about an amicable settlement in this matter. First of all, let us have a Round Table Conference in India itself, and the only person who can preside over it is His Excellency the Viceroy. If the Viceroy of India can get together a few people from all parties and discuss the matter thoroughly with them, I am sure there will be unanimity of opinion on some of the complex problems so far as this country is concerned, and then it will be time, as was done in the case of Ireland, for the representatives of India and the representatives in England to meet at a Round Table Conference and discuss the various issues, and I am sure, if this is done, even the diehards and others

will look into the reasonableness of our demand and agree to a satisfactory settlement. As I said, you cannot crush any people. Even supposing you succeed in arresting the progress of the movement for a time by some of your barbarous methods, it will again revive with greater vigour and greater force. I say it is quite impossible to crush or stop the present civil disobedience movement, because partly you are yourself responsible to spread it by adopting some of the barbarous methods. Look at Poland. Look at Egypt. Look at Ireland. Look at Alsace Lorraine. No one could crush the internal movements there. Therefore, I say, grant a general amnesty to all people, and unconditionally release all political prisoners. Let the invitation go to leaders like Mahatma Gandhi and Pandit Motilal Nehru, and if you follow this course, I am sure that something can be done. Sir, just before the arrest of Pandit Motilal Nehru, we had fond hopes that something on the lines of what Mr. Jayakar said this morning was going to be done; we heard from private sources that something by way of co-operation by the Congress people was in contemplation. In fact, Sir, some of us Congressmen in Madras sent an appeal to Pandit Motilal Nehru to pass a resolution in the Congress Working Committee on the lines that have just been adumbrated by Mr. Patel. Sir, there is no hurry about the Round Table Conference. This is a moment when it is impossible to convene a Round Table Conference if you want to achieve any fruitful results, and therefore I appeal to all those who have been invited to the Round Table Conference, and to those who have just now issued a statement to the Press, to ask His Excellency the Viceroy to postpone the idea of the Conference for some time to come, to grant a general amnesty to all political prisoners so as to create a favourable atmosphere, to invite Mahatma Gandhi and other respected leaders to the Round Table Conference, and then to appeal to His Majesty himself to extend his invitation to the people here. Unless and until this is done, I can assure the Government here that there can be no hope of achieving any fruitful results in any conference.

**Mr. President :** The Honourable Member has exhausted his time.

**Mr. C. V. Venkataramana Aiyangar :** Thank you, Sir. I have nothing more to say.

**Nawab Sir Sahibzada Abdul Qaiyum** (North-West Frontier Province : Nominated Non-Official) : Sir, I think I must say a few words on the subject before the House in connection with the Simon Report and the Round Table Conference, because reference has been so often made to the North West Frontier Province in the course of this debate. But at the very outset I must confess that I have not thoroughly studied the whole Report and I cannot pass judgment on the Report as a whole. It may be a good Report or it may be a bad Report! Perhaps it is a bad Report, because it has been generally if not universally disapproved, but possibly it is a good Report because it has not pleased or fully satisfied anybody in the country. It has criticised every thing and has exposed the difficulties that stand in the way of the further constitutional progress of the country as a whole. It has thereby pleased neither one section nor the other, and if the old saying is true that an impartial judgment is not pleasing to both parties in a case, then perhaps the Report is a good one. But as far as I can see, it has certainly done some good in one way, and it is that some of the leaders of the majority community were waiting for the issue of that Report before they should meet

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and settle their differences with the minority communities. They perhaps thought that, if something better came out of the Report for them, they would escape the recognition of some of the rights and privileges of the other communities or meeting their wishes. But the Report must have disillusioned them of a good many things, because it says that the question of India is really the question of the minorities or of the settlement of the disputes of the various communities inhabiting India. If that is so, and I believe that it is really a question of the minorities, then, there is still time for the leaders to put their heads together and settle those differences before they go to the Round Table Conference. There is plenty of time to do that, if they have been disillusioned that there can be no Dominion Status, no Independence and that nothing extraordinary is coming to this country except what is given in that Report, unless and until these difficulties, these obstacles and these differences have been removed from the way. If that is so, the Commission have done us a good turn in that respect. They have told us practically, "Do not expect anything unless you settle these differences". Sir, it is in that light that I consider the Report a good one!

Well, Sir, as I have said before, I cannot pass judgment on the Report as a whole, but I will confine myself to that part of it which concerns my province, the unfortunate North West Frontier Province. I have gone through that part of the Report very carefully and I have studied it well, because it affects me and my province. Sir, I must confess that I find it most disappointing, and I assure the House, both sides of the House, that it has created a great discontent in our province, a discontent which is likely to aggravate the already serious position in that province. When I say that it has disappointed us, I do not mean that we have not got all that we expected. What I mean is this, that the Report has put us in a worse condition than at present we are in. That is my reading of the Report, because instead of securing the co-operation of the people, it has tried to strengthen the hands of the administration. At present we are linked with this House in some ways, and if I am not in a position to defend the rights of my province effectively, there are others who generally take up our cause and defend it on the floor of this House, though very often the reply to their interpellations and questions is that the information is being collected and will be communicated to the Honourable Member in due course! But, under the proposed conditions, the position will be worse, because, if that nominal Council is set up in our province, the reply to such questions will be that these are local matters and must be brought before the local Council. The money part of our relations with this House will, perhaps, by some statute, be solved and the House will not have that control over it that it has to some extent now. So, reading the Report in that light, I think our position will be worse under that Council than it is at present. No doubt the province will be represented in this House, but only by men of my type, that is, nominated, and not elected. I do not think that will be a very great improvement.

Well, Sir, the difficulty of the Simon Commission in the way of giving equal rights to that unfortunate province is put in a funny sentence which they have penned in their Report. It is something to the effect that it is the inherent right of a man to smoke, but he must be

careful when he is lighting a match anywhere near a gunpowder magazine. That is quite right, but I should like to know something more definite about the meaning of that sentence. There is a gentleman, an Honourable Member in this House who had some connection with the compilation of that Report, and I hope he will throw more light on the meaning of that sentence. Let it be granted that the North West Frontier Province is a gunpowder magazine and that we, the unfortunate inhabitants of that province, have the inherent right to smoke, and that we must be careful not to use a lighted match, then do I understand that these reforms are like lighted matches and will set the North West Frontier on fire if extended to that province? I thought they were going to civilise us. I thought they were going to improve our position and to bring us out from barbarism to civilisation. Perhaps the Government have got some experience of these reforms in the rest of India, where they have proved to be lighted matches, I mean in Madras, Bengal, Bombay, etc., and they perhaps think that, if they were to apply them to our province, they would result in a conflagration in the country. If that is the position, let them say so and we shall not be sorry for losing these reforms, but we shall expect them to be withdrawn from the rest of India too. Sir, we are just as good or bad citizens of India as others are. We have no horns, no tails, nothing else different from the rest of India. We are quite robust and good looking people; and when I see all sorts of civilising institutions, from high class university colleges down to the lowest primary schools existing in our country and when I see that many of our boys in the all-India competitive examinations come out successful as debaters and scholars, and when we can produce 66 per cent. success in the M. A. examination of the Punjab University in Mathematics, I cannot bring myself to believe that we are in any way backward as compared with the rest of India. The Government have got figures and they can compare them and see whether we are backward in education as compared with the rest of India or at least with western Punjab; whether we are worse in criminality even than certain other parts of India, for example, Bengal, and whether we have ever committed any political dacoities, such as are prevailing in Bengal, etc. If there are any dacoities in our country, they are simply for gain, but not for political purposes. Sir, we are very practical people and can well run the reforms.

Well, I know that my time is limited and I must be brief. But I must ask once more why this difference is being made between us and the rest of India. I must ask the Government whether the introduction of reforms in our province will render us more turbulent, whether it will affect the foreign and Imperial policy of the Government of India, the forward or backward policy of the Government of India or whether this will affect any Imperial issues like fiscal autonomy and so on. Will not the Foreign and Political Department and the Army be still reserved subjects throughout India? Suppose the Government of India were to punish one of the frontier tribes, as they have been doing in the past, will they be prevented from doing so by us? Have we not always helped them against our own brethren? Have we not got decorations for such services? Have we not taken part in the three Kabul wars, and have we not got high class appreciation for our services during those wars? Have we ever sided with our kinsmen on the border, or across the border in Afghanistan, whenever there was trouble



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in those parts? On the other hand you can see the Indian mentality of the frontier Pathan. He is always taking an active part in any movement which comes from the south, like the monsoon. Look at the Rowlatt Bill movement. Look at the Hijrat, the non-co-operation movement of 1920 and now this unfortunate and ill-advised Congress movement. Our sympathies have always been with the Indians, and for the last 80 years we have proved ourselves true Indians with Indian mentality. We were part and parcel of the Punjab even under the Sikh rule. Can you say that we were not part and parcel of the Punjab during the Sikh and the Durani rules? Who has changed his mother tongue in the matter of elementary education except the frontier Pathan? We get our elementary education in Hindustani instead of in Pushtu. So I do not know what difference there is between us and the rest of India, and why the poor Pathan should be fighting for his ordinary rights of Indian citizenship, rights which are given to the Bhils in Central India and the depressed classes and the untouchables in the south of India without their even asking for them. Why should we have to shed our blood for those ordinary rights? Suppose there is a forward policy and the Government of India were to take an expedition against some frontier tribes or Afghanistan shall we stand in their way, if we are given a reformed Council? Shall we say that we will not allow you to cross the Indus and take your troops across the border? Shall we stop you at the Attock bridge and say, "No, you must not go" even if the rest of India are to supply you the men and the money for such expeditions? Will that be the difficulty you anticipate? Can we stop you from opening new roads and communications in the province or force you to remove your cantonments? Suppose the rest of India refuses to supply you with the men and money for such expeditions, will you be able to carry out these expeditions even if you were to commandeer and force the whole population of the North West Frontier Province under martial law to help you? No, Sir, the introduction of reforms will not harm the Government in the least. On the other hand they will make us contented and more Indian than we are at present and we may prove more useful to the Government of India. But on the other hand, if you are showing us a step-motherly treatment, I do not know what will happen. I do not know if we deserve this step-motherly treatment! Sir, a reference was made by my friend, Maulvi Shafi Daoodi, in his speech to the effect that the present troubles on the frontier were due to the Sarda Act. (*An Honourable Member*: "Immediate cause.") I can assure him that the Sarda Act is very little heard of in the North West Frontier Province. Whether the Congress or the Khilafat people have excited the people of that province over the Sarda Act or not I cannot say, but I can assure the House that it was one of the subsidiary causes, and a very minor issue, if an issue it was, and that the main cause was the great disappointment of our people in the matter of constitutional advance. The Sarda Act reminds me again of the sentence used by the Simon Commission. Did the Government of India, before applying the Sarda Act to the North West Frontier Province ever think that the lighting of that match would set the gunpowder magazine ablaze? If they had these scruples and fears of gunpowder magazines in their minds, they would not have applied that Act to the North West Frontier Province. The application of reforms to that province is not really so dangerous to

the safety of that province as the application of the Sarda Act or the Income-tax Act or the Land Revenue Act, or various other laws of taxation, which really touch the people. Why do not they think twice before applying these taxing enactments to that province? If those people can bear all these taxes and all those enactments, including the Sarda Act, surely they can put up with this evil of reforms also.

Well, Sir, I will not deal with the actual composition of the proposed Council in detail. It is to be half elected and half nominated, presided over by the Honourable the Chief Commissioner. But elected from among whom and by whom? Well, from and by the people, who will themselves be nominated to a great extent if not wholly. Have we gone down lower in our fitness for reforms since 1922, when the Bray Committee, with a more elaborate inquiry, suggested a better Council for us? Moreover, a new element will be brought into our Council and that is the *ex-soldier*. I remember how that happened. On the 18th November, 1928, I saw a coupe of *ex-soldiers* coming up with their old uniforms anxious to appear before the Simon Commission. We thought that these people must be making a request for a share in the grant of the Punjab colony lands, which is their general request or grievance. But I did not then know that the *ex-soldier* was going to be a great factor in the future constitution of the North West Frontier Province, and that these soldiers were going to have a separate constituency. Well, Sir, the Simon Commission have perhaps copied *in toto* some memorandum which was handed over to them by some one on the spot and their Report about the North West Frontier Province does not seem to be based on the result of the inquiry made by them, so much so that their Report quotes an incident which happened a year later. They refer to the unsatisfactory results of some elections which took place in a certain municipality, the year after their visit to the North West Frontier Province and quote that in support of their point. That information must have been supplied to them by somebody else! (Laughter.) Well, they did not even perhaps change a comma in the memorandum that was handed over to them. Sir, to tell you the truth, the Simon Report has created a great discontent among our people, who feel that they are deprived of the ordinary rights of Indian citizenship, rights, as I have said before, that are being enjoyed in the rest of India even by the depressed classes and the untouchables, and it is this that has brought about the trouble on us. Sir, up to the time the elections in the municipalities were postponed in November, 1929, very few people had joined the Congress. It was after the elections were stopped, that several people joined the Congress at Lahore in December, 1929, because the Congress happened to be the only organization in India, which, according to the Nehru Report, had held out hopes of equality to the frontier people with the rest of India. I do not know whether they will be really given that equality when the time comes or whether it would prove a mere scrap of paper when the Swaraj comes, but still it was a great allurements to them and that is why some of them joined the Congress. Of course, some of them have now adopted civil disobedience and various other Congress methods and must suffer for them. But we are very sorry that they should have been driven to that extreme. As regards the consequences, they have nothing to grumble about. Well, some of the frontier people might have been under the impression that perhaps they were treated rather differently from the rest of India in the matter of punishment for their civil disobedience. But from what I have heard



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this morning from other speakers they cannot have much grievance on that account. (Hear, hear.) Perhaps, the law is the same, and men who follow the cult of disobedience must be punished in the way which such disobedience deserves.

**Mr. M. A. Jinnah :** So equality is maintained in this respect.

**Nawab Sir Sahibzada Abdul Qaiyum :** Yes, we have been allowed equal rights with the rest of India in this respect if not a little more. Well, Sir, these are the remarks with which I shall now close, but I must say once more that my friend, Maulvi Mohammad Shafee Daoodi was not quite correct when he said that the chief cause of the trouble on the frontier was the Sarda Act; the chief cause of the trouble was the disappointment of the people over the reforms, and nothing will satisfy them unless they are put on terms of equality with the rest of India with respect to the reforms. (Applause.)

**Mr. M. R. Jayakar :** Sir, I rise on a point of correction with reference to the interruption which was made by my Honourable friend, Mr. Jinnah, when I was speaking in the morning, in which he said, with reference to my statement, that a number of very aristocratic families in Bombay had taken part in a certain procession, that my information was wrong. Here I have in my hand a copy of the *Bombay Chronicle* of the 7th July. In its editorial article under the heading "United Front", this is what it writes (after referring to an important meeting held in Bombay under the presidency of Mr. Vallabhbhai Patel) :

"It was a largely attended meeting and was followed by a procession which, significantly enough, included, among other prominent Parsis, Lady Petit, Lady Jamsetjee Jeejeebhoy, Mrs. H. P. Mody and Mrs. Talyarkhan. The processionists marched to Dadabhai Naoroji's statue and laid a wreath at its feet."

So my information was not incorrect.

**Mr. H. P. Mody :** May I tell you, Sir, and Mr. Jayakar that Mrs. Mody was *not* in the procession. For one thing, she dislikes walking.

**Mr. M. A. Jinnah :** May I also point out to my Honourable friend that, when I made the correction of his statement, his statement was very different. He referred to what had appeared in the newspapers and he relied upon that. All that I said was that that information was given to the papers by somebody without an authority and that Lady Petit had actually contradicted it in the next issue of the *Times of India*, and the latter paper expressed its regret that the information supplied to them was false.

**Mr. M. R. Jayakar :** I was referring, Sir, to political intensity of feeling, and.....

**Mr. President :** Order, order. I think what has been said is enough.

**Mr. M. R. Jayakar :** The point, Sir, of my remark was that ladies of very aristocratic families, who would not have otherwise joined any political procession, had taken part in a procession.

**Mr. M. A. Jinnah :** But that is untrue.

**Mr. M. R. Jayakar :** This shows it, Sir, unless this Bombay paper lied....

**Mr. M. A. Jinnah :** There are many papers that lie.

**Mr. M. R. Jayakar :**....or was wrongly informed. It clearly shows that the procession did take place, and in that procession the persons I referred to took part.

**An Honourable Member :** What is the paper?

**Mr. M. R. Jayakar :** The *Bombay Chronicle*.

**Dr. A. Suhrawardy :** That shows what reliance can be placed on the *Bombay Chronicle*.

**Mr. President :** Colonel Gidney.

**Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) :** Sir, after this domestic quarrel has been settled it seems to me that I may be permitted to proceed with my speech. The main purpose of this Demand and of this Motion for a cut of Rs. 100 is to afford this House an opportunity to give form and reality to the Round Table Conference.

(At this stage, Mr. President vacated the Chair, which was taken by Mr. Deputy President.) (Applause.)

I also take it, Sir, as accepted that the Round Table Conference was the outcome of a proposal made by Sir John Simon. I can quite understand Members of the opposite side not being desirous of discussing the Simon Report on the floor of this House. Indeed, I think they are right in refusing to do so, because, we have His Excellency the Viceroy's assurance that the Simon Report will form one of the items on the agenda or terms of reference of the Round Table Conference, and I submit that that Conference is a more suitable place for the discussion of the Simon Report than the floor of this House. But the Simon Report, Sir, is before the world and occupies the centre of India's political stage and, as such, it cannot be brushed aside and scrapped nor can it be discounted or overlooked. I think that a discussion on this Report would be much better conducted among the various communities, or Parties or Associations. Any criticism now is inopportune and untimely. Let us reserve it for the Round Table Conference, along with other Reports. And so, Sir, I do not propose to deal with the Simon Report in my speech today, except to refer to the remarks that fell from Mr. Jayakar about Sir John Simon stating in his Report that when it was drafted he was uninfluenced by the present political situation in India. Mr. Jayakar tried to imply that this admission had reference to the present state of lawlessness and the political condition in Bombay and which Sir John Simon should have considered in his Report. My reading of the Report is that Mr. Jayakar's interpretation is wholly wrong and that paragraph was written with the express purpose of showing to those diehards who consider that the handing over of law and order to the provinces was a dangerous recommendation that the Simon Commission were prepared to do so despite the present day political unrest and lawlessness in India, the inference being that had the present unsettled condition of India been considered by the Commission, it would not have made such drastic proposals and recommended the handing over to provinces of law and order. Sir, speaking on behalf of the Anglo-Indian Community, one of the minority communities,—and I feel sure I have the support of my Honourable friends, Mr. Raja, and the Reverend J. C. Chatterjee, representatives of the depressed classes and Indian Christians—I can assure the House that we are desirous of taking an

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honourable part in the Round Table Conference should we be asked to participate. We are also desirous of stating here, in clear and unequivocal terms, at least I am, that we are not prepared to agree to any Pact which has not got as one of its primary and main objects the permanent safeguarding of the interests of the minorities—economic, social and political. We demand honourable terms, otherwise we shall refuse to accept any agreement at the Round Table Conference. When I use the term minorities in its constricted sense, I do not include the majority of the minority communities, the Muslims, because being about 70 millions strong they are really a majority in themselves and therefore can guard their own interests very well. We, however, earnestly hope we shall not be left the dregs of any settlement that may be arrived at at the Round Table Conference. In your desire to emulate Ireland, I hope you will learn from her lessons and not create any Ulsters. Sir, my conception of the Round Table Conference is a collection of genuine representatives from India, men who are fired with the enthusiasm of coming to an amicable settlement and are imbued with the spirit of give and take, and are not wedded or tied down to inflexible ideas. Further, the representatives of that Round Table Conference must have a true conception of their powers and their status. After all, it must not be forgotten that the British Parliament is above all and has not abdicated, and that it still functions. We are not to look upon ourselves as plenipotentiaries going to the Round Table Conference to demand terms nor are we to look upon the Round Table Conference as a Second Versailles. His Excellency the Viceroy made it abundantly clear that we would participate in the deliberations of the Conference as equals. Unfortunately the view is held by some sections of political thought in India that the Government of India is beaten and must submit to terms and they will participate in the Conference only if these terms are accepted. Sir, one has to remember always that the British Parliament is the final authority and that it is willing to listen to and be guided by the consensus of opinion of those who appear with it before the Round Table Conference, I go further and assert that if we are able conclusively to prove to them that the unanimous demand of India is for Dominion Status, the demand will not fall on deaf ears. It requires very little political acumen to realise how hopeless will be our fate if we appear before the Round Table Conference as dictators and make impossible demands. It must be remembered that the Round Table Conference is not an executive or a legislative body; it is entirely a deliberative and advisory body. Unfortunately, Sir, the refusal of Indian politicians to realise this fact is, in my opinion, the *raison d'être* of the present political unrest and I would add that in no statement or utterance is such a conception to be found. By their non-co-operation it is true we are deprived of the assistance of the Congress Party and I feel sure everyone in this House would be glad if it could send representatives to the Round Table Conference. Though they have denied us their co-operation one is prevented from accusing them as they are in jail and unable to defend themselves. But, what have the other leaders in India done to solve this deadlock—this *impasse*? What have the Liberal leaders in India done? Their inability to deliver the goods was the means of the very ignominious death of the All-Parties Conference. They were absolutely unable to deliver the goods and admitted their impotency. The minority communities were prepared to enter into a pact with these leaders, but they fought shy and yet, in this House, these

same leaders claim to represent the masses and peoples of India and are ready to blame and warn Government and issue manifestos demanding terms which amount to an abdication of Government. If these leaders desire to do a service to India, let them stop issuing manifestos, form themselves into a committee and, together, visit the members of the Congress Party in jail and try and persuade them to call off civil disobedience and attend the Round Table Conference. If my friends, Mr. Jayakar, Sir C. P. Ramaswami Ayyar, Mr. Jinnah and others, made up their minds to visit these Congress leaders, Mr. Gandhi and Pandit Motilal Nehru, and persuade them to call a halt and join us in a settlement at the Round Table Conference, they would not only establish their claims to be called leaders, but make the Conference thoroughly representative. Believe me, one such visit would be worth more than hundreds of manifestos.

Now, Sir, what is the origin of this Round Table Conference? We all know that when the Simon Commission was originally constituted and announced, His Excellency the Viceroy in his speech said that together with the Simon Commission would sit as equals, the Indian wing, i.e., the Indian Central Committee. Both would work conjointly and when the Simon Commission had submitted its Report, it would cease to exist but the Indian wing would continue to function and would represent the Indian case before the Joint Parliamentary Committee. In place of the Joint Parliamentary Committee we have been today given this Round Table Conference which will afford to those sections of Indian thought who refused to co-operate with the Commission an opportunity of placing their views before it and the British Parliament and thus help us to shape the future destiny of our country, India. Sir John Simon, in my opinion, deserves our thanks for suggesting this opportunity. And it is for this Round Table Conference that the Government are now making a demand for financial support and for the opinion of this House. Viewed in all its aspects and implications, in my opinion, Sir, there are only two issues before us in regard to the motion before the House. Firstly, do we seriously desire to support the Round Table Conference? Secondly, if we do, are we prepared to foot the bill? If we are prepared to foot the bill, then we cannot support the cut. On the other hand if we are not prepared to foot the bill, then we stultify our support to the Round Table Conference by supporting a cut of Rs. 100 not on account of the Round Table Conference but on the Simon Report and for which no grant has been asked. In short, we stultify our approval of the Round Table Conference because we are asked to support the Mover of this cut in his views that the Simon Commission's Report does not meet with his approval. Now, Sir, I submit, with all respect to the President's ruling on this matter, that the Simon Report constitutes no part of this demand and a cut on this is, in my humble opinion, *ultra vires*. The Round Table Conference is the only thing to which this demand relates, and, as such, any Member who supports the Round Table Conference will stultify himself if he also supports this cut, for in so doing he censures Government and in this manner rejects the Round Table Conference. Apart from this, we will, in supporting this cut, be strengthening the hands of those hie-hards in England who are today waiting for every opportunity to kill the Montford Reforms and all that has been added to them since 1919.

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Various demands have been made on the Government from the opposite Benches. I join with you in all you want to effect a healthy and peaceful atmosphere for the Round Table Conference, but I ask how has India responded to the many appeals made by His Excellency the Viceroy, the greatest Viceroy that India ever had, and here I wish to pause and endorse every word that my Honourable friend, Mr. Sen, had to say in this speech about His Excellency. His sincerity is unquestionable, his faith in India is great and his desire to serve India is incomparable. How often have you not spurned his proffered hand of friendship? How often have you not rejected and ignored his appeals for co-operation and trust? How can you in the face of this ask Government to do more? It is up to us to do more. The Government have done everything that is compatible with the situation. Government have to function and, if in functioning, they do things that are unpleasant, they cannot be blamed. Indeed, if law and order and the lives of hundreds of thousands were in your hands and keeping, you would do the same thing if you were in power. I ask my Honourable friends on the opposite side to address this question to themselves. Do not blame the Government or the Congress or the civil disobedience movement. Secure the co-operation, and help of the Congress Party, by all the means at your command and I am sure every one on this side of the House would help you in this achievement but, above all, I ask those of my Honourable friends, the leaders of the Liberal Party, strong as they are individually, but weak as they are without a following (Laughter), being leaders or more appropriately "leaderettes" without any following and unable to deliver the goods to organise, each one of them, for theirs are some of the cleverest brains in India. I repeat organise yourselves and get a party for you will then be able to deliver the goods. Take all steps to counter this civil disobedience movement. But do stop issuing any more manifestos. Remember "while the Liberals are manifestoing" "Nehru is rotting (to use an ordinary parlance) in jail". I ask you one and all to give up your present attitude of advisors and warners even though it be given as did my Honourable friend, Sir Cowasji Jehangir, in a monosyllabic staccato style peculiarly native to him. I ask you to give that up without any further delay and do something more practical and tangible and then you will be rendering substantial service to India and you will make the Round Table Conference truly representative of every party in India; for, I do believe, without the Congress, that "Board of Conciliation" which is nothing else but a synonym for "the Round Table Conference" will be imperfect and incomplete.

**Mr. Deputy President :** Order, order. The Honourable Member has exceeded his time.

**Lieut.-Colonel H. A. J. Gidney :** In conclusion, I would ask the Honourable Member who moved this cut to reconsider the position carefully and in refusing him my support for his cut, I would ask if he would be good enough to see his way to withdrawing it for it has nothing to commend itself. It has everything to condemn itself.

**Sardar Gulab Singh (West Punjab : Sikh) :** Sir, I rise to support the cut motion made by my Honourable friend on the agenda.

I would say only a few words merely to take part in this important debate, for enough has been said by way of general observation by the previous speakers to condemn the Statutory Commission's Report, which is entirely unacceptable and extremely disappointing. As events have shown, the Commission was rightly boycotted by the Indian Nationalists and others. Sir, there were others who had still hopes for further reforms, for which the Commission was mainly intended, in accordance with the great declaration of 20th August, 1917. But their hopes were disappointed and they were rather upset by the conclusions of the Commission. Reading the situation, I am reminded of a story of a *Mirasi* belonging to a class of people known for their merry pursuits. He, Sir, being greatly tired and distressed in a long journey, sat down on the roadside and prayed to God for a conveyance. In the meanwhile a landlord came who asked him to carry his load. Seeing the circumstances of the offer of help, he cried out that the great God often misunderstands things. He had prayed for a conveyance, but was given a load on the head instead. Likewise our hopes have been upset. Suggestions and efforts have been made to curtail even the existing reforms. For instance, a suggestion is made for indirect election to the Assembly in which the franchise of direct election of the people would be taken away and further disabilities put on candidates for the Council of State. India would be the only unfortunate country where the reforms once granted would be snatched away in the guise of a further instalment of reforms.

As for the Round Table Conference, nothing can be said definitely unless we know more about it, and we would welcome it if it is managed properly in points of the personnel, functions, calm atmosphere and participation of leaders who are in jail. At present, we are attracted to this Round Table Conference by the encouraging words of His Excellency, who is anxious to secure for us another alternative and opportunity to support our cause.

With these few remarks, I close.

**Rao Bahadur D. R. Patil (Bombay Central Division : Non-Muhammadan Rural) :** I am glad, Sir, that I, a back bencher, who got up many a time, has ultimately caught the eye of the President, for which I thank you very much. To my mind one thing is clear, that those who occupy front benches are easily heard, and those who are in the back benches scarcely receive any notice of the Chair.

**Mr. President,** I have to bring to the notice of the Government of India especially one fact, that in the Bombay Presidency there is a Non-Brahmin Party like the Nationalist Party or the Independent Party here. The Non-Brahmin Party in that Presidency represents the interests of agricultural classes which form a majority of the population there. In the same way, there is the Justice Party in Madras. Similarly, there is the Non-Brahmin Party in Berar and the Central Provinces. The Round Table Conference ought to safeguard the interests of all the parties. Therefore, it is but legitimate for me to appeal to the Government of India that there ought to be an adequate representation of Non-Brahmin parties in the above-mentioned three Provinces on the Round Table Conference. I specially make this appeal, Sir, because there are very few non-Brahmins here who are advocating the cause of non-Brahmins so far as their representation on the Round Table Conference is concerned. Sir, this is the time when all the communities ought to co-operate and put their claims on

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a proper basis and follow a policy of mutual goodwill, a policy of give and take, and unless and until we follow such a policy, I do not think that the Round Table Conference will be a real success. Sir, I am reminded of a story. There were two brothers, "A" and "B". There was some dispute over property. "A" said, "I have got eleven points, very strong indeed and I have considered them very properly and I am very anxious for a compromise, but kindly accept my eleven points and then the compromise is possible". In the same way "B" says, he has got fourteen points and he says, "I have considered them very properly and I am equally anxious like you for a compromise, but accept my fourteen points". In such circumstances, is it possible that a compromise will be effected? Of course not. Therefore, all the various communities in India ought to follow a policy of mutual goodwill and must not press their claims with obstinacy. Possibly, one community's claims might be reasonable, but other parties might not be willing to accept them. In such a case by mutual co-operation and toleration anyhow a compromise should be effected. Unless and until a compromise is effected in that way, I do not think the Round Table Conference will bring good results. But human nature being what it is, every party will try to safeguard its own interests without any regard to other party's interests. Therefore, if that fortunate day will come when all the parties will be united in their demands, so much the better, but if that time is not to come, it is but proper that all the parties, as I have stated, must have an adequate representation in the Round Table Conference in their own interests.

Now, Sir, I come to the Report of the Simon Commission. Sir, I was a member of the Bombay Provincial Committee, elected by the Bombay Legislative Council to co-operate with the Simon Commission. But I am surprised to find that the recommendations made by the Statutory Commission, headed by Sir John Simon, a legal luminary and an ornament of the British Bar, have not come up to the expectations of all parties in India. They have not satisfied our national aspirations; they have not led us to the goal of self-determination. Therefore, the recommendations made by the Simon Commission are very unsatisfactory. I may again tell you, Sir, that unless and until we have got fiscal autonomy, national progress is impossible.

Now take the case of expenditure on defence. It has been admitted by Sir John Simon himself that the expenditure on defence is very excessive so far as India is concerned. This expenditure in India has no parallel in the history of the world. That is a clear admission on the part of Sir John Simon.

Sir, I should like to conclude by saying again that the interest of the non-Brahmins ought to be adequately safeguarded and represented at the Round Table Conference. They are a very important body, and I urge very strongly that the interest of the non-Brahmins, the agriculturists who are the pillars of the country, should be adequately represented at the Round Table Conference. Sir, with these words, after thanking you for having allowed me to catch your eye, I beg to resume my seat.

**Lala Brij Kishore** (Lucknow Division : Non-Muhammadan Rural) : Sir, in rising to speak upon this cut motion, I propose to confine myself

only to the interests of the landholders to the extent to which they are affected by the reactionary recommendations of the Statutory Commission. The landed aristocracy which has separate electorates both for the Provincial and Central Legislatures is to be deprived of them under the new scheme. They have been a great source of support to Government in various ways. The taluqdars of Oudh, who received the Statutory Commission in an atmosphere of distrust and suspicion prevailing throughout the country, expected much from the Commission, but to their great disappointment what little they had, in the shape of special electorates, is taken away.

As regards the Round Table Conference, I am one of those who believe in the potentialities of it. We should therefore organise all the available constitutional forces in the country so as to make the London Conference a success. We live in a period when great national forces are working around us. It is therefore necessary that we should grasp the helping hand of Government, and it is equally incumbent upon Government to take recourse to such measures as may go to make the impending Conference a reality in spirit and letter and ensure success.

**Mr. Saradindu Mukerjee** (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, in rising to support this cut, I want to deal very briefly with the Simon Report. I want to deal with the sins of its omission and not of commission. A proposal has been made for an extraordinary amount of power to be handed over to the Governors of Provinces, but nowhere is it mentioned who will be the Governors of the future, i.e., whether they will be the European element of the heaven-born services or whether the men of the country will ever be allowed to occupy these places.

The second point is, we expected an old and experienced lawyer like Sir John Simon to say something about the separation of the Judicial from the Executive. Nothing has been said on this point. We know, Sir, that the administration of criminal law is one of most important subjects in this country. It is in the hands of an irresponsible executive, and the prosecutor is the judge in most cases. Not a word has been said on this subject, but it has been allowed to remain where it was all along.

Coming next to the Round Table Conference, I will deal very briefly with the personnel of this Conference. When I heard the Viceroy only three days ago, my impression was that he was very anxious to have the Ruling Princes in this Round Table Conference. Sir, I submit that even according to Sir John Simon, the Native States are quite separate from British India. I do not see any reason why the Ruling Princes should have anything to say in a Conference that is going to frame a constitution that would govern us and not the Ruling Princes. The Ruling Princes might come into the Federation of States a long time after and there would be time enough, when that occasion arises, to invite them to submit their views. As it is, the Ruling Princes would be an element of about 12 in a body of about 60 and it is likely that they would lend their solid weight to the die-hard element of British Imperialism in England. Besides, the Ruling Princes are accustomed to a rule of autoeracy in their own States. There are only a few States in which a little amount of democracy has been allowed, and they would never be able to understand the aspirations of democratic India. So

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I should like to invite the attention of His Excellency to the fact that the Ruling Princes have no *locus standi* so far as the framing of a constitution for British India is concerned.

Then, Sir, we, as the representatives of the people, have been asked to vote for this grant. We are asked to pay the piper, but we are not allowed to call the tune. If we are at all taken as the representatives of the people,—otherwise there is no justification for our existence—we should be allowed to elect at least a small proportion, say 25 per cent. of the members who would constitute the Round Table Conference. In this connection my submission to His Excellency the Viceroy would be that he should allow us to elect at least 16 members, 12 Hindus and 4 Muhammadans, as representing this House, to take part in the Round Table Conference.

Now, we come to the most important proposition with regard to the personnel, namely, the Congressmen. It is admitted on all hands that, without Mahatma Gandhi, whatever be the outcome of the Conference in London, the people of India, I mean at least the 220 millions of the Hindus in India, would have no confidence in it. And I respectfully remind His Excellency the Viceroy that he should not fail to come to a decision to invite Mahatma Gandhi to join the Conference. He would lose nothing by sending an invitation to him to join the Conference, and if Mahatma Gandhi ever accedes to his request, then the Conference would be fully representative. Otherwise, it will be practically a loss of time, energy and money.

Then, Sir, I come to the next question, *viz.*, the atmosphere that is necessary for this Round Table Conference. My idea is, that an atmosphere of peace and goodwill ought to prevail before the delegates actually leave India and join the other delegates in England. I regret to say Sir, that "times are out of joint" with us at present. It has been said, Sir, that the responsibility for the present loss of life and limbs is on the head of the Congress. I say that the whole responsibility lies on the head of Government and on no one else. What did Mahatma Gandhi say? Mahatma Gandhi said that he was openly going to disobey some of the laws which had been enacted in this country and he asked that he and his followers might be arrested and put into jail. He did never think that Government would not play the game and arrest him and his followers, but Government *did not* play the game. Instead of arresting the crowd of law breakers who might have been carried away by their sentiment—and these persons would never have resisted as they were vowed not to resist—Government used the other alternative of dispersing them by *lathi* charges and resorted to the use of firearms. Thus the whole responsibility is not on the head of the Congress at all, but on Government alone.

Now, Sir, the Government of India have shown bankruptcy so far as statesmanship is concerned. The Government of India are going to rule us only by Ordinances and special powers. We know that under the Government of India Act, Ordinances can be enforced for six months only and not more. Do Government think that, after six months, the country would be so pacified that the use of these Ordinances would not be required? Then what happens? The Government of India

cannot extend these Ordinances. It would be *ultra vires* under the Government of India Act and then they would have to come to this House to get the support of the elected Members to have these Ordinances passed into laws. I may say that there is no son of India, either Hindu or Muslim, who will ever lend his support in passing any penal legislation which would convert these Ordinances into laws for all times to come. I would therefore request the Viceroy to call a halt and release all those political prisoners who have not been convicted for any offence involving "moral turpitude". I use these words deliberately because some offences, not only have been newly created by these Ordinances, but also some minor sections of the Penal Code and other Acts which were meant to deal with frivolous offences, have been made use of for other purposes. For example, there is a section which says that obstruction to traffic is illegal. It is a very minor matter and is usually punished with a fine of a rupee or so; but in the case of the Congress people it has been converted into a very serious offence, and sentences of rigorous imprisonment have been passed on those people who were destructing the traffic by picketing. I would once again request His Excellency the Viceroy to grant an amnesty to all political prisoners, not convicted for moral turpitude and to do away with these repressive enactments, and hold out the olive branch of peace to the people of this country. Government may say, "If you stop civil disobedience, we will take away all the repressive measures." I would say that this answer would be begging the question; because if there was no civil disobedience there would not be any necessity for any repressive measures. Thus no attempt would be made by Government to show any generosity to the people of this country at this time of stress and strain, unless Government withdraw these measures at once.

I would also point out that there is another danger which is the usual effect of this lawlessness that is now prevalent in this country. Now we find that people are resorting to *open* violence of law. It can be compared to an open wound that can be healed with sympathy; but if more repression is allowed to be used, the result would be that it would form into a sinus: numerous secret societies would be formed and Government would then find it extremely difficult to ward off a stab in the dark. We have seen all these things happening in Czarist Russia, and we know that on account of repression there, numerous Nihilist societies were formed, and the result was that the whole of Czardom was overthrown and the rule of the people came in its place. I warn the Government that they should not allow this country to go to that length, so that this country, instead of enjoying peace and tranquillity, might be hurled into the turmoil of internecine secret war.

Sir Cowasji Jehangir and others have pointed out that perfectly law-abiding people have joined this movement, not from love of the movement, but because they have been exasperated by the action of the police in various parts of the country. I do not want to take up any further time by going into the details of these cases. I can give you hundreds of instances which I know of personally, where the police have entered the houses of respectable citizens, assaulted them, used *lathis* and insulted them most grossly, but that is not my point now; my point rather is that if this present repressive policy is continued, the natural result will be that people of all shades of opinion will all join and give a tremendous impetus to the boycott movement, which the



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British Government will not be able, with the greatest effort, to combat. The result will be unemployment in England and the Labour Government will go out of power, and whatever chances we have of getting any success at the Round Table Conference would be practically negatived at the time when the recommendations of the Conference come to be enacted into an Act, if any party other than the Labour Party came into office.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : Sir, I am really thankful to you for giving me an opportunity to speak after getting up so many times. I am glad that I have at last caught your eye. As a representative of the Bengal landholders, I would be failing in my duty if I did not express my view here that this Commission has ruthlessly trampled down the interests of the landlords in India. I would also be failing in my duty if I did not express the feelings in my mind in regard to these repressive measures which the Government have now adopted as a policy. I was surprised to hear the Honourable the Home Member, in the course of his speech, say that Mr. Neogy was not the right judge, and that at least some of the allegations made on the floor of the House today could not be supported. I do not think it is expedient to express such feelings in such a way, and I think I must say at this juncture that the policy pursued by Government is one which will have a very disastrous effect. I can give a practical example on the floor of this House : if it is proved *sub-judice* you can rule me out of order, but I must mention one case, concerning volunteers. The Honourable Member for the Bengal Government here must know of it and must have studied the case, and I do not think he himself can deny the facts that I am going to state.

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

The volunteers were very quiet, and absolutely non-violent. The police brutally treated the volunteers, marched over their abdomens when they lay on the ground, mercilessly beat them with *lathis* and batons, which caused a great sensation amongst the spectators who were restless and the police fired on the unarmed mob, but then their ammunition was exhausted and in the meantime about ten thousand people arrived there and were about to crush down the police, and it was those volunteers who were so beastly treated who stood in the way and prevented the mob from attacking the police. That is the case, and still you say volunteers are violent in the name of non-violence.

**Mr. G. S. Dutt** (Bengal : Nominated Official) : On a point of order, Mr. President. I think the incident to which the Honourable Member is referring is *sub-judice* and I do not think he is in order in referring to it. I am afraid I am not in a position to say anything in this matter as the matter is *sub-judice*.

**Mr. D. K. Lahiri Chaudhury** : I am not talking of any matter that is *sub-judice*. I am talking of the policy which the police are following in treating the absolutely non-violent volunteers....

**Mr. President** : The Honourable Member should not refer to matters which are *sub-judice*.

**Mr. D. K. Lahiri Chaudhury** : I am not mentioning matters which are *sub-judice*.

I am simply mentioning what I know to be the real facts. Did he not himself cheer the volunteers for asking the crowd to keep quiet and for trying to protect the police ?

**Mr. G. S. Dutt** : Sir, the case is still pending in the courts, and I do not think any reference can be made to it here.

**Mr. President** : Will the Honourable Member please avoid any reference to this case which is pending in the courts ?

**Mr. D. K. Lahiri Chaudhury** : I am only mentioning facts, because I know them to be true and I myself visited the hospital to see those wounded volunteers.

**Mr. President** : No facts connected with the case can be mentioned as long as the case is *sub-judice*.

**Mr. D. K. Lahiri Chaudhury** : I am not mentioning any facts of the case which is *sub-judice*. I am only mentioning an incident....

**Mr. President** : That case is *sub-judice*, and no incidents or facts connected with it can be mentioned in the House.

**Dr. A. Suhrawardy** : Was the Honourable Member in Benares or in Mymensingh at the time ?

**Mr. D. K. Lahiri Chaudhury** : I was in Mymensingh, and I found that a boy of seven years was severely beaten, and he fell down senseless, but when I asked him in the hospital about his injury ; with a smiling face he said, " I will again join the civil disobedience movement ". I say that people have been brutally beaten and have been trampled down under foot ; I say people have been belaboured and kicked about in a most merciless manner, which would put to shame any civilized nation, and it is a pity that the action of the police has been endorsed by the higher authorities. Sir, as an Indian I feel it my duty to state all these most disgraceful actions of the police in this House.

Then, Sir, it was mentioned by the Honourable the Home Member that there is an impression in this country that nothing could be expected from the British without force. Now I challenge that statement, Sir. What have the Government done all these years ? So long as the landholders and zemindars supported them with their hard earned money, they patted them on their backs, they were told that they formed the backbone of the Government and so on. But now look at what the Commissioners have done. They have ruthlessly trampled under foot all claims and all interests of the landholding classes. Those who pay a large amount of land revenue, by which the national coffers are filled, have been entirely and woefully neglected ; no mention has been made in the Report about the zemindars and landholders. Sir, here I feel that it is my duty to record my protest against the policy which has been adopted by the Commission by completely ignoring the landed interests altogether by not making any mention of them in the Report. At the same time, I must not fail to mention the attitude adopted by His Excellency the Viceroy by keeping the door open by calling a Round Table Conference, and I believe that the omission made by the Simon Commission will be redressed and rectified at the Conference. Therefore, I do not think it is necessary for me to go into the details of the arguments for I know this is not the proper place, and I hope, when the proper time comes, we will see what can be done.



[Mr. D. K. Lahiri Chaudhury.]

One thing I want to impress upon the Government, and I warn them with all the emphasis I can command, that if they lose their friends by ignoring their interests altogether in this manner, friends on whom they have always relied in the past, and will have to rely upon in the future, if their interests are trampled under foot, I say that a time will soon come when these landlords and zemindars, who were very loyal at one time, will become revolutionaries and will try to crush the Government itself.

Now, Sir, I must quote an instance which I read in the *Modern Review*. I am quoting from an article in the *Modern Review* by Miss J. Ganguli, M.A. It shows how ruthlessly all civilized laws have been trampled under foot. It was the evening of the day of Christ's crucifixion, a day for the Christians to remember the qualities of mercy and love and to understand pain. On that auspicious day what happened? I am quoting from the *Modern Review* :

"The District Magistrate had with his hunter beaten a small boy of ten in such a way that he had fallen senseless on the ground and was bleeding profusely from a deep cut on the forehead and from the nose."

This is not the boy of Calcutta, but this is another instance. I think if Honourable Members doubt the accuracy of my statement, I can show them the photograph of the injured boy. The District Magistrate of the place had beaten a small boy of seven on the head in such a way that he fell down senseless and was bleeding. The photograph of this boy lying senseless on the laps of Miss. Ganguli and two of her companions is published in the *Modern Review* :

"About ten others were hurt—some slightly and some with grave injuries on their body—and we removed them all to the camp and brought the boy to our own hospital under the Ramkrishna Mission at Tamluk. On our way there the boy regained consciousness and when told that he would soon get better, replied, 'Yes, and then I will come again when our soldiers prepare salt, and if the Sahib comes to beat me once more, I will say 'Sahib, I have come and so if you will, beat me again'."

This was the answer given by a boy of only ten, who was beaten when he was absolutely non-violent. Sir, I condemn, in the strongest language possible, the attitude adopted by the Honourable the Home Member when he gave such a callous reply to my friend, Mr. Neogy, this morning. When I heard his reply, my blood began to boil, because he had not even a word of sympathy to express for those who are suffering in the non-violent struggle. Even His Excellency the Viceroy the other day expressed his sympathy for those who have suffered in this civil disobedience campaign, but the Honourable the Home Member had the cheek to sit in the House and listen to all the horrible deeds perpetrated by his policemen on innocent and unarmed people and yet not to express even a word of sympathy for them.

Then, Sir, I must say a word about the landholder class, to which I have the honour to belong. Sir, agricultural income is going to be taxed. Over and above that, there are strong rumours that there is going to be imposed additional taxation, and I can assure the House, if all these additional taxes are imposed, they will soon lose their friends in India. This reminds me of what Sir Tej Bahadur Sapru once said, that if this policy of repression is pursued and a policy of conciliation is not adopted, it will lead to disastrous results, and the Government will lose their friends in India day by day.

**Mr. G. S. Dutt** : Sir, I find myself in a very unfortunate position as a nominated Member, who had no intention of speaking but is compelled to take part in the discussion in order to explain a matter which I regard it my duty to do. Sir, the last speaker referred to an incident which he says took place in the district of Mymensingh to which he belongs and of which I happened to be in charge before I came to the Assembly. I understood him to say that there was an incident in the course of which volunteers were assaulted by the police in my presence.....

**Mr. D. K. Lahiri Chaudhury** : I did not say that the volunteers were assaulted in your presence. I showed how they were brutally assaulted and how they were treated by the police.

**Mr. G. S. Dutt** : Well, Sir, I must have misunderstood him, but I gathered from what he said that the assault on the volunteers took place in my presence. On the other hand, as I pointed out, and as another Honourable Member coming from the same district pointed out, the incident referred to by the Honourable Member is *sub-judice* as it apparently relates to the riot at the Excise Warehouse.

**Mr. President** (to Mr. Lahiri Chaudhury) : The Honourable Member can only offer a personal explanation and he cannot make a speech.

**Mr. D. K. Lahiri Chaudhury** : Does not the Honourable Member admit that the volunteers were non-violent? Is it not a fact that he himself contributed Rs. 100 to the hospital to show his sympathy for the cause?

**Mr. G. S. Dutt** : Sir, there is no relevancy between the two questions but all I need say is that the Honourable Member has been entirely misinformed in this matter, and I do not exactly know what cause he is referring to.

**Mr. President** : The Honourable Member can only speak on a point of personal explanation about any fact which refers to him, and he cannot refer to any other matter which does not concern him.

**Mr. G. S. Dutt** : Sir, I personally know of no instance in which non-violent volunteers were assaulted by the police.

**Mr. K. C. Neogy** : Will the Honourable Member tell us why he was transferred from Mymensingh? That has certainly some relevancy to the present topic. (Laughter.)

**\*Haji Abdoola Haroon** (Sind : Muhammadan Rural) : Sir, I do not want to speak lengthily because many Members of this House have already given their opinions on the Simon Commission's Report and the Round Table Conference. Now, Sir, there are many who have objected to the policy of the Government, the repression by it and so on. As a layman, I am always asking myself what the Government should do and what advice I should give to Government.

**Mr. Amar Nath Dutt** : Will they listen to your advice?

**Haji Abdoola Haroon** : Whether they listen or not, that is a different matter. I want to give one instance on the floor of this House. I left Karachi on the 4th instant. Two days before that, there was some difference between the Satyagraha Committee and the piece-goods merchants there and the Satyagrahis started picketing of their shops. I saw with my own eyes 200 volunteers picketing there and thousands of spectators standing by. There was such a crowd that the roads were

\* Speech not revised by the Honourable Member.

[Haji Abdoola Haroon.]

completely blocked. The merchants were compelled to close their shops as a result and the market was deserted. Not only that, but the Satyagraha Committee decided that not a single bale should be despatched by railway from Karachi and they commenced picketing at the railway station. Till I left Karachi, for three days continuously not a European or Indian could despatch a bale of piece-goods by railway, because at the gate of the railway station the volunteers stood, and if any cart wanted to enter, they objected and stopped it. If the cart did not stop, they lay down before the cart, and if the cartman went on to the bodies of the volunteers, there was the fear that he might be prosecuted. Under these conditions, if any citizen went to the police or the Government to protect peaceful trade, what would the police do? I ask the House what the police will do in those circumstances? If they ask the volunteers to go away, they refuse to do so; if they handle them with *lathis* we object to it, and so on. Honourable Members must consider all these things and then come to a conclusion.

I join with other Honourable Members who have condemned the Simon Commission's Report, and in doing so, I shall deal with only one subject, and that is the separation of Sind, which constituency I represent here. The separation of Sind has been asked for by the Sindhi people since 1913. On account of their agitation, they have aroused the sympathies of other people and it has become an all-India question. Now, this question has been taken up seriously by the Muslim League, and the All-India Muslim Conference and they have passed from year to year many resolutions advocating the separation of Sind. Not only this, but in 1927 and 1928 the Congress also took up this question and tried its level best to satisfy the demands of the people of Sind, of the evidence of which the Nehru Report is a living example. Although they agreed that Sind should be separated, they suggested a committee to be appointed to enquire whether Sind could be separated on account of the financial difficulty. They said that if the Sind people agreed to further taxes on themselves, then they were in favour of the separation of Sind. That was the verdict of the Nehru Report. We were not satisfied with that decision. Then we hoped that the Royal Commission, the Simon Commission, which was coming from the Seven Seas, might do something to satisfy our demand. But, unfortunately, as many Members of this House have already stated, their hopes were shattered, in the same way our hopes also have been shattered. What do the Simon Commission say? I must say that, on this question, the Simon Commission have not given a very clear verdict. They agree that Sind should be separated because geographically, linguistically, socially, religiously and administratively Sind can be a separate province,—so far so good. But further on, they do not say clearly that Sind must be separated, but they recommend that a

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Boundaries Commission should be appointed and that that Commission should go into details as regards separation. Just as the Nehru Report put in some hitches, in the same way the Simon Commission also put in some hitches. In my humble opinion, this vague verdict of the Simon Commission has left our hope again hanging in the air. I want to make clear in this House as to why we are agitating for the separation of Sind. It is because we have suffered

heavily since 1843, that means, for the last 87 years. When Sind was conquered by the British troops in 1842, it was a separate province, and its first and last Governor was Sir Charles Napier. On account of its luck, or whatever you might say, in 1847 this province was amalgamated with the Bombay Presidency. And what is the condition of the province today? What have the Bombay Government done for Bombay during the last 87 years? In fairness to the Bombay Government, I must say that our province is too far from the seat of the Bombay Government. It will take three days by the sea route and if anybody comes by the narrow gauge railway, he can come in 48 hours, but this railway also was started only 25 years back. Before that there was no road-way or railway connection with Sind. Take education. Till now, the Bombay Government have not established a single college in Sind. There is one private college which is aided by the Government. Lately, another college has been started in Hyderabad, which is also aided by the Government, but Government themselves have not started a single college. Take the case of roads. Up till now, the Bombay Government have not built a single *pucca* road, except lately one between Sukker and Shikarpur, a distance of 20 miles, and another road, which has a length of 12 miles. This is what the Bombay Government have done for Sind in the last 87 years.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : What about the crores that have been spent on irrigation?

**Haji Abdoola Haroon** : My friend asks, "What about irrigation?" If we go through the accounts connected with irrigation and the Sukker Barrage, I can assure you that, although Government have spent some money on irrigation, they have recovered 8 or 12 per cent. income from that irrigation. As regards the Sukker Barrage, it is a big project and it was started in the time of Sir Cowasji Jehangir, and I cannot say what the future of it will be. Besides that, I can give you one more example. The Honourable Mr. Jinnah lately came to Sind on some business and remained there for about one month. He himself saw the condition of the administration, the condition of education, sanitation, roads, etc., and he was shocked to see that this province was the most backward in the whole of India.

**Nawab Sir Sahibzada Abdul Qaiyum** : Excepting the North-West Frontier Province?

**Haji Abdoola Haroon** : No. The North-West Frontier Province is more advanced.

**Dr. Nand Lal** (West Punjab : Non-Muhammadan) : Is it permissible to introduce private conversation between one Honourable Member and another on the floor of the House?

**Mr. President** : Interruptions are allowed.

**Haji Abdoola Haroon** : I appeal to Government and those who are attending the Round Table Conference that in the name of humanity and justice, Sind must be separated as soon as possible. There is some argument that Sind should not be separated because its revenue is so small and a separate administration for Sind is not possible. Sir, I am a layman but I can say one thing. According to the figures, Sind is paying taxes to the Bombay Government at the rate of Rs. 6 per head. Although I have not got proper figures before me, I remember it is

[Haji Abdoola Haroon.]

Rs. 4 per head in the case of Assam and Travancore. If you take the figures for Bengal, Bihar and Madras, they are paying hardly more than Rs. 2-8-0 to Rs. 3 per head. In Punjab it is Rs. 4 per head. If these provinces can be administered with so small an income, why cannot Sind be administered when its population pays Rs. 6 per head? The people in Sind are an oppressed people. We in Sind are not like people in other provinces, always clamouring and fighting. We are very good, very loyal and very honest and therefore we have suffered so long. With these remarks, I support the cut.

**The Honourable Sir George Rainy :** I find myself today, Mr. President, in a position in which previous Leaders of the House did not very often find themselves, namely, that the main proposal placed before the House by Government has received, I will not say unanimous, but a very preponderant expression of opinion in its favour. The main question before the House is that a sum not exceeding Rs. 2,66,000 be provided for the expenses of the Round Table Conference. It is quite true that there have been two or three speakers who have expressed the view that the Conference will do no good and that the money ought not therefore to be provided. Yet all of us who have listened to the three days' debate which is now coming to its close will agree that a very great preponderance of opinion has been expressed in favour of granting the money. That, Sir, I think is a result which is satisfactory from all points of view, because it means that this Assembly has expressed its opinion decisively as between the two paths to which His Excellency the Governor General referred when he addressed the two Houses, and has expressed its view distinctly for adopting the path of agreement and argument, in the belief and in the hope that that is the right path which will lead to a prosperous and contented India. It is not only, Sir, that this result must be gratifying to Government. Something far more important is at stake, namely, the interests of the people of India. I do not doubt that the decision which the House will reach on this question will have a very important influence for good on the course of the history of India during the next few years. I would fain take it as an augury that the infection may spread and that others who for the present cannot see their way to adopt this path, or to attend the Conference will eventually find themselves there. His Excellency the Governor General made it plain that the door has not been closed on our side, nor will it be closed. The door is open, and undoubtedly what we desire is—in the words which His Excellency used :

“That wiser counsels will prevail by which all the political thought of India might be harnessed to the task of welding into unity the elements that compose her life.”

Now, Sir, I do not know whether others who have listened to many debates in this House have been struck, as I have been, with the note of responsibility which has characterised most of the speeches in this debate. Naturally, in any deliberative Assembly, all men do not attain to the same standard in a matter of that kind; certainly in the House of Commons in England if a similar debate was taking place, I have no doubt that there would be speeches which no one would characterize

as very responsible speeches. But, listening to the debate, I have been impressed, if I may be allowed to say so,—and I hope it is not an impertinence to the House,—with admiration of the manner in which speaker after speaker, obviously speaking under a sense of responsibility, stated his case temperately and carefully, and has refrained from comment which might have embittered or exacerbated the situation and so defeated the objects which we all have in view. I think, Sir, we have reason to congratulate ourselves on that point. Now, Sir, I am a nominated Member and therefore must be careful what I say (Laughter) (*An Honourable Member* : “And a salaried Member”) or I may share the fate which befell my Honourable friend, Mr. Sarma. But I do not agree with him on one point. He said it was a mischievous debate. I can only say that I do not agree. It seems to me that it would have been very strange indeed if, when this vote was placed before the House, a large number of Members had not a good deal to say about the Report of the Royal Commission, and it has always seemed to me to be inevitable that the debate should take the form it has actually assumed. It is far too soon after the publication of the Report for either the Government of India or Members on the opposite side of the House to formulate considered and final conclusions about that document. As His Excellency the Governor General put it, we have only been able, so far, to give preliminary and tentative examination to the Report—although I may say that, if it be a crime to study the Royal Commission's Report, my colleagues and I are the most guilty men in India; and I believe that, before the date of the Conference in London, a good many Members of this House will have made themselves even more criminal than we are now (Laughter),—because, whatever view one may hold on the recommendations contained in the Report, it is certainly a document which those who attend the Conference will have to study. There is an old Latin tag which says : “It is lawful to learn even from an enemy,” and there is much to be learned from the Report. I have little doubt that, as I say, Members of this House, who are likely to attend the Conference will find it necessary to study what the Report has to say in detail. I have, however, diverged a little from the line I had intended to follow and I must get back to my main theme. It must be useful to Government to hear at first hand from the Members of this House what they think on an important question of this character. There are of course other means of ascertaining opinion; but when the Assembly is sitting, I personally have always found it—and I am sure my Honourable colleagues also find it—a great advantage to hear at first hand from responsible public men what they think on the questions of the day. Certainly on an important matter of this kind, on which the Government of India will have to express its own opinion at an early date I should have regretted very much indeed had I not had an opportunity of listening to the very varied comments which we have heard during the course of the debate. I can assure the House that all of them will receive the attention of Government, and that the Members of this Assembly are entitled to expect that what they say will have weight with Government and will not be brushed aside as valueless.

Now, Sir, while I adhere to what I have said as to the value of this debate, I am not sure that I can go on to say that I think it was a good thing to move the particular cut moved by my Honourable friend, Mian

[Sir George Rainy.]

Muhammad Shah Nawaz. I see one of the daily papers has suggested that there was some conspiracy between my Honourable friend and me to induce this House, by some subtle manoeuvre to express an opinion in favour of the Simon Commission's Report. When I read the paragraph, I murmured to myself the single word "optimist", because I must indeed have been sanguine if I had entertained that idea. And as regards the conspiracy, it amounted to this that on my request my Honourable friend very kindly came to talk to me, and I spent 20 minutes unsuccessfully in trying to persuade him not to move his cut.

Now, Sir, there are several reasons why it seems to me that it is impossible in this form to put on record an opinion about the Royal Commission's Report which would be of real value and which would be worthy of the dignity of this House. For one thing, it must necessarily be very vague what the House has in fact decided. Some may be dissatisfied with that Report on some points, others on others, and the net result merely is a general expression of disapproval, which does not carry us very far. What is required at the present moment is not general expressions of approval or disapproval but constructive work involving the closest possible attention to detail. When India's representatives attend the Conference in London, it is most desirable, as far as possible, that they should, have agreed amongst themselves as to the views they are to express, and that they should have studied and mastered their case, in all its details. Indeed, if this debate serves the purpose of permitting Honourable Members to give expression, once for all, to their general disapproval and thus enabling them to sit down with a clear conscience to the constructive work, then I think in that respect it will have served a useful purpose. But I have a more fundamental objection. To move a token cut in a matter of this kind, seems to me a wholly in appropriate method of raising the question. The underlying idea of a token cut is to refuse supply as a means of expressing disapproval of the policy of Government, the action of Government or the action of those whom Government controls. Now, Government do not and never have controlled the Royal Commission, nor are the recommendations of the Royal Commission an expression of a policy for which the Government of India are responsible. Therefore, it is impossible in this form to censure the Government of India for a matter over which, as I said, they had no control whatever. Surely it is a very strange procedure in order to express dissatisfaction with the Royal Commission's Report to refuse supply for attending the Conference in London. The logic of it seems to me extremely imperfect. Had there been any proposal to restrict the Conference to this report as the sole material of its deliberations, then, indeed, the cut could perfectly appropriately be moved.

**Mr. M. A. Jinnah :** It would then have been totally refused.

**The Honourable Sir George Rainy :** Or, again, had it been the intention of the Mover to suggest that this Report was so dangerous that it ought not to be placed before the Conference at all, then I would have understood the necessity of the cut.

**Several Honourable Members :** That is the idea.

**The Honourable Sir George Rainy :** I do not think any speaker raised this point until I raised it myself. In effect, what the Honourable the Mover is asking us to do is to refuse supply on the ground that part of the material which the Conference will consider is not as good as it might have been. Now, surely that is a very strange proceeding. In effect, the House will say to those who attend the Conference in London that if we had a good Report, we would have provided Rs. 2,66,000 for your expenses, but as the material is considered imperfect we have only supplied Rs. 2,65,900. Now, Sir, I ask, is that quite consistent with the dignity of this House? (Laughter). And have Honourable Members considered the unintended effect, if they pass this cut, which their action may have on public opinion in other countries, because surely it is the most remarkable compliment that has ever been paid to the report of a Royal Commission? It is so important that, even in this form the Assembly feels that it must express an opinion about it. I do not know whether anything I have said will have any influence with my Honourable friend or with other Members of the House. If it has no influence with them, then clearly Government cannot be a party to the action proposed. We express no opinion whatever at this stage as to the merits or demerits of the Reports of the Royal Commission. Quite clearly we must give that document all the study and all the labour which is required before the Government of India can formulate opinions. But it is incumbent upon Government to do all in their power to prevent the House from taking up an attitude which is not, in our view, consistent with its own dignity and does nothing whatever to assist a satisfactory settlement of the constitutional problem.

Before I sit down, Mr. President, there are only two or three things more I should wish to say. In the first place, I should like to refer to what fell from my Honourable friend, Mr. Acharya, about the importance of securing the most representative delegations to the Conference on behalf of India. It was not only my Honourable friend who referred to that matter but also my Honourable friend, the Leader of the Opposition, and other Members also. Now, Sir, what did His Excellency the Viceroy say in his published letter to the Prime Minister on the 13th of May? He said :

"It is important that the representation of India at the Conference should be fairly distributed amongst those sections of thought who desire and have a title to be heard."

It is a matter, Sir, which has engaged for weeks past, nay for months past, the constant attention of the highest authority in India. In so far as any of his colleagues has taken part in the matter, I am sure I can say this, that the only object we have set before us was to see how the most representative delegation could be constituted. And I personally never felt the temptation to be influenced by any other consideration. Previous speakers have pointed out that, for practical reasons no method of election seemed to provide a satisfactory method of constituting the delegation. But quite clearly the Government can have no reason for desiring to have any other sort of delegation than that of a delegation which India would accept as representative of herself.

A little while ago, I referred to probability that Honourable Members may, between now and October next, devote a good deal of time

[Sir George Rainy.]

to the study of the Royal Commission's Report but I did not at that time mention one particular reason why the study might be valuable. My Honourable friend, Sir Cowasji Jehangir, yesterday mentioned how much must depend upon the English mentality, whether of those who were serving in India or of men in positions of authority in England, and how all the future of India might depend on their being wisely inspired in their dealings with this great question. I would suggest that, if the representatives of India are going to the Conference, English mentality may be worth their study. It has already been important for some time, and every day it is becoming more important that a breach should not be allowed to develop between the feeling and thinking of India about the constitutional question and feeling and thinking in Great Britain. On our side, we fully recognise the necessity of understanding sympathetically India's aspirations, but I think there is a counter-obligation resting on those who will speak for India, that is, to try to understand sympathetically English feeling and English sentiments. Now, that is not an easy matter. I fully recognise it but it seems to me essential that, if the Conference is to succeed, this aspect of the case should not be neglected or ignored. After all, the report of the Statutory Commission is the report of seven men drawn from different Parliamentary Parties with very different histories and origins, and if for a moment those who sit on the other side would put aside the controversial aspect of the question and examine the Report from the point of view of trying to understand what underlies the English thought and English feeling expressed in it, I am perfectly certain that it will be an effort which will repay itself over and over again and will not be thrown away because it will mean that at the Conference there will be far more mutual understanding than otherwise would be possible.

Now, Sir, many speakers have spoken of the obligation resting on the Government of India to create an atmosphere in which the Conference can sit with some real hope of success. I should be the last to deny that an obligation does rest upon Government to do all in their power to produce peace and harmony, and especially at a time like this. But when Honourable Members speak as if it was a very simple and easy matter, and that all that the Government had to do was to make a magic gesture and the thing would be done, I am afraid they are deceiving themselves. With every year that passes, it is less possible for Government to control political feeling or to regulate the public mind. Just because we are moving along the path of constitutional reform, greater and greater influence and power must be exercised by the representatives of the people, and, as that progress continues, a larger and larger contribution of goodwill must be made from the popular side, if we are to carry on at all. I do not wish, Sir, after these three days debate to develop this point at length, but a few things must be said. After all, if we adopted the plan of some speakers and, while the civil disobedience movement is still in full swing, granted a general political amnesty, would not that amount to the abdication of the Government? So long, Sir, as we are here, we have to perform the primary function of all Governments, and when Honourable Members say that the whole responsibility rests upon Government, and on no one

else, surely they cannot have reflected upon what they were saying. That Government has a responsibility and always must have because it is the Government, I frankly admit, but in this case, surely it is other influences which have brought about the state of affairs which we all deplore. What is the civil disobedience movement except an organised attempt to make Government impossible. If that movement were once discontinued, a new situation would be created with which it would be far more easy for Government to deal, and I do not believe that any one who knows the personality of the head of Government could have any doubt as to the spirit in which the matter would be handled. But surely in this matter, until the leaders of the movement are prepared to discontinue it, the power of Government to contribute towards creating the atmosphere that we all want to see is almost paralysed. I am not saying one word to disclaim the responsibility which rests on the Government of India. It is a very heavy burden to me personally, at a time when a mistake made by any one of us might have the most serious effect upon the interests of a country which contains one-fourth or one-third of the human race. But nevertheless how is it possible for Government by any magic gesture to bring about peace and harmony and an atmosphere in which these great and most difficult problems might be discussed temperately and without heat? I would appeal to my Honourable friends on the other side, that if they have any influence with the leaders of the movement, which we all deplore, to exert that influence, because it is there that for the moment the power rests, to give India the peace and the harmony that she needs. I can only hope and pray that these leaders on their part will allow better counsel to prevail, and will not inflict upon their country the irreparable injury which it is in their power to inflict. (Applause.)

**Mr. President :** The original motion was :

"That a supplementary sum not exceeding Rs. 2,66,000 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, 1931, in respect of 'Miscellaneous'."

Since which two amendments have been moved, one by Mian Muhammad Shah Nawaz and the other by Mr. Abdul Latif Saheb Farookhi. I will first take the motion of Mian Muhammad Shah Nawaz and the question I put is :

"That the Demand for a supplementary grant of a sum not exceeding Rs. 2,66,000 in respect of 'Miscellaneous' be reduced by Rs. 100."

The Assembly divided :

AYES—60.

|                                         |                               |
|-----------------------------------------|-------------------------------|
| Abdoola Haroon, Haji.                   | Badi-uz-Zaman, Maulvi.        |
| Abdul Haye, Mr.                         | Badri Narain, Mr.             |
| Abdul Matin Chaudhury Maulvi.           | Bhattacharya, Pandit B. P.    |
| Abdul Qayyum, Nawab Sir Sahibzada.      | Brij Kishore, Lala.           |
| Abdullah Haji Kasim, Khan Bahadur Haji. | Budh Perkash, Mr.             |
| Aiyangar, Mr. C. V. Venkataramana.      | Chetty, Mr. R. K. Shanmukham. |
| Ayyangar, Mr. K. V. Rangaswami.         | Das, Mr. B.                   |
| Ayyar, Mr. N. A. Natesa.                | Dutt, Mr. Amar Nath.          |

## AYES—60—contd.

Dutta, Rai Bahadur S. C.  
Dwe, U.  
Farookhi, Mr. Abdul Latif Saheb.  
Ghazanfar Ali Khan, Raja.  
Gour, Sir Hari Singh.  
Hyder, Dr. L. K.  
Ismail Khan, Mr. Muhammad.  
Jayakar, Mr. M. R.  
Jehangir, Sir Cowasji.  
Jinnah, Mr. M. A.  
Kartar Singh, Sardar.  
Lahiri Chaudhury, Mr. D. K.  
Mama, Khan Bahadur A. H.  
Misra, Mr. B. N.  
Mittra, Mr. S. C.  
Mody, Mr. H. P.  
Mukerjee, Mr. Saradindu.  
Munshi, Mr. Jehangir K.  
Murtuza Saheb Bahadur, Maulvi Sayyid.  
Nand Lal, Dr.  
Nehal Singh, Mr.  
Neogy, Mr. K. C.  
Patil, Rao Bahadur B. L.

Patil, Rao Bahadur D. R.  
Raghuber Singh, Mr.  
Rajan Bakhsh Shah, Khan Bahadur Makh-  
dum Syed.  
Ramji, Rao Sahib B.  
Ranga Iyer, Mr. C. S.  
Ranga, Mr. N. G.  
Rao, Mr. G. Sarvotham.  
Reddi, Mr. T. N. Ramakrishna.  
Sahi, Mr. Lal Narendra Pratap.  
Sarda, Rai Sahib Harbilas.  
Sen, Mr. S. C.  
Shafee Daoodi, Maulvi Mohammad.  
Shah Nawaz, Mian Mohammad.  
Siddiqi, Mr. Abdul Qadir.  
Singh, Mr. Adit Prasad.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Tirloki Nath, Lala.  
Venkatakrishnaayya Chowdry, Mr. P.  
Yamin Khan, Mr. Muhammad.  
Ziauddin Ahmad, Dr.

## NOES—48.

Abdul Aziz, Khan Bahadur Mian.  
Alexander, Mr. W.  
Bajpai, Mr. G. S.  
Bajpai, Mr. R. S.  
Banerji, Mr. Rajnarayan.  
Baum, Mr. E. F.  
Bhore, The Honourable Sir Joseph.  
Buss, Mr. L. C.  
Chatterjee, The Revd. J. C.  
Chuni Lal, Pandit.  
Coeke, Sir Hugh.  
Dalal, Dr. R. D.  
Dutt, Mr. G. S.  
Ghuznavi, Mr. A. H.  
Gidney, Lieut.-Colonel H. A. J.  
Gwynne, Mr. C. W.  
Haig, The Honourable Mr. H. G.  
Hamilton, Mr. K. L. B.  
Heathcote, Mr. L. V.  
Hira Singh Brar, Sardar Bahadur Honorary  
Captain.  
Howell, Mr. E. B.  
Jawahar Singh, Sardar Bahadur Sardar.  
Koreishi, Mr. A. O.

Lamb, Mr. W. S.  
Mitchell, Mr. D. G.  
Moore, Mr. Arthur.  
Mukherjee, Rai Bahadur S. C.  
Noyce, Sir Frank.  
Panna Lal, Rai Bahadur Lala.  
Parsons, Mr. A. A. L.  
Pillai, Mr. A. A.  
Rainy, The Honourable Sir George.  
Rajah, Rao Bahadur M. C.  
Rau, Mr. H. Shankar.  
Sahi, Mr. Ram Prashad Narayan.  
Sams, Mr. H. A.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Scott, Mr. J. Ramsay.  
Sen, Mr. U. N.  
Sorley, Mr. H. T.  
Stodart, Mr. J. C.  
Studd, Mr. E.  
Suhrawardy, Dr. A.  
Sykes, Mr. E. F.  
Tin Tut, Mr.  
Turner, Mr. A. C.  
Young, Mr. G. M.

The motion was adopted.

**Mr. President :** I will now take up the second amendment moved by Mr. Farookhi. The question I have to put is..... (*Honourable Members:* "Withdraw, withdraw.") Does Mr. Farookhi want to withdraw his motion?

**Mr. Abdul Latif Saheb Farookhi :** Sir, I feel that my object has been served by the speeches that have been made in the light of what my Honourable friend, Sir George Rainy, has said, I hope that good sense will prevail on both sides and in that hope I beg leave to withdraw my motion.

**Mr. President :** The question is that leave be granted to Mr. Farookhi to withdraw his amendment.

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

**Mr. President :** I shall now put the original Demand. The question is :

"That a reduced supplementary sum not exceeding Rs. 2,63,900 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, 1931, in respect of 'Miscellaneous'."

The motion was adopted.

## EXPENDITURE IN ENGLAND UNDER THE CONTROL OF THE SECRETARY OF STATE FOR INDIA.

**The Honourable Sir George Schuster :** Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 2,78,000 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, 1931, in respect of 'Expenditure in England under the control of the Secretary of State for India'."

**Mr. President :** There are two cuts on this motion ; but as all the questions raised in those cuts have already been debated, I rule both those amendments out of order, and I shall put the original Demand to the vote of the House. The question is:

"That a supplementary sum not exceeding Rs. 2,78,000 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, 1931, in respect of 'Expenditure in England under the control of the Secretary of State for India'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 14th July, 1930.



## LEGISLATIVE ASSEMBLY.

*Monday, 14th July, 1930.*

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

### QUESTIONS AND ANSWERS.

**Mr. D. K. Lahiri Chaudhury :** Sir, may I ask the question which stands in the name of Mr. Das, with your permission ?

**Mr. President :** I have received no information from the Honourable Member. Before the answer is given, I should like to point out to the Honourable Member that the practice of my Honourable predecessor was that, if any Honourable Member wanted another Honourable Member to put the question standing in his name, he should intimate that fact in writing to the Honourable the President. In this instance, I have received no written requisition from the Honourable Member, but as the Secretary says he has received some letter, I allow the question to be put on this occasion. But in future the rule which was in force during the time of my predecessor should be observed.

**DISCHARGE FROM THE POLICE SERVICE OF MR. GHULAM KASIM KHAN, DEPUTY SUPERINTENDENT OF POLICE, PESHAWAR.**

1. **\*Dr. Nand Lal** (on behalf of Mr. B. Das) : 1. (a) Is it a fact that Mr. Ghulam Kasim Khan, Deputy Superintendent of Police, Peshawar, was recently discharged from the Police Service ?

(b) What were the causes which led to his leaving the service prematurely ?

(c) Were there any charge or charges against him and, if so, were they enquired into, and by whom and with what result ?

2. (a) Did the case ever come up before the Public Service Commission of the Government of India ? If so, what was the finding of the Commission ?

(b) Was the finding of the Commission unanimous ? If not, was the question referred to the Government of India ?

(c) Did the Government of India back up the majority decision or the minority decision ?

3. (a) Is it a fact that shortly after this case was decided, Sir Philip Hartog, a member of the Public Service Commission, proceeded to England on leave and from there submitted his resignation ?

(b) Was there any correspondence, prior to his resignation, between Sir Philip and the Government of India ?

(c) Is it a fact that throughout in this correspondence, Sir Philip stressed his contention that the Government of India should, as a general rule, support the majority view of the Commission ?

(d) Is it a fact that in spite of Sir Philip's contention, the minority view was upheld?

4. (a) Will Government be pleased to state what has been the practice all along in cases of difference of opinion in the Commission?

(b) Does the majority opinion prevail in every case?

(c) In how many cases, since the establishment of the Commission has the majority view not been upheld?

5. Are Government of India prepared to lay down for the future that in all cases of differences of opinion in the Commission, the majority view shall prevail? If not, why not?

**The Honourable Mr. H. G. Haig :** 1. and 2. Mr. Ghulam Kasim Khan, late a Deputy Superintendent of Police, was removed from the service in February, 1928, by the Chief Commissioner, North-West Frontier Province, after a Commission appointed to hold a public enquiry under the Public Servants' (Inquiries) Act, 1850, had found him guilty of the charges of having acquired during his service a large sum of money by illegitimate means, of having bought land without permission, and having failed to report such purchases.

An appeal against the Chief Commissioner's order was received and referred by the Government of India, to the Public Service Commission for advice. The majority of the Commission considered that the only charge proved against him was that he failed to report his acquisitions of land. The minority considered that the main charge was also proved beyond any reasonable doubt, namely that he had obtained by illegitimate means a large sum of money with which he had purchased land. On receiving these two different opinions the Government of India made a thorough examination of the case and accepted the conclusions of the Commission of Enquiry supported by the minority view of the Public Service Commission.

3. (a) Yes. I must make it plain, however, that Sir Philip Hartog's resignation was submitted on personal grounds and was not connected with this case.

(b) No.

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

4. and 5. Within the Commission the decision of the majority prevails, though it is open to any member to write a note of dissent which may be forwarded to the Government of India at the discretion of the Chairman. In regard to the acceptance by the Government of India of the advice tendered by the Public Service Commission, a convention exists that in regard to certain classes of cases their advice should be accepted, save in exceptional circumstances. It is the desire and the practice of the Government of India that departures from the convention should be as few as possible, and it is only in very rare cases, such as the one now under consideration, that they have departed from it.

#### REVENUES OF THE INDIAN MUSEUM, CALCUTTA.

2. \***Mr. S. C. Mitra :** 1. Will Government be pleased to state what is meant by a grant-in-aid institution, and the difference between a grant-in-aid institution and a Government institution, and whether the

revenues of a grant-in-aid institution are credited to Government, and whether grant-in-aid institutions submit their detailed annual budgets to Government for sanction?

2. Will Government state (a) whether the Indian Museum of Calcutta is a grant-in-aid institution or a Government institution, and when the said Museum was built, and at what cost, and who provided the money, and whether the revenues of the Indian Museum are credited to Government, and (b) whether the Trustees of the Indian Museum can have any private income, in view of Resolution No. 19 of June, 1916, Government of India, Department of Education, and (c) whether the Trustees of the said Museum submit their detailed annual budget to Government for sanction, and (d) whether the Trustees are empowered to reappropriate from one head to another within the sanctioned grant?

3. Will Government be pleased to say (a) what is meant by a lump annual grant-in-aid, and whether a lump annual grant-in-aid shows any details as to how that grant should be utilised under different minor heads, and (b) whether the Estimates for Demand for the Central Government for 1930-31 (pages 303-304) show a detailed statement of the number of staff, with their respective pay, and a provision for leave salary of the establishment of the Indian Museum?

**Mr. G. S. Bajpai :** 1. As the name indicates a grant-in-aid institution is an institution which receives financial aid from Government, but for the management of which Government are not primarily responsible. A Government institution differs from an aided institution in that its management rests exclusively with Government.

There is no hard and fast rule regarding the crediting to Government of the income of grant-in-aid institutions. Such institutions are not ordinarily required as a rule to submit detailed annual budgets to Government.

2. (a) The Indian Museum is a grant-in-aid institution. Information regarding the Museum building, its cost and the source from which it was met is contained in the centenary memorial volume entitled "The Indian Museum, 1814-1914" issued by the Trustees.

(b) There is nothing to prevent the Trustees deriving income from sources other than those mentioned in the Resolution referred to by the Honourable Member. So far as Government are aware the Trustees do derive a small income now from the rent of a shop that they have leased.

(c) and (d). The replies are in the affirmative.

3. (a) A lump grant-in-aid is intended to cover broadly the whole or part of the expenditure of an institution or on a particular object, and may cover expenditure under several minor heads.

(b) Yes.

#### REDUCTION OF THE PAY OF THE HEAD CLERK OF THE INDIAN MUSEUM, CALCUTTA.

3. \***Mr. S. C. Mitra :** 1. (a) Will Government be pleased to state (a) whether the Trustees of the Indian Museum are empowered to create any new post, or alter the salary of any officer, without the previous

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LEGISLATIVE ASSEMBLY.

[14TH JULY 1930.

sanction of the Governor General in Council, and (b) whether the holder of a ministerial office is an officer, and (c) whether the pay of the late Head Clerk of the Indian Museum was reduced with the previous sanction of the Governor General in Council ?

2. Will Government be pleased to state (a) the conditions of service in the Indian Museum, and who determined those conditions, and whether service, the conditions of which are determined by Government, is Government service, and (b) whether a Government servant for the time being in "foreign service" can draw his pay from the General revenues ?

3. Will Government please state (a) the difference between "appointment" and "employment", and (b) whether the Public Service Commission and the Heads of Government Departments, who are authorised to appoint officers in the service of the Crown in India, also employ the officers appointed by them, and (c) whether the Trustees of the Indian Museum are empowered to employ officers, as distinct from appointing them ?

4. Will Government be pleased to state whether the Devolution Rules, under which a Central subject can receive aid from the Central revenues, provide that the charge of the cost of the establishment of a Central subject, which is not a Government Department, e.g., the Victoria Memorial, Indian Institute of Science, Bose Research Institute and the Asiatic Society of Bengal, falls on the Government of India ?

5. Will Government be pleased to state (a) whether the late Head Clerk of the Indian Museum held a substantive and permanent appointment in the Zoological Survey Department before his services were transferred to the office of the Trustees of the Indian Museum; and (b) whether transfer of service means resignation or termination of service, and (c) whether the late Head Clerk of the Indian Museum was a Government servant, and whether his memorial shall therefore be considered by Government ?

**Mr. G. S. Bajpai :** 1. (a) There is no objection to the Trustees creating a new appointment, or altering the salary of an existing one, without the prior approval of Government provided that they bear full responsibility for the financial consequences of their action.

(b) The incumbent of a ministerial post under Government is a public servant but is not described as an officer.

(c) No.

2. (a) I would invite the Honourable Member's attention to section 13 of the Indian Museum Act, No. X of 1913.

(b) I would refer the Honourable Member to rule 9 (7) of the Fundamental Rules.

3. (a) The appointment of a person is a condition precedent to his employment by the appointing authority.

(b) and (c). The Public Service Commission do not make appointments, except to their own staff. Other appointing authorities including the Trustees of the Indian Museum are obviously competent to employ those whom they can appoint.

4. There is nothing in the Devolution Rules to prevent a grant-in-aid from central revenues being expended upon establishment, so long as the conditions of the grant do not prohibit this.

5. (a) No.

(b) Not necessarily.

(c) The late Head Clerk of the Indian Museum was not a Government servant. If Government receive a memorial from him through proper authority, they will certainly consider it.

# COMMUNAL DISCRIMINATION IN THE APPOINTMENT OF SUPERINTENDENTS OF POST OFFICES IN MADRAS.

4. **\*Rao Bahadur P. T. Kumaraswami Chettiyar :** (a) Will Government please state whether there is any foundation for the rumour that the Presidency Postmaster, Madras, had recommended only the names of Brahmins to sit for competitive examination for the post of Superintendents of Post Offices in spite of the fact that there were men of other communities with full qualifications, some of them with better qualifications, and with greater seniority than the fortunate candidates who had commended themselves to the Postmaster ?

(b) If so, what remedial measures do Government intend to take to suppress this kind of invidious distinction ?

(c) Is the communal G. O. applied in filling up vacancies in the posts of the Superintendents of Post Offices ? If not, why not ?

**Mr. H. A. Sams :** (a) No.

(b) Does not arise.

(c) The appointments of Superintendents of Post Offices and Railway Mail Service are filled by promotion alternately from qualified Probationary Superintendents and qualified departmental officials. Direct recruitment is made to the cadre of Probationary Superintendents from amongst candidates who have attained qualifying marks in the Indian Audit and Accounts Examination, and in making these appointments the orders regarding reservation of vacancies for the redress of communal inequalities are followed. These orders do not apply to the promotion of departmental officials to the cadre of Superintendents. Only officials of outstanding ability are selected to appear at the Superintendents' examination, irrespective of the community to which they may belong.

# DISCHARGE OF A CLERK BY THE TRUSTEES OF THE INDIAN MUSEUM, CALCUTTA

5. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to refer to the answer to items (e), (f) and (g) to question No. 77, given on the 25th September, 1929, in the Council of State, giving the name of the Trustees' Clerk, a non-gazetted Government servant, which was omitted from the Annual Return of Establishment of the Indian Museum for 1928-29, in accordance with article 62 of the Civil Account Code, and reconcile the same with the answer to my starred question No. 474, items (j) and (k), in the Legislative Assembly on the 5th March, 1930, stating that the memorial of the Trustees' Clerk was not considered by the Government on the ground that he was not a Government servant ?

(b) Can any Government servant, holding a substantive and permanent appointment, be discharged unless his appointment has been abolished ? If so, under what article of the Civil Service Regulations ?

(c) Why was the Trustees' Clerk discharged when his appointment was not abolished ?

(d) Under what clause of the Indian Museum Act, 1910 (X of 1910), are the Trustees of the Indian Museum specifically empowered to discharge a Government servant ?

**Mr. G. S. Bajpai :** (a) The reply to parts (e), (f) and (g) of question No. 77 in the Council of State asked on the 25th September, 1929, referred to matters relating to the Indian Museum, Calcutta, dealt within that question, and did not imply that the clerk concerned was a "non-gazetted Government servant".

(b) The reply to the first part of the question is in the affirmative. All civil servants hold office at the pleasure of the Crown subject to such rules as may be made under section 96-B of the Government of India Act.

(c) The clerk was discharged on refusing to serve on his original salary, or, in the alternative, of retiring on compensatory pension.

(d) The Trustees of the Indian Museum have no power under the Indian Museum Act, 1910, to discharge a Government servant.

#### PERMANENCY OF THE CREW SYSTEM OF TICKET CHECKING.

6. **\*Dr. Ziauddin Ahmad :** When will Government decide the permanency of the crew system ?

**Mr. A. A. L. Parsons :** A committee has been appointed by the Railway Board recently, to enquire into the working of the crew system. On receipt of their report a decision will be reached whether the crew system should continue.

#### HOURS OF WORK OF MEMBERS OF CREWS AND GRANT OF COMPASSIONATE ALLOWANCE IN CASES OF ACCIDENT.

7. **\*Dr. Ziauddin Ahmad :** (a) How many hours each day are the members of crew expected to work ? Are they allowed overtime allowances ? If not, why not ?

(b) Have Government given any compassionate allowance to the families of the crew and the crew-in-charge who accidentally died on duty ?

(c) Is the compassionate allowance reserved for persons who bear European names ? If not, will Government be pleased to state the names of persons to whose families compassionate allowances or pensions were given after their accidental death ?

**Mr. A. A. L. Parsons :** (a), (b) and (c). The Honourable Member is referred to the reply given to his unstarred question No. 351 on 31st March, 1930, and the information supplied to him in Railway Board's letter No. 261-L. of 30th April, 1930.

#### ABSORPTION OF RESERVE DEPRECIATION FUNDS IN WAYS AND MEANS BALANCES.

8. **\*Dr. Ziauddin Ahmad :** (a) Are the Reserve Depreciation Funds, amounting to about Rs. 30 crores, absorbed in the Ways and Means

Balances of the Government of India, and have the Government of India considered the question of the soundness of this as a financial policy ?

(b) Was the Auditor General ever consulted about it ?

(c) If not, do Government propose to consult him now ?

**The Honourable Sir George Schuster :** (a) Government consider that the particular arrangement referred to is financially sound provided that the general financial position of the Government is maintained, as it has been hitherto, on a sound and stable basis.

(b) and (c). The Auditor General is fully aware of the present position.

#### PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY.

9. **\*Dr. Ziauddin Ahmad :** (a) What steps have Government taken to purchase the Bengal and North Western Railway ? Will Government lay the correspondence on the table ?

(b) Are Government contemplating floating a loan in India, or partly in India and partly in England, for the purchase of the Bengal and North Western Railway ?

(c) Will Government clearly mention whether they intend to purchase the Railway after the expiry of their contract in 1931 ? Are they aware of the strong public feelings about its purchase ?

**Mr. A. A. L. Parsons :** The Railway cannot be taken over until the 1st of January, 1933, and notice of intention to terminate the contract need not be given before the 31st December, 1931. Government have not yet come to any conclusions on the question, but its consideration is now being taken up. They are aware of the expression of opinion on the subject.

**Mr. Gaya Prasad Singh :** May I know, Sir, when a decision on this matter is likely to be arrived at ?

**Mr. A. A. L. Parsons :** The matter is now under consideration, Sir, and the Honourable the Railway Member gave, last Session, an undertaking that this House would have an opportunity of expressing its views on the question. No decision can therefore be reached until this House has had an opportunity of expressing its views, that is until after the next Session.

**Mr. Gaya Prasad Singh :** Are Government aware that the improvement of the system is to some extent arrested owing to the uncertainty which overhangs the fate of this Railway ?

**Mr. A. A. L. Parsons :** No, Sir ; I do not think I can recollect any occasion when proposals which had been put forward have been delayed merely because the possibility of Government acquiring the system is under consideration.

**Mr. Gaya Prasad Singh :** May I know when did the Honourable gentleman last travel on that Railway ?

**Dr. Ziauddin Ahmad :** Are Government aware that this Railway is giving the maximum profits by reducing expenditure on its establishments ?

**Mr. A. A. L. Parsons :** I should not like categorically to accept the reason given by the Honourable Member for profits declared by the Bengal and North Western Railway.

**Mr. Gaya Prasad Singh :** Are Government aware that Colonel Izat, in one of the meetings of the Board of Directors, expressed his opinion at the commencement of this year that the improvement of the system is to some extent arrested on account of the uncertainty which overhangs the fate of that Railway, and I think I quoted that in course of my speech on the Railway Budget in Delhi ?

**Mr. A. A. L. Parsons :** I do not recall it, but I am perfectly prepared to take it from the Honourable Member.

**Dr. Ziauddin Ahmad :** Will Government consult the Assembly before taking any final step in the matter ?

**Mr. A. A. L. Parsons :** As I have already explained, that is the intention of the Government.

#### UTILIZATION OF UNCLAIMED INTEREST ON GOVERNMENT SECURITIES.

10. **\*Dr. Ziauddin Ahmad :** (a) Will Government please state the action they have taken on the Resolution passed by the Council of State on the 16th February, 1927, about the expenditure of unclaimed interest for Muslim education ?

(b) What is the amount of unclaimed interest accumulated till 31st March, 1930 in :

- (i) The Post Office Savings Bank ;
- (ii) War and other bonds that have been matured ;
- (iii) Government Securities and Government Guaranteed Securities ;
- (iv) Deposits in the Imperial Bank ?

(c) Are Government prepared to show in their annual Budget the aggregate amount of unclaimed interest under each head ?

**The Honourable Sir George Schuster :** (a) The attention of the Honourable Member is invited to the reply given in the Council of State on the 12th September, 1927, to the Honourable Sir Haroon Jaffer's question No. 118. It will be seen from this reply that Government were prepared to take action provided that a scheme was prepared by a representative body of Muslims. Government have, however, received no applications for action on the lines stated.

(b) and (c). The Honourable Member's attention is invited to my reply to his unstarred question No. 355 on the 31st March, 1930.

**Mr. Anwar-ul-Azim :** Will the Honourable Member kindly tell us whether this matter was not agitated here on the floor of the Assembly a couple of years ago ?

**The Honourable Sir George Schuster :** Is my Honourable friend informing me that this matter has been before the Assembly for two years ?

**Mr. Anwar-ul-Azim :** Yes.

**The Honourable Sir George Schuster :** I am quite prepared to take it from the Honourable Member.

#### DISCONTENT AND HARDSHIP CAUSED BY DUTIES IMPOSED UNDER THE SALT ACT.

11. **\*Mr. B. N. Misra :** Are Government aware of the great discontent and hardship caused by the duties imposed under the Salt Act of 1882 and the subsequent Acts amending the same ?

**The Honourable Sir George Schuster :** Government do not consider that the existing salt tax is the cause either of hardship or legitimate discontent.

**Mr. N. G. Ranga :** Are not Government aware that there is widespread discontent in the country ?

**Mr. President :** This is not a supplementary question.

#### CONVICTIONS UNDER THE SALT ACT.

12. **\*Mr. B. N. Misra :** (a) Are Government aware that there have been several convictions under the Salt Act in different provinces of India ?

(b) If so, will Government be pleased to state :

- (i) the total number of convictions under the said Act during the last six months in British India ;
- (ii) the number of convictions in which sentences of fine only have been imposed ;
- (iii) the number of convictions in which sentences of imprisonment up to six months have been passed ; and
- (iv) the number of convictions in which sentences of imprisonment of over six months have been passed ?

**The Honourable Mr. H. G. Haig :** The information required is being collected and will be furnished to the Honourable Member in due course.

**Mr. Gaya Prasad Singh :** In view of the importance of this question, may I request that the answer be laid on the table of the House ?

**The Honourable Mr. H. G. Haig :** Certainly. If I can get the information before the end of the Session, it will be laid on the table of the House.

#### ASSAULTS ON SATYAGRAHIS BY THE POLICE.

13. **\*Mr. B. N. Misra :** Are Government aware of the discontent on account of the dealings with and assaults on Satyagrahis by the police and other officials of Government ?

**The Honourable Mr. H. G. Haig :** I would recall to the Honourable Member the observations made in this matter by His Excellency the Viceroy in his speech to the Indian Legislature on the 9th July, 1930.

# RESIGNATIONS OF MEMBERS OF LEGISLATURES AS A PROTEST AGAINST REPRESSIVE MEASURES.

14. \*Mr. B. N. Misra : Will Government be pleased to state the number of Members who have resigned as a protest against the repressive measures of Government :

(a) in this Assembly ; and

(b) in the several Provincial Legislative Councils during the last six months ?

The Honourable Mr. H. G. Haig : (a) Eight, I should judge so far as reasons for resignation have been given.

(b) With regard to Provincial Legislative Councils a statement is laid on the table giving the information so far as it is known to the Government of India.

Statement giving the number of Members of the Provincial Legislative Councils who resigned as a protest against the repressive measures of Government during the last six months.

|                           |    |
|---------------------------|----|
| Madras .. .. .            | 8  |
| Bombay .. .. .            | 20 |
| Bengal .. .. .            | 1  |
| United Provinces .. .. .  | 8  |
| Punjab .. .. .            | 1  |
| Burma .. .. .             | 1  |
| Bihar and Orissa .. .. .  | 7  |
| Central Provinces .. .. . | 8  |
| Assam .. .. .             | 3  |
| Coorg .. .. .             | NW |
| Total .. .. .             | 57 |

## ARRESTS UNDER ORDINANCE NO. 1 OF 1930.

15. \*Mr. S. C. Mitra : (a) Will Government be pleased to lay on the table a list of names, which details as to their date of arrest, previous convictions, or internments, if any, present state of health, the place of detention, the amounts of personal and family allowance granted to the persons who have been proceeded against under Ordinance No. 1 of 1930 ?

(b) Will Government please state how many of the persons who were first arrested under the Ordinance have subsequently been released by the police or by the scrutiny of the Judges ?

(c) How many houses were searched under the said Ordinance, and in how many cases were incriminating articles seized, and what was the nature of those articles ?

(d) Will Government please state in how many cases persons once released were arrested shortly after, and the reasons therefor ?

The Honourable Mr. H. G. Haig : I have made enquiries from the Government of Bengal in regard to this and the next question and will furnish the Honourable Member with a reply in due course. I am not sure, however, that I shall be able to supply all the information asked for. I think the practice was established in the past that details regarding individual prisoners were dealt with in the Local Legislative Council rather than here.

# INTERVIEWS WITH ORDINANCE INTERNEES.

†16. \*Mr. S. C. Mitra : (a) Are Government aware that an officer of the Intelligence Branch is always present when interviews are granted with Ordinance internees ?

(b) If the answer to part (a) be in the affirmative, will Government please explain why interviews with certain persons are rejected by police officers ?

(c) Is it a fact that sometimes police officers demand the grounds and reasons for which interviews are sought and then refuse interviews without giving any reasons ?

(d) Is it not a fact that, during interviews, police officers sometimes object to certain discussions which are then stopped ? If so, will Government please explain why interviews are now and then refused ?

(e) Will Government please inquire if interviews sought on business grounds in the presence of police officers have also been refused by the Bengal Criminal Intelligence Department ?

## NEWSPAPERS SUPPLIED TO POLITICAL PRISONERS.

17. \*Mr. S. C. Mitra : (a) Are Government aware that only Anglo-Indian and pronounced anti-nationalist papers are allowed to political prisoners and papers like the *Tribune*, *Leader*, *Hindusthan Times*, *Hindu*, *Bombay Chronicle*, *Liberty* and *Amrita Bazar Patrika* are banned ?

(b) If so, will Government state the reasons for such discrimination ?

The Honourable Mr. H. G. Haig : The Government of India have no information as to the newspapers which are supplied in the jails of the different provinces. Their general policy on this subject was announced in a communiqué† published on the 19th February last.

†For answer to this question, see answer to question No. 15.

‡Extract from a communique issued by the Government of India on the 19th February, 1930.

The Government of India accept the principle that reasonable facilities, subject to safeguards, should be provided by the Government for the intellectual requirements of the educated and literate prisoners. Local Governments will be requested to examine the condition of Jail Libraries in the provinces and in cases where those are non-existent or defective, to take early steps to establish or improve them. Literate prisoners may be allowed to read books and magazines from outside subject to the approval of the Jail Superintendent.

Newspapers will be allowed to "A" class prisoners on the same conditions as under the existing rules, they are allowed to special class prisoners, that is, in special circumstances and with the approval of the Local Government. As regards literate persons generally, where the Local Governments publish a Jail newspaper or where they intend to publish it, this publication will be available once a week for literate prisoners. Where the Local Governments are unable to publish a weekly newspaper, the Government of India have decided that a few copies of a weekly paper approved by the Local Government should be provided at Government expense for 'A' and 'B' classes of prisoners.



## NEWSPAPERS AND PRESSES REQUIRED TO FURNISH SECURITY.

18. \*Mr. S. C. Mitra : (a) Will Government please state :

(i) the names of the presses and papers against which security has been demanded under Ordinance II of 1930, with the amount of security demanded in each case ;

(ii) the names of presses and papers that have ceased to exist due to the demand of the security ; and

(iii) the names of the papers and presses that have been warned ?

(b) Will Government please explain if security has been demanded of papers for their opinion published before the promulgation of the Ordinance ? If not, will Government please state whether some of the Local Governments, immediately with the promulgation of the Ordinance and without waiting to see its effect, or giving any warning, at once demanded security from certain papers and presses ? If so, why ?

(c) Will Government please state the amount of security deposited by different presses and papers ?

(d) Has there been any occasion for confiscation of the security ? If so, in what cases ?

(e) Have Government in some cases lowered the amount of security ? If so, in what cases ? Is it of their own motion or on a representation of the interested parties ?

The Honourable Mr. H. G. Haig : Local Governments have been addressed, but I am afraid the information is not yet quite complete. I hope to be able to lay a statement on the table before the end of the Session.

## PROSECUTIONS FOR RECENT POLITICAL OFFENCES.

19. \*Mr. S. C. Mitra : (a) Will Government be pleased to supply a list showing the number of persons in different provinces up-to-date who have been prosecuted or punished for the infringement of the salt laws, civil disobedience or sedition ?

(b) Will Government please give the names of the ladies who have been punished under the said laws ?

The Honourable Mr. H. G. Haig : The information in my possession shows that from the 6th April to the 15th June, 1930, the number of persons convicted in connection with the Civil Disobedience Movement is approximately 4,377. I regret I have no detailed information about the number of women convicted or the offences for which the persons referred to above were convicted.

Mr. S. C. Mitra : Does the Honourable Member consider that they are not important enough ?

The Honourable Mr. H. G. Haig : Not necessarily. We have not got the information. We have been able to collect the information as to the total number of people from the Local Governments, but we have no information available about the number of women convicted. If the Honourable Member attaches special importance to it, I will certainly address the Local Governments on the subject.

Mr. A. H. Ghuznavi : Will Government be pleased to state how many of those gentlemen who have been convicted for civil disobedience are Hindus and how many Mussalmans ?

The Honourable Mr. H. G. Haig : I am afraid I have no information on the subject.

Mr. A. H. Ghuznavi : Will Government kindly give us the information at a later date as to the number of Mussalmans that have been convicted for civil disobedience ?

The Honourable Mr. H. G. Haig : I should be prepared to make enquiries from Local Governments and furnish the information to the Honourable Member.

Dr. Nand Lal : May I ask how many persons were convicted in the Punjab ?

The Honourable Mr. H. G. Haig : I think I should require notice for that. I have no information, but I have no doubt I could get the information.

## CASES OF FIRING ON DEMONSTRATORS.

20. \*Mr. S. C. Mitra : (a) Will Government please state the cases where firing had to be resorted to and the number of casualties in each case ?

(b) Will Government state the circumstances under which responsible officers were compelled to open fire in each case ?

The Honourable Mr. H. G. Haig : (a) Complete information is only available for the months of April and May and is contained in the statement laid on the table.

(b) Resort to firing was necessary either in self-defence or to disperse unlawful assemblies under Chapter IX of the Code of Criminal Procedure. So far as Government are aware, the unlawful assembly was in every case guilty of violence before resort was had to firing.

## Casualties during the month of April, 1930.

| Provinces.                                               | Casualties among the public. |                               | Remarks.                                                                                                                                     |
|----------------------------------------------------------|------------------------------|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|                                                          | Killed.                      | Wounded.                      |                                                                                                                                              |
| Madras—<br>Madras City, April, 27th.                     | 2                            | 6<br>(One died subsequently.) | Warning given by Commissioner of Police.                                                                                                     |
| Bombay Victoria Terminus,<br>4th April (Railway strike). | ..                           | 7<br>(One died subsequently.) | 19 rounds were fired by the Police on Railway strikers in self-defence. No time to give warning.                                             |
| Bhusawal, 6th April (Railway strike).                    | *1                           | *2                            | * These casualties were a result of accident. A gun which was being snatched from a constable went off. This happened during Railway strike. |

| Provinces.                                | Casualties among the public. |                                            | Remarks.                                                                                                                                                                                                                                                               |
|-------------------------------------------|------------------------------|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | Killed.                      | Wounded.                                   |                                                                                                                                                                                                                                                                        |
| Kurla, 6th April (Railway strike).        | ..                           | 1                                          | 4 or 5 rounds were fired in self-defence against Railway strikers by the Police wounding one person.                                                                                                                                                                   |
| Karachi, 16th April ..                    | 1                            | 6<br>(One of whom died subsequently).      | Police fired on Magistrate's order after warning given.                                                                                                                                                                                                                |
| Bengal—<br>Calcutta, 1st April ..         | 7                            | 59                                         | Warning of firing given.                                                                                                                                                                                                                                               |
| Calcutta, 15th April ..                   | ..                           | *3                                         | * Slightly wounded. Sergeant fired in self-defence.                                                                                                                                                                                                                    |
| 24-Parganas, 24th April                   | 1                            | 3                                          | Warning given.                                                                                                                                                                                                                                                         |
| Chittagong, 18th, 19th and 22nd April.    | 10<br>(Terrorists)           | 2<br>(Terrorists, both died subsequently). | ....                                                                                                                                                                                                                                                                   |
| Noakhali (Feni), 23rd April.              | ..                           | ..                                         | Attack by armed terrorists.                                                                                                                                                                                                                                            |
| Chittagong, 24th April..                  | 1<br>(Terrorist).            | ..                                         | ....                                                                                                                                                                                                                                                                   |
| N. W. F. Province (Peshawar), 23rd April. | 30                           | 33<br>(approximate)                        | See report of Peshawar Enquiry Committee.                                                                                                                                                                                                                              |
| <i>May, 1930.</i>                         |                              |                                            |                                                                                                                                                                                                                                                                        |
| Madras, May, 1930 ..                      | ..                           | 2                                          | Warning given.                                                                                                                                                                                                                                                         |
| Bombay—<br>Sholapur, 7th May ..           | ..                           | ..                                         | Disturbances started on 7th at Sholapur, no firing resorted to on that day but members of the Police were attacked.                                                                                                                                                    |
| Sholapur, 8th May ..                      | 12                           | 28                                         | Firing at intervals on six separate occasions. Warning given on all occasions except one when almost immediately after the first firing police lorries had to be stopped in order to rescue excise sub-inspector and his peon who were on the point of being murdered. |
| Wadala Salt Pans, 24th May.               | ..                           | 1                                          | Warning given before firing.                                                                                                                                                                                                                                           |
| Bhendy Bazar, 26th and 27th May.          | 5                            | 67                                         | Firing at intervals. Warning given.                                                                                                                                                                                                                                    |
| Bengal—<br>Howrah, 6th May..              | ..                           | 5                                          | Warning given.                                                                                                                                                                                                                                                         |

| Provinces.                                    | Casualties among the public. |                                                                                      | Remarks.                                                                                                                       |
|-----------------------------------------------|------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
|                                               | Killed.                      | Wounded.                                                                             |                                                                                                                                |
| Bengal—<br>Chittagong, 7th May ..             | 3<br>insurgents and 1 other. | 1<br>Insurgent 1 (who died subsequently and 5 others two of whom died subsequently). | Armed rebellion.                                                                                                               |
| Mymensingh, 14th May.                         | 1                            | Between 30 to 40.                                                                    | Warning given.                                                                                                                 |
| Dacca, 25th and 27th May (Communal riot).     | 2                            | 1                                                                                    | ....                                                                                                                           |
| Lillooah, 29th May .. (E. I. Railway strike.) | ..                           | 5                                                                                    | Warning given to strikers.                                                                                                     |
| Midnapur (Pratapdighi), 31st May.             | 2                            | 2                                                                                    | Warning given.                                                                                                                 |
| United Provinces—<br>Lucknow, May 26th.       | 1                            | About 42 (2 died subsequently).                                                      | A mob attacked Aminabad outpost. Three Lathi charges with warning on each occasion before firing was ordered.                  |
| Punjab—<br>Kalu, Jhelum District, May 18th.   | ..                           | 1                                                                                    | District Magistrate declared assembly unlawful and gave order of dispersal. On refusing to disperse order of firing was given. |
| Burma—<br>Rangoon, last week of May.          | 5                            | 37                                                                                   | Warning was given whenever possible and firing was resorted to only to save the lives of the public.                           |
| N. W. F. P. .. ..                             | 17                           | 37                                                                                   | The figures include 9 killed and 18 wounded on the 31st May at Peshawar.                                                       |
| Delhi, 6th May .. ..                          | 4                            | 40                                                                                   | The police fired in self-defence.                                                                                              |

## DETENTION OF MAHATMA GANDHI.

21. \*Mr. S. C. Mitra : (a) Will Government please explain the reasons why Mahatma Gandhi has been detained under Regulation 25 of Bombay and not prosecuted under the Indian Penal Code ?

(b) Was there no specific case against him ?

(c) Is it not a fact that Mahatma Gandhi openly said that he was guilty of sedition and there was enough evidence to prove it ?

**The Honourable Mr. H. G. Haig :** (a), (b) and (c). Government have no doubt that there was adequate material on which Mr. Gandhi might have been successfully prosecuted under the ordinary Criminal Law. They considered, however, having regard to all the circumstances, that the public interest would be better served by his detention under the Bombay Regulation.

**Mr. Gaya Prasad Singh :** May I ask what were the circumstances which Government took into consideration before deciding not to launch a regular prosecution against Mahatma Gandhi?

**The Honourable Mr. H. G. Haig :** One of the considerations.....

**Mr. Gaya Prasad Singh :** I want to know all the considerations if possible. (Laughter.)

**The Honourable Mr. H. G. Haig :** It is difficult always to give all the considerations, but I think one of the main considerations present in the mind of the Government was that they thought that on the whole it would be more in accordance with public feeling, certainly in the Bombay Presidency.

#### AMNESTY FOR POLITICAL PRISONERS.

22. **\*Mr. S. C. Mitra :** Do Government propose to grant a general amnesty to political prisoners to ease the political tension?

**The Honourable Mr. H. G. Haig :** While the civil disobedience movement is in progress, no question of this nature can arise.

#### WITHHOLDING OF TELEGRAMS ADDRESSED TO THE BENGAL PROVINCIAL CONGRESS COMMITTEE.

23. **\*Mr. S. C. Mitra :** (a) Is it a fact that Mr. R. H. D. Parret, on behalf of the Postmaster General, Bengal and Assam Circle, issued circulars that all telegrams addressed to (i) the Bengal Provincial Congress Committee or any member or office-bearer thereof, (ii) Maulana Abul Kalam Azad, (iii) S. Purna Chandra Das, should be detained and immediately disclosed to the Deputy Inspector General of Police, I. B., C. I. D. of Bengal?

(b) If so, under what authority and how many telegrams have been withheld under the said orders?

**The Honourable Mr. H. G. Haig :** The Telegraph Act provides Government with power to intercept telegraphic correspondence. They cannot undertake to disclose details regarding any action that may be taken by them in the exercise of those powers; but the powers have been used against certain organisations and individuals concerned in the civil disobedience movement.

#### CASUALTIES IN THE BAKR-ID RIOTS AT DIGBOI, ASSAM.

24. **\*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state how many Muslims and Hindus have been killed or wounded in the Digboi Bakr-id riots (Assam)?

(b) Is it a fact that the local authorities allowed the rioters to get prepared for the attack on the Muslims on Saturday, the day of Muslim festival?

(c) Is it a fact that a non-Muslim gentleman, who has clients amongst the non-Muslim accused and suspects, is conducting the prosecution, in spite of the representation of the Muslims, and that against their desire?

**The Honourable Mr. H. G. Haig :** (a) and (b). I would invite the Honourable Member's attention to the Communiqué issued by the Government of Assam on the 21st May, 1930.

(c) I have no information.

**Mr. Anwar-ul-Azim :** Will the Honourable Member kindly make inquiries on his own initiative in the interests of public justice and safety and get the information that I want in (a) and (b) without relying on the communiqué of the Government of Assam?

**The Honourable Mr. H. G. Haig :** I think the information required by the Honourable Member with regard to (a) and (b) is very fully given in the Local Government's communiqué.

**Mr. A. H. Ghuznavi :** Are Government aware that in Bengal and Assam it was said that the rioters in the Assam trouble were supplied with arms and ammunition and other materials by the Chittagong rebels to fight the Mussalmans?

**The Honourable Mr. H. G. Haig :** I have heard no suggestion of that sort, and I think it is quite clear from the communiqué of the Assam Government that they have no information to that effect.

**Mr. A. H. Ghuznavi :** Will Government kindly make enquiries into this matter?

**The Honourable Mr. H. G. Haig :** I don't think that it is really necessary. There was no question, I think, of munitions being used. This was one of those deplorable but not infrequent communal clashes, and I do not think that there was any question of special munitions being employed.

#### LOW STANDARD OF ARCHAEOLOGICAL REPORTS.

25. **\*Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to Circular No. 333-69, dated the 1st July, 1929, issued by the Director General of Archaeology, in which that officer admits that many of the contributions to the Annual Report were lamentably poor, drawn up carelessly and illogically and in such indifferent literary style that it has been necessary to re-write them? Is this criticism intended to be a reflection on the calibre of Superintendents appointed to hold charge of provinces?

(b) What steps do Government intend to take to raise the standard of scholarship in the Archaeological Department? Do the Government of India intend to thresh out the whole question of appointments in this Department, if necessary with the help of an expert committee?

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**Mr. G. S. Bajpai :** I would invite the Honourable Member's attention to the answers given to Shaikh Mushir Hosain Kidwai's questions Nos. 548 and 549 on the 12th March, 1930, in this House.

#### APPOINTMENT OF DIRECTOR GENERAL OF ARCHAEOLOGY.

26. **\*Mr. S. C. Mitra :** Have Government considered the question of appointing a successor to Sir John Marshall, as Director General of Archaeology ? What are the names and qualifications of the officers who have been appointed to act in his place during the last three years ?

**Mr. G. S. Bajpai :** I would invite the Honourable Member's attention to the answer given on the 12th March, 1930, to Shaikh Mushir Hosain Kidwai's question No. 550 in the Legislative Assembly.

#### EXTENSIONS OF SERVICE GRANTED TO ARCHAEOLOGICAL OFFICERS.

27. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state the names, if any, of officers of the Archaeological Department who have been granted extensions after they had completed 55 years of age, and if so, for what reasons ?

(b) Is it a fact that the Superintendent of the Archaeological Section of the Indian Museum was granted an extension after a serious illness—chronic rheumatism and high blood pressure ? Will similar extensions be granted to him upto the sixtieth year ?

**Mr. G. S. Bajpai :** (a) A statement giving the information asked for by the Honourable Member is laid on the table of the House.

(b) Rai Bahadur Rama Prasad Chanda was granted leave on medical certificate for three months from the 15th of October, 1928, on account of high blood pressure, but was certified by the Civil Surgeon, 24 Parganas, as fit to resume his duties in Government service on his return from that leave. No mention was made in the medical certificate of chronic rheumatism. The question of granting him a further extension has not yet arisen.

*Statement giving the names of officers of the Archaeological Department who have been granted extension of service after attaining the age of 55 years and the reasons therefor.*

(1) Mons. Charles Duroiselle, Superintendent, Archaeological Survey, Burma Circle, The Arcata Temple at Pagan. The Trilingual Shwazigon Bell Inscription. The 550 plaques at Pagan illustrating the Jatakas. The Notes on the Discoveries at Hmawza (Old Prome). was granted an extension in order to enable him to see through the press the monographs noted on the margin on which he is engaged and to undertake extensive touring to complete a photographic record of wall paintings in Burma.

(2) Rai Bahadur Rama Prasad Chanda, Superintendent, Archaeological Section, Indian Museum, Calcutta, was granted an extension owing to the shortage of officers in the Archaeological Department, which made it impossible to arrange for the training of an officer to succeed him without serious dislocation of work, and to permit him to complete a Guide to the Sculptures in the Archaeological Section, Indian Museum, that he was preparing. The Guide will be published in three volumes ; the first volume will deal with the pre-Sunga and Sunga sculptures, the second with the sculptures of Gandhara, Mathura and Amaravati, and the third with the Gupta and Mediaval sculptures. In addition, owing to the death of Mons. Senart, to whom the work was originally entrusted, the Rai Bahadur will now have to edit the Sanchi inscriptions for the Sanchi Monograph.

#### SERVICE FOR PENSION OF THE ASSISTANT CURATOR, ARCHAEOLOGICAL SECTION, INDIAN MUSEUM.

28. **\*Mr. S. C. Mitra :** Will Government be pleased to state whether the Assistant Curator of the Archaeological Section, Indian Museum, who has been granted pension last year, served under the Trustees of the Indian Museum ? If so, for how many years ? Has that service been reckoned in calculating his pension ? What contributions, if any, have the Trustees made towards the cost of his pension ?

**Mr. G. S. Bajpai :** Pandit Binode Bihari Bidyabinod, the Assistant Curator referred to served under the Trustees of the Indian Museum from 14th June, 1901, to 28th February, 1911. This period has been taken into account in calculating his pension. The question of recovering contributions from the Trustees is still under consideration.

#### PROMOTIONS IN THE POSTAL DEPARTMENT.

29. **\*Mr. Anwar-ul-Azim :** (1) Will Government be pleased to state :

(a) whether prior to the 1st September, 1927, there were three grades, viz., Rs. 100—175, 145—170 and 175—225 in the Post Office Department ;

(b) whether the Inspectors and Divisional Head Clerks to the Superintendents of Post Offices were in the grade of Rs. 100—175 ;

(c) whether the officials in the grade of Rs. 100—175 used to get promotion to the grade of Rs. 175—225 ;

(d) whether the passed candidates whose names were borne on the waiting list of different Postal Circles for promotion to the cadre of Inspectors of Post Offices and Divisional Head Clerks to the Superintendents of Post Offices used to be promoted in vacancies caused by the promotion of officials referred to in (b) above to the next higher grade of Rs. 175—225 ;

(e) whether the above three grades of Rs. 100—175, 145—170 and 175—225 were amalgamated into one grade of Rs. 160—250 with effect from the 1st September, 1927 ;

(f) whether, due to the above amalgamation, the vacancies which used to occur in the cadre of Inspectors and Divisional Head Clerks by promotion of the latter to the next higher grade of Rs. 175—225 ceased to occur from the date of amalgamation ; and

(g) whether such cessation of occurrence of vacancies blocked the prospects of promotion of the passed candidates referred to in part (d) above ?

(2). (a) If the replies to the above questions are in the affirmative, will Government be pleased to state what steps, if any, they have taken to protect the interests of the passed candidates who are deprived of an avenue to promotion due to administrative arrangement ?

(b) If nothing was done in that direction, will Government be pleased to state whether they now propose to provide some measure of relief to

compensate those officials from the loss of promotion already sustained by them from the 1st September, 1927, to date, and whether they propose to take any steps to protect such officials from any further loss of promotion in future ?

**Mr. H. A. Sams :** (1). (a) to (e). Yes, Sir.

(f) and (g). The replies are in the negative. With the introduction of the lowest selection grade of Rs. 160—10—250 both for officials in the general line of the Post Office and for Inspectors of Post Offices and Head Clerks to Divisional Superintendents of Post Offices a separate cadre for the latter classes of officials ceased to exist, but the actual posts have not ceased to exist and vacancies in these posts therefore occur. Officials who had passed the former examination for promotion to the cadre of Inspectors and Divisional Head Clerks in the grade of Rs. 100—5—175 are eligible for promotion to any of the posts included in the revised grade of Rs. 160—10—250 in order of seniority along with those who have passed the new departmental lower selection grade examination, and they also have the chance of entering the next higher grade of Rs. 250—20—350 earlier, seeing that they will not have to pass through an intermediate grade of Rs. 175—10—225 which existed before. Their promotion has not therefore been blocked though their prospects have been affected to a certain extent.

I have the matter in hand. I propose to take certain steps in the interests of these passed men.

(2). (a) and (b). Do not arise in view of my reply to parts 1 (f) and (g).

#### PROMOTIONS IN THE POSTAL DEPARTMENT.

30. \***Mr. Anwar-ul-Azim :** (1) Will Government be pleased to state :

- (a) whether in the Post Office Department the names of the passed candidates used to be arranged on a waiting list for promotion to the cadre of Inspectors and Divisional Head Clerks in order of merit displayed by each in the departmental examination ;
- (b) whether the Director General, Posts and Telegraphs has, in paragraph 6 of his memorandum No. E. A.-279/28, dated the 11th February, 1928, ruled that the names of the above officials will be rearranged in a new waiting list according to the seniority of service, along with those who have passed the recent lowest selection grade examination held in the month of December, 1929 ;
- (c) whether the officials who sat for the lowest selection grade examination referred to in (b) above, were selected according to strict seniority in the ordinary clerical time-scale grade of different cadres ; and
- (d) whether the officials who passed the departmental examination of Inspectors and Divisional Head Clerks were nominated, irrespective of seniority, by the Supervising Officers as being most suitable men for the special appointments of Inspectors and Divisional Head Clerks ?

(2) If the replies to the above questions are in the affirmative, will Government be pleased to state, whether they propose to place the names of such officials on the top of those who passed the lowest selection grade examination ? If not, why not ?

**Mr. H. A. Sams :** (1). (a) In some Circles the names of the passed officials used to be arranged in order of merit ; in others they were arranged according to seniority in the gradation list.

(b) Yes. The names have been ordered to be arranged in the new waiting list in order of seniority in the gradation list of the Circle concerned.

(c) and (d). Yes.

(2) Government do not consider it necessary to take the action suggested by the Honourable Member. The officials who formerly passed the Inspectors and Head Clerks' Examination were eligible for promotion exclusively to posts of Inspectors and Divisional Head Clerks, while by including them in the same list with the officials who recently passed the Lowest Selection Grade Examination they will be eligible for promotion to any of the posts included in the new Lowest Selection Grade of Rs. 160—10—250, whether in the Inspectors' line or in the general line. As both classes of officials are qualified for promotion to the selection grade posts, the former cannot be accorded the special treatment suggested by the Honourable Member. As, however, the prospects of promotion of the men who were on the waiting list of Inspectors and Head Clerks to Superintendents have been somewhat affected, I propose to introduce measures to give them a certain amount of protection.

#### PROMOTIONS IN THE POSTAL DEPARTMENT.

31. \***Mr. Anwar-ul-Azim :** (1) Will Government be pleased to state :

- (a) whether in the Post Office Department the appointments of Inspectors and Divisional Head Clerks used to be filled up exclusively by such officials who came out successful at a departmental examination held for the purpose ;
- (b) whether the names of such successful candidates used to be borne on a waiting list for promotion to the cadre of Inspectors and Divisional Head Clerks ;
- (c) whether there are a sufficient number of such officials whose names are still borne on the waiting list of different Postal Circles ; and
- (d) whether it is a fact that there are a good number of such officials in each Postal Circle still unprovided for who have been waiting for a long period, ranging from seven years to three years, and whether, in spite of this fact, the Director General of Posts and Telegraphs has issued some orders throwing open the appointments of Inspector and Divisional Head Clerks to those who passed the recent lowest selection grade examination ?

(2) If the replies to the above questions are in the affirmative, will Government be pleased to state the justification for taking such attitude towards the passed candidates waiting for promotion to the cadre of Inspectors and Divisional Head Clerks?

**Mr. H. A. Sams :** (1). (a) and (b). Yes, Sir.

(c) There are about 30 officials only of this class in the whole of India and Burma, and in some Circles there are no officials at all of this class.

(d) The statement contained in the first part of the question is inaccurate in view of what is stated in my reply to part (c). The reply to the second part is in the affirmative.

(2) I would invite the Honourable Member's attention to the reply just given to paragraph 2 of his question No. 30.

#### APPOINTMENT OF A BRITISH MILITARY CHIEF CLERK IN THE RAWALPINDI ARSENAL.

32. **\*Mr. Anwar-ul-Azim :** (a) Is it a fact that a British military Chief Clerk has been appointed as a trial in Rawalpindi arsenal and that the Indian Head Assistant will have to take orders from him?

(b) If so, will this not lower the status of the Head Assistant, although it may not affect his pay and allowances?

(c) If a military Chief Clerk has been appointed in Rawalpindi as a trial only, is it a fact that similar appointments have also been created in the Quetta and Kirkee arsenals, where British warrant officers have been appointed as Chief Clerks under local arrangements?

**Mr. G. M. Young :** (a) and (c). As an experimental measure, the British warrant officers, known as Chief Clerks, in charge of the Ordnance Branches of the Arsenal offices of Rawalpindi, Quetta, Kirkee, Ferozepore and Allahabad have been made responsible for the general supervision of certain branches for the detailed and immediate supervision of which Head Assistants are responsible. The Head Assistants will therefore receive orders in some matters from the Chief Clerks. No addition has been made to the establishment of British other ranks, nor is there any intention of increasing the pay of the Chief Clerks.

(b) It is not intended that the status of the Indian Head Assistant should be lowered. He will continue to have the same access to the Chief Ordnance Officer as he has had in the past.

#### PAY AND ALLOWANCES OF BRITISH WARRANT OFFICERS.

33. **\*Mr. Anwar-ul-Azim :** (a) What are the pay and allowances of a British warrant officer?

(b) Is it a fact that the pay and allowances of a senior warrant officer before the war were Rs. 190, while the maximum the Head Assistant drew was Rs. 240 per mensem?

(c) Does the pay of a warrant officer compare favourably with that of the Head Assistant after the war?

(d) Is it a fact that a Head Assistant now draws less pay than a junior warrant officer? If so, what is the reason?

**Mr. G. M. Young :** (a) The pay of a Conductor is Rs. 420 a month and that of a Sub-Conductor Rs. 380. Both receive allowances amounting to Rs. 125 a month.

(b) The pay and allowances of a senior warrant officer before the war amounted to Rs. 220 a month. The pay of a Head Assistant was as stated by the Honourable Member.

(c) Yes.

(d) Yes, because the Head Assistant does not require to have the same technical knowledge and training as a junior warrant officer.

#### PROMOTIONS IN THE ARMY.

34. **\*Mr. Anwar-ul-Azim :** Is it a fact that British other ranks rise to commissioned rank at the close of their service, while no clerk in the Ordnance Corps has ever risen to gazetted rank?

**Mr. G. M. Young :** If the word "may" is inserted between the words "ranks" and "rise", the answer is in the affirmative. The matter has been thoroughly investigated on more than one occasion and it has been decided that the work performed by the highest clerical grades in arsenals does not warrant the grant of gazetted rank.

#### RACIAL DISCRIMINATION IN THE ADMISSION OF CYCLES TO ARSENALS.

35. **\*Mr. Anwar-ul-Azim :** Is it a fact that Indian clerks are not permitted to take their cycles into the arsenal, while British non-commissioned officers can take their motor bicycles inside?

**Mr. G. M. Young :** I am sending the Honourable Member a copy of a letter No. 68-Y., dated the 1st May, 1930, which I sent to Sardar Kartar Singh in continuation of an answer given on the 17th February, 1930, to his question No. 161, dealing with the same subject. A copy of the letter is also in the Library.

#### PROMOTION OF INDIANS IN ARSENALS.

36. **\*Mr. Anwar-ul-Azim :** (a) Is the Establishment Officer in an arsenal promoted from the ranks?

(b) Is it a fact that Indian clerks, whatever their service and qualifications, are not raised to an officer's rank, as in other Departments? If so, why?

**Mr. G. M. Young :** (a) Yes.

(b) Yes, Sir, for the reasons given in my reply to question No. 34.

#### PROMOTION OF INDIANS IN ARSENALS.

37. **\*Mr. Anwar-ul-Azim :** (a) Are British warrant officers being tried as Chief Clerks in arsenals? If so, is it intended to try Indian Head Assistants as gazetted officers?



(b) Is it contemplated to give gazetted rank to Indian clerks in the near future, or are they to serve on as mere clerks ?

(c) Is it a fact that clerks in arsenals are prohibited from seeing any Member of the Legislative Assembly with regard to their grievances ? If so, what are the objections ?

**Mr. G. M. Young :** (a) and (b). The answer to the first part of (a) is in the affirmative. I have already explained why it is not possible to grant gazetted rank to clerks in arsenals.

(c) No, Sir.

#### ALLOWANCES OF RAILWAY ACCOUNTANTS.

38. **\*Mr. Muhammad Rafique :** (1) Is it a fact :

(a) that the accountants borne on the list of Director of Railway Audit get compensatory and house rent allowances when posted to Bombay, Calcutta and Rangoon ;

(b) that all such accountants when transferred to the administrative control of the Financial Commissioner of Railways continue to get the said allowances ;

(c) that the accountants recruited by the Financial Commissioner of Railways for the accounts side are debarred from this privilege when posted to the towns above mentioned ; and

(d) that the duties of the three classes of accountants mentioned above are quite similar in nature ?

(2) If the answers to the above be in the affirmative, will Government be pleased to state the reasons for withholding the privileges of compensatory and house rent allowances from the accountants mentioned in class (c) of part (1) ?

(3) Is it a fact that the accountants recruited by the Financial Commissioner of Railways have memorialised for the grant of compensatory and house rent allowances ? If so, what action has been taken or is proposed to be taken ?

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

(b) Yes, when and if posted to these places.

(c) Yes. But accountants taken over from the Great Indian Peninsula and Burma Railways Companies, who retain their old scales of pay continue to get the allowances they used to get previously.

(d) This is generally correct.

2. "Compensatory and house rent allowances" are not granted in consideration of the nature of duties discharged. The accountants' cadres in accounts offices under the Financial Commissioner of Railways are local, and these accountants, unlike those of the Audit Department, are not ordinarily liable to transfers all over India.

3. Certain memorials have been received from accountants on one railway and they are under disposal.

#### PAY OF RAILWAY ACCOUNTANTS.

39. **\*Mr. Muhammad Rafique :** (1) is it a fact :

(a) that the scale of pay of the accountants borne on the list of the Director of Railway Audit is Rs. 150—15—270|300—20—550 ;

(b) that all such accountants when transferred to the administrative control of the Financial Commissioner of Railways continue to enjoy the scale mentioned above ;

(c) that the scale of pay of the accountants recruited by the Financial Commissioner of Railways for the accounts side is 150—15—270|290—20—450 ;

(d) that the duties of the three classes of accountants mentioned above are similar in nature ;

(e) that the accountants mentioned in clauses (a) and (b) are so appointed after their passing the subordinate railway accounts service examination held by the Director, Railway Audit, in which the minimum pass percentage is 40 in individual papers and 50 in the aggregate ; and

(f) that the accountants mentioned in clause (c) are so posted after their passing the subordinate railway accounts service examination held by the Financial Commissioner of Railways, in which the minimum pass percentage is 50 in the ordinary papers and 66 in the special papers ?

(2) If the answers to the above be in affirmative, will Government be pleased to state the reasons for reducing the scale of pay of the accountants mentioned in clause (c), in spite of the fact that their duties are similar to those of the accountants mentioned in clauses (a) and (b), and that they are required to pass a stiffer examination ?

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

(b) Yes.

(c) Yes.

(d) This is generally correct.

(e) and (f). Yes.

2. The Honourable Member is referred to my reply to starred question No. 530 put on the 12th March, 1930, by the Honourable Maulvi Muhammad Yakub.

#### ACCOUNTANTS UNDER THE FINANCIAL COMMISSIONER OF RAILWAYS.

40 **Mr. Muhammad Rafique :** Will Government be pleased to state by communities the total number of accountants, grades I and II, separately, under the administrative control of the Financial Commissioner, Railways ?

Mr. A. A. L. Parsons :

|         |    |    | Grade I. | Grade II. |
|---------|----|----|----------|-----------|
| Hindus  | .. | .. | 55       | 88        |
| Muslims | .. | .. | 2        | 8         |
| Others  | .. | .. | 10       | 10        |
|         |    |    | <hr/> 67 | <hr/> 106 |

#### NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY, CALCUTTA.

41. \*Mr. Muhammad Rafique : (a) Will Government be pleased to state the total number of clerks and sorters employed in the Imperial Library, Calcutta, year by year, since 1926 to date, according to the various communities ?

(b) Is it a fact that one Maulvi Ihsan Ali of the Imperial Library, Calcutta, was invalided in 1927, and if so, is it a fact that the vacancy thus caused was not filled up by a Muhammadan ?

(c) If the answer to part (b) be in the affirmative, will Government please state the reasons therefor ?

Sir Frank Noyce :

|      |    | Clerks. |         | Sorters. |         |
|------|----|---------|---------|----------|---------|
|      |    | Hindu.  | Muslim. | Hindu.   | Muslim. |
| 1926 | .. | 13      | 2       | 11       | 1       |
| 1927 | .. | 13      | 2       | 11       | 1       |
| 1928 | .. | 14      | 1       | 11       | 1       |
| 1929 | .. | 14      | 1       | 11       | 1       |
| 1930 | .. | 13      | 2       | 11       | 1       |

(b) The answer to both questions is in the affirmative. A non-Muslim who was officiating in a leave vacancy was appointed.

#### NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY, CALCUTTA.

42. \*Mr. Muhammad Rafique : Is it a fact that Babus U. C. Dey and A. K. Ghosh were appointed as clerks in 1928 in the Imperial Library contrary to the Home Department Circular No. F. 176/25-Ests., dated the 5th February, 1926, reserving one-third of the appointments for the minorities ?

Sir Frank Noyce : Mr. U. C. Dey was appointed because he had acted in leave vacancies both before and after the issue of the Circular referred to by the Honourable Member. It does not appear that the instructions in that Circular were followed when Mr. A. K. Ghosh was appointed.

#### NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY, CALCUTTA.

43. \*Mr. Muhammad Rafique : (a) Is it a fact that one Babu U. C. Dey of the Imperial Library, Calcutta, resigned his post in December, 1929 ?

(b) Has the post been filled up and, if so, by whom ?

(c) Is it a fact that one Mr. Wasim Hussain was recommended by the Public Service Commission for appointment as clerk in

the Imperial Library in place of the said Babu U. C. Dey, and that he has not been appointed by the Library Council in place of the said Babu U. C. Dey ?

(d) If the answers to part (c) are in the affirmative, will Government please state the reasons for not appointing a Muhammadan, particularly when he was recommended by the Public Service Commission ?

(e) Is the Imperial Library Council competent to set aside the recommendations of the Public Service Commission ?

Sir Frank Noyce : (a) He resigned in November 1929.

(b) The post has not yet been filled.

(c) Yes.

(d) The Council of the Library was of opinion that it was necessary to select from a wider field. It resolved that the Public Service Commission should be requested to advertise the vacancy, stating that preference would be given to a member of a minority community and that if no suitable candidate was forthcoming it should be asked if it had any objection to the Council itself advertising and filling the vacancy. The Council has advertised the vacancy and it will be filled at its next meeting.

(e) The question does not arise as the Council has acted with the concurrence of the Public Service Commission.

#### NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY, CALCUTTA.

44. \*Mr. Muhammad Rafique : (a) Is it a fact :

(i) that Muhammadans are in a hopeless minority in the Imperial Library of Calcutta ; and

(ii) that no satisfactory effort has been made in the appointments of the past few years to remedy this state of affairs in spite of the Home Department Circular No. F. 176/25-Ests., dated the 5th February, 1926 ?

(b) If the replies to (i) and (ii) of part (a) are in the affirmative, are Government prepared to issue orders reserving all future recruitment for Muhammadans till such time that they are adequately represented on the staff ?

Sir Frank Noyce : (a) (i). Out of 27 posts of clerks and sorters two are filled permanently and one temporarily by Muslims.

(a) (ii). No.

(b) Instructions have already been issued that duly qualified members of minority communities, including Muhammadans, should be appointed, when possible, without sacrifice of efficiency, in preference to members of those communities which are already fully represented on the staff.

#### NON-EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY, CALCUTTA.

45. \*Mr. Muhammad Rafique : (a) Is it a fact that four temporary posts of clerks have recently been sanctioned for the Imperial Library ?

(c) Does not arise.

(b) The decrease by one in the number of Muslims on the non-gazetted staff during the current year is due to the retirement of a Laboratory Assistant. The vacancy was filled by a tanning expert for special work in the taxidermist section. He had received special training for the work. I may add, however, that Government propose to look into the question of appointments to the gazetted and non-gazetted staff of the Zoological Survey of India.

*Total number of permanent employees both in the Gasetted and Non-gasetted ranks in the Zoological Survey of India by communities from 1920 to date (8th July 1930).*

| Year. | Gazetted Officers. |            |         |                  |               |                                       |        | Non-gazetted Staff. |           |            |         |                  |               |                                       |        |                    |
|-------|--------------------|------------|---------|------------------|---------------|---------------------------------------|--------|---------------------|-----------|------------|---------|------------------|---------------|---------------------------------------|--------|--------------------|
|       | Strength.          | Europeans. | Hindus. |                  | Muhammadians. | Domestic Europeans and Anglo-Indians. | Sikhs. | Indian Christians.  | Strength. | Europeans. | Hindus. |                  | Muhammadians. | Domestic Europeans and Anglo-Indians. | Sikhs. | Indian Christians. |
|       |                    |            | —       | Depressed class. |               |                                       |        |                     |           |            | —       | Depressed class. |               |                                       |        |                    |
| 1920  | 4                  | 2          | 2       | ..               | ..            | ..                                    | ..     | ..                  | 26        | ..         | 8       | 9                | 4             | 5                                     | ..     | ..                 |
| 1921  | 4                  | 2          | 2       | ..               | ..            | ..                                    | ..     | ..                  | 26        | ..         | 8       | 9                | 4             | 5                                     | ..     | ..                 |
| 1922  | 4                  | 2          | 2       | ..               | ..            | ..                                    | ..     | ..                  | 27        | ..         | 8       | 10               | 4             | 5                                     | ..     | ..                 |
| 1923  | 5                  | 2          | 3       | ..               | ..            | ..                                    | ..     | ..                  | 27        | ..         | 8       | 10               | 4             | 5                                     | ..     | ..                 |
| 1924  | 6                  | 2          | 4       | ..               | ..            | ..                                    | ..     | ..                  | 27        | ..         | 8       | 10               | 4             | 5                                     | ..     | ..                 |
| 1925  | 6                  | 1          | 4       | ..               | ..            | 1                                     | ..     | ..                  | 27        | ..         | 8       | 10               | 4             | 5                                     | ..     | ..                 |
| 1926  | 6                  | 1          | 4       | ..               | ..            | 1                                     | ..     | ..                  | 37        | ..         | 13      | 12               | 4             | 8                                     | ..     | ..                 |
| 1927  | 7                  | 1          | 5       | ..               | ..            | 1                                     | ..     | ..                  | 37        | ..         | 13      | 12               | 4             | 8                                     | ..     | ..                 |
| 1928  | 7                  | 1          | 5       | ..               | ..            | 1                                     | ..     | ..                  | 37        | ..         | 13      | 12               | 4             | 8                                     | ..     | ..                 |
| 1929  | 7                  | 1          | 5       | ..               | ..            | 1                                     | ..     | ..                  | 44        | ..         | 16      | 14               | 4             | 8                                     | ..     | 2                  |
| 1930  | 7                  | 1          | 5       | ..               | ..            | 1                                     | ..     | ..                  | 44        | ..         | 19      | 13               | 3             | 7                                     | ..     | 2                  |

# APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA.

48. \*Mr. Muhammad Rafique : (a) Is it a fact that a temporary vacancy occurred recently in the Zoological Survey of India on account of proceeding on leave out of India of the permanent Superintendent of the Department ?

(b) If it is so, will Government be pleased to state why the claims of a Muhammadan, who has been officiating for the last five years, have been ignored and an outsider, non-Muhammadan, has been taken in the vacancy ?

(c) Was due publicity given to the said vacancy ? If not, why not ?

(d) Are Government prepared to consider the desirability of getting all gazetted or non-gazetted vacancies filled up in future, whether temporary or permanent, through the agency of the Public Service Commission, as is done in other Departments ?

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

(b) The claims of the Muhammadan who had been officiating for the last 5 years were not ignored. The Muhammadan gentleman in question is still officiating in a vacancy caused by one of the Assistant Superintendents (Hindu) who proceeded on leave in 1929, and will continue to hold this officiating vacancy till September 3, 1930, as the temporary vacancy caused by the permanent Superintendent proceeding on leave had, in view of the recent discovery of a very profitable shell-fishery in the Andaman and Nicobar Islands, to be filled by a Zoologist thoroughly acquainted with the marine fauna. The Muhammadan officer's original officiating appointment was *vice* the Director, Zoological Survey of India, who proceeded on leave on the 23rd March, 1929. The term of this appointment would have expired on the 11th January, 1930, but in order to give him more time to complete his studies on the Fleas, he was transferred to officiate for one of the Hindu Assistant Superintendents.

(c) No. The vacancy was temporary and the Director, Zoological Survey of India, who is in touch with all prominent Zoologists in India, selected the best qualified man. The officer selected by him was a Lecturer in Zoology in the Royal Institute of Science, Bombay, and a Ph.D. of Cambridge and has had six years practical experience of marine biological work in India as well as Europe.

(d) Permanent vacancies in the gazetted staff are filled on the advice of the Public Service Commission. Temporary vacancies in the gazetted staff and all non-gazetted vacancies are filled by the Director, Zoological Survey of India. I have already informed the Honourable Member that Government propose to examine the question how far it is feasible to secure the adequate representation of the minority communities in the Zoological Survey of India. The results of this examination cannot be anticipated.

# APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA.

49. \*Mr. Muhammad Rafique : (a) Is it a fact that the only Muslim gazetted officer who has been working in the Zoological Survey of India since October, 1925, in a series of temporary and officiating vacancies has been refused the next officiating chance ?

(b) In case the answer to part (a) be in the affirmative, will Government be pleased to state the reasons for getting rid of the only Muhammadan officer on the staff ?

(c) Is it a fact that the work of the Muhammadan officer has been appreciated many a time by the permanent Director, but that when there is a prospect of a permanent vacancy in the near future, he has been turned out of the Department ?

Mr. G. S. Bajpai : (a) and (b). I would refer the Honourable Member to the answer given by me to parts (a) and (b) of his immediately preceding question.

(c) The work of this officer on Ticks and Fleas has been satisfactory. I have already explained to the Honourable Member that this officer is still in Government employ. If a permanent vacancy occurs in the Zoological Survey of India his claims will undoubtedly be considered in filling it.

# APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA.

50. \*Mr. Muhammad Rafique : (a) Is it a fact that seven new non-gazetted posts were added to the staff of the Zoological Survey of India in April, 1929 ?

(b) Were any Muhammadans taken in these posts ? If not, why not ?

(c) How many Muhammadans did actually apply for these posts and what were their qualifications ?

(d) What are the qualifications possessed by the men actually appointed ?

(e) In case the qualifications of any of the men appointed to the said posts be inferior or equal to those of the Muhammadan applicants, will Government be pleased to state the reasons for preferring non-Muhammadans over Muhammadans ?

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

(b) No. No suitable Muhammadan candidates applied.

(c) and (d). Thirteen. A statement showing the qualifications of these thirteen Muslim candidates as well as of those appointed is placed on the table. A comparison of the qualifications of those appointed with the qualifications of the Muslim applicants will show that the selected candidates had the higher technical qualifications.

(e) Honourable Member would observe from the statement I am laying on the table that the selected candidates were superior to those rejected.

*List of Muhammadan applicants with their qualifications for the seven vacancies occurred in 1929.*

*For the posts of Laboratory Assistants.*

1. *Mr. Badruddin Hasan Zuberi.*—"Passed the High School examination in 1924, the Intermediate examination in 1926 and the B.Sc. examination in 1928 with Chemistry, Botany and Zoology as my subjects from the Aligarh University each in the first division, standing second in order of merit in the High School examination and first in the Intermediate and B.Sc. examinations."
2. *Asadulla Khan.*—"I am a youngman of 23 with active habits and hard working. I appeared in the B.Sc. examination of the Muslim University held in the month of April, with Zoology as one of my subjects. I am sure to get through."
3. *Muzaffaruddin Taha.*—"I passed the Matriculation examination of the Calcutta University in the first division and studied up to 2nd year into Intermediate of Science (I.Sc.) class in the Presidency College."
4. *Ashiq Ali Quraishy.*—"I appeared in the B.Sc. examination of the Aligarh Muslim University held in April 1929. I hope to get through. My optional subjects in the B.Sc. were Zoology, Botany and Chemistry."
5. *Abdul Hamid Khan.*—"I am working in the Department of Zoology, Muslim University, Aligarh, as Laboratory Assistant since 1911. I am well versed in the art of Taxidermy, preparation of skeletons, mounting and preservation of specimens."
6. *Abdur Rahman.*—"I passed the B.Sc. examination with Chemistry, Physics and Mathematics in the year 1928 from the Calcutta University."
7. *Jamil Ahmed.*—"I passed the B.Sc. examination taking Zoology, Botany and Chemistry, in the 2nd division from the Muslim University, Aligarh in 1924. At present studying M.A. and Law in this University."
8. *Syed Mushtaq Ali.*—"I passed my Matriculation examination in 1922 in second division. I passed my Intermediate Science examination in second division in 1924 getting a distinction in Zoology for which I was awarded a gold medal by the Vice-Chancellor of the University (Aligarh Muslim University). I passed my B.Sc. degree examination and was placed in the second division with asterisk topping the list of successful examinees. I worked for some months in the Government Agricultural College under the Entomologist. I also worked as Demonstrator in the Department of Zoology, Muslim University, Aligarh."
9. *Mohd. Ataullah Fazli.*—"I have appeared in the B.Sc. examination with Zoology, Botany and Chemistry as my subjects. I hope that I will get through as I have some papers quite satisfactory."

*For the posts of Gallery Assistants.*

10. *Nadir Hossain Sircar.*—"I completed the course of the B.Sc. examination with Physics, Chemistry, and Mathematics. I have got office experience having served as a clerk of the District Inspector of Schools, Murshidabad. I have got a fair knowledge in Persian. I possess a good physique and "cicle expart", play football and other indigenous and foreign games."
11. *Shaikh Abdul Halim.*—"I read up to the Matric. standard and have for some time worked as an engraver in Ammunition Factory at Dum Dum and also worked for some time as a draftsman as well as clerk to some pleaders."
12. *Kazi Golom Nabi.*—"I have read up to the Matriculation standard of the Calcutta University, and have fair knowledge in English and Urdu."
13. *M. Abdul Faiz.*—"I have picked up a fairly good knowledge of English and Urdu. Since my early years I have been to the Museum times without number and it has been my habit to take a keen interest in all sorts of things. Besides I have always taken part in sports and I am a young boy of active habits."

*Qualifications of the selected candidates for the seven vacancies occurred in 1929.*

*FOR THE POSTS OF LABORATORY ASSISTANTS.*

1. *J. L. Bhaduri.*—"I passed the Matriculation and Intermediate Science examinations of the Calcutta University in the first division in the years 1920 and 1922 respectively. I obtained the B.Sc. degree in 1924 and occupied the first place in the first class honours in Zoology. The post-graduate Jubilee scholarship, tenable for two years, was accordingly awarded to me. In my M.Sc. examination in Zoology, held in the year 1926, I topped the list of successful candidates, and was placed first in the second class, no one securing first class that year. Since then I have been engaged as a Teaching Assistant in the Zoology Department of the Calcutta University, and I am at present drawing a monthly salary of Rs. 140. One of my duties is that of demonstration work both in the Undergraduate and Postgraduate Practical classes. Since my appointment in the University I have been carrying on research work. Titles of papers already published and in the course of preparation are attached. Besides anatomical work I have been studying the systematic Anuran fauna of Bengal in the Indian Museum. I am thoroughly conversant with the theory and practice of Zoological technique in all its branches, including microtome work, staining, slide preparation, etc."

*Hindu.* M.Sc. of the Calcutta University. Possess considerable experience in Zoological technique and already published some papers on the results of his original research in Zoology.

2. *M. N. Datta.*—"I am a research scholar in the Zoology Department of the Allahabad University and got the Empress Victoria Readership of Rs. 100 per month for 3 years. During this time I have written two research papers, (i) 'On *Echinorhynchus robustus* (n. sp.) from common crows of Allahabad', (ii) 'On a new species of *Acanthocephala* from a common fish *Maoronia gilio* of Calcutta'. At present I am engaged in research work on the intestinal parasites of birds and fishes for the series of papers on 'New series' of *Acanthocephalen* parasites of North India. I have got thorough knowledge of Zoological technique including Microphotography, Microtomy, preparation of microscopical slides, preserving and mounting zoological specimens. I have passed the M.Sc. examination of the Allahabad University from the Agra College in the 1924 in the II division and stood second in order of merit in the University. I have passed the B.Sc. examination of this university with Zoology, Botany and Chemistry as compulsory subjects and stood 1st, 2nd and 3rd in order of merit in the University practical examinations in these subjects respectively. I have won many prizes in the open competitions of the Agra Scientific Association for the preparation of microscopical slides of Botanical and Zoological specimens. I served as a Demonstrator in Biology in the Agra College for 3 years (1921-1924) and after taking the M.Sc. degree I served as a Senior Demonstrator on Zoology in the St. John's College, Agra."

*Hindu.* M.Sc. of the Allahabad University. Fully qualified and experienced in zoological technique. Already published some papers on the results of his original research.

3. *K. N. Das.*—"I passed the Matriculation and I.Sc. examinations of the Calcutta University in the first division in the years 1921 and 1923 respectively. I obtained second class honours in Zoology in my B.Sc. examination held in 1925 standing second in order of merit. I passed the M.Sc. examination in Zoology in 1927 and occupied the first position in the first Division. I was awarded the University prize and two gold medals, the University and Brahmamohan Mullick, the latter for standing first in the whole thesis group of the University. Since the publication of the results of the University M.Sc. examination I have been carrying on research work on Protozoology and was granted the University Research Scholarship for the session 1928-29. I possess a thorough knowledge of the microtome technique, slide preparations and all other laboratory work."

*Hindu (Depressed Class)*. M.Sc. of the Calcutta University. Thoroughly experienced and competent in all branches of zoological technique.

4. **J. C. Fernandez**.—"I am at present Senior Taxidermist in the Govt. Museum, Madras, and have put in a service of about 19 years here". By the Director of the Swiss Zoological Expedition to South India he was recommended as follows :—"He combines great ability in the Zoological Field work with vivid personal interest and he proves an independent, resourceful and indefatigable worker. Last but not least we are glad to mention he is a good character and thoroughly trustworthy person. We are very obliged to the Government Museum in Madras to have allowed Mr. Fernandez to join our Expedition."

*Indian Christian*. Highly qualified in the art of Taxidermy, Animal Anatomy, Modelling, Preserving zoological specimens and painting them in natural colour.

#### FOR THE POSTS OF GALLERY ASSISTANTS.

5. **M. N. Acharjie**.—"I took my B.Sc. degree from the University College of Science, Calcutta, in 1926 having Zoology as one of my subjects, and in 1928 I passed M.Sc. examination of the same University in Anthropology and was placed in the second class."

M. Sc. of the Calcutta University. *Hindu*. In addition to qualifications in Zoology has a sound training in Anthropology as well.

6. **J. N. Majumdar**.—"I am serving as a Laboratory Assistant for the last two years under the Indian Research Fund Association in the Protozoology Department at the Calcutta School of Tropical Medicine". Lt.-Col. R. Knowles, I.M.S., of the Protozoology Department of the Calcutta School of Tropical Medicine recommended Babu J. N. Majumdar as "has done very good work in this Department during the last two years".

*Hindu*. The candidate was selected for special practical experience in Protozoology.

7. **G. Matthai**.—"I am an Indian Christian. I passed the School Leaving Certificate Examination of the Madras University in the year 1927. As for any training in Zoology, I beg to submit, that in the curriculum of studies prescribed for the English School Leaving Certificate, students are required to have a general knowledge of zoology, geology and botany, which came under the section 'Natural Study' and as such I had to study these subjects for three years, and for which I had special taste. I might add in this connection, that in the Asiatic Society of Bengal, where I am working at present, has a miniature museum where I have had occasion to notice the curious articles, zoological and anthropological specimens at the Society's monthly and annual meetings whereby I have gained sufficient knowledge to arrange and exhibit things in a Gallery."

*Indian Christian*. Possesses an excellent preliminary training in zoology and anthropology.

#### APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA.

51. **\*Mr. Muhammad Rafique** : (a) Will Government kindly state the number of the menial employees employed in the Zoological Survey of India by communities ?

(b) In case the Muhammadans are inadequately represented on the staff, are Government prepared to take necessary steps to stop the recruitment of members of the non-Muhammadan communities until such time the Muhammadans get the due share ?

**Mr. G. S. Bajpai** : (a) A statement giving the information required is laid on the table.

(b) Government will examine the question as to what steps can be taken to give adequate representation to minority communities on the menial staff of the Zoological Survey of India.

Statement showing the total number of Menials employed in the Zoological Survey of India, by communities.

| Year. | Strength. | Europeans. | Hindus. |                     | Muhammad-<br>dans. | Domiciled<br>Europeans<br>and<br>Anglo-<br>Indians. | Sikhs. | Indian Christians. |
|-------|-----------|------------|---------|---------------------|--------------------|-----------------------------------------------------|--------|--------------------|
|       |           |            | —       | Depressed<br>class. |                    |                                                     |        |                    |
| 1930  | 40        | ..         | 6       | 31                  | 3                  | ..                                                  | ..     | ..                 |

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# APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA.

52. \*Mr. Muhammad Rafique : (a) Will Government be pleased to state how many officiating and permanent vacancies, both in the gazetted and the non-gazetted ranks, have occurred in the Zoological Survey of India since January, 1930, and how they have been filled up ?

(b) Were these posts advertised ? If not, why not ?

(c) Were any Muhammadans taken in these posts ? If not, why not ?

Mr. G. S. Bajpai : (a) *Permanent vacancies—*

Gazetted appointments.—Nil.

Non-gazetted appointments.—1 ; a Hindu was appointed.

*Officiating vacancies—*

Gazetted appointments.—1 ; a Parsee was appointed.

Non-gazetted appointments.—12 ; of these 3 were not filled up, 7 were filled by temporary promotion within the department, 2 were filled up by outsiders. Both were Hindus with special qualifications.

(b) The posts were not advertised as advertising would have meant delay.

(c) No Muhammadans were taken as none possessing suitable qualifications was known to the Director, Zoological Survey of India. I have already informed the Honourable Member that the question will be looked into.

# APPOINTMENT OF MUHAMMADANS TO THE STAFF OF THE ZOOLOGICAL SURVEY OF INDIA.

53. \*Mr. Muhammad Rafique : (a) Will Government be pleased to state the number of vacancies, both in the gazetted and the non-gazetted ranks, that were filled up during the periods when the Hindu permanent Superintendent of the Zoological Survey of India officiated as its Director ?

(b) Were any posts given to Muhammadans ? If so, will Government please state the number and the names of persons holding the posts ?

(c) In case no vacancies were filled up by the appointment of Muhammadans, or they were taken in an inadequate number, do Government propose to make inquiries about the responsibility of the said officer for the cause ?

(d) Is it a fact that, since the appointment of the said officer in 1920, not a single Muhammadan has been permanently taken both in the gazetted and the non-gazetted ranks ?

(e) If the answers to parts (c) and (d) be in the affirmative, are Government prepared to consider the advisability of appointing a non-Hindu to the post of the Director when the next opportunity arises ?

Mr. G. S. Bajpai : (a) A statement giving the information required is placed on the table.

# QUESTIONS AND ANSWERS.

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(b) One temporary gazetted appointment was filled by a Muhammadan, Mr. Mohammad Sharif.

(c) Non-gazetted permanent appointments were filled after advertisements and full consideration of the qualifications of applicants. Officiating vacancies were filled by the officiating Director with the most suitable persons known to him.

(d) Yes. This, however, is merely a coincidence and has nothing to do with the appointment of the permanent Hindu Superintendent to the Zoological Survey of India in 1920.

(e) Honourable Member may rest assured that in making appointments to the headship of a department Government will pay due regard to the importance of securing an officer who counts impartiality among his qualifications.

*Vacancies in the Gazetted and Non-gazetted ranks of the Zoological Survey of India that were filled up during the periods when Hindu Superintendent officiated as Director.*

*From 15th May, 1924 to 26th July, 1925.*

| Gazetted.  |                                                |            |                | Non-gazetted. |                |            |                                                                                          |
|------------|------------------------------------------------|------------|----------------|---------------|----------------|------------|------------------------------------------------------------------------------------------|
| Permanent. |                                                | Temporary. |                | Permanent.    |                | Temporary. |                                                                                          |
| Vacancy.   | How filled up.                                 | Vacancy.   | How filled up. | Vacancy.      | How filled up. | Vacancy.   | How filled up.                                                                           |
| 1          | 1 (Sikh) appointed by the Government of India. | 1          | Not filled up. | ..            | ..             | 23         | 13 (outsiders) Hindus.<br>5 temporary promotion within the Department.<br>10 not filled. |

*From 1st July, 1927 to 29th September, 1927.*

| Gazetted.  |                |            |                | Non-gazetted. |                |            |                                                                                         |
|------------|----------------|------------|----------------|---------------|----------------|------------|-----------------------------------------------------------------------------------------|
| Permanent. |                | Temporary. |                | Permanent.    |                | Temporary. |                                                                                         |
| Vacancy.   | How filled up. | Vacancy.   | How filled up. | Vacancy.      | How filled up. | Vacancy.   | How filled up.                                                                          |
| ..         | ..             | ..         | ..             | ..            | ..             | 4          | 1 (outsider) Hindu.<br>1 temporary promotion within the Department.<br>2 not filled up. |

From 23rd March, 1929 to 12th January, 1930.

| Gazetted.  |                |            |                          | Non-gazetted. |                                                                   |            |                                                                                       |
|------------|----------------|------------|--------------------------|---------------|-------------------------------------------------------------------|------------|---------------------------------------------------------------------------------------|
| Permanent. |                | Temporary. |                          | Permanent.    |                                                                   | Temporary. |                                                                                       |
| Vacancy.   | How filled up. | Vacancy.   | How filled up.           | Vacancy.      | How filled up.                                                    | Vacancy.   | How filled up.                                                                        |
| ..         | ..             | 1          | 1 Muhammadan (outsider). | 9             | 6 Hindus<br>2 Indian Christians<br><br>1 Depressed Class (Hindu). | 19         | 8 Hindus.<br><br>7 temporary promotion within the Department.<br><br>4 not filled up. |

#### FATE OF SADHU SUNDAR SINGH.

54. \*The Revd. J. C. Chatterjee : (a) Are Government aware that Sadhu Sundar Singh, a Christian Missionary well known and respected in India as well as in Europe, left on a missionary tour for Tibet over a year ago and has not been heard of since that time ?

(b) Are Government aware that the complete absence of news from Sadhu Sundar Singh himself and the various rumours regarding his fate have been causing deep anxiety to his co-religionists and admirers, and are Government prepared to make inquiries regarding his safety, from the Tibetan Government, or through their own frontier officials ?

Mr. E. B. Howell : With your permission, Sir, I will answer both questions together. Inquiries were made last year by a Government officer who visited Tibet on duty but there was no trace of Sadhu Sundar Singh nor is there any proof that he ever entered Tibet.

Inquiries are however being made again this year and any information obtained will be communicated to the Honourable Member in due course.

The Revd. J. C. Chatterjee : Are Government aware that Sadhu Sundar Singh, before he started, definitely said that he was going into Tibet for a year's tour ?

Mr. E. B. Howell : I was not previously aware of that fact, Sir.

#### APPOINTMENT OF INDIANS AS GOODS INSPECTORS ON THE EAST INDIAN RAILWAY.

55. \*Dr. Ziauddin Ahmad : (a) Will Government please state what is the number of Goods Inspectors in the East Indian Railway and how many of them are Indians ?

(b) If there is not a single Indian, what are the reasons for it ?

Mr. A. A. L. Parsons : (a) There are four Goods Inspectors on the East Indian Railway. Two of them are statutory Indians.

(b) The posts are generally filled by seniority, and three of the men are the most senior subordinates in the Commercial Department of the East Indian Railway. The fourth appointment is graded much lower than the other three, and is held by a man who was selected because he was considered specially suitable for the post.

#### APPOINTMENT OF INDIANS AS STATION MASTERS OF FIRST CLASS STATIONS ON THE EAST INDIAN RAILWAY.

56. \*Dr. Ziauddin Ahmad : (a) Will Government please state if Indians are eligible for appointment as station masters on first class railway stations on the East Indian Railway ?

(b) Was any experiment tried ?

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

(b) It is not a question for an experiment.

#### MINIMUM EDUCATIONAL QUALIFICATIONS REQUIRED FOR RAILWAY SERVICES.

57. \*Dr. Ziauddin Ahmad : (a) Will Government please state what is the minimum educational qualification for appointment in the railway services ?

(b) Who are exempted from this qualification ?

Mr. A. A. L. Parsons : (a) The minimum qualifications for appointments in the Superior Services are laid down in the Regulations for Recruitment, copies of which are in the Library. I shall be very pleased to send them to the Honourable Member if he would like to have them. The minimum qualifications for posts in the subordinate and inferior services are prescribed generally by Agents of the railways and vary for posts of different character.

(b) Where a minimum qualification is prescribed it applies to all candidates.

#### RECRUITMENT OF "A" GRADE GUARDS ON THE EAST INDIAN RAILWAY.

58. \*Dr. Ziauddin Ahmad : (a) Will Government please state if the guards in the "A" grade of the East Indian Railway are recruited direct or are promoted from those in "B" grade ?

(b) What are the qualifications for direct appointment in "A" grade ?

(c) What is the total number of guards in "B" grade and how many of them are non-Indians ?

Mr. A. A. L. Parsons : (a) Guards' posts of "A" Grade, i.e., Grade I, are filled by promotion from lower grades of Guard, from other classes of staff and by direct recruitment.

(b) The main qualifications required of a candidate for direct appointment in Grade I as prescribed by the East Indian Railway are as follows :

(i) He must be of good physique and eye-sight, well set up, and of smart appearance.

- (ii) He must be able to understand and express himself easily and clearly in English and be able to write English with reasonable correctness and speed.
- (iii) He must possess mental alertness, powers of observation and a good memory.
- (iv) He must be tactful and of good address and have decision of character.
- (v) He must possess the power of controlling staff working under him.

(c) I have called for the information and will communicate with the Honourable Member on its receipt.

#### TERMS OF EMPLOYMENT OF CREWMEN.

59. **\*Dr. Ziauddin Ahmad :** (a) Will Government please state if it is a fact that :

- (a) Crewmen are allowed sick leave without pay only ;
- (b) Crewmen are given one day off after working for 13 days ;
- (c) Crewmen are not given the benefit of the Provident Fund ?

**Mr. A. A. L. Parsons :** I presume the Honourable Member refers to the crewmen on the East Indian Railway. The replies to the questions are :

- (a) No. Temporary crewmen appointed prior to 1st September, 1928, are granted leave in accordance with Supplementary Rule 285. Those appointed on or after 1st September, 1928, are granted leave in accordance with Annexure II of the new Leave Rules promulgated with Railway Board's Resolution No. 8373-E., dated the 20th February, 1930.
- (b) They are given 24 hours rest after 56 hours of work.
- (c) Yes, as temporary employees are not allowed to subscribe to the Provident Fund.

#### AMALGAMATION OF STATE-OWNED RAILWAYS.

60. **\*Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state the reasons for building a number of railway stations and two Jumna bridges in close proximity in Agra ? Is it not due to the competition of three different lines running into Agra ?

(b) How much money do Government spend every year in adjusting the accounts of various railways owned by the Government ?

(c) Have Government considered the desirability of amalgamating the State-owned railways into one common concern ?

**Mr. A. A. L. Parsons :** (a) The construction of the second bridge was necessitated by the Secretary of State's decision that the East Indian Railway should be allowed direct access to the business quarter of Agra and to the Agra-Delhi Chord line. The crossing of the river by a new route some distance away from the former bridge entailed the provision of additional stations.

Competitive considerations influenced, to a certain extent, the decision to construct the new bridge.

(b) I am afraid the information is not procurable.

(c) Government do not consider the amalgamation desirable.

#### PRINCIPLE ADOPTED IN FIXING THIRD CLASS RAILWAY FARES.

61. **\*Dr. Ziauddin Ahmad :** (a) Are Government aware of the theory of railway economists that for the prosperity of a business it is best to look for small profit per unit repeated several times on a large volume of business than to a large profit for unit on a small volume of business ?

(b) Have Government followed this principle in fixing the third class railway fares ?

(c) Will Government be pleased to give reasons, supported by statistics, for fixing railway fares on distance scale ?

**Mr. A. A. L. Parsons :** (a) and (b). Government are aware of the theory that, subject to certain very necessary limitations, railway revenues are more likely to be enhanced by low than by high rates. Subject to the limitations referred to, this principle is followed in fixing third class fares.

(c) It is believed that the incidence of railway rates for fares operates more against the development of long than of short distance traffic and Indian Railways, therefore, generally concede a lower basis of charge for passengers carried for long distances. Statistics of the number and earnings of passengers carried for varying distances have not been maintained by Railways for a sufficient number of years to enable conclusions to be arrived at as to the effect of the latest reductions in rates for long distances.

#### OCCUPATION BY MEMBERS, WHEN THE LEGISLATURE IS NOT SITTING, OF HOUSES PROVIDED FOR THEM IN SIMLA.

62. **\*Dr. Ziauddin Ahmad :** (a) Will Government be pleased to mention the number of houses built or purchased by them for the use of the Members of the Legislative Assembly and the Council of State at Simla ?

(b) Are the Members of the Legislative Assembly debarred from living in these houses at a time when the Legislative Assembly is not sitting, even if the houses are unoccupied and the Members are willing to pay full economic rent of the house ?

(c) If so, who has made this rule ?

(d) Was this rule made in the interest of the hotel proprietors of Simla ? If so, why ?

(e) Are Government prepared to consider the question of changing the existing rule and make the houses available for the use of the Members of the Legislative Assembly if they happened to be vacant at a time when the Legislative Assembly is not in session ?

**The Honourable Sir Joseph Bhore :** (a) 57 quarters have been built or set aside for the use of the Members of the Indian Legislature at Simla during the Session periods, viz., 20 quarters at Cart Road and 37 at Longwood.

(b) Not at Longwood, if they are willing to pay rent for the whole season. But Members are only permitted to occupy quarters at either place on payment of rent for the period of occupation if they are in Simla on duty.

(c) and (d). Prior to 1924 the Public Works Department attempted to obtain tenants for such quarters as remained empty; but this practice was discontinued as Government felt that it interfered unnecessarily with private enterprise.

(e) The question of changing the existing rules is under consideration.

#### SUBSCRIPTIONS COLLECTED THROUGH SALARY BILLS FROM RAILWAY EMPLOYEES.

63. \*Lieut.-Colonel H. A. J. Gidney : (1) Is it a fact that on various railways the following subscriptions, among others, are collected by the Railway Audit Department through the salary bills of railway employees :

- (a) Mutual Benefit Fund ;
- (b) Store's Bill (where stores exist) ;
- (c) Institute Bills (where Institutes exist) ;
- (d) Credit and Loan Society refunds ;
- (e) Medical Officer's fees ;
- (f) Court attachments on salaries ; and
- (g) Cost of social functions, e.g., Christmas trees, St. Dunstons subscriptions, etc. ?

(2) Is it a fact that the Railway Board have definitely refused to consent to the collection of Railway Union subscriptions *via* the salary bills of employees ?

(3) If the answer to part (2), be in the affirmative, will Government reconcile their refusal in the one case and their acceptance, as a general and recognised measure, in the case of other deductions as enumerated in part (1) ?

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

(2) Yes.

(3) As a railway union is an organisation independent of the railway, Government consider that it should make its own arrangements for the collection of subscriptions from its members.

#### RESTORATION OF STIPENDS OF MEMBERS OF THE CARNATIC FAMILY.

64. \*Maulvi Mohammad Shafee Daoodi : (a) Will Government be pleased to state whether they have given effect to the resolution passed in this Assembly in January last recommending that the stipends of the members of the Carnatic Family who took part in the Khilafat Movement be restored to them with retrospective effect ?

(b) If no effect has yet been given in spite of the Government accepting it on the floor of the House, will Government kindly state the reasons for it ?

Mr. E. B. Howell : (a) No.

(b) The matter has been under correspondence with the Madras Government, which is not yet concluded.

Maulvi Sayyid Murtuza Saheb Bahadur : May I ask why, when a period of six months has rolled on, no reply has yet been received from the Government of Madras ?

Mr. E. B. Howell : I did not say that the Government of Madras had not replied ; I said that the correspondence was not yet concluded.

Mr. M. K. Acharya : Is there any chance of the matter concluding at an early date ?

Mr. E. B. Howell : I hope so, Sir.

Maulvi Mohammad Shafee Daoodi : I believe, Sir, it is a Central subject. Why then should the Government of Madras be consulted before a decision is given effect to ?

(No reply was given).

Maulvi Mohammad Shafee Daoodi : Sir, no answer is given to my question, which is a very relevant question, I think.

Mr. E. B. Howell : I think, Sir, in a matter of this importance it is obviously necessary to consult the Local Government before a final order can be given by the Government of India.

Mr. S. C. Mitra : Is it not a fact that when the Government of India accepted the responsibility of granting these allowances, they said they would give very sympathetic consideration to the subject ?

Mr. E. B. Howell : They are doing so.

#### PERCENTAGE OF BURMANS IN THE IRRIGATION DEPARTMENT.

65. \*U. Dwe : Will Government be pleased to state the number of officers of the Indian Service of Engineers serving in the Irrigation Department, in various provinces in India including Burma, and specify the number of Burmans therein and their percentage to other nationalities ?

The Honourable Sir Joseph Bhole : The information asked for by the Honourable Member is being collected and will be supplied to him separately.

#### PERCENTAGE OF BURMANS IN CERTAIN DEPARTMENTS IN BURMA.

66. \*U. Dwe : Will Government be pleased to state the number of officers serving in the following Departments in Burma and specify the number of Burmans, (a) in the superior services, (b) in the subordinate services, and (c) the percentage of Burmans to other nationalities :

- (1) Customs Department.
- (2) Burma Railways.
- (3) Audit and Accounts Department.
- (4) Posts and Telegraphs.
- (5) Income-tax Department ?

The Honourable Sir George Schuster : The information asked for by the Honourable Member is being collected and will be furnished to him as soon as possible.

EMPLOYMENT OF BURMANS ON THE PUBLIC SERVICE COMMISSION.

71. \*U. Dwe : (a) Will Government be pleased to state how many Burmans there are on the Public Services Commission ? If the answer is in the negative, will Government kindly state what attempts have been made to secure the services of Burmans, and if such attempts have been made, why no Burmans have so far been secured as members of the Commission ?

(b) Will Government be pleased to state if they intend to constitute a separate Public Services Commission for Burma ? If so, when ; if not, why not ?

The Honourable Mr. H. G. Haig : (a) There is no Burman on the Public Service Commission. It is not possible to provide for representation of provinces on the Commission.

(b) Under the Classification Rules which have recently been published it is now open to the Local Legislature of any Governor's province to make laws for the establishment of a commission to regulate the public services of the province.

APPOINTMENT OF MUHAMMADANS AS SUPERINTENDENTS OF POST OFFICES IN MADRAS.

72. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government be pleased to state when the last nominations of departmental candidates for the examination for the post of Superintendent of Post Offices were made from the Madras Presidency ? What was the total number of these nominations, and how many were Muhammadans among the candidates so nominated ?

(b) Will Government be pleased to state whether nominations of departmental candidates for the above examination were made this year ? If so, how many were selected to sit for the examination from the Madras Presidency, and how many were Muhammadans among the candidates so selected ?

(c) Will Government please state how many Muhammadan candidates were recommended this year for nomination by the Presidency Post Master, Madras, and by the Divisional Superintendents ? How many of them were selected ? If none, why ?

(d) Are Government aware of a resolution passed by the Madras Presidency Muslim League on the 10th February, 1930, pointing out the inadequate representation of the Muslim community in the higher offices of the Postal Department in the Presidency of Madras, and urging Government to recognise the claims of Muslims in the future nomination of candidates for the examination of Superintendents of Post Offices in the Madras Presidency ?

Mr. H. A. Sams : (a) I am obtaining the information and will furnish it to the Honourable Member in due course.

(b) Yes. Two of the candidates nominated from the Madras Circle have been selected to appear at the next examination. None of them is a Muhammadan.

DISBANDED BURMESE REGIMENTS.

67. \*U. Dwe : Do Government contemplate to re-mobilise the disbanded Burmese regiments ? Are Government aware of the strong desire expressed in Burma on that behalf ?

Mr. G. L. Young : Since the strength of the post-war army was fixed, only one Burmese unit, namely, a Sapper and Miner Company, has been disbanded. The reduction was due to the return of a Company from the overseas, as the result of which the sanctioned strength of the army was exceeded by one Sapper and Miner Company. The unit would be surplus to our actual requirements, and it would not therefore be justifiable to incur the expense of re-creating it.

HARDSHIP OF BURMAN CANDIDATES FOR TRAINING ON THE "DUFFERIN".

68. \*U. Dwe : Are Government aware of the hardships caused to Burman candidates wishing to obtain entrance as pupils into the Training Ship "Dufferin" by holding the Selection Board Examinations at Bombay ? If so, do Government propose to make arrangements for conducting the selection of Burman candidates at Rangoon ?

The Honourable Sir George Rainy : Government have not received any representation on the subject and they are doubtful whether it would be possible to make arrangements for the selection of candidates from Burma at Rangoon. They will, however, obtain the opinion of the Governing Body of the Training Ship "Dufferin" by whom candidates for admission to the Training Ship are selected at present on a consideration of the results of the entrance examination and of personal interviews.

RAILWAY CONNECTION BETWEEN BURMA AND SIAM.

69. \*U. Dwe : Will Government be pleased to state when they intend constructing the railway connection between Burma and Siam ?

Mr. A. A. L. Parsons : The possibility of constructing a railway connection between Burma and Siam is remote. Investigations have shown that the cost of such a connection would be high, and no adequate return on the capital involved could be obtained.

TENURE OF OFFICE OF MEMBERS OF PROVINCIAL GOVERNMENTS.

70. \*U. Dwe : Will Government be pleased to state what the tenure of office of Executive Members of Provincial Governments under the Government of India Act is, and to state the authority for this ?

The Honourable Mr. H. G. Haig : Members of a Governor's Executive Council are appointed by His Majesty by Warrant under the Royal Sign Manual. There is no statutory provision limiting the term of office of a Member of a Governor's Executive Council, but it is an accepted principle that the tenure is limited ordinarily to five years unless it is expressly renewed or continued by His Majesty or by the Secretary of State for India.

(c) Only two Muhammadan candidates were recommended to the Postmaster-General, Madras, for nomination, one by the Presidency Postmaster, Madras, and the other by a Divisional Superintendent. They were not, however, nominated by the Postmaster-General because one of them was over 36 years of age, which was the limit of age prescribed for these candidates, and had poor educational qualifications, while the other was too junior in service and lacked experience.

(d) Yes. As selection to appear at the Superintendents' examination affords an opportunity of accelerated promotion to the staff, the nomination is not effected on a communal basis but on the selection of the best.

**Mr. Abdul Latif Saheb Farookhi :** May I ask if the Honourable Member will give me the information during the sittings of this Assembly or after it is dissolved ?

**Mr. H. A. Sams :** Will the Honourable Member kindly repeat his question ?

**Mr. Abdul Latif Saheb Farookhi :** Will the Honourable Member supply me with the information during the life of this Assembly or after its dissolution ?

**Mr. H. A. Sams :** I hope to be able to give it during the life of the Assembly.

†73.\*

#### THE ARMED RAID AT CHITTAGONG.

74. **\*Rai Bahadur S. C. Dutta :** (a) Will Government place before the Legislative Assembly a statement, describing the armed outbreak at Chittagong, the operations carried on against the insurgents and the results achieved so far, including the casualties on both sides ?

(b) What is the Government estimate of the number of insurgents concerned in the entire operations ?

(c) How many motor and other conveyances were employed by the insurgents during the course of the operations ? Have Government traced the owners and drivers of these vehicles ? How many of these drivers have been killed and by whom ? Do Government propose to prosecute any of these owners and drivers ?

(d) Is it a correct information that numbers of licensed guns were used in the operations ? How many licensed guns were missing and how many have been recovered ? Do Government propose to take any steps against any of these licencees ?

(e) How many insurgents have been captured during the course of operations, while fighting or fleeing or concealing with arms and how many have been arrested on suspicion, with or without arms ? Do Government propose to bring any of them to trial ?

(f) What was the strength of the armed sentries deputed to guard armouries at the time of the attack ? What steps have Government taken or propose to take to strengthen the forces for protection of such armouries and Government treasuries in future against such attacks ?

†See pages 280—81.

(g) Apart from the action of the Local Government, what special steps have the Government of India taken in this matter ?

**The Honourable Mr. H. G. Haig :** I regret that the Government of India are not in possession of material from which a complete reply can be given to the Honourable Member's question. A number of communiqués were issued by the Government of Bengal shortly after the outbreak which gave the main facts of the case. I add to this the following information. The number of insurgents concerned in the actual outbreak is estimated at about one hundred. Sixteen were killed in the operations and four captured of whom two subsequently died. One hundred and twelve persons have been arrested on suspicion of having been concerned in the conspiracy, including twenty-nine arrested in the connected case at Feni. The number of insurgents, engaged in the actual outbreak who are still at large is believed to be twenty-three. The accused in the case will be tried by a tribunal under the Bengal Criminal Law Amendment (Part Continuance) Act, 1930. The trial is fixed to commence on the 16th July.

- Further details referred to in the Honourable Member's question will no doubt be dealt with in the final report which the Government of Bengal will submit after the completion of the enquiry they propose to hold. I will forward a copy of the Honourable Member's question to the Local Government with reference to that enquiry.

#### THE SHOLAPUR DISTURBANCES.

75. **\*Rai Bahadur S. C. Dutta :** (a) Will Government inform the House of all the incidents of the Sholapur disturbances, day by day, from the beginning to the assumption of the control of the city by the military authorities ?

(b) Was there any order passed under section 144 of the Code of Criminal Procedure at Sholapur, and if so, what were its terms, on what date was it promulgated, by whom was it passed, and what were the reasons—facts and circumstances,—justifying the same ? For what time was it to operate ?

(c) Was the order under section 144, effective or was the application of the provisions of Chapter IX further found necessary ?

(d) Was any assembly ordered to disperse under the provisions of that chapter ? If so, on how many occasions and with what effect ?

(e) Was the crowd in Sholapur fired at in order to disperse them, and on how many occasions ? Who was the officer in each case that ordered the assembly to disperse, and for what reasons and under what circumstances ? What was the time given to disperse, and what was the number of the crowd in each case, after what interval ? In each case, of order to disperse, was actual force used, and if so, what was the nature of the force used in the first instance ? Was firing resorted to in the first instance, if so, under what justification, and under what authority ?

(f) Was the force that was used under section 128 (civil force) or under section 129 (military force) ? Was the firing also part of civil force ? Was there, among the party that actually fired, any officer or soldier in His Majesty's army or a volunteer enrolled under the



Volunteers Act ? What was the actual status of the different sections of the parties that actually fired ?

(g) Who was the officer in each case that ordered the firing ? Was any fresh warning given before fire was opened ? Was the crowd informed that they will be fired at unless they dispersed ? Were they informed of any time limit within which they were to disperse on pain of being fired at ? If so what was the time limit and the size of the crowd in each case ?

(h) Was not quiet restored in the city before control was made over to the military ?

(i) Who was the officer responsible for making over the control to the military ? Was the Bombay Government consulted beforehand ? If not, why not ? Was any information given to the Bombay Government or the Government of India before the control was taken by the military on the 12th of April ? On what date was the assent of the Bombay Government given ? On what date was the Government of India informed and on what date was the Martial Law Ordinance promulgated ?

(j) What were the reasons for the making over the control to the military ?

(k) Was the patrolling of the streets by the volunteers of the Congress or the party of civil resistance the only ground for making over the control of the city to the military or introduction of martial law ? What was the strength of the Congress volunteers in the city ? Is there any truth in the statement made in the *Statesman* of Calcutta that the military authorities refused to help the civil authorities in restoring or maintaining order unless full control was made over to them ? If so, who was the officer or authority responsible for this attitude and what was the justification for the same ?

**The Honourable Mr. H. G. Haig :** (1) I would refer the Honourable Member to the communiqué issued by the Government of Bombay on the 19th of May, which contains the greater part of the information he desires.

(2) In regard to part (k) of the question, the District Magistrate of Sholapur, for the reasons given in the communiqué, handed over the control of the situation to the military authorities at 8-30 p.m., on the 12th of May. He had informed the Bombay Government that afternoon of his intention, and the latter on the same evening approved of his action. The Government of India received information the next morning, and the Sholapur Martial Law Ordinance was promulgated on the 15th of May.

(3) In regard to part (h) of the question, section 128, Criminal Procedure Code, was enacted in its present form in 1882. Government do not propose to amend section 128 and section 129 of the Code in the direction indicated.

#### FLOGGING.

76. \***Rai Bahadur S. C. Dutta :** Is flogging a punishment prescribed in the martial law regulations promulgated at Sholapur ? If so, for what offences ? Have Government come to know that this mode of punishment

is considered very abhorrent in this country and is being resented as being unsuitable for political offences and insulting from a foreign Government ? Do Government propose abolishing such punishment ?

**The Honourable Mr. H. G. Haig :** A copy of the Sholapur Martial Law Ordinance of 1930 and of the Martial Law Regulations made thereunder have been placed in the Library of the House. From section 8 of the Ordinance and Martial Law Regulation No. 3 it will be seen that no offender could be sentenced to whipping unless he had used criminal force in the commission of the offence for which he was convicted and that a sentence of whipping could not be passed in addition to any other punishment. Since martial law is no longer in force in Sholapur, no question arises of amending the Regulations in the direction suggested by the Honourable Member.

#### DISTURBANCE AT PESHAWAR.

77. \***Rai Bahadur S. C. Dutta :** (a) Will Government be pleased to state the results of the inquiry that has been directed into the affairs at Peshawar and the trial by court-martial of certain soldiers charged with disobedience ? What was the number of persons killed and wounded on that date on both sides ?

(b) Will Government be pleased to give an up-to-date statement of all the principal incidents at Peshawar ?

(c) Why did not Government appoint any Hindu or any non-official lawyer in the committee of inquiry ?

**The Honourable Mr. H. G. Haig :** (a) and (b). I would invite the Honourable Member's attention to the finding of the Court Martial in the case to which he refers, and as regards the incidents at Peshawar to the communiqué issued by the Government of India on the 5th of May and to the Report of the Peshawar Enquiry Committee and the Resolution thereon issued by the Government of India recently.

(c) Government considered that a committee consisting of two High Court Judges was the most suitable.

**Dr. Ziauddin Ahmad :** May I ask, Sir, if the Honourable Member will circulate the Report of the Sulaiman Inquiry Committee among the Members of the Legislature ?

**The Honourable Mr. H. G. Haig :** If Honourable Members generally desire to have a copy of the Report, I am sure Government will be very glad to circulate it ; but we do not want to circulate it unnecessarily. I am entirely in the hands of the House.

**Dr. Ziauddin Ahmad :** Have the Government accepted the majority opinion or the minority opinion in that Report ?

**The Honourable Mr. H. G. Haig :** I think it is difficult to have a majority and a minority in a Committee consisting of two only.

**Dr. Ziauddin Ahmad :** I understand that in case of equality of votes, the Chairman has got a second vote. Therefore, the opinion of the Chairman is the opinion of the majority.

**Mr. President :** That is not a question.

**Mr. M. A. Jinnah :** May I know, Sir, whether the Government think, and whether they are satisfied, that the influence of this Report and the provisional opinions which they have expressed is enough to restore peace in that province ? Or do they propose to take some further steps in the matter ?

**The Honourable Mr. H. G. Haig :** The Report, Sir, I think, clears up a very unfortunate incident. But that in itself, of course, is not sufficient to restore peace in the province. For that purpose, other measures are being adopted and, I believe, are meeting with very considerable success.

**Mr. M. A. Jinnah :** Are the Government prepared immediately to consult some leading men of that province and other Mussalmans who may be available in Simla, and in consultation with them to take immediate necessary steps to restore harmony and peace in that province ?

**The Honourable Mr. H. G. Haig :** I think the steps which the Honourable Member suggests, namely, consultation with leading men in the province, not here in Simla, have been taken and are being pursued actively in the Frontier Province.

**Dr. Nand Lal :** Has the political condition of Peshawar improved a bit now ?

**The Honourable Mr. H. G. Haig :** That, Sir, is most certainly my information and belief.

**Mr. M. A. Jinnah :** What I wanted to know was whether the Government are prepared to avail themselves of the representative men, particularly the Members of this House who are present, and in consultation with them to devise measures to restore peace in that province ?

**The Honourable Mr. H. G. Haig :** I am sure the Government will be only too pleased to receive any suggestions from Honourable Members or others who are here present in Simla ; but the real work of conciliation has to be done in the Frontier Province. For that purpose recently an Honourable Member of the Governor General's Council (Sir Fazl-i-Husain) went up and consulted the Chief Commissioner, and I understand that the conclusions reached were very satisfactory and that the tone and temper in the province is much improved.

**Mr. M. A. Jinnah :** I want to know definitely from Government. I have no doubt that the Government are doing their utmost and everything that can be done from the official point of view has been done. But my specific question is this. Are you going to take some definite step and avail yourself of the services of some representative men who are in Simla now to be associated with the Government to take some steps which might even make the position better than it is at present ?

**The Honourable Mr. H. G. Haig :** It is a little difficult for me to answer that question, because the ordinary administration of the Frontier Province is not a matter which concerns the Home Department. It is primarily the concern of the Foreign and Political Department, and I am not really acquainted with the full details of the ameliorative measures that are now under contemplation ; but I repeat, Sir, that, though I cannot give any undertaking to the House—I rather understood that

the Honourable Member suggested a special committee or something of that sort.....

**Mr. M. A. Jinnah :** No, I did not. What I suggest is this. It does not matter who is the Member in charge. I take it the Honourable Member is speaking on behalf of the Government of India. I suggested that the Honourable Member, whoever is in charge, should invite certain representative Mussalmans who are at present in Simla today, and in consultation with them he might determine certain steps which might lead to harmony and better feelings and to restoration of peace in that province.

**The Honourable Mr. H. G. Haig :** I think Mr. Howell will be able to answer this.

**Mr. E. B. Howell :** I understand the suggestion to be that these gentlemen, who are now in Simla, should be invited to meet myself and Mr. Haig and perhaps some other officers, and put forward any suggestions they have with a view to improve conditions in that province. Was it the Honourable Member's intention that the invitation to these gentlemen should be confined to Members of this House ?

**Mr. M. A. Jinnah :** Not necessarily.

**Mr. E. B. Howell :** I think I may say without hesitation that we would accept the suggestion.

**Mr. Gaya Prasad Singh :** Why should the Conference be confined to the Members of one particular community ? The Hindus also suffered a lot.

**Mr. M. A. Jinnah :** I never said that it should be confined to the Mussalmans.

**Mr. Gaya Prasad Singh :** You suggested that.

**Mr. M. A. Jinnah :** I said representative Mussalmans should be invited. This does not exclude Hindus from being invited.

#### DISTURBANCE AT PESHAWAR.

78. **\*Rai Bahadur S. C. Dutta :** (a) Was there any crowd at the place when the Congress leaders at Peshawar were arrested ? If so, what was the number of the crowd, what was the number of the crowd after the arrest ? What was the nature of the demonstration made by the crowd after the arrest which necessitated their dispersal ? Did the crowd make any attempt to rescue the arrested persons ? If so, what actual steps did they take for that purpose ? Did the crowd commit any other act of violence or anything illegal or unlawful before steps were taken to disperse them ?

(b) What was the number and rank of the police force or soldiers present when the crowd was first ordered to disperse ?

(c) Were two armoured cars sent to disperse the crowd ? How were they manned and equipped ? Did the crowd attack these cars ? Was the crowd excited before or after the arrival of these armoured cars ? What attempt was made to rescue these cars and with what results ? Who was responsible for sending these cars ?

(d) Is it a fact that the crowd was infuriated because some motor vehicles dashed upon them and crushed people under them? If so, who were the persons concerned?

(e) What order have Government passed or do Government propose to pass upon the reports or results of inquiries made into the affairs at Peshawar?

(f) When was the firing upon the crowd commenced and how long did it continue? How many persons fired at a time and how many rounds were fired? What necessitated the opening of firing and what necessitated its continuance for this period?

**The Honourable Mr. H. G. Haig:** I would invite the Honourable Member's attention to the Report of the Peshawar Inquiry Committee and the Resolution of the Government of India thereon.

#### CIRCUMSTANCES OF FIRING UPON CROWDS IN RECENT DISTURBANCES.

79. \***Rai Bahadur S. C. Dutta:** Will Government inform this House, about the occasions and incidents, with dates and places when the Government forces, police or military, had to fire, either in self-defence or to disperse a crowd during the period after the close of the last Session of the Legislative Assembly, whether action was taken under section 128 or section 129 of the Criminal Procedure Code? What circumstances justified the same, what officers gave the order, what warnings were given and what precautions were taken, what was the nature of shots fired in each case and the number of persons firing, the number of rounds fired and the duration of firing in each case?

**The Honourable Mr. H. G. Haig:** The Honourable Member is referred to the reply given to Mr. S. C. Mitra's question No. 20.

#### NEWSPAPERS REQUIRED TO DEPOSIT SECURITY.

80. \***Rai Bahadur S. C. Dutta:** Will Government inform this House of the number of newspapers that have been called upon, in each province, to make deposit as security under the new Press Ordinance, how many have made the required deposit, and how many have ceased publication on account of failure to make the deposit? How many newspapers have ceased publication by way of protest against the Ordinance?

**The Honourable Mr. H. G. Haig:** I would refer the Honourable Member to the reply which I gave to Mr. S. C. Mitra's question No. 18.

#### REPRESENTATION OF ASSAM IN GOVERNMENT SERVICES.

81. \***Rai Bahadur S. C. Dutta:** (a) Will Government place before the House a statement showing the number of appointments in the different Secretariat establishments of the Government of India and of all appointments in all Departments of the Government of India, both of superior and inferior cadres (exclusive of local services of centrally administered local areas), and of them the number of appointments held by non-Indians and by Indians belonging to different provinces?

(b) What is the system of recruitment to these services outside the Indian Civil Service and what is the authority that makes these appointments?

(c) Has the attention of Government been drawn to the very inadequate representation, and in some cases of utter want of representation of Assam in these services? Is it not a fact that such inequalities of recruitment in the superior grades of services from Assam have been in existence for a very long time, from long before the introduction of the present system of recruitment partially by competitive examination? Are Government prepared to remove these local inequalities by nomination of suitable candidates from Assam?

**The Honourable Mr. H. G. Haig:** (a) and (b). I am afraid a full reply to the Honourable Member's question would involve a task, for which the Home Department have not the staff available. For some account of the authorities who may appoint to the various services I would refer the Honourable Member to the Civil Services (Classification, Control and Appeal) Rules which were recently published; and he is doubtless aware that the main means of recruitment in an ever increasing number of services, is by competitive examination. Statements are also published every year showing the composition by communities of the various Secretariat establishments of the Government of India.

(c) Government are aware that Assam has not been, and is not, largely represented in the services in question. The Government of India's policy as regards reserving vacancies for appointment by nomination is confined to the redress of communal inequalities. They do not consider it practicable to adopt the same principle in order to redress inequalities of provincial representation.

#### EXAMINATION OF THE REPORT OF THE INDIAN CENTRAL COMMITTEE.

82. \***Mr. M. K. Acharya:** Will Government be pleased to say whether they have examined the Report of the Indian Central (or Nair) Committee on Constitutional Reforms, and whether they will place before the Assembly the result of such examination, if any?

**The Honourable Mr. H. G. Haig:** The Report is under examination together with the report of the Indian Statutory Commission. No conclusions have yet been reached.

**Mr. M. K. Acharya:** Will the conclusions, when reached, be placed before this House or before the public?

**The Honourable Mr. H. G. Haig:** I am afraid I am not in a position at present to say what will happen when the Government of India have reached their conclusions.

**Dr. Nand Lal:** Will the Honourable Member say whether the Government of India have gone through these two volumes or not?

**The Honourable Mr. H. G. Haig:** They are going through all documents connected with the constitutional revision with great industry.

## EXAMINATION OF THE REPORT OF THE INDIAN STATUTORY COMMISSION.

83. \*Mr. M. K. Acharya : Will Government be pleased to say :

- (a) whether they have examined the Report of the Indian Statutory (or Simon) Commission, and can acquaint the Assembly with the result of such examination ?
- (b) whether they have sent to the Secretary of State any communication containing their views on that Report, and can lay that communication on the table of the Assembly ?

The Honourable Mr. H. G. Haig : (a) I would refer the Honourable Member to the answer which I have just given.

(b) The answer to the first part is in the negative. The second part does not arise.

## AGENDA FOR THE ROUND TABLE CONFERENCE.

84. \*Mr. M. K. Acharya : Will Government be pleased to say :

- (a) Whether they can indicate in any detail what will be the agenda of work for the proposed Round Table Conference ?
- (b) Whether the Simon Commission's Report will form the main theme or basis of discussion at that Conference ?
- (c) What public bodies or organisations and interests in India have been invited by Government to participate in the said Conference ; which of them have accepted Government's invitation ?
- (d) What number of seats on that Conference do Government propose to allot to each organisation or interest above referred to ?

The Honourable Mr. H. G. Haig : (a) and (b). I would refer the Honourable Member to what was said by His Excellency the Viceroy in his address on the 9th July.

(c) and (d). No persons have yet been invited to attend the Round Table Conference. With regard to the principles which will govern the issue of invitations it was made plain in His Excellency the Viceroy's statement on the 31st October last that His Majesty's Government propose to invite representatives of different parties and interests, and in His Excellency's letter to the Prime Minister, which was published on the 13th May, it was emphasised that the representation of India should be fairly distributed among those sections of thought who desire and have a title to be heard. It is intended that the invitations should be issued after consultation where possible with the interests concerned.

Mr. M. K. Acharya : Will Government please state who will decide what are the important interests in India that deserve representation and invitation and in what measure ?

The Honourable Mr. H. G. Haig : I imagine, Sir, that it will be the duty of His Excellency the Viceroy to advise the Prime Minister and His Majesty's Government on that point.

Sir Hari Singh Gour : May I beg to enquire whether the attention of the Honourable Member has been drawn to the fact that, in the statement issued by the Viceroy on the 31st of October, it was stated that Indian representatives would confer with His Majesty's Government, whereas in the speech delivered by the Viceroy in this House the other day, it has been stated that the Round Table Conference shall comprise representatives of India and of the British people. I wish to know if there has been any change in the procedure. What will be the number of representatives of the British people, considering that the Government of India propose to send up 62 representatives of British India and Indian States ? I want to know the relative strength of the representatives of the two countries, whether the representatives of Great Britain would be drawn from the recognised three parties and limited to Parliamentary representation ?

The Honourable Mr. H. G. Haig : I am afraid I am not in a position to give the Honourable Member any information.

Sir Hari Singh Gour : I may just point out that it is exercising the minds of all of us, and if the Honourable Member would be pleased to give us an answer tomorrow or the day after, we shall be satisfied.

Mr. President : That is not a supplementary question.

Sir Hari Singh Gour : I am only making a suggestion.

Mr. M. R. Jayakar : Will the Honourable Member consider the desirability of inducing the Government to make an authoritative statement on this question, if not during the Session of the House, at the earliest opportunity ?

The Honourable Mr. H. G. Haig : I have no doubt that the matter is engaging the attention of the Government, but no conclusions, as far as I know, have been reached in regard to the nature of the representation of the other side of the Conference.

Mr. M. R. Jayakar : Whatever conclusions Government would reach, I want them to be published in the form of an authoritative statement.

The Honourable Mr. H. G. Haig : I am sure that, as soon as a conclusion is reached, it will be published.

Dr. Nand Lal : The answer is given that no invitation has been issued by the Government of India. May I ask whether some names have been contemplated by the Government of India in this connection ?

The Honourable Mr. H. G. Haig : I have no doubt, Sir, that some preliminary consideration has been given to the problem.

Mr. P. Venkatakrishnayya Chowdry : Is Mr. Acharya's one of the names considered ?

Mr. President : Order, order.

Mr. President : I understand that Colonel Gidney is anxious to put his question No. 73. He was unavoidably absent when that question was reached this morning. I allow Colonel Gidney to put his question now.

**The Honourable Sir George Schuster :** (a) The Government have received the Reports.

(b) The Government of Bombay have informed the Government of India that they do not wish the Report to be laid on the table of this House since they have not yet passed orders on it.

(c) Does not arise.

#### RECOMMENDATIONS OF THE CIVIL JUSTICE COMMITTEE.

**3. Khan Bahadur Sarfaraz Hussain Khan :** Will Government be pleased to state how many recommendations of the Civil Justice Committee in all have been received by the Government and how many out of them have been given effect to ?

**The Honourable Mr. H. G. Haig :** The Honourable Member is referred to the answer given by Sir James Crerar on the 20th January last to Mr. Duraiswamy Aiyangar's question No. 38. As regards the total number of recommendations made by the Committee I would invite the Honourable Member's attention to pages 612—616 of their Report.

#### EXTENSION OF DELHI CITY.

**4. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 4 in the meeting of the Legislative Assembly on the 20th January, 1930, regarding the extension of Delhi City, will Government please state if any steps have been taken to give effect to the extension scheme ?

(b) If so, will they please state what those steps are ?

(c) If not, by what time do they propose to give effect to the scheme ?

**Sir Frank Noyce :** (a), (b) and (c). It is not clear to what scheme precisely the Honourable Member's question relates, but if he is referring to the scheme for laying out as a park the land lying between the Circular Road and the city wall, I may inform him that Government have called for the views of the Delhi Municipality as to the suitability of allocating this area for purposes of a park. Until the views of the Municipality have been received, it is not possible to say whether or when the scheme will be sanctioned.

#### EXTENSION OF THE AIR MAIL SERVICE TO CALCUTTA AND RANGOON.

**5. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to my unstarred question No. 5 in the meeting of the Assembly on the 20th January, 1930, regarding the Air Mail Service to Delhi, when Government replied "Further extension to Calcutta and Rangoon are under consideration by Government", will Government please state whether they have arrived at any decision in the matter referred to ?

(b) If so, will they please state what this decision is ?

(c) If not, by what time are they expected to come to a decision ?

**The Honourable Sir Joseph Bhoré :** (a) and (b). Government have decided to extend the Indian State Air Service from Delhi to Calcutta and Rangoon.

(c) Does not arise.

#### WAITING ROOM AT KHAJAUJI.

**6. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to my unstarred question No. 8 in the meeting of the Assembly of the 20th January, 1930, regarding the waiting room at Khajauli, when Government replied "(b) Government are not aware of the position ; but a copy of the Honourable Member's question has been sent to the Agent, Bengal and North Western Railway, with the request that he will see what action, if any, is needed", will Government be pleased to state if the Agent has taken any action in the matter ?

(b) If so, will they please state what is the action taken ?

**Mr. A. A. L. Parsons :** (a) and (b). Government have been advised by the Agent, Bengal and North Western Railway, that the figures obtained for one year, from November 1928 to October 1929, for inward and outward upper class traffic at Khajauli, a wayside station on the Sakri-Jayanagar Branch, do not warrant the provision of a waiting room for upper class passengers. The combined outward and inward 1st and 2nd class passengers at this station averaged 31 monthly, the greatest number being 51 during February and the smallest number 15 during July. A waiting hall for lower class passengers exists at this station.

#### OPIMUM INQUIRY.

**7. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 8 in the meeting of the Assembly on the 20th January, 1930, regarding an opium inquiry, will Government be pleased to state if the report of the Bombay Government has been received by now ?

(b) If so, will Government please lay a copy of it on the table ?

**The Honourable Sir George Schuster :** (a) The Government have received the Reports.

(b) The Government of Bombay have informed the Government of India that they do not wish the Report to be laid on the table of this House since they have not yet passed orders on it.

#### CLERKS' QUARTERS AT PHAGLI, SIMLA.

**8. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to the reply to my unstarred question No. 10 in the meeting of the Assembly on the 20th January, 1930, regarding clerks' quarters in Phagli, Simla, that the question of constructing additional accommodation is still under consideration, will Government please state if the matter has been considered and decided ?

(b) If so, will Government please communicate their decision to the House ?

(c) If not, by what time is the decision likely to be arrived at ?

**The Honourable Sir Joseph Bhoré :** (a) and (b). The matter is still under consideration.

(c) It is not possible to give any precise date by which a decision may be reached.

### TERMINAL TAX ON GOODS ENTERING NEW DELHI.

9. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to my unstarred question No. 11 in the meeting of the Assembly on the 20th January, 1930, regarding the terminal tax on goods entering New Delhi, and the reply by Government that the preliminaries are still under consideration, will Government please state if they have considered the preliminaries by now ?

(b) If so, will they please communicate their decision to the House ?

**Sir Frank Noyce :** (a) and (b). It is understood that the preliminaries have been considered by the Chief Commissioner, Delhi, and that it is proposed that the Delhi Municipal Committee should collect terminal tax on goods entering New Delhi,—New Delhi and Delhi city being treated as one unit for purposes of collection of the tax. The proposal, which has been referred by the Chief Commissioner to the railway authorities for opinion, has not yet been submitted to the Government of India.

### APPOINTMENT OF CLERKS IN ARMY HEADQUARTERS.

10. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to my unstarred question No. 12 in the meeting of the Assembly on the 20th January, 1930, regarding the appointment of clerks in Army Headquarters, and the reply by Government "Yes, in all but in two cases which are still under consideration", will Government please state if they have arrived at a decision in the matter ?

(b) If so, will they please communicate their decision to the House ?

**Mr. G. M. Young :** (a) Yes.

(b) The two cases under consideration were found to differ from those previously settled, as neither of the men concerned had actually been given provisional promotion. It was not therefore possible to confirm them in substantive appointments.

### SUPERSESSION OF CLERKS IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

11. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to my unstarred question No. 13 in the meeting of the Assembly on the 20th January, 1930, regarding the supersession of clerks in the Railway Clearing Accounts Office, and the reply by Government "The report is now under consideration", will Government please state if they have considered the report and arrived at a decision ?

(b) If so, will they please communicate their decision to the House ?

**Mr. A. A. L. Parsons :** The report was only submitted to me on the eleventh of this month. I expect to pass orders on it very shortly.

### EXTRA PAY FOR POSTAL OFFICIALS.

12. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to my unstarred question No. 22 in the meeting of the Assembly of the 20th January, 1930, regarding "Extra pay for postal officials", and the reply by Government "No final decision has yet been reached", will Government please state if they have reached a final decision by now ?

(b) If so, will they please communicate their decision to the House ?

**The Honourable Sir Joseph Bhore :** The Honourable Member's attention is invited to part (c) of the reply given in this House to Mr. M. Anwar-ul-Azim's starred question No. 331 on 17th February, 1930, in which it was stated that it is not possible to introduce in the immediate future any measure of relief involving additional expenditure. The Director General however hopes to introduce shortly measures which while not involving considerable additional expenditure will afford some further relief to the staff on Sundays and holidays.

### THE SIMLA RAILWAY STATION.

13. **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 15th May, 1930, page 4, column 5, under the heading "Simla Railway Station" ?

(b) If so, will they please state if the statement made therein is wholly or partially correct ?

(c) If so, will they please state what steps they propose to take with a view to remove the grievance of the public travelling from Kalka to Simla ?

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

(b) and (c). The statements made in the article in the *Statesman* are not wholly correct.

Packages belonging to one owner have labels affixed to them each with the same number, but it is not practicable always to load such packages together and in one place in the van, the loading of which must depend on the nature and size of the various packages to be carried.

On the narrow gauge Simla hill Railway passengers are allowed to take little or no luggage into their compartments so that practically every passenger has luggage in the van. As a result there are relatively more passengers identifying and collecting luggage from the van at stations on this line than on other sections of the railway. In order to relieve congestion and possible misdelivery, 10 pens for luggage are provided at Simla Station, each corresponding to one of the 10 digits. Luggage is placed in these pens in accordance with the numbers on the labels and delivered from the pens and not direct from the van. This arrangement inevitably causes some delay but it has been found to be a necessary precaution against misdelivery and loss.

Government do not think further action necessary.

### CONSTRUCTION OF A RAILWAY BRIDGE OVER THE RIVER GANDAK.

14. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply, "The matter is under consideration. No decision has



as yet been arrived at " to my unstarred question No. 24 in the meeting of the Assembly on the 20th January, 1930, regarding the construction of a railway bridge on the river Gandak, will Government please state if they have arrived at a decision by now ?

(b) If so, will they please communicate their decision to the House ?

**Mr. A. A. L. Parsons :** The examination of the project from Chakia to Sidhwalia, which includes a bridge over the river Gandak, has proved that this line is unremunerative. It is not likely to be constructed, therefore, for many years, if ever.

#### HOUSING CONDITIONS OF WORKMEN AT LILLOOAH.

15. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply " The question is still under consideration " to my unstarred question No. 34 in the meeting of the Assembly on the 20th January, 1930, regarding housing conditions of workmen at Lillooah, will Government please state if they have considered the question and arrived at a decision in the matter ?

(b) If so, will they please communicate their decision to the House ?

**Mr. A. A. L. Parsons :** (a) I regret that it has not been possible to come to a final decision in the matter as yet.

(b) Does not arise.

#### OPENING OF A BROAD GAUGE RAILWAY BETWEEN JAKHAL AND SIRSA.

16. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 37 in the meeting of the Assembly on the 20th January, 1930, on the subject of opening a broad gauge railway between Jakhal and Sirsa, will Government please state if they have since received the survey report ?

(b) If so, will they please state if they have come to any decision in the matter ?

(c) If so, will they please communicate their decision to the House ?

**Mr. A. A. L. Parsons :** (a) The survey report has recently been received.

(b) and (c). The report is under consideration. No decision has been arrived at as yet.

#### COMPENSATION FOR INNOCENT VICTIMS OF RECENT DISTURBANCES AND RECOGNITION OF SERVICES OF POLICE AND MILITARY.

17. **Mr. Arthur Moore :** What compensation do Government propose to make to the families of innocent victims of recent civil disturbances,

and will there be some official recognition of the strain to which the police and military forces in certain areas have been exposed ?

**The Honourable Mr. H. G. Haig :** Government cannot accept the principle of liability for loss or injury to members of the public arising out of civil disturbances. They are fully alive to the importance of the prompt and liberal grant of compensation to the families of Government servants, who lose their lives in performance of their duties. They also recognize the unusual strain imposed on the police by the Civil Disobedience Movement and the loyalty and devotion with which that strain has been met. It is understood that several Local Governments have sanctioned the grant of special allowances for additional duty where the strain is especially severe. In regard to the military, the regulations provide for the grant of allowances when troops are employed under abnormal conditions and these are being observed.

#### EXPORT DUTY ON RICE.

18. **Mr. N. G. Ranga :** (a) Is the Honourable the Commerce Member aware of the great alarm caused by the newly imposed export duty upon rice among the paddy growers in the country, in view of the continuous fall in prices and the overproduction of paddy ?

(b) Does he propose to watch as to how far the new export duty operates in checking the exports of Indian rice and in keeping down the price of paddy in India, with a view to gauge the good or bad effects of this duty upon the paddy growers during this year ?

**The Honourable Sir George Rainy :** (a) and (b). The Honourable Member is apparently under a misapprehension. The last Finance Act did not impose a new export duty on rice. On the contrary, it reduced the existing duty from 3 annas to 2½ annas a maund. This reduction was designed to remove the disparity that formerly existed between the Indian export duty and that imposed by Siam which is one of Burma's principal competitors in the rice trade.

#### PRICES OBTAINING FOR PADDY AND QUANTITIES EXPORTED AND IMPORTED.

19. **Mr. N. G. Ranga :** Will the Honourable the Commerce Member be pleased to supply the House the information regarding the monthly average prices obtaining for paddy in the last fifteen years in the chief exporting centres and also, the comparative figures (in quantity and value) for the export and import of paddy to and from India ?

**The Honourable Sir George Rainy :** Two statements giving the desired information as regards the monthly average prices of paddy are laid on the table. Information regarding the quantity and value of exports and imports of paddy from and to India is contained in the Annual Statements and Monthly Accounts of the Sea-Borne Trade of British India, copies of which are in the Library.

## A.

Monthly averages of highest prices of Boat Paddy, Rangoon (per 100 baskets of 46 lbs.).

| Months.      | 1915. | 1916. | 1917. | 1918. | 1919. | 1920. | 1921. | 1922. | 1923. | 1924. | 1925. | 1926. | 1927. | 1928. | 1929. |
|--------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|              | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   |
| January ..   | 105   | 103   | 100   | 107   | 118   | 178   | 143   | 174   | 177   | 197   | 174   | 178   | 174   | 167   | 161   |
| February ..  | 98    | 97    | 114   | 92    | 123   | 180   | 148   | 190   | 176   | 189   | 177   | 182   | 179   | 172   | 159   |
| March ..     | 90    | 114   | 120   | 92    | 128   | 181   | 163   | 191   | 180   | 191   | 182   | 196   | 191   | 168   | 157   |
| April ..     | 95    | 122   | 111   | 91    | 138   | 188   | 182   | 203   | 191   | 190   | 182   | 206   | 191   | 163   | 157   |
| May ..       | 111   | 118   | 104   | 89    | 152   | 197   | 204   | 218   | 187   | 200   | 186   | 206   | 200   | 165   | 164   |
| June ..      | 129   | 117   | 104   | 93    | 150   | 206   | 219   | 211   | 176   | 205   | 194   | 214   | 199   | 156   | 171   |
| July ..      | 146   | 116   | 100   | 98    | 150   | 208   | 233   | 213   | 168   | 213   | 190   | 217   | 197   | 159   | 178   |
| August ..    | 160   | 120   | 97    | 140   | 150   | 202   | 237   | 202   | 171   | 224   | 199   | 219   | 192   | 161   | 180   |
| September .. | 184   | 126   | 80    | 150   | 150   | 198   | 259   | 199   | 197   | 215   | 198   | 215   | 189   | 168   | 191   |
| October ..   | 167   | 126   | 82    | 161   | 150   | 197   | 253   | 197   | 190   | 213   | 193   | 214   | 172   | 180   | 185   |
| November ..  | 139   | 119   | 86    | 201   | 150   | 182   | 240   | 200   | 192   | 208   | 197   | 199   | 181   | 190   | 167   |
| December ..  | 94    | 128   | 117   | 127   | 175   | 158   | 185   | 172   | 203   | 200   | 191   | 182   | 188   | 159   | 157   |

## B.

Statement showing average monthly prices of paddy in rupees and decimals of a rupee per maund at Madras from the years 1915 to 1929.

| Months.      | 1915. | 1916. | 1917. | 1918. | 1919. | 1920. | 1921. | 1922. | 1923. | 1924. | 1925. | 1926. | 1927. | 1928. | 1929. |
|--------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
|              | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   | Rs.   |
| January ..   | 3.28  | 3.11  | 3.25  | 2.96  | 4.54  | 5.88  | 5.75  | 5.63  | 5.00  | 4.61  | 5.27  | 4.94  | 4.99  | 5.41  | 5.00  |
| February ..  | 2.99  | 3.00  | 3.25  | 3.07  | 4.87  | 5.63  | 5.82  | 5.00  | 4.87  | 4.61  | 5.27  | 4.68  | 4.70  | 5.54  | 4.86  |
| March ..     | 2.84  | 2.97  | 2.97  | 3.05  | 4.67  | 5.55  | 4.87  | 5.07  | 4.74  | 4.61  | 5.34  | 4.50  | 5.00  | 5.54  | 5.14  |
| April ..     | 2.73  | 2.97  | 3.00  | 3.03  | 4.74  | 5.41  | 4.87  | 5.00  | 4.61  | 4.61  | 5.00  | 4.59  | 4.91  | 5.55  | 4.87  |
| May ..       | 2.70  | 2.97  | 3.06  | 3.52  | 4.80  | 5.88  | 4.87  | 5.14  | 3.98  | 4.61  | 4.87  | 4.59  | 5.41  | 5.54  | 4.60  |
| June ..      | 2.73  | 2.97  | 3.29  | 3.43  | 4.94  | 5.81  | 4.87  | 5.14  | 4.61  | 4.87  | 4.87  | 4.59  | 5.41  | 5.54  | 4.59  |
| July ..      | 2.90  | 3.00  | 3.28  | 3.56  | 5.65  | 6.77  | 5.00  | 5.26  | 4.61  | 4.25  | 4.87  | 4.59  | 5.41  | 5.54  | 4.59  |
| August ..    | 3.11  | 3.04  | 3.21  | 3.74  | 6.16  | 6.77  | 5.14  | 5.33  | 4.67  | 5.68  | 4.87  | 4.59  | 5.69  | 5.54  | 4.72  |
| September .. | 3.11  | 3.04  | 3.35  | 3.93  | 6.49  | 6.77  | 5.14  | 5.41  | 4.94  | 5.54  | 4.95  | 4.59  | 5.69  | 5.54  | 5.00  |
| October ..   | 3.11  | 3.04  | 3.40  | 4.36  | 6.63  | 6.77  | 5.38  | 5.41  | 4.67  | 5.27  | 4.94  | 4.59  | 5.69  | 5.54  | 4.86  |
| November ..  | 3.11  | 3.17  | 3.16  | 4.88  | 6.50  | 6.49  | 5.38  | 5.48  | 4.19  | 5.14  | 4.94  | 4.59  | 5.68  | 5.48  | 5.13  |
| December ..  | 3.11  | 3.25  | 2.88  | 4.80  | 5.54  | 6.22  | 5.38  | 5.48  | 4.47  | 5.14  | 4.94  | 4.59  | 5.54  | 5.55  | 5.47  |

Note.—Figures represent averages of two fortnightly quotations.

(a) First half of the month.

(b) Second half of the month.

## DISABILITIES OF ASSISTED IMMIGRANTS FROM SOUTH AFRICA.

20. **Mr. N. G. Ranga :** (a) Is the Honourable Member-in-charge of assisted immigration aware of the fact that the casteless assisted immigrants from South Africa suffer from many social disabilities in Madras and that they are finding it very difficult to earn enough to maintain themselves at the high standard of living to which they are accustomed?

(b) Will the Honourable Member-in-charge of assisted immigration be pleased to state when he will place on the table of the House the report recently received by him from the committee appointed to inquire into the conditions of the assisted immigrants?

**Mr. G. S. Bajpai :** (a) It is understood that the class of emigrants referred to by the Honourable Member are in exactly the same position as other casteless Hindus in the Madras Presidency. Most of the returned emigrants are settling down either as cultivators or as agricultural labourers. It is possible that they were accustomed to a higher standard of living in South Africa but their social status does not adversely affect their chances of securing occupation suited to their resources and aptitude.

(b) A copy of the report has been placed in the Library of the House.

## OVERCROWDING OF THIRD CLASS CARRIAGES ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

21. **Mr. N. G. Ranga :** (a) Has the Honourable the Commerce Member come to know that one Mr. Srihari Rao was charged on a number of occasions at Rajahmundry under the Railway Companies Act by the Madras and Southern Mahratta Railway authorities for continuously pulling the alarm chain in the mail and other passenger trains to draw the attention of the railway authorities to overcrowding in the third class carriages?

(b) Is the Honourable the Commerce Member aware of the fact that strong resentment prevails all along the Northern Circars against this action of the railway authorities? Is it a fact that they have not tried, in spite of the agitation carried on by Mr. Srihari Rao, to improve the conditions of the third class travelling?

(c) Will the Honourable the Commerce Member be pleased to state what action he proposes to take to lessen the overcrowding in the third class carriages of the Madras and Southern Mahratta Railway Company?

**Mr. A. A. L. Parsons :** (a) Yes, except that the prosecutions were instituted under the Indian Railways Act, 1890.

(b) No.

(c) A census of 3rd class passengers in trains was taken during November, 1929, on the Madras and Southern Mahratta Railway, and out of 249 trains checked eight were found to be overcrowded. The question of preventing overcrowding on trains receives the constant attention of the Administration.

## DISTRIBUTION BY GOVERNMENT OFFICIALS OF LEAFLETS ON THE SALT TAX AND LAND REVENUE.

22. **Mr. N. G. Ranga :** 1. (a) Are Government aware that the police and other Government officials have been distributing leaflets upon the Salt Tax and Land Revenue?

(b) If so, will Government be pleased to state who is responsible for writing and publishing these leaflets?

(c) In how many languages and upon which subjects are such leaflets published?

(d) How many copies are printed and circulated and at what cost?

2. Was the Honourable the Commerce Member consulted by the writer or writers of the leaflet upon land revenue as to the subject matter of the leaflet and, if so, has the Honourable Member given his permission?

**The Honourable Mr. H. G. Haig :** It is part of the policy of Government in combating the present movement to issue leaflets correcting misrepresentations. Some leaflets have been prepared by the Government of India, others by Local Governments. I am aware precisely of that leaflet the Honourable Member refers to.

## UNFAIR STATEMENTS IN LEAFLETS ABOUT THE BURDEN OF LAND REVENUE.

23. **Mr. N. G. Ranga :** (a) Is not the Honourable the Commerce Member aware of the general fall in the prices of agricultural produce of this country in the last eight years?

(b) If so, is it not true that the latest schedule of commutation prices prepared for purposes of land revenue was arrived at in Madras Presidency as long ago as 1922 and that the costs of cultivation have increased to at least as great an extent as the commutation prices of grain till 1922?

(c) Is it maintained by the writer or writers of the leaflet that the burden of land revenue is less now than what it was thirty years ago?

**The Honourable Mr. H. G. Haig :** (a), (b) and (c). The Government of India have no information regarding the schedule of commutation prices adopted in Madras and the increase in the cost of cultivation in that Presidency. They believe, however, that it is an undoubted fact that the incidence of land revenue now represents a much lower proportion of the net profits of the revenue payer than it did 30 years ago, and that this is so in spite of the fact that during the past few years there has been a fall in the price of agricultural produce.

## ADDITIONAL DUTY ON PETROL AND ABOLITION OF TOLL GATES.

24 **Mr. N. G. Ranga :** Will the Honourable the Commerce Member be pleased to state what action has so far been taken to give effect to the recommendations of the Road Committee, appointed by this House according to one of which, an additional duty on petrol is to be raised to enable the Local Governments to abolish toll gates, and how much revenue has been derived by various local authorities since the Committee reported, through the toll gates and by the Government of India through the duty on petrol?

**The Honourable Sir Joseph Bhoré :** Action in the following main respects has been taken to give effect to the recommendations of the Road Committee :

(i) An increase in the import and excise duties on petrol from 4 to 6 annas per gallon has been introduced by the Indian Finance Act of 1929.

- (ii) A Resolution covering some of the most important recommendations of the Committee has been moved in, and adopted by, both the Houses of the Central Legislature.
- (iii) A Standing Committee for Roads has been appointed with the constitution and functions specified in the Resolution referred to.
- (iv) A Road Engineer has been appointed with the Government of India.

Government have no information regarding revenue derived by various local authorities from toll gates since the Committee reported. The revenue derived through the additional duty on petrol was Rs. 4,50,000 in March, 1929 and Rs. 93,50,000 during the financial year 1929-30.

#### EFFECT OF THE NEW COTTON DUTIES ON THE HANDLOOM INDUSTRY.

25. **Mr. N. G. Ranga :** (a) Is the Honourable the Commerce Member aware that the handloom weaving industry's interest often collides with those of the cotton mill industry of Bombay and other cities?

(b) If so, has he considered the effects that might be produced by the newly imposed import duties upon yarn and cotton piece-goods, upon the handloom weaving industry?

(c) Does the Honourable the Commerce Member propose to watch carefully the nature and amount of protection afforded to the handloom weaving industry by the new import duties?

**The Honourable Sir George Rainy :** (a) Government have no reason to doubt that a conflict of interest may sometimes arise between the handloom industry and the cotton mill industry.

(b) and (c). The minimum import duty of 1½ annas per pound on yarn is not a new duty but has been in existence since the 22nd September, 1927. The possible effect on the handloom weaving industry of this duty and of the new duties on imported cotton piece-goods were carefully considered when the duties were imposed and the point will continue to receive attention.

#### APPOINTMENT OF APPRAISERS IN THE CUSTOMS DEPARTMENT AT MADRAS.

26. **Rao Bahadur P. T. Kumaraswami Chettiyar :** (1) Are the Government of India aware of an article in the editorial columns of *Justice*, Madras, published on Wednesday the 28th May, 1930, with the heading 'Customs Scandals'?

(2) Is there any justification for the publication of the article? If not, why did not Government repudiate that statement in the article?

(3) (a) Will Government please place on the table a statement showing the number of vacancies filled up in the Appraisers' establishment since 1st April, 1927?

(b) How many candidates applied? To which community each belonged?

(c) To which community did each successful candidate belong?

(d) What is the criterion of selection? What particular qualification did the successful candidates have? What particular qualification did the others who were unsuccessful lack in?

(4) (a) Is it stated in the article, "Apparently also, the gentleman responsible for the recruitment in the City of Madras in respect of Customs Department is a loyal Government servant, who feels that his loyalty requires him to pay due regard to the claims of all those applicants, who are related to high officials in the Government of India", and were such applicants given preference?

(b) If not, why did Government keep quiet without contradicting the statement either in the Press or in the Gazette?

**The Honourable Sir George Schuster :** 1. The answer is in the affirmative.

2. No. It was the Honourable Member's question that called the attention of the Government of India to the article, and they welcome this opportunity of repudiating the statements made in it.

3. (a) and (c) Statements 'A' and 'B' showing the information asked for, are placed on the table.

(b) It is not now possible to give the figures of the total number of applicants because records are not kept of all applications but the number of registered applications from candidates is sixty-four, whose distribution according to nationality is given below :—

|                   |    |    |    |    |    |
|-------------------|----|----|----|----|----|
| Brahmins          | .. | .. | .. | .. | 35 |
| Mohammedans       | .. | .. | .. | .. | 5  |
| Non-Brahmins      | .. | .. | .. | .. | 12 |
| Anglo-Indians     | .. | .. | .. | .. | 7  |
| Indian Christians | .. | .. | .. | .. | 4  |
| Europeans         | .. | .. | .. | .. | 1  |
| Total             |    |    |    |    | 64 |

(d) Appointments in the Appraisers' Branch of a Custom House are ordinarily given either to promising men who have gained previous experience, in the Custom House, of Customs law and procedure, or to men with previous experience of some particular trade. Of the four permanent vacancies occurring since 1st April, 1927, two were filled by promotion from within the Custom House, one was given to a technical chemist with business experience, the other to a man with experience of the piece-goods trade. These two men were selected from the registered applicants because they were qualified in branches of work in which the Collector considered his staff needed strengthening. It is quite possible that some of the unsuccessful candidates may have been equally well qualified in directions in which the need was not so pressing.

4. (a) Yes. The Government is satisfied that the various officers who have from time to time occupied the post of Collector of Customs in Madras are loyal Government servants who pay due regard to the qualifications of all applicants for appointment, irrespective of their family connections.

(b) The Honourable Member is referred to the reply given to part 2 of his question.

**A**

*Statement showing the number of permanent and temporary vacancies and how they were filled up from 1st April 1927 to date in the Appraising Establishment of the Madras Custom House.*

| Name.                                                  | Method of appointment or recruitment.          | Qualifications.                                                                                                        | Community.     |
|--------------------------------------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>PERMANENT VACANCIES.</b>                            |                                                |                                                                                                                        |                |
| 1st April 1927 to 31st March 1928.                     |                                                |                                                                                                                        |                |
| 1. Mr. H. V. Gillson, from 1st April 1927 ..           | Promoted from the Preventive Establishment.    | High School and Departmental tests.                                                                                    | Anglo-Indian.  |
| 2. Mr. V. S. Chinnaswami Iyengar, from 19th June 1927. | Direct recruitment from registered candidates. | B.A., B.L., Technical Chemist. Served in the Industries Department as Business Manager of Glue Factory for five years. | Hindu-Brahmin. |
| 3. Mr. R. W. Holland, from 15th July 1927 ..           | Promoted from the Preventive Establishment.    | S.S.L.C., and Departmental tests.                                                                                      | Anglo-Indian.  |
| 1st April 1928 to 31st March 1929.                     |                                                |                                                                                                                        |                |
| <i>Nil.</i>                                            |                                                |                                                                                                                        |                |
| 1st April 1929 to 31st March 1930.                     |                                                |                                                                                                                        |                |
| 4. Mr. S. V. Mani, from 4th November 1929 ..           | Direct recruitment: post advertised.           | S.S.L.C. Has special knowledge in piece goods trade.                                                                   | Hindu-Brahmin. |
| 1st April 1930 to date.                                |                                                |                                                                                                                        |                |
| <i>Nil.</i>                                            |                                                |                                                                                                                        |                |

|                                                              |                                                |                                                                                  |                |
|--------------------------------------------------------------|------------------------------------------------|----------------------------------------------------------------------------------|----------------|
| <b>TEMPORARY VACANCIES.</b>                                  |                                                |                                                                                  |                |
| 1st April 1927 to 31st March 1928.                           |                                                |                                                                                  |                |
| <i>Nil.</i>                                                  |                                                |                                                                                  |                |
| 1st April 1928 to date.                                      |                                                |                                                                                  |                |
| 1. Mr. S. V. Mani, from 2nd April 1928 to 3rd November 1929. | Direct recruitment: post advertised.           | S.S.L.C. Has special knowledge in piece goods trade.                             | Hindu-Brahmin. |
| (a) Mr. K. Narayana Ayyar, from 6th November 1929.           | Promoted from the Ministerial Establishment.   | F.A., and Departmental tests                                                     | Do.            |
| 2. Mr. M. Ganesh Rao, from 4th August 1928 ..                | Direct recruitment from registered candidates. | Chemistry M.A. Has served in Messrs. Haverro Trading Co.'s laboratory in Bombay. | Do.            |
| 3. Mr. V. K. Duraiswami Iyengar, from 1st April 1930.        | Promoted from the Ministerial Establishment.   | Matric and Departmental tests                                                    | Do.            |
| 4. Mr. V. S. Ramaswami Ayyangar, from 1st April 1930.        | Direct recruitment from registered candidates. | B.A., B.L.                                                                       | Do.            |

## B

Statement showing particulars regarding officiating vacancies (i.e., leave vacancies) in the Appraisers' Department from 1st April 1927 up-to-date.

| Year.                            | No. of officiating vacancies. | Names of officiating people who were appointed.                                                                                                                                                                                                                                                                                                             | Remarks.                                                         |
|----------------------------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 1927-28                          | 8                             | 1. Mr. V. S. Chinnaswami Ayyangar, B.A., B.L. .. Brahmin.<br>2. Mr. Holland, S.S.L.C. .. Anglo-Indian.<br>3. Mr. V. K. Doraiswami Ayyangar, Matriculation .. Brahmin.<br>4. Mr. K. Narayana Iyer, F.A. .. Do.<br>5. Mr. Syed Abdul Ali .. Muhammadan.                                                                                                       | Brahmins 3<br>Anglo-Indian 1<br>Muhammadan 1<br>—<br>5<br>—      |
| 1928-29                          | 12                            | 1. Syed Abdul Ali, F.A. .. Muhammadan.<br>2. V. K. Doraiswami Ayyangar, Matriculation .. Brahmin.<br>3. S. V. Mani, S.S.L.C. .. Do.<br>4. Antoni Rajiah, Matriculation .. Indian Christian.<br>5. K. Narayana Iyer, F.A. .. Brahmin.<br>6. Ganesh Rao, M.A. .. Do.<br>7. V. S. Ramaswami, B.A., B.L. .. Do.<br>8. Abdul Rahim, Matriculation .. Muhammadan. | Brahmins 5<br>Muhammadans 2<br>Indian Christian 1<br>—<br>8<br>— |
| 1929-30                          | 9                             | 1. V. S. Ramaswami, B.A., B.L. .. Brahmin.<br>2. V. K. Doraiswami Ayyangar, Matriculation .. Do.<br>3. Ganesh Rao, M.A. .. Do.<br>4. S. V. Mani, S.S.L.C. .. Do.<br>5. K. Narayana Iyer, F.A. .. Do.<br>6. Antoni Rajiah, Matriculation .. Indian Christian.<br>7. Abdul Rahim, Matriculation .. Muhammadan.<br>8. K. Viraraghava Iyer, S.S.L.C. Brahmin.   | Brahmins 6<br>Muhammadan 1<br>Indian Christian 1<br>—<br>8<br>—  |
| 1930-31<br>(April to June 1930.) | 2                             | 1. K. Viraraghava Iyer, S.S.L.C. Brahmin.                                                                                                                                                                                                                                                                                                                   |                                                                  |

## FORMATION OF INDIAN ARMOURED CAR COMPANIES.

27. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 42, in the Legislative Assembly on the 20th January, 1930, regarding the formation of Indian armoured car companies, will Government please state if they have considered the question and arrived at a decision ?

(b) If so, will they please communicate their decision to the House ?

**Mr. G. M. Young :** (a) and (b). No decision has yet been reached.

## EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

28. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 45 in the Legislative Assembly on the 20th January, 1930, regarding the education of the children of railway employees, will Government please state if they have examined the replies received by them from the various Railway Administrations and arrived at a decision ?

(b) If so, will they please communicate their decision to the House ?

**Mr. A. A. L. Parsons :** The replies from the various Railway Administrations, and Local Governments have been examined and the question was discussed with the Central Advisory Council for Railways on the 5th of this month when the Council approved of Government's proposal to place an officer of the Education Department on special duty to frame reliable estimates of the cost of granting assistance to the employees, subject to certain limitations, for the education of their children : pending the results of this investigation the principles of the policy enunciated in February, 1929, will be fully applied to all entrants to service after the 1st February, 1929, and to all others who elect for the privileges of these principles in lieu of the scale of assistance previously in force.

## RESTRICTION OF RECRUITMENT IN THE POSTAL DEPARTMENT, BOMBAY.

29. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 46 in the Legislative Assembly on the 20th January, 1930, regarding the restriction of recruitment in the Postal Department, Bombay, will Government please state if the Director General has since considered the matter and come to a decision ?

(b) If so, will they please communicate the decision arrived at to the House ?

**Mr. H. A. Sams :** (a) Yes.

(b) It has been decided to remove the restriction and to allow recruitment for upper division clerkships in the Bombay Postal Circle and generally in other Circles also, to be made in future from men domiciled in the Postal Circle concerned. The date of effect of the change will be notified in due course.



### CONSTRUCTION OF A RAILWAY BETWEEN HAZARIBAGH ROAD STATION AND HAZARIBAGH TOWN.

30. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 48 in the Legislative Assembly on the 20th January, 1930, regarding the results of the survey regarding the construction of a railway between Hazaribagh Road Station and Hazaribagh Town, will Government please state if they have since received the results of the survey ?

(b) If so, will they please state if they have considered them and arrived at a decision in the matter ?

(c) If so, will they please communicate the decision to the House ?

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

(b) and (c). The survey report is under consideration at present. No decision has been arrived at.

### CONSTRUCTION OF THE CHAKIA-SUDHWALIA RAILWAY.

31. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 49 in the Legislative Assembly on the 20th January, 1930, regarding the construction of the Chakia-Sudhwalia Railway, will they please state if they have since considered the matter and arrived at a decision ?

(b) If so, will they please communicate their decision to the House ?

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

(b) The Chakia-Sudhwalia line is unremunerative and is not likely to be constructed at any rate in the near future.

### THE LUCKNOW-JAUNPORE RAILWAY.

32. **Mr. Lal Narendra Pratap Sahi :** (a) Are Government aware that the Lucknow-Jaunpore Railway line which is under construction is being laid with light rails ?

(b) In view of the importance of the line, are Government prepared to direct the railway authorities to lay the line with heavy rails to enable an express train service on the line ?

**Mr. A. A. L. Parsons :** (a) and (b). The Lucknow-Sultanpur-Zafarabad (Jaunpore) Railway is being laid with 75 lb. section rails which are standard for C class lines on the 5 ft.—6 in. gauge such as this. These rails are sufficiently heavy to carry an express service should the traffic offering justify it.

### NUMBER OF PERSONS SENTENCED FOR CIVIL DISOBEDIENCE.

33. **Mr. Lal Narendra Pratap Sahi :** (a) Will Government be pleased to lay a statement on the table showing the number of persons sentenced during the last four months for civil disobedience in the whole of India, province by province ?

**The Honourable Mr. H. G. Haig :** I attach a statement which gives the figures in my possession from the 6th April to the 15th June, 1930.

*Statement showing number of convictions in connection with the Civil Disobedience Movement from the 6th April to 15th June 1930.*

|                               |    |    |                   |
|-------------------------------|----|----|-------------------|
| Madras                        | .. | .. | 1,223             |
| Bombay                        | .. | .. | 761               |
| Bengal                        | .. | .. | 1,157             |
| United Provinces              | .. | .. | 493               |
| Punjab                        | .. | .. | 68                |
| Burma                         | .. | .. | —                 |
| Bihar and Orissa              | .. | .. | 483               |
| Central Provinces             | .. | .. | 10                |
| Assam                         | .. | .. | 40                |
| North West Frontier Province. | .. | .. | 91                |
| Delhi                         | .. | .. | 45                |
| Coorg                         | .. | .. | —                 |
|                               |    |    | <hr/> 4,377 <hr/> |

### REBATE ON TRAFFIC TO AFGHANISTAN.

34. **Rai Bahadur Lala Panna Lal :** (a) Will Government be pleased to state whether any rebate is allowed on traffic to Afghanistan when booked from Karachi to stations situated on the Nushki-Duzdap section of the North Western Railway ?

(b) Is any rebate allowed on traffic to Afghanistan when booked from the Punjab to Jamrud and Peshawar ?

(c) If the reply to part (a) be in the affirmative and to part (b) be in the negative, will Government please state the reasons for the same ?

(d) Is it a fact that a leading firm in the Punjab brought this matter to the notice of the North Western Railway Administration and that the latter replied that rebate is not admissible on traffic to Afghanistan booked to Jamrud or Peshawar ?

(e) Will Government please state what action they propose to take in the matter to see that preferential treatment is avoided ?

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

(b) No.

(c) Rebates are being allowed on consignments carried *via* the Nushki-Duzdap Railway, a line over which little traffic moves, to foster trade with Persia and Western Afghanistan, the ordinary freight rates having proved to be prohibitive. The conditions affecting traffic to Afghanistan *via* Peshawar are entirely different.

(d) Government are not aware of this but the statement alleged to have been made by the Agent, North Western Railway, is correct.

(e) Government do not propose to take any action in the matter as no undue preference is given.

## TRADE COMMISSIONERS SENT TO FOREIGN COUNTRIES.

35. **Rai Bahadur Lala Panna Lal :** (a) Will Government please state how many Trade Commissioners have been sent out this year to foreign countries, and how many do Government contemplate sending next year ?

(b) Will Government please state whether the Trade Commissioners sent to foreign countries include any nominated from the Punjab province ? If so, were they from the official class or from the businessmen class ?

(c) If reply to part (b) be in the negative, will Government please state why no fit person has been found in this province for the post ?

(d) Will Government please state the qualifications required for the post of a Trade Commissioner and will Government please state whether they are prepared to nominate some businessman from the Punjab ?

**The Honourable Sir George Rainy :** (a) No Indian Trade Commissioners have yet been appointed in foreign countries. It is hoped to select two or possibly three candidates this year and to appoint them as Indian Trade Commissioners next year after they have undergone the necessary training.

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

(d) Different qualifications are required for different posts. So far as appointment of non-officials are concerned, these will be made on the advice of the Public Service Commission, who will notify the qualifications required for each post as and when applications are invited by them. It will be open to businessmen in the Punjab to apply to the Commission when that body calls for applications.

## SUNDAY AND HOLIDAY ALLOWANCES FOR POST OFFICE EMPLOYEES.

36. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 51 in the Legislative Assembly on the 20th January, 1930, regarding the grant of Sunday and holiday allowances to Post Office employees, will Government please state if they have now reached a final decision in the matter ?

(b) If so, will they please communicate their decision to the House ?

**The Honourable Sir Joseph Bhole :** The Honourable Member's attention is invited to the reply just given to his unstarred question No. 12.

## APPOINTMENT OF INDIAN TRADE COMMISSIONERS IN EUROPE.

37. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 54 in the Legislative Assembly on the 20th January, 1930, regarding the appointment of Indian Trade Commissioners at important trade centres in Europe, will the Government be pleased to state if they have reached a final decision in the matter ?

(b) If so, will they please communicate their decision to the House ?

**The Honourable Sir George Rainy :** (a) Yes.

(b) The Government of India have decided to appoint two Indian Trade Commissioners in Europe, one at Hamburg and the other at Milan.

## RECOMMENDATIONS OF THE INDIAN CINEMATOGRAH COMMITTEE.

38. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 56 in the Legislative Assembly on the 20th January, 1930, will they please state if they have now reached a final conclusion on the principal recommendations of the Indian Cinematograph Committee ?

(b) If so, will they please communicate their conclusion to the House ?

**The Honourable Mr. H. G. Haig :** The Government of India have not yet reached a final decision in regard to the two main recommendations of the Indian Cinematograph Committee, viz., the creation of a Central Cinema Bureau and the means suggested for improving the system of censorship at present in force. The recommendation of the Committee for the grant of a rebate of customs duty on imported cinematograph films of a definitely educational character made in paragraph 158 of their report has been accepted in principle by the Government of India.

## ISSUE OF CHEAP RETURN TICKETS ON RAILWAYS.

39. **Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government reply to my unstarred question No. 70 in the Legislative Assembly on the 20th January, 1930, regarding the issue of cheap return tickets on railways, will Government be pleased to state if they have since examined the question ?

(b) If so, will they please communicate their decision to the House ?

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

(b) Government are satisfied that the introduction of ordinary third and intermediate class return tickets at one and a half fares would lead to a very considerable loss of revenue and that such a course is not justified.

## DISPERSION WITH LATHIS OF NON-VIOLENT CITIZENS.

40. **Mr. Lal Narendra Pratap Sahi :** (a) Will Government be pleased to state under the provisions of which Act or Ordinance the non-violent Satyagrahis or non-violent processions of citizens and Congressmen in general are dispersed by the police by means of lathi charges or by mounted police ?

(b) Have Government seen the recent declaration of Mr. Deodhar of the Servants of India Society in the *Leader* to the effect that the dispersal of non-violent Satyagrahis by lathi and mounted police has caused considerable physical injury to the Satyagrahis of Dharasana ? If so, will Government be pleased to state whether the local authorities were duly empowered by any competent authority to inflict such bodily injury on non-violent Satyagrahis ?

(c) Will Government be pleased to state what action, if any, the police take or are required to take for the bare medical assistance of the wounded Satyagrahis ?

**The Honourable Mr. H. G. Haig :** (a) Action taken by the police to disperse processions or other assemblies has been under the provisions of Chapter IX of the Criminal Procedure Code.

(b) I have seen the article. I would invite the attention of the Honourable Member to the two communiqués issued by the Government of Bombay dated the 11th and 13th June, which deal with the allegations made. The police proceeded to disperse the raiders after full and repeated warnings, and special steps were taken to see that the minimum of injury was inflicted.

(c) In the case of civil disturbances it is the practice of the authorities to make what arrangements are possible in the circumstances for the medical assistance of the injured.

#### TIME TEST FOR THE POSTAL DEPARTMENT.

**41. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 64 in the Legislative Assembly on the 20th January, 1930, regarding the time test for the Postal Department, will Government please state if they have since considered the views submitted by the Director General and reached a final decision on the report ?

(b) If so, will they please communicate their decision to the House ?

**The Honourable Sir Joseph Bhore :** (a) Yes.

(b) A copy of the orders of Government on Mr. Bewoor's Report has been placed in the Library of the House.

#### GRANT OF AN ALLOWANCE TO POSTMEN IN DELHI FOR THE DELIVERY OF FOREIGN MAILS.

**42. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 65 in the meeting of the Legislative Assembly on the 20th January, 1930, regarding the grant of an allowance to postmen in Delhi for delivery of foreign mails, will Government please state if they have reached a decision in the matter ?

(b) If so, will they please communicate their decision to the House ?

**Mr. H. A. Sams :** (a) and (b). No decision has yet been reached.

#### APPOINTMENT OF STAMP VENDORS.

**43. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to my unstarred question No. 71 in the Legislative Assembly on the 20th January, 1930, regarding the appointment of stamp vendors, will Government please state if they have since reached a decision on the matter ?

(b) If so, will they please communicate their decision to the House ?

**The Honourable Sir Joseph Bhore :** (a) No decision has yet been reached.

(b) Does not arise.

#### EDUCATION OF THE CHILDREN OF THE MIGRATORY STAFF OF THE GOVERNMENT OF INDIA.

**44. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's replies to my unstarred questions Nos. 73 and 74 in the Legislative Assembly on the 20th January, 1930, regarding the education of the children of the migratory staff of the Government of India, will Government please state if they have since considered the questions and arrived at a decision in the matter ?

(b) If so, will they please communicate their decision to the House ?

**Sir Frank Noyce :** (a) and (b). The matter is still under consideration. It is hoped that an early decision will be reached.

#### PROFESSIONAL ACCOUNTANTS EMPLOYED BY THE INCOME TAX DEPARTMENT, BOMBAY.

**45. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to Mr. N. C. Kelkar's unstarred question No. 145 in the meeting of the Legislative Assembly on the 4th February, 1930, regarding the work of the professional accountants employed by the Income Tax Department, Bombay, will Government please state if they have received the report called for ?

(b) If so, will they please furnish the information asked for, to the House ?

**The Honourable Sir George Schuster :** (a) The information has already been communicated to Mr. Kelkar.

(b) A copy of the letter sent to him is laid on the table.

*A copy of letter D. A. Dis. No. 92-I.T. 30, dated the 13th March, 1930, from F. S. Sundaram, Esquire, Secretary, Central Board of Revenue, to N. C. Kelkar, Esquire, M.L.A.*

With reference to the reply given by the Hon'ble the Finance Member to parts (a) and (c) of your unstarred question No. 145 in the Legislative Assembly on the 4th February 1930, I am directed to furnish the following information:—

(a) There are about 26 public accountants, i.e., persons qualified under sub-section (1) of section 144 of the Indian Companies Act, 1913, to be appointed or to act as auditors of limited Companies and over 88 so-called Income-tax Experts or agents, practising in the Income-tax Department, Bombay. The former in order to get their accountancy diploma have to pass examinations the preparation for which involves a study of Income-tax Law. It is obviously impossible to give any general answer as to the qualifications of the latter.

No license is required in order to practise in the Income-tax Department.

(c) No complaint against a public accountant as defined above has been received. As regards the Experts, a large number of complaints have been received, but as the law stands, no action could be taken against them, except prosecution where the circumstances warranted such a course. In two or three cases of fraud and attempted bribery such persons have been convicted by criminal courts.

#### LOSSES ON THE ASSAM BENGAL RAILWAY.

**46. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to starred question No. 289 in the meeting of the Legislative Assembly on the 11th February, 1930, regarding the losses of the

Assam Bengal Railway, will Government please state if they have obtained the information required from the Assam Bengal Railway?

(b) If so, will they please communicate the information obtained to the House?

**Mr. A. A. L. Parsons :** The Honourable Member is referred to the Railway Board's letter No. 6249-F., dated the 21st June, 1930, a copy of which is available in the Library of the House.

#### INTRODUCTION OF THE ELECTIVE ELEMENT IN CANTONMENT BOARDS.

**47. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to unstarred question No. 168 in the Legislative Assembly on the 22nd February, 1930, regarding the introduction of the elective element in Cantonment Boards in the North West Frontier Province, will Government please state if they have reached a decision on the question?

(b) If so, will they please communicate their decision to the House?

**Mr. G. M. Young :** The matter is still under the consideration of Government.

#### COMPLAINT BY A MEMBER OF THE DEOLALI CANTONMENT BOARD.

**48. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to unstarred question No. 169 in the meeting of the Legislative Assembly on the 22nd February, 1930, regarding the complaint by a member of the Deolali Cantonment Board, will Government please state if they have made inquiries into the complaint referred to?

(b) If so, will they please communicate the result of their inquiries to the House?

**Mr. G. M. Young :** (a) Yes.

(b) A copy of my letter dated the 24th March, 1930, to Pandit Thakur Das Bhargava is in the Library.

#### RESTRICTIONS ON THE USE OF THE MALL, KOHAT.

**49. Khan Bahaadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to unstarred question No. 170 in the meeting of the Legislative Assembly on the 22nd February, 1930, regarding the restrictions on the use of the Mall, Kohat, will Government please state if they have finished their inquiries into the matter?

(b) If so, will they please communicate the result of their inquiries to the House?

**Mr. G. M. Young :** The letters below refer to the paragraphs of the original question.

(a) Yes.

(b) Yes.

The restrictions are contained in bye-law 7 (b) of the Kohat Cantonment bye-laws for the control of traffic as approved and confirmed by the Chief Commissioner, North West Frontier Province, and published

in the North West Frontier Province Notification No. 948-L.F./E-XXI-L-29, dated the 1st October, 1926. The bye-law came into force from 1st November, 1926. The restrictions have been imposed with a view to excluding undesirable characters.

(c) No. It is maintained as a military road by the Military Engineering Services.

(d) No.

(e) No.

(f) No.

(g) Does not arise, in view of reply to part (f).

(h) The matter is under the consideration of the Chief Commissioner, North West Frontier Province, who is competent to take action, if any is necessary, under the statutory powers conferred on him by section 284 of the Cantonments Act, 1924.

#### RESUMPTION OF BAZAAR SITES IN CAWNPORE.

**50. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to unstarred question No. 172 in the meeting of the Legislative Assembly of the 22nd February, 1930, regarding resumption of bazaar sites in Cawnpore, will Government please state if they have since considered the matter?

(b) If so, will they please communicate their decision to the House?

**Mr. G. M. Young :** Government propose to reconsider the resumptions and hope to arrive at a satisfactory settlement soon.

#### DISCHARGE OF CANTONMENT FUND SERVANTS.

**51. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to unstarred question No. 173 in the Legislative Assembly on the 22nd February, 1930, regarding the discharge of Cantonment Fund servants, will Government please state if they have considered the suggestion referred to in part (b) of the reply?

(b) If so, will they please state what action they have taken or propose to take in the matter?

**Mr. G. M. Young :** (a) and (b). The suggestions are still under consideration.

#### ABSENCE OF MR. AUGIER FROM MEETINGS OF THE CANTONMENT BOARD, NEEMUCH.

**52. Khan Bahadur Sarfaraz Hussain Khan :** (a) With reference to Government's reply to unstarred question No. 177 in the Legislative Assembly on the 22nd February, 1930, will they please state if they have finished their inquiries regarding the absence of Mr. Augier from meetings of the Cantonment Board, Neemuch, referred to therein?

(b) If so, will they please inform the House of the result of their inquiries into the matter?

**Mr. G. M. Young :** (a) Yes.

(b) A statement is laid on the table.

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*Statement.*

- (a) Yes.
- (b) The statement is generally correct.
- (c) The other elected members of the Cantonment Board did not approach the Hon'ble the Agent. The All-India Cantonments Association approached him.
- (d) The attention of the Association was drawn to the fact that before the A. G. G. could remove Mr. Augier it was necessary under clause (b) of sub-section (1) of section 34 of the Cantonments Act not only that Mr. Augier should have been absent for more than 3 consecutive months, but also that he should have been unable to explain his absence to the satisfaction of the Board. Actually a resolution proposing that the A. G. G. should be requested to remove Mr. Augier was rejected by the Board. The rejection of this resolution was clearly tantamount to the acceptance by the Board of Mr. Augier's explanation of his absence, and it was therefore not within the competence of the A. G. G. to remove him.
- (e) and (f). In a letter to the A. G. G. the Association stated that "the opinions of the members of the Cantonment Board have absolutely no weight as the issue is a legal one and has to be decided under the law". Actually the only legal question which arose was whether the A. G. G. was competent to remove Mr. Augier in the face of the Board's rejection of the resolution proposing his removal, and this question was decided in the negative, not by the Board but by the A. G. G. Government are satisfied that the A. G. G.'s decision was correct and they do not propose to move further in the matter.

REPRESENTATION OF DR. DESAI, A MEMBER OF THE DEOLALI CANTONMENT BOARD.

53. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government's reply to unstarred question No. 178 in the Legislative Assembly on the 22nd February, 1930, will Government please state if they have completed their inquiries regarding the representation of Dr. Desai, a member of the Deolali Cantonment Board, referred to therein ?

(b) If so, will they please communicate the result of their inquiries to the House ?

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

(b) A statement is laid on the table.

*Statement.*

- (a) Yes.
- (b) The statement is generally correct.
- (c) The other elected members of the Cantonment Board did not approach the Hon'ble the Agent. The All-India Cantonments Association approached him.
- (d) The attention of the Association was drawn to the fact that before the A. G. G. could remove Mr. Augier it was necessary under clause (b) of sub-section (1) of section 34 of the Cantonments Act not only that Mr. Augier should have been absent for more than 3 consecutive months, but also that he should have been unable to explain his absence to the satisfaction of the Board. Actually a resolution proposing that the A. G. G. should be requested to remove Mr. Augier was rejected by the Board. The rejection of this resolution was clearly tantamount the acceptance by the Board of Mr. Augier's explanation of his absence, and it was therefore not within the competence of the A. G. G. to remove him.
- (e) and (f). In a letter to the A. G. G. the Association stated that "the opinions of the members of the Cantonment Board have absolutely no weight as the issue is a legal one and has to be decided under the law". Actually the only legal question which arose was whether the A. G. G. was competent to remove Mr. Augier in the face of the Board's rejection of the resolution proposing his removal, and this question was decided in the negative, not by the Board but by the A. G. G. Government are satisfied that the A. G. G.'s decision was correct and they do not propose to move further in the matter.

EMPLOYMENT OF MR. WEATHERAL BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT.

54. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government's reply to unstarred question No. 180 in the meeting of the Legislative Assembly on the 22nd February, 1930, regarding the employment of Mr. Weatheral by the Executive Officer, Ambala Cantonment, will Government please state if they have finished their inquiries in the matter ?

(b) If so, will they please communicate the result of their inquiries to the House ?

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

(b) A copy of my letter, dated the 14th April, 1930, to Pandit Thakur Das Bhargava is in the Library.

SANCTION TO THE RE-ERECTION OF AN OLD BUILDING BY THE EXECUTIVE OFFICER, AMBALA CANTONMENT.

55. Khan Bahadur Sarfaraz Hussain Khan : (a) With reference to Government's reply to unstarred question No. 181 in the Legislative Assembly on the 22nd February, 1930, regarding the sanction to the re-erection of an old building by the Executive Officer, Ambala Cantonment, will Government please state if they have made inquiries into the matter ?

(b) If so, will they please communicate the result of their inquiries to the House ?

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

(b) A copy of my letter dated the 17th March, 1930, to Pandit Thakur Das Bhargava has been placed in the Library.

SELECTION OF CANDIDATES FOR THE INDIAN CIVIL SERVICE FROM BURMA.

56. U. Dwe : (a) Will Government be pleased to state the number of candidates who appeared from the Burma Centre for the Indian Civil Service examination in January, 1930, and how many were selected ?

(b) Are Government aware that the minimum for a pass has been raised from 550 marks in previous years to 750 marks in 1930 ? If so, what are the reasons ?

(c) Are Government aware that the Burma candidates were not notified at all about the raising of the standard for a pass ?

(d) Will Government be pleased to state whether they are prepared to maintain the pass minimum of 1929 for Burma candidates who appeared in the 1930 examination ?

(e) Will Government be pleased to state whether, for the Indian Civil Service in Burma, they propose to nominate the candidates according to their order of merit, irrespective of the fact that they have failed to secure the pass minimum ?

The Honourable Mr. H. G. Haig : (a) 16 candidates appeared for the examination. None were selected.

(b) The qualifying mark was raised from 550 to 750 in order to secure a higher standard of intellectual attainments among successful candidates.

(c) Yes.

(d) No.

(e) This is not possible in view of the second footnote to rule 23 of the rules and instructions for the I. C. S. examination held in India this year, which were published with the Home Department Notification No. F. 281/27-Ests., dated the 1st August, 1929. It was there definitely stated that no appointments would be made by nomination in the case of Burma.

#### COMPLICATED INCOME-TAX RETURNS.

57. **Rai Bahadur Lala Panna Lal :** (a) Has it been represented to Government that the returns prescribed under the Income-Tax Act to be filled up by the assessee are very complicated and cannot be properly filled up by an average assessee?

(b) Have Government issued any instructions to Income-Tax Officers to render help to assessee in filling up the returns? If so, in what form is this help being rendered?

(c) If no instructions have been issued, do Government propose to do so now by directing Income-Tax Officers to accept the material supplied by an assessee and to advise him as to the assessable income that should be filled up in the returns as the result of the examination of that material by the Income-Tax Officer?

**The Honourable Sir George Schuster :** (a) The Government do not consider that the returns can fairly be described as very complicated, but no doubt a considerable number of assessee may find them so.

(b) The Central Board of Revenue have issued instructions in paragraph 67 of the Income-tax Manual that Income-tax Officials should assist assessee who find any difficulty in filling up the returns. The Member, Central Board of Revenue, has also repeated these instructions in the course of his tours. The Government see no reason to believe that they are not being generally observed.

(c) Does not arise. The Government see no necessity to issue any further instructions on the subject.

#### HARDSHIP OF BUSINESS MEN MAKING INCOME-TAX RETURNS.

58. **Rai Bahadur Lala Panna Lal :** (a) Are Government aware that in every business, some expense is incurred, of which it is not in the interest of business to give details or to make a record?

(b) Is it a fact that Income-Tax Officers do not accept the above expenditure as a valid deduction from income owing to the details thereof having not been given?

(c) Are Government aware that the above practice is very adversely affecting the interests of business?

(d) What do Government propose to do to remove this hardship to business men?

(e) Do Government propose to fix a certain percentage of income to be considered as *bona fide* expenditure under this head on an assessee's filing an affidavit as to the expenditure having actually been incurred in the interests of business?

**The Honourable Sir George Schuster :** (a) Government are not prepared to accept this general statement.

(b) It is necessary in order to ensure accurate assessment that evidence of expenditure should be produced.

(c) The Government see no reason to suppose that the answer to this question is in the affirmative.

(d) The Government do not admit that any hardship is caused to honest business men by the refusal to admit claims to deductions of which the validity is not proved.

(e) The Government have no intention of taking any such action. They consider that if such a course were taken, there would be a grave risk of penalising the general tax payer and the scrupulous assessee for the benefit of the less scrupulous assessee.

#### DETERMINATION OF ASSESSABLE INCOME.

59. **Rai Bahadur Lala Panna Lal :** (a) Are Government aware that under the existing Income-Tax Act even the income-tax paid in a year is not deducted from the assessable income of that year?

(b) Will the Government state on what principle is this *bona fide* expenditure not recognised?

(c) Are Government aware that much heart-burning has been caused by this method of determining assessable income?

(d) Do Government intend to do anything in the direction of removing this disability of the assessee?

**The Honourable Sir George Schuster :** (a) Yes.

(b) Because the generally recognised principle in assessing income-tax is to allow as a deduction from the income to be assessed only expenditure incurred in order to earn such income, and a tax based on and paid out of such income is not an item of such expenditure.

(c) The Government are not aware of any such fact.

(d) No.

#### DETERMINATION OF THE PROFITS OF PETTY TRADERS FOR INCOME-TAX PURPOSES.

60. **Rai Bahadur Lala Panna Lal :** (a) Are Government aware that a large number of petty traders and contractors have neither the necessity nor the means of keeping accounts according to the system acceptable to Income-Tax Officers?

(b) Is it a fact that in all those cases the Income-Tax Officers apply an arbitrary flat-rate of profit to determine the assessable income?



(c) Are Government aware that owing to the arbitrary application of flat-rate of profit, there is great discontentment among the petty traders, affected thereby?

(d) Is it a fact that suggestions have been made to the Government to have a Standing Advisory Committee of businessmen formed at every place to advise the Income-Tax Officer in the determination of flat-rate of profit?

(e) Do Government propose to carry out the above suggestion, if not, how do Government propose to ensure that the flat-rate of profit so arrived at, is not unduly excessive?

**The Honourable Sir George Schuster :** (a) Considerable latitude is allowed in the matter of accounts and paragraph 37 of the Income-tax Manual reads as follows :

“ No uniform method of accounting is prescribed for all taxpayers, and every taxpayer may so far as possible adopt such form and system of accounting as is best suited for his purposes.”

It is thought that this allows reasonable latitude, for all that is required is a form of account from which the income-tax can be computed. If an assessee is liable to income-tax it is in his own interest that he should keep an account in such a form.

(b) Where there are no proper materials for computing the assessable income, flat rates of profit are applied to the turnover, if it is known or can be estimated. This is done as affording the last means of getting at a reasonable estimate.

(c) The Government do not admit that the rates applied are arbitrary. In a large proportion of cases, at all events, if the assessee is dissatisfied with the results of the flat rate system of assessment the remedy—namely, maintenance of proper accounts—is in his own hands. The aim of the Income-tax Department is to secure correct assessments.

(d) No such suggestions can be traced. The Income-tax Department will always welcome the assistance of accredited bodies, representative of different trades, in fixing the flat rates. But they would much prefer not to be driven to the necessity of assessing on flat rates at all.

(e) The Government do not propose to take any action in the matter. Any representations on such subjects made to the Central Board of Revenue have always received, and will continue to receive, full consideration.

#### SETTING OFF OF LOSSES AGAINST PROFITS FOR INCOME-TAX PURPOSES.

**61. Rai Bahadur Lala Panna Lal :** (a) Is it a fact that, under the existing Income-tax Act, loss in a business is set off against income only in the year in which that loss occurs, even if the amount of loss is considerably in excess of the income of the year?

(b) Is it a fact that several Indian Chambers of Commerce have protested against the above system and have urged the setting off of the whole loss even if this process extends to the years succeeding the one in which the loss has occurred?

(c) What action have Government taken on this protest?

(d) Do Government propose to so alter the law that a business loss is set off against assessable income till the whole amount of the loss is thus accounted for?

**The Honourable Sir George Schuster :** (a) Yes.

(b) Yes.

(c) and (d). The Honourable Member's attention is drawn to the promise that I gave in this House on 22nd March last, that as soon as I was convinced that the Revenue position would stand it, I would make a start with the introduction of the principle of carrying forward losses, and that orders had already been issued for the collection of statistics to enable me to gauge the financial effect of doing so. The first instalment of those statistics should be received shortly, but the principle of carrying forward losses can only be introduced at earliest with effect from the beginning of the next financial year, and then only if our resources permit of our introducing it.

#### DISABILITIES OF BUSINESS MEN UNDER THE INCOME-TAX ACT.

**62. Rai Bahadur Lala Panna Lal :** (a) Have Government received representations from the various Indian Chambers of Commerce to the effect that the rates of income-tax as now existing and the system of determining assessable income by disallowing many legitimate deductions constitute a great hinderance to the progress of trade and industry in India?

(b) Do Government propose under the circumstances to appoint a special committee to inquire into the disabilities of business men and industrialists under the present Act and to amend the Act with a view to remove those disabilities?

**The Honourable Sir George Schuster :** (a) It is difficult for me to answer a question so generally expressed. The Government have from time to time received representations in regard to various details concerning the computation of assessable income, and have always given—as they will continue to give—such representations their careful consideration.

The Government have no reason to believe that the rates of income-tax hinder the progress of trade and industry in India. Nor have they any reason to believe that any legitimate deductions are disallowed.

(b) The Government have no such intention.

#### REPRESENTATION OF THE ALL-INDIA CANTONMENTS' ASSOCIATION AT THE ROUND TABLE CONFERENCE.

**63. Rai Bahadur Lala Panna Lal :** (a) Is it a fact that the All-India Cantonments Association has approached the Government for representation in the forthcoming Round Table Conference?

(b) Will Government be pleased to state if any decision has been arrived at in the matter and communicated to the All-India Cantonments' Association? If not, do Government propose to favourably consider this representation?

(c) Are Government aware that there are about a million civilian residents in Cantonments of India who are governed by a special law

and the house owners class among whom has enormous interests vested in the Cantonment property ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) As regards representation at the Round Table Conference I can add nothing to His Excellency's statement of the 31st October last and his letter to the Prime Minister which was published on the 13th May, 1930.

(c) The Civilian population of the cantonments in India, who are probably nearly a million in number, as stated, are subject to a municipal law which differs from the ordinary municipal law to such extent only as is necessary to provide for the health and well being of the troops, for whom the cantonments primarily exist. There is also a special Act regulating the occupation of certain houses in cantonments by military officers.

#### RAILWAY PASSES ISSUED TO SUBORDINATE RAILWAY EMPLOYEES.

**64. Rai Bahadur Lala Panna Lal :** (a) Is it a fact that passes to railway employees drawing Rs. 75 or less are not issued for foreign lines beyond a certain distance ?

(b) Are Government aware that the vast majority of railway subordinates belong to this grade and that the present restriction is causing great hardship to them ?

(c) Is it a fact that representation has been made by the railway employees to redress certain grievances in connection with issuing of passes ?

(d) Do Government propose under the circumstances to remove the above restriction ?

**Mr. A. A. L. Parsons :** (a) Over the Madras and Southern Mahratta, the Bengal Nagpur and the East Indian Railways free passes for employees of foreign railways who draw, in the case of subordinate staff, not less than Rs. 40 and not more than Rs. 75, and in the case of clerical staff not more than Rs. 75, are limited to a maximum distance of 300 miles over each of these Railways. For the distances in excess of 300 miles over these Railways fares are charged at one-third of the public rate.

(b) Government are not aware of the percentage which this class of railway subordinate staff bears to the total, but they undoubtedly represent a considerable proportion. Government are not aware that this restriction is a cause of great hardship to the staff in question.

(c) Yes.

(d) I may explain for the information of the Honourable Member that the restriction to 300 miles on these three Railways of the concession of free passes to employees of foreign railways is due to the fact that the three Railways in question have on their systems a very large number of pilgrim centres and that holders of these passes travel more over these Railways than over other systems. The Agents of these Railways consider that the grant of such passes for unrestricted distances over their lines would constitute an unduly excessive privilege.

This is a matter within the decision of Agents and Government do not propose to take action further than to send a copy of the Honourable Member's question and of my reply to the Agents.

#### REFUND OF RAILWAY FREIGHT OVERCHARGED.

**65. Rai Bahadur Lala Panna Lal :** (a) Is it a fact that in Railway Administrations in India when overcharge in freight is made owing to wrong classification of goods or to excess weight, the refund thereof is granted after much delay, on a reference to the Commercial Manager ?

(b) Is it a fact that in case of under-charge of freight any reason whatsoever, a memo. is sent by the Audit Officer and the under-charge is realised directly from the person concerned by the railway subordinate ?

(c) Will Government explain why an overcharge is not similarly pointed out by the Audit Officer and paid to the person concerned without his making any application for the same ?

(d) Are Government aware that the public are experiencing great trouble and loss owing to their lack of information of the present system of getting refunds and the difficulties involved in getting the same ?

(e) What is the liability under the existing system of the railway subordinate who is responsible for the under-charge ?

(f) Does a similar responsibility exist in case of overcharge ? If not, why not ?

(g) Do Government propose to introduce some definite system which may ensure the refund of overcharge freight automatically without the person concerned having to move in the matter ?

**Mr. A. A. L. Parsons :** (a) Yes, except that Government are not aware that there is much delay in granting these refunds.

(b) Undercharges discovered are debited to the staff responsible. Government are not aware to what extent the subordinate staff recover the amount of the undercharge from the consignor or consignee.

(c) The Accounts Office is required to bring to the notice of the Traffic Officer concerned overcharges of not less than Rs. 5 and the Traffic Officer then arranges refunds after ascertaining the name of the party legally entitled to such refunds.

(d) No.

(e) He is liable to make good the full amount of the undercharge.

(f) No. The conditions under which recoveries on account of undercharges are made differ materially from those applying to refunds of overcharges. The second part of this question does not arise.

(g) In view of the answer to part (c) of the question, this question does not arise.

#### PROVISION OF ADVISORY BOARDS FOR RAILWAYS.

**66. Rai Bahadur Lala Panna Lal :** (a) What is the existing arrangement for the provision of an Advisory Board in Railways in India ?

(b) What is the constitution of these Boards and how have they worked since their creation ?

(c) What is the representation of the commercial and industrial classes on those Boards ?

(d) Are Government prepared to consider the desirability of creating an Advisory Board in every division of railway, in case it has proved useful, where it exists at present ?

**Mr. A. A. L. Parsons :** (a) An Advisory Committee has been constituted for each of the 13 Class I Railways in India, with the exception of the Jodhpur Railway, and also for the Barsi Light Railway. On six of these Railways, there are, in addition to the main Advisory Committee, one or, in some cases, two branch Advisory Committees.

(b) and (c). Regarding the constitution of these Committees and the extent of representation of commercial and industrial classes thereon, I would refer the Honourable Member to the memorandum regarding Railway Local Advisory Committees, a copy of which was laid on the table in Delhi when a reply was given to Mr. B. S. Kamat's question No. 376 on the 19th February, 1923. The existing Committees have been constituted in accordance with the general principles detailed therein with such minor modifications as have seemed desirable under differing local conditions. These Committees have proved of considerable advantage both to the public and to railways since their creation. For particulars as to their working during the financial year of 1928-29, I would refer the Honourable Member to paragraph 17 of Vol. I of the Report by the Railway Board on Indian Railways for 1928-29, a copy of which is in the Library of the House.

(d) No. Branch Committees have been constituted where considered desirable and this practice will be extended if and as required.

#### OVERCROWDING OF THIRD CLASS RAILWAY CARRIAGES.

**67. Rai Bahadur Lala Panna Lal :** (a) Are Government aware that there is still a good deal of overcrowding in third class carriages on all lines, especially on the North Western Railway ?

(b) Do Government propose to issue instructions to the railway officer concerned that the number of passengers actually seated in a compartment should not exceed the maximum number permitted to be accommodated in that compartment ?

(c) Do any arrangements exist at present for *duplicate trains* at important stations to convey passengers left behind ? If so, where ? If not, do Government propose to consider the desirability of arranging *duplicate trains* at times of need when there is rush of traffic ?

(d) Is there any proposal of providing fans in intermediate class and third class carriages in the summer season ? If so, when is this reform likely to take effect ?

**Mr. A. A. L. Parsons :** (a) I would refer the Honourable Member in this connection to my reply in Delhi to parts (b), (c) and (f) of Mr. Lalehand Navalrai's question No. 138 on the 21st January, 1930.

(b) Government is aware that Railway Administrations are giving constant attention to the question of overcrowding and do not consider that the issue of instructions is called for at this stage.

(c) An arrangement for running duplicate trains is not normally feasible. Information as to the number of passengers intending to en-train is not available beforehand, and it is not known whether the number of passengers for whom it will not be possible to find accommodation

in the regular service will be adequate to justify the running of an un-scheduled train.

(d) Government have had the matter referred to in the first part of the question under consideration, but do not propose to take any action, at any rate at present. The second part of the question does not therefore arise.

#### APPOINTMENT OF SIKHS AS INCOME-TAX OFFICERS.

**68. Sardar Gulab Singh :** (a) Will Government be pleased to state the total number of Income-Tax Officers and Assistant Income-Tax Officers working at present in the Punjab, North West Frontier and Delhi Provinces ?

(b) Is it a fact that Sikhs are insufficiently represented in this cadre, according to the recognised percentage ?

(c) If the reply to part (b) is in the affirmative, do Government propose to appoint some Sikhs to make up this deficiency ?

(d) Are Government aware of the fact that Jat zamindar Sikhs are insufficiently represented in particular ?

**The Honourable Sir George Schuster :** (a), (b), (c) and (d). I have called for the information that the Honourable Member desires and will communicate it to him when I have received it.

#### TENDERS FOR THE SUPPLY OF RAILWAY STORES.

**69. Rai Bahadur Lala Panna Lal :** (a) Is it a fact that in getting supplies of railway stores for State-owned railways, tenders are issued to contractors who are not the manufacturers of the goods required ?

(b) Is it a fact that the Indian Stores Department has in case of the supply of cloth decided to issue tenders only to textile manufacturers and not to general contractors ?

(c) If the answer to part (b) be in the affirmative, why is not the same system followed in State-owned railways ?

(d) Do Government propose to lay down as a principle that where the goods required are manufactured in India, tenders for their supplies will be issued only to the manufacturers ?

(e) Is it a fact that there are several glass manufacturing factories in India ? Do Government propose to follow the above principle in the case of glassware supplies to State-owned railways ?

**Mr. A. A. L. Parsons :** (a) Invitations to tender are issued to firms who are registered on the list of approved contractors for the particular classes of stores required. The placing of the contract depends on the quality, price and delivery terms offered. In the case of articles manufactured in India, contracts are invariably placed with manufacturers, provided that their rates are competitive and quality acceptable, but occasionally these contracts are secured by accredited selling agents of manufacturers or distributors.

(b) The answer is in the negative.

(c) Does not arise.

(d) No.

(e) Part (i), Yes. Part (ii). The principles stated in reply to part (a) of the question are and will continue to be followed in respect of supplies of glassware, as in respect of other classes of stores.

#### ADVANCEMENT OF THE GLASS INDUSTRY IN INDIA.

70. **Rai Bahadur Lala Panna Lal :** (a) Have Government received a representation from the All-India Glass Manufacturers' Association suggesting certain measures for the advancement of the glass industry in India ?

(b) If so, what were the measures suggested and what action have Government taken thereon up to this time ?

(c) If no action has been taken so far, do Government propose to take any action ? If so, what and when ?

**The Honourable Sir George Rainy :** (a) Yes.

(b) The Association asked for tariff protection to the Glass industry, removal of the import duty on Soda Ash and a reduction of railway rates.

(c) After examining the application Government informed the Association that they did not find a *prima facie* case for referring to the Tariff Board the question of protection : that they could not hold out any immediate hope of a reduction in the import duty on Soda Ash, but that the matter would be considered in connection with other proposals for the reduction of duties on raw materials, and that, as regards a reduction in railway rates, the Association should address the railways concerned direct.

Several further representations have subsequently been received and additional figures supplied. These have been carefully examined and Government hope shortly to be in a position to decide whether the question of protection to this industry shall be referred to the Tariff Board.

#### APPOINTMENTS AND PROMOTIONS ON THE EASTERN BENGAL RAILWAY.

71. **Rai Bahadur Lala Panna Lal :** (a) Will Government be pleased to state how many appointments in the Traffic Department carrying a salary exceeding Rs. 150 *per mensem* have been made since 1924 in the Eastern Bengal Railway ?

(b) How many of the above appointments have gone to *new men* ? What are their qualifications and what procedure was adopted in their selection ?

(c) What are the rules affecting the prospects of a railway employee working on the maximum pay of his post for some years ?

(d) Is there any system under which a railway employee working on the maximum salary of a post in a certain Department for some years and having no opening for promotion in that Branch, can be transferred to some other railway branch ? If so, what is that system and are there any rules governing it ?

**Mr. A. A. L. Parsons :** (a) and (b). I have called for the information from the Agent, Eastern Bengal Railway, and will communicate with the Honourable Member on its receipt.

(c) If the employee has been on the same rate of pay for five years or more, is qualified for promotion and has rendered exceptionally good work, the question of granting him a personal allowance is considered.

(d) No rules have been prescribed, but there is no bar to all employees in one department of a railway being considered for an appointment in another Department for which he is qualified.

#### RECOMMENDATIONS OF THE TARIFF COMMITTEE.

72. **Rai Bahadur Lala Panna Lal :** (a) Will Government be pleased to state if all the recommendations of the Tariff Committee have been carried out ?

(b) If not, to which of the recommendations has effect been given so far and how do Government propose to deal with the rest ?

(c) Will Government lay on the table a statement giving the above information in detail ?

**The Honourable Sir George Rainy :** (a) The Government have not appointed any Tariff Committee for the revision of the tariff.

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

#### APPOINTMENT OF INDIANS AS ASSISTANT STOREKEEPERS IN ARSENALS.

73. **Rai Bahadur Lala Panna Lal :** (a) Did the Government of India in recent years inaugurate a scheme for the employment of Assistant Storekeepers in various Arsenals in India as a part of the Indianisation scheme ?

(b) If so, when was that scheme carried into effect ?

(c) How many Indian Assistant Storekeepers have been employed since then ?

(d) Is any waiting list of selected candidates kept in the Ordnance Office ? If so, how many candidates are on the waiting list ? Does it contain candidates selected in 1928 ? How many of them have been appointed and how many are still on the waiting list and what are their prospects of employment ?

(e) Have any appointments been made of men not on the waiting list ? If so, will Government please state the number of such appointments made and the reasons for doing so ?

(f) What action do Government propose to take to expedite the Indianisation of the above scheme according to the assurances held out at the time of the inauguration of the scheme ?

**Mr. G. M. Young :** (a) Yes.

(b) In April 1928 as a permanent measure.

(c) 21, of whom 6 have been transferred to the Provision Section of Army Headquarters in place of British soldiers. The remaining 15 are employed in Arsenals.

(d) A waiting list is maintained at Army Headquarters ; there are 14 candidates on the list, none of whom were selected for inclusion before 1929. The 15 assistant storekeepers now employed in arsenals were selected in 1928.

Under the terms of the scheme, one civilian assistant storekeeper is appointed in every fourth vacancy caused by the transfer of a British soldier. The rate of recruitment therefore depends on the number of such vacancies, but it is anticipated that the 14 men now on the waiting list will be employed within two years.

(e) One candidate not on the waiting list was appointed in April 1929. The waiting list is merely a register of suitable candidates and when a vacancy occurs, the appointing officer may select the most suitable person known to him whether his name is on the list or not.

(f) Government will not be in a position to increase the rate of Indianisation authorised until further experience has been gained, and it has been ascertained how the Assistant Storekeepers will fare in the duties as storekeepers in charge of quantities of technical stores.

#### SAFEGUARDING OF THE INTERESTS OF INDIAN APPRENTICES IN THE KHARAGPUR RAILWAY WORKSHOPS.

74. **Mr. S. C. Mitra :** (a) With reference to their answers to my starred questions in the Legislative Assembly No. 644 (b) and (c), dated the 18th September, 1929, will Government be pleased to state what stability and security there are for the retention and training of the Indian and particularly of the Grade "A" apprentices in the Kharagpur Railway Workshops ?

(b) Are Government aware that in the Kharagpur Railway Workshops the Indian and the Grade "A" apprentices in particular, are discharged for mere reason of "unsatisfactory work" even after their confirmations on satisfactory reports and retention for two or three years and more ?

(c) How many similar cases occurred with the Anglo-Indian and European apprentices in the Kharagpur Railway Workshops and have they been discharged on like ground, viz., "Unsatisfactory work" and after their confirmations and retention for more than two years, three years and three and half years ? Will Government please furnish this House with a statement of those cases with full particulars ?

(d) Do Government propose to adopt protective measures to safeguard the interests of the Indian and particularly of the Grade "A" apprentices in the Kharagpur Railway Workshops and to save them from being discharged without giving them sufficient fair trials ?

(e) Are the Indian and the Grade "A" apprentices in particular given all sorts of facilities and all round fair trials in all the Departments and their respective branches or shops in the Railway Workshops at Kharagpur before their work is declared to be "unsuitable" and "unsatisfactory" and prior to their discharge on those grounds ? If not, why not ?

**Mr. A. A. L. Parsons :** (a) There is no obligation on the part of the Railway Administration to guarantee employment to apprentices of

any class after completion of their training. In actual practice, however, apprentices of all classes are retained by the Bengal Nagpur Railway as Improvers provided they have completed their apprenticeship period satisfactorily.

(b) Apprentices whether Indians, Europeans or Anglo-Indians are discharged for unsatisfactory work at any stage of their apprenticeship.

(c) A statement giving the information asked for has been placed in the Library.

(d) and (e). Every reasonable consideration is given to Apprentices of all communities and no one is discharged without a fair trial and good reasons.

#### RACIAL DISCRIMINATION IN THE ISSUE OF PASSES ON THE BENGAL NAGPUR RAILWAY.

75. **Mr. S. C. Mitra :** (a) With reference to their answers to my starred questions in the Legislative Assembly No. 693 (a) and (b), dated the 21st March, 1930, will Government be pleased to state whether it is a fact that in the matter of "free privilege passes and tickets at concession rates" the Anglo-Indian and European apprentices in the Kharagpur Railway Workshops are allowed "Inter class passes and tickets at concession rates" from the second year of their course of apprenticeship ; but the Indian apprentices and particularly the Grade "A" apprentices in the same workshops are forced to remain satisfied throughout the period of their apprenticeship, with the "Third class free privilege passes and tickets at concession rates" ?

(b) If the reply to part (a) above is in the affirmative, will Government be pleased to explain whether there are particular reasons for this differential treatment, and if not, what steps they propose to take in order to do away with the racial discrimination in the Bengal Nagpur Railway ?

(c) Are Government prepared to instruct the Bengal Nagpur Railway to maintain a uniform system of treatment in the matter of awards of all concessions and privileges to all their apprentices irrespective of their caste, colour or creed ? If not, why not ?

**Mr. A. A. L. Parsons :** (a) The Honourable Member's attention is invited to my reply in Delhi to part (b) of his question No. 693 of the 21st March, 1930.

(b) Does not arise.

(c) The Honourable Member's attention is invited to paragraph 2 of Railway Board's letter No. 7887-E., dated 28th June, 1930, in answer to his question No. 765 of the 22nd March, 1930.

#### PAY AND ACCOMMODATION OF INDIAN APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.

76. **Mr. S. C. Mitra :** (a) Will Government please state whether it is a fact that in the Railway Board's letter to the Agent, East Indian Railway, No. 3224-E., dated the 20th July, 1926, it has been clearly decided that "where hostels are provided, all apprentices irrespective of caste, colour or creed should be housed, and fed free and granted an equal

stipend ; but where *no hostels* are provided they should be granted pay including stipends and board allowance at a uniform rate " ?

(b) If the reply to part (a) above is in the affirmative, will Government please state whether the orders referred to in part (a) above were communicated to all the Railways in India, including the Bengal Nagpur Railway and were their attentions invited to the Railway Board's decisions, as contained in those orders ? If not, why not ?

(c) Is it a fact that the Railway Board's decisions and orders referred to in parts (a) and (b) above are not being observed by the authorities of the Bengal Nagpur Railway in the cases of their Indian and particularly of their " A " Grade apprentices in the Kharagpur Railway Workshops ? If so, why ?

(d) Do Government propose to take steps to have those concessions and allowances, as are given to the apprentices in the East Indian Railway Workshops extended to the apprentices in the Bengal Nagpur Railway with retrospective effect, *viz.*, from 20th July 1926, the date of the Railway Board's orders ? If not, why not ?

(e) Will Government please place on the table a copy of the Railway Board's letter to the Agent, East Indian Railway, No. 3224-E., dated the 20th July, 1926 and the enclosures, thereto, if any ?

**Mr. A. A. L. Parsons :** (a), (b) and (c). Yes. The orders of the Railway Board are not binding on the Bengal Nagpur Railway.

(d) No. The Honourable Member's attention is invited to paragraph 2 of Railway Board's letter No. 7887-E., dated the 28th June, 1930, in reply to his question No. 765 of the 22nd March, 1930, in which it is stated that the Agent, Bengal Nagpur Railway, reports that all distinctions in the rules in practice applying to European and Indian Apprentices will be removed when the revised scheme for the training of workshop apprentices, which is under preparation, is given effect to.

(e) A copy of the letter has been placed in the Library.

#### GRIEVANCES OF " A " GRADE APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.

77. **Mr. S. C. Mitra :** (a) With reference to the un-answered portion of my starred question in the Legislative Assembly No. 644 (f), dated the 18th September, 1929, will Government please state whether it is a fact that a joint representation was made by the " A " Grade apprentices in the Kharagpur Railway Workshops, to the Chief Mechanical Engineer, Bengal Nagpur Railway, at Kharagpur, praying for the redress of their several long felt grievances ? If so, when was this representation made and what steps have been taken by the Railway authorities to redress their grievances mentioned therein ?

(b) Will Government please state how many of their grievances have been redressed so far ?

**Mr. A. A. L. Parsons :** (a) and (b). The Honourable Member's attention is invited to Railway Board's letter No. 7887-E., dated the 4th December, 1929, which contains a full reply to question No. 644 of the 18th September, 1929. A reference has been made to the Agent, Bengal Nagpur

Railway, calling for information asked for by the Honourable Member in his question. I will communicate with him on receipt of a reply.

#### GRIEVANCES OF " A " GRADE APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.

78. **Mr. S. C. Mitra :** (a) Is it a fact that in the matter of leave the " A " Grade apprentices in the Kharagpur Railway Workshops are not treated similarly with the monthly rated staff and they are not granted sick leave with pay for two months as applicable to the other staff on the Railway ? If so, will Government please state what are the reasons for this differential treatment ?

(b) Do Government propose to instruct the Railways to stop this unequal treatment to their Grade " A " apprentices in particular ? If not, why not ?

**Mr. A. A. L. Parsons :** (a) and (b). I have called for information from the Agent, Bengal Nagpur Railway, and will communicate with the Honourable Member on its receipt.

#### GRIEVANCES OF APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.

79. **Mr. S. C. Mitra :** (a) Is it a fact that the Indian and particularly the Grade " A " apprentices in the Kharagpur Railway Workshops, are not permitted to have a recognised trade union of their own ?

(b) Are Government prepared to instruct the authorities of the Bengal Nagpur Railway to permit the formation of such an Association ? If not, why not ?

**Mr. A. A. L. Parsons :** (a) Government have no information.

(b) No. The Railway Board do not propose to interfere with the discretion of the Agent, Bengal Nagpur Railway, in this matter.

#### TRAINING OF APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.

80. **Mr. S. C. Mitra :** (a) Have Government received the informations from the Agent, Bengal Nagpur Railway, asked for in my starred questions in the Legislative Assembly Nos. 541, 542, 546 and 543, dated 12th March, 1930, and that of 690 (second part of the question) and 691 and 692, dated 21st March, 1930, and of 765, dated 22nd and 876, 877 and 879, dated 28th March, 1930, regarding apprenticeship training in the Bengal Nagpur Railway Workshops at Kharagpur ?

(b) If the reply to part (a) above is in the affirmative, will Government please state when they propose to place them on the table, or to communicate them to me as promised ?

(c) If the reply to part (a) above be in the negative, are Government prepared to remind the Agent, Bengal Nagpur Railway, for the reports and to ask the authorities to expedite the answers to those questions ? If not, why not ?

**Mr. A. A. L. Parsons :** (a), (b) and (c). The information asked for by the Honourable Member has been supplied in the six letters of the Railway Board bearing No. 7887-E., dated 28th June, 1930.



### PAY OF IMPROVERS IN THE BENGAL NAGPUR RAILWAY WORKSHOPS.

81. **Mr. S. C. Mitra :** (a) Is it a fact that the starting pay for the Anglo-Indian improvers in the Bengal Nagpur Railway Workshops has been fixed at Rs. 120 per mensem, but for the improvers recruited from the "A" Grade apprentices pay of Rs. 45 per mensem has been fixed?

(b) If so, what are the reasons for this differential treatment?

(c) Are Government prepared to reconsider this racial discrimination in matters of pay? If not, why not?

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

(b) Reference is invited to the answer given in paragraph 1 of Railway Board's letter No. 7887-E., dated the 28th June, 1930, to parts (b) and (c) of the Honourable Member's question No. 765 of 22nd March, 1930.

(c) I would invite the Honourable Member's attention to paragraph 2 of Railway Board's letter to which I have just referred.

### SUBSISTENCE ALLOWANCES PAID TO APPRENTICES IN THE KHARAGPUR RAILWAY WORKSHOPS.

82. **Mr. S. C. Mitra :** (a) Are Government aware that two different scales of subsistence allowances have been fixed for the apprentices in the Kharagpur Railway Workshops, viz., (1) for the Anglo-Indian apprentices Rs. 33 to Rs. 65 and (2) for the Indian Grade "A" apprentices Rs. 20 to Rs. 33 per month, during the tenure of their five years' apprenticeship?

(b) Are Government prepared to reconsider once again the anomaly and discrepancy there remained in fixing those two separate scales of subsistence allowances for the apprentices [viz., (1) for the Anglo-Indians and that (2) for the Indian Grade "A"] in the Kharagpur Railway Workshops? If not, why not?

(c) Do Government propose to instruct the Bengal Nagpur Railway to fix a uniform scale of subsistence allowance for all their apprentices in the Kharagpur Railway Workshops, irrespective of their birth and colour, and to start and train them all on equal terms for all purposes? If not, why not?

**Mr. A. A. L. Parsons :** (a) The stipends granted to the apprentices are as stated by the Honourable Member.

(b) and (c). The Honourable Member's attention is invited to the reply given in Railway Board's letter No. 7887-E., dated the 28th June, 1930, to his question No. 765 of the 22nd March, 1930.

### RECRUITMENT OF INDIANS AS "CHARGE HANDS" IN THE KHARAGPUR RAILWAY WORKSHOPS.

83. **Mr. S. C. Mitra :** (a) With reference to their answer to my starred question in the Legislative Assembly No. 644 (g), dated the 18th September, 1929, will Government be pleased to state whether it is a fact that, since the system of apprenticeship training for Indians was introduced by the Bengal Nagpur Railway, none of the recruits from the Grade "A" apprentices in the Kharagpur Railway Workshops has yet been appointed a "Charge-hand"?

(b) Are Government aware that the appointments of "Charge-hands" have always been and are still frequently and regularly given by the Railway to their recruits from the Anglo-Indian apprentices in the Kharagpur Railway Workshops?

(c) If the answers to parts (a) and (b) above be in the affirmative, will Government please state the reasons for this differential treatment?

(d) What are the qualifications required for the posts of "Charge-hands" in the Kharagpur Railway Workshops?

(e) Are the Indian Grade "A" apprentices given inferior training than what is required to qualify them for such posts of "Charge-hands"? If so, why?

(f) Is it a fact that the "Charge-hands" in the Bengal Nagpur Railway Workshops are promoted to the rank of "Foremen" in the same Workshops?

(g) Do Government propose to give chance in the near future to the recruits from the Grade "A" apprentices of being appointed "Charge-hands" in the Kharagpur Railway Workshops, like the Anglo-Indian apprentices? If not, why not?

(h) Do Government propose to consider the claims of the recruits from the Indian Grade "A" apprentices for being appointed to the posts of "Charge-hands" in the Bengal Nagpur Railway Workshops, in equal terms with their Anglo-Indian comrades? If not, why not?

**Mr. A. A. L. Parsons :** I have called for information from the Agent, Bengal Nagpur Railway, and will communicate with the Honourable Member on its receipt.

### REVISION OF RULES FOR APPRENTICES AT THE KHARAGPUR RAILWAY WORKSHOPS.

84. **Mr. S. C. Mitra :** (a) With reference to the answers to my starred questions in the Legislative Assembly, Nos. 544 and 545, dated the 12th March, 1930, will Government please state when the revision of the rules for the apprenticeship training in the Railway Workshops at Kharagpur is expected to be completed; and when do they propose to do away with the racial discriminations referred to therein, as promised?

(b) When did the authorities of the Bengal Nagpur Railway begin to consider the scheme and the revision of those rules referred to in part (a) above?

(c) Are Government aware that in their reply to my starred question in the Legislative Assembly, No. 824 (b), dated the 26th February 1929, and in reply to other starred questions on the subject in the last Simla session of this Assembly, Government stated that the revision of the rules is under consideration of the authorities of the Bengal Nagpur Railway? If so, what are the reasons for this unusual delay in revising the rules and removing all the racial discriminations existing amongst the Indian Grade "A" and the Anglo-Indian apprentices in the Kharagpur Railway Workshops?

(d) Do Government propose to instruct the Bengal Nagpur Railway authorities to expedite their consideration of the scheme and the revision of the rules?

**Mr. A. A. L. Parsons :** (a), (b), (c) and (d). I have called for information from the Agent, Bengal Nagpur Railway, and will communicate with the Honourable Member on its receipt.

#### REBATE ON GOODS DESPATCHED TO AFGHANISTAN.

**85. Rai Bahadur Lala Panna Lal :** (a) Is it a fact that a rebate equal to two-thirds of railway freight is allowed on goods despatched from Karachi to Afghanistan and Persia through the railway line beyond Quetta ?

(b) Are Government aware that a lot of glassware and other goods are sent from the Punjab to Afghanistan *via* Peshawar and Jamrud, as that is the shortest route ?

(c) Do Government propose to extend the "rebate" to goods sent by the route referred to in part (b) ?

(d) If Government do not propose to do so, will they be pleased to state the reasons for differentiation in treatment in case of goods intended for the same destination by different routes ?

**Mr. A. A. L. Parsons :** (a) A rebate equal to two-thirds of the railway freight charge (excluding the Nushki-Duzdap section) is allowed on goods other than coal despatched from Karachi to Afghanistan and Persia *via* the Nushki-Duzdap section of the North-Western Railway.

(b) Government are aware that certain goods traffic from the Punjab is despatched to Peshawar for that portion of Afghanistan served from Peshawar.

(c) No.

(d) The rebates are being allowed on consignments carried *via* the Nushki-Duzdap Railway, a line over which little traffic moves, to foster trade with Persia and Western Afghanistan, the ordinary freight rates having proved to be prohibitive. The conditions affecting traffic to Afghanistan *via* Peshawar are entirely different.

#### PERSIAN BAN ON THE IMPORT OF INDIAN GOODS.

**86. Rai Bahadur Lala Panna Lal :** (a) Is it a fact that the Persian Government has laid a ban on the export of Indian goods into their country ?

(b) Have Government any information on the subject ? If not, are Government prepared to make enquiries ?

(c) If the answer to part (a) be in the affirmative, do Government propose to take similar action in case of Persian goods imported into India, or to take any other steps in the matter ?

**Mr. E. B. Howell :** (a) No, Sir.

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

#### INCREASED EMPLOYMENT OF MUHAMMADANS ON THE NORTH WESTERN RAILWAY.

**87. Rai Bahadur Lala Panna Lal :** (a) Has any circular been issued recently by the Agent, North Western Railway, about the increased employment of Muhammadans on that line ?

(b) If so, what are the contents of that circular and what are the reasons for issuing it ?

(c) Is it a fact that as a result of that circular Hindu employees in temporary service or in apprenticeship have been discharged ? If so, what is their number ?

(d) Does the circular contemplate any consideration for "merit" being a factor in railway employment ?

(e) Will Government be pleased to state the number of Muhammadans employed on the North Western Railway since the issue of the above-mentioned circular ?

**Mr. A. A. L. Parsons :** (a) No.

(b) to (e). Do not arise.

#### EXPENDITURE ON THE KANGRA VALLEY RAILWAY.

**88. Rai Bahadur Lala Panna Lal :** (a) Will Government be pleased to state what was the estimated expenditure on the Kangra Valley Railway and what are the actual figures of expenditure ?

(b) Has there been an enormous excess over estimated expenditure ? If so, what are the main causes of such excess ?

(c) Are there any outstanding claims in connection with the construction of the railway still pending ? If so, what is their total amount ?

(d) Is it a fact that owing to this excess expenditure having resulted, legitimate claims of constructions are being rejected to avoid a further increase in this excess ?

(e) Has there been an outbreak of fire in the Office of Kangra Division ? Has that occasioned the loss of any office record ?

(f) What has been the cause of the fire and what has been the nature of the loss resulting from it ?

(g) Has any inquiry been made into the causes of the fire ?

(h) Are Government aware that litigation is threatened on account of the outstanding claims ?

(i) Do Government propose to appoint a committee to inquire into these claims and settle them with a view to avoid unnecessary litigation ?

**Mr. A. A. L. Parsons :** (a) The original estimate was Rs. 134 lakhs, and the actual expenditure is expected to be about Rs. 296 lakhs.

(b) The matter is under enquiry.

(c) Contractors' claims amounting to Rs. 29 lakhs form the subject of arbitration proceedings, the results of which are not yet known.

(d) No.

(e) Yes.

(f) and (g). An enquiry made by the local police authorities found that the fire was accidental.

(h) No.

(i) No. As has been explained, the claim form the subject of arbitration proceedings.

# MEMBERSHIP OF THE CANTONMENT BOARD, LAHORE, OF A LESSEE OF CANTONMENT LAND.

89. **Rai Bahadur Lala Panna Lal :** (a) Are Government aware that in Lahore Cantonment the member nominated to represent agricultural interests on the Board is the lessee of the Board with regard to a large area of Government land in the cantonment ?

(b) Is it a fact that beyond the cantonment land held by him on lease, he has no other land in the Cantonment or outside as his own property ?

(c) Are Government aware that the people of Lahore Cantonment consider the member in question to be ineligible for membership inasmuch as in the position of a lessee, he derives benefit from the Cantonment Board by carrying on a sort of business transaction with it ?

(d) Do Government propose under the circumstance to issue a ruling whether a lessee of a Cantonment land held on lease for purposes of profit, is eligible for membership ?

**Mr. G. M. Young :** I am making enquiries and will let the Honourable Member know the result in due course.

# CONFIRMATION OF SUB-OVERSEERS AND SUB-DIVISIONAL OFFICERS IN THE MILITARY ENGINEERING SERVICE.

90. **Rai Bahadur Lala Panna Lal :** (a) Will Government be pleased to state how many permanent sub-overseers working in the Military Engineering Service have been confirmed during the last three years ?

(b) Does confirmation take place on seniority by length of service or are there other considerations as well to weigh in this matter ?

(c) Will the Government be pleased to state how many temporary Sub-Divisional Officers there are waiting for confirmation, how many of them belong to the Northern Command, what are their names and what is their length of service as temporary Sub-Divisional Officers ?

(d) How many permanent vacancies of Sub-Divisional Officers are there in all and how many are likely to be confirmed in the current financial year ?

(e) Have the claims of any temporary Sub-Divisional Officers been passed over for confirmation, and if so, for what reasons ?

**Mr. G. M. Young :** (a) The information is being obtained from the Chief Engineers of Commands.

(b) Merit also is taken into consideration when the question of confirming a temporary employee arises.

(c) There are two qualified temporary Sub-Divisional Officers on the waiting list, Mr. Nand Singh in the Northern and Mr. P. S. Pandit in the Southern Command. They have completed one year and two months and one year and ten months' service, respectively.

(d) There is only one vacancy at present. It is anticipated that eight more vacancies will occur during the current financial year.

(e) The answer to the first part of the question is in the negative. The second does not arise.

# REPORTED TERRORISATION IN AMBALA CANTONMENT.

91. **Rai Bahadur Lala Panna Lal :** (a) Has the attention of the Government been drawn to an article headed "Terrorisation in Ambala" published in the *Cantonment Advocate* for May, 1930 ?

(b) Will Government be pleased to state what the facts of the case are, and if the facts mentioned in the *Cantonment Advocate* are correct ?

(c) Do Government propose to take any action in the matter to prevent officers who are carrying on Cantonment Administration from being thus humiliated ?

**Mr. G. M. Young :** (a) Government have seen the article.

(b) and (c). I am making enquiries and will let the Honourable Member know the result.

# CONSERVANCY TAX IN CAWNPORE CANTONMENT.

92. **Rai Bahadur Lala Panna Lal :** (a) Is it a fact that the conservancy tax in Cawnpore Cantonment has been recently raised to 12½ per cent. on the annual value of the house ?

(b) Did a deputation of the local Association wait upon the President, Cantonment Board, Cawnpore, to represent to him the oppressively heavy character of the above tax ?

(c) Is it a fact that the President informed the deputation that the tax would be reconsidered ?

(d) Is it the guiding principle of taxation in a cantonment that it should be as nearly equal to taxation in the neighbouring city as possible ?

(e) Are Government aware that the conservancy tax in Cawnpore city is three times less than that of the cantonment ?

(f) Do Government propose to instruct the authorities concerned to re-consider the rate of the conservancy tax and to bring it down to the level of the Cawnpore City, if the same may not have been already done ?

**Mr. G. M. Young :** I am making enquiries and will let the Honourable Member know the result in due course.

# PAYMENT OF COUNSEL TO DEFEND SOLDIERS AND OFFICERS COURT-MARTIALLED.

93. **Rai Bahadur Lala Panna Lal :** (a) Will Government be pleased to state if there is any provision in the Indian Army law to provide facilities for defence in case of soldiers and officers court-martialled for military offences ? If so, in what form are those facilities provided ?

(b) What arrangement is made for the defence of the accused when they cannot afford to engage a defence counsel ? Do Government bear the cost of engaging a counsel ?

(c) Is it a fact that Mr. Mukandi Lal, M.L.C., Bar-at-Law of Lansdowne Cantonment, was engaged to defend the 17 Garhwalis who were recently tried for some military offence at Abbottabad ?

(d) Did the Government pay this counsel his fee for working as a defence counsel ? If so, what was the amount paid and what was the amount claimed by the counsel ?

(e) Was the full amount claimed paid ? If not, why not ?

**Mr. G. M. Young :** (a) Yes, Sir. I would refer the Honourable Member to Rule 81 of the Indian Army Act Rules. A person accused before a court martial may have any person to assist him during his trial : and if such person is either a legal practitioner or a military officer, he has all the rights, duties and facilities of counsel.

(b) The usual practice is to allow the accused to have the assistance of the best qualified officer available who appears at the trial as " Friend of the Accused ". Such an officer has the same rights as Counsel. Government do not bear the cost of engaging Counsel.

(c) Mr. Mukandi Lal was engaged by the accused. A British officer of the Garhwali Regiment also appeared as " Friend ".

(d) The answer to the first part is in the negative. The second does not therefore arise.

(e) Does not arise.

#### DISCHARGE OF CERTAIN CANTONMENT FUND EMPLOYEES.

**94. Rai Bahadur Lala Panna Lal :** (a) Are Government aware that in Quetta, Saugor, Naini Tal and Agra Cantonments, several old Cantonment Fund Employees having long records of service behind them were discharged under a wrong interpretation and application of rule 6 (1) of the Cantonment Fund Servants Rules ?

(b) Will Government please state the names of those discharged during the last four years and the period of their service before discharge ?

(c) Is it a fact that Government have since admitted that rule 6 (1), even as it stood before its recent amendment, did not confer any power on the Cantonment Authority to discharge a Cantonment Fund servant ?

(d) Are Government aware that the employees so discharged are in great distress and that there is a general feeling in the Cantonments that great injustice has been done to them ?

(e) What step do Government propose to take to reinstate those Cantonment Fund employees who have been discharged under a wrong interpretation of rule 6 (1) ?

**Mr. G. M. Young :** (a) So far as Government are aware, no Cantonment Fund employee in the cantonments referred to was discharged under a misinterpretation of rule 6 (1) of the Cantonment Fund Servants' Rules.

(b) Does not arise.

(c) Yes.

(d) and (e). Government are aware that persons discharged under a misinterpretation of the rule have some grievance, and they have accordingly issued instructions restricting the application of the rule to cases, where the discharge of a servant is necessitated by reduction of establishment.

#### GOVERNMENT CIRCULARS INTERPRETING THE CANTONMENT ACT AND RULES THEREUNDER.

**95. Rai Bahadur Lala Panna Lal :** (a) Is it a fact that since April, 1924—the date of the enforcement of the Cantonments Act now in force—the Government have issued a large number of circulars, circular letters and other departmental instructions for the guidance of Cantonment Authorities about the interpretation and application of the various sections of the Cantonments Act and the rules framed by the Government thereunder ?

(b) Is it a fact that to guard public interests and to point out to Government where a circular seemed to override or change the spirit or meaning of Cantonment law, the All-India Cantonments' Association requested the Government to supply a copy of every such circular or of all such correspondence in which instructions of general character applicable to Cantonment Administration were conveyed ?

(c) Is it a fact that some of these circulars have been marked confidential ?

(d) Will Government please explain why circulars explaining the sections of the Cantonments Act or the rules framed thereunder or affecting questions pertaining to Cantonment Administration are treated as confidential ?

(e) Is it a fact that Government have refused to supply the Association with copies of circulars of departmental instructions ?

(f) Are Government aware that the result of their action is that there is no uniformity in the method of carrying on administration in various cantonments, and that there is great resentment at Government issuing circulars secretly regarding the application of cantonment law to cantonment administration ?

(g) Will Government be pleased to explain their policy in the matter, and state reasons why it has ignored the request of the All-India Cantonments' Association, for copies of the circulars issued ?

(h) Are Government prepared to publish all the circulars they have issued ?

**Mr. G. M. Young :** (a) Yes.

(b) Government received a request from the All-India Cantonments' Association for a copy of each circular letter affecting the application of the Cantonment Land Administration Rules, 1925, the interpretation of the various sections of the Cantonments Act, 1924, or the municipal administration of the Cantonments.

(c) Yes.

(d) Circulars addressed to officers of Government or Cantonment authorities for their guidance are confidential in the sense that they are not intended for the information of the public. As I have already explained, the circulars in question have no modifying effect upon sections of the Act, which can only be interpreted by judicial rulings.

(e) Yes, Government refused to supply the Association with a copy of a letter which contained departmental instructions for the guidance of Army Commanders and the Cantonment Authorities subordinate to

them. Government do not propose to convey those instructions to any section of the public.

(f) No.

(g) Copies of important letters affecting the municipal administration of Cantonments will be supplied to the Association as already arranged. The latter part of the question does not arise in view of the reply to part (f) above.

(h) No.

#### APPOINTMENT OF ASSISTANT SECRETARIES IN CANTONMENTS.

96. **Rai Bahadur Lala Panna Lal :** (a) Will Government be pleased to state how many Assistant Secretaries have been appointed in the cantonments so far? What are their names, qualifications and salaries?

(b) Are there any rules governing these appointments? If so, where can the same be had and when were they adopted?

(c) Is a register of approved candidates for these appointments maintained in the Command? Has one such register been maintained in the Northern Command? If so, how many candidates are still on the waiting list?

(d) What qualifications and training is a candidate required to possess before his appointment as an Assistant Secretary is considered?

**Mr. G. M. Young :** (a) Assistant Secretaries have been appointed in seventeen cantonments. Government have no information of their names, qualifications and salaries.

(b) and (d). The appointments are made by individual Cantonment Authorities. There are no rules of the Government of India regulating the manner of appointment: nor, in the opinion of Government, are any such rules required.

(c) I am making enquiries and will let the Honourable Member have the information as soon as possible.

#### TRANSLATION AND DISTRIBUTION OF THE INDIAN CENTRAL COMMITTEE'S REPORT.

97. **Khan Bahadur A. H. Mama :** (a) Will Government be pleased to state what arrangements they propose to make to translate the Indian Central Committee's Report, submitted to the Viceroy and Governor-General of India, into European and Indian vernaculars and for distribution in America, in view of similar arrangements being made, by His Majesty's Government?

(b) Are Government prepared to publish at least a summary of their recommendations as early as possible into the Indian and European vernaculars and for distribution in America?

**The Honourable Mr. H. G. Haig :** (a) and (b). The Government of India do not propose to make any official translations of the Reports or of summaries of the Reports of the Statutory Commission or of the Indian Central Committee. Their view is that such translations are best left to private enterprise. Applications received from private translators will be freely granted, subject to conditions which will ensure the accuracy of

the translation. If there is any demand for copies of the Indian Central Committee's Report in America, arrangements will be made to meet it.

#### APPOINTMENT OF ADVISORY BOARDS OF CIVILIANS IN CANTONMENTS.

98. **Rai Bahadur Lala Panna Lal :** (a) Is it a fact that a deputation of the All-India Cantonments' Association that interviewed the Army Secretary in June, 1929, urged the desirability of appointing Advisory Boards of the civilian population in cantonments administered by corporation sole to enable Commanding Officers of those cantonments to know the views and desires of the Cantonment people in matters pertaining to cantonment administration?

(b) Are Government aware that the Army Secretary agreed to the above proposal?

(c) Will Government be pleased to state if the Advisory Boards mentioned above have been appointed after that in any cantonment, and if so, where and what is the constitution of those Advisory Boards?

(d) If not, will the Government state the reasons for not giving effect to a useful measure agreed to by it and do Government propose to carry it out now without delay?

**Mr. G. M. Young :** (a) to (c). No, Sir; the Army Secretary, on the occasion mentioned, agreed to consider a suggestion of the deputation of the All-India Cantonments' Association that in Cantonments where the form of Cantonment Authority was "Corporation Sole" the Officer Commanding might consider the advisability of consulting one or two representatives of the civil population in matters affecting their civil interests. The suggestion was accordingly brought to the notice of the General Officers Commanding-in-Chief, all Commands, and the Commander, Burma Independent District, for their consideration.

(d) Does not arise.

#### RE-IMPOSITION OF A PROFESSIONAL TAX IN RISALPORE CANTONMENT.

99. **Rai Bahadur Lala Panna Lal :** (a) Are Government aware that a professional tax has recently been imposed at Risalpore Cantonment?

(b) Is it a fact that this tax was proposed to be levied some three years ago but was given up?

(c) Will Government be pleased to state the reasons why the realisation of the tax was given up after its imposition, and how the consideration that led to that step ceased to exist at the recent re-imposition of the tax?

(d) Is it a fact that the rates of the tax for different professions are heavier than those of the neighbouring cantonments where that tax is imposed?

(e) Are Government aware that all the shops in Risalpore Cantonment where trade and business is carried on belong to the Cantonment Authority, Risalpore, and that tradesmen of that cantonment are already paying heavy rent for the shops at the bidding of the Cantonment Authority?

(f) Are Government aware that the re-imposition of the professional tax there has caused great unrest among the people?

(g) What are the reasons for imposing this tax?

(h) Are Government prepared to suspend the realisation of the tax till its necessity and the capability of the people to pay it are further inquired into ?

**Mr. G. M. Young :** I am making enquiries and will inform the Honourable Member as soon as possible.

REPRESENTATION SUBMITTED BY THE RISALPORE CANTONMENT BAZAAR ASSOCIATION.

100. **Rai Bahadur Lala Panna Lal :** (a) Is it a fact that the Risal-pore Cantonment Bazaar Association submitted a representation to the Northern Command containing a number of grievances against the Cantonment Authority and requesting an interview to discuss those grievances ?

(b) Has the Northern Command given the Risal-pore Cantonment Bazaar Association an opportunity for the same ? If not, what considerations prevented the Northern Command from granting that request ?

(c) Is it a fact that the representation in question has been sent by the Northern Command to the Cantonment Authority, Risal-pore, and are Government aware that as a result thereof, the people's grievances have been accentuated ?

(d) Do Government propose to issue general instructions that in cases like the above, the Commands should welcome an opportunity of the informal discussion of public grievances ?

**Mr. G. M. Young :** Government have no information. I am making enquiries and will let the Honourable Member know the result in due course.

PERCENTAGE OF LITERACY AMONGST DIFFERENT COMMUNITIES.

101. **Mr. Nehal Singh :** Will Government be pleased to state what is the percentage of literacy among the Hindus, Muhammadans, Jains, Sikhs, and Parsis in India ?

**The Honourable Mr. H. G. Haig :** I would refer the Honourable Member to Table VIII of the Census of India, 1921, Volume I, Part II-Tables, copies of which are in the Library of the House.

EARNINGS FROM DIFFERENT CLASSES OF PASSENGERS ON THE EAST INDIAN RAILWAY.

102. **Mr. Nehal Singh :** Will Government be pleased to state the amount of earnings from the passengers travelling in first, second, inter and third classes of the East Indian Railway separately in the last financial year ?

**Mr. A. A. L. Parsons :** The earnings from passenger traffic for the year ending 31st March, 1930, were as follows :

|                     | Rs.         |
|---------------------|-------------|
| 1st class .. .. .   | 14,45,000   |
| 2nd class .. .. .   | 24,64,000   |
| Inter class .. .. . | 46,89,000   |
| Third class .. .. . | 5,11,76,000 |
| Total .. .. .       | 5,97,74,000 |

CANDIDATES FROM MINORITY COMMUNITIES APPOINTED TO THE I. R. S. E. AND I. S. E.

103. **Sardar Gulab Singh :** Will Government be pleased to state :

(a) the number of candidates from minority communities who attained the qualifying standard in the examination held by the Public Service Commission in February, 1930, for recruitment in the I. R. S. E. and I. S. E. ;

(b) the number of vacancies which were reserved for the redress of communal inequalities in the I. R. S. E. according to rule 3 of the regulations for that service published by the Public Service Commission ;

(c) the number of Sikhs selected for appointment in the above service and the number of Sikh officers already in that service ;

(d) also the corresponding number of candidates selected for appointment by nomination and the number of officers already in the service, of each of the remaining minority communities ; and

(e) if Government intend to recruit one Sikh from among the list of qualified candidates ?

**Mr. A. A. L. Parsons :** (a) Five.

(b) Three.

(c) The answer to the first part of the question is none. The answer to the second part of the question is 6.

(d) The answer to the first part of the question is that two candidates of minority communities have been selected for appointment this year and one selection remains to be made.

The answer to the second part of the question is as follows :

|                          |    |
|--------------------------|----|
| Muslims .. .. .          | 15 |
| Anglo-Indians .. .. .    | 25 |
| Indian Christian .. .. . | 1  |

(e) No, as the remaining vacancy has been reserved for a Muslim.

MOTION FOR ADJOURNMENT.

CONTINUATION OF REPRESSIVE MEASURES IN THE NORTH WEST FRONTIER PROVINCE.

**Mr. President :** I have received notice of the following motion of adjournment from Maulvi Mohammad Shafee Daoodi :

" Sir, I beg to give notice of my intention to move an adjournment motion on Monday next for the purpose of discussing the following matter of urgent public importance :

" The continuation of repressive measures in the North West Frontier Province."

Notice of this motion was received by me on Saturday afternoon. I should like to know if Government have any objection to this motion.



**The Honourable Mr. H. G. Haig** (Home Member) : Sir, I should like to submit for your consideration certain points of order in connection with this motion.

**Maulvi Mohammad Shafee Daoodi** (Tirhut Division : Muhammadan) : Speak loudly, please.

**Mr. President** : Order, order. I wish Honourable Members would restrain themselves from indulging in these loud whispers, because it is very difficult to hear anything on account of the disturbance and noise created.

**The Honourable Mr. H. G. Haig** : The motion is based on the continuance of repressive measures in the North West Frontier Province. A motion under the rules, Sir, can only be made if it relates to a definite matter of urgent public importance. The first point I would like to submit for your consideration is that the continuance of a certain state of affairs is hardly a definite matter. It is unfortunately the case that for some months past it has been necessary to take certain measures in the North West Frontier Province, though, as I have already been indicating, in reply to certain questions this morning, those measures are fortunately now much reduced. But I would submit that the mere continuance in a reduced form of certain measures is not a definite matter within the meaning of the rule.

Further, Sir, it is necessary that the matter which is sought to be raised should be an urgent matter, and the word "urgent" has several times been interpreted by your predecessors as meaning a very recent occurrence. I would refer you, Sir, to the ruling of Sir Frederick Whyte on the 10th January, 1922, reported in Volume II of the Debates, at page 1453, in which he held that a matter to be definite, urgent and of public importance, in the sense in which these terms are used in the Standing Order, must have arisen suddenly in the manner of an emergency. I would refer also to the discussion in this House on the 14th September, 1922, reported on page 502 of volume III, in which Sir Frederick Whyte held that, as soon as a matter of this kind is brought to the notice of the Honourable Member and he wishes a discussion thereon, he should at the first available opportunity bring it before the Assembly. As I have already mentioned, the matter to which the Honourable Member seeks to draw attention by this method has been going on for some considerable time, and I would submit that the Honourable Member should have given notice of his intention to move an ordinary Resolution and could have brought the matter to notice earlier than he has done. I would submit that no emergency has recently arisen suddenly, and I would therefore ask you, Sir, to consider whether there is any case for adjourning the business of the House on these grounds on this particular day.

**Maulvi Mohammad Shafee Daoodi** : Sir, the occurrences in the North West Frontier Province have been certainly going on for some months, but as you know, and as everybody knows, there has been the strictest censorship prevailing in that province. The papers in the province have been suppressed. The people have not been allowed to cross the frontier, and men from this part of the country were not allowed to go to the frontier. Pandit Madan Mohan Malaviya was prevented from going to the frontier and so also Maulana Shaukat Ali, when he corresponded with the Government, was not allowed to go. There are many

other instances. I believe our ex-President Mr. V. J. Patel also wanted to go to the frontier for the purpose of holding a very important inquiry, but he was not allowed to go there. I want to point out that there was no means of communication between the frontier and this part of India. It was only recently, day before yesterday, that one man came here from there and another man came even after that. These men have come from Peshawar without knowing that they can have their grievances redressed here even if they came at the present moment. But they have become desperate, and in their desperateness they have left their homes and come to Simla. In their desperateness I am told that the people there are so much exasperated that they will either leave the country and perform what is called *hijrat* from the North West Frontier Province, or choose some such method as will prove detrimental both to India and to the British Government. I need not tell the Government what they are thinking of doing, because I know that the Government must be in possession of more information than the man who came to me has. It seems to me that a very serious situation will arise if immediate steps are not taken to prevent the excesses that are being committed by the authorities even now there. Therefore I say that the information that has been given to us is absolutely recent ; we had no such definite information previously to enable us to come forward in this Assembly. Our previous information would have been dismissed as vague and hearsay. But now eye-witnesses have come, as I told you, only on Saturday last.

As regards the definiteness of the matter, I have taken great care to cross-examine these men and to find out what definite matters they have to place before me and before the Assembly. They have given me information of incidents which took place on the 6th and 7th July. On the 6th July, a village called Yar Hussain in Swabi Tahsil, in the Peshawar District, was blockaded by the military, and after the blockade, the military entered the houses and did all sorts of damage not only to the property but also to the people inside the houses. I have some self-respect and therefore I do not want to say what they have done, but I shall merely let Honourable Members on the Government Benches imagine the state of things when military enter a village after the blockade of the village ; they can easily imagine it. I find that this incident has been eye-witnessed by these men. Again, we have the incident of the 7th in the village of Sherpao in Charsada Tahsil of the Peshawar District, and I find that that incident also is equally horrifying. I should say that the Government have become—I would not use a stronger word—blind to all these things. I do not know how long it will take to forget the incidents which are happening in the Frontier Province. At the present moment they have taken a vow of non-violence, and therefore not one single soul has been fired upon by the people during the recent disturbances ; had it not been for their vow of non-violence, things would have taken a different turn.....

**Mr. President** : I would request the Honourable Member to reply to the constitutional issue whether this motion is in order or not ; he is not called upon to go into the merits of the case at this stage of the debate.

**Maulvi Mohammad Shafee Daoodi** : I was telling you that these two incidents are definite instances which are in continuation of the incidents which happened earlier. I am not referring to the earlier incidents, because the Honourable Sir Fazl-i-Hussain went there and those matters were to a certain extent brought to his notice ; but even after his departure,

[Maulvi Mohammad Shafee Daoodi.]

these things are happening ; and as I have said, no more proof of definiteness can be given than what I have given just now.....

**Mr. President :** Are these incidents mentioned in the motion for adjournment ?

**Maulvi Mohammad Shafee Daoodi :** I have said very clearly in the motion—the repressive policy of the Government being continued at the present moment. It means this and many more incidents—I mentioned only these two in order to illustrate my statement. Therefore I say that the repressive policy of the Government is being continued in the Frontier Province, and I am quoting instances of recent occurrence, of which we could not have had any knowledge, except through these men who have come here and who were eye-witnesses of the occurrences. Considering all these things, I should say that my motion relates to a definite matter of the repressive policy of the Government in the Frontier Province, and that it is urgent because, if immediate measures are not taken to prevent and stop this state of things, I believe that the whole of India will be involved in something terrible. Therefore I say that the matter is definite, that it is recent, and the remedy I want to be applied is urgent—otherwise it will involve us in very great difficulty.

**Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division : Muhammadan Rural) :** Sir, the Honourable the Home Member has, as I understand, raised two definite issues before the House. One is that the matter, being continuous, is hardly a definite matter of public importance ; and secondly, that it is not urgent because it is not of recent occurrence ; and in support of the latter he has quoted the opinion of a predecessor of yours, namely, of Sir Frederick Whyte. Sir, my point is this, that, firstly, I maintain that it is a matter of definite public importance for this reason, that though it is continuous, there must be a limit to one's patience and the conditions at present in Peshawar, as we are informed, from whatever little news we have been able to get.....

**Mr. President :** This point cannot bring the motion within the four corners of the rule.

**Mr. Fazal Ibrahim Rahimtulla :** I maintain that it is a definite matter of urgent public importance. The second point is this : Members here were expecting that the recent visit of the Honourable Member for Education, Health and Lands, Sir Fazl-i-Husain.....

**Mr. President :** I am afraid you are again going into the merits of the case.

**Mr. Fazal Ibrahim Rahimtulla :** I am not, Sir, I want to say that the matter has become urgent because Sir Fazl-i-Husain was not successful in his visit, and we want that something must be done by the Government here. That is my point. A representation was submitted. I am told, to the Honourable Member while he was there but he has not succeeded in pacifying those people there and he has returned and hence his visit has been unsuccessful.....

**Mr. President :** That cannot turn an indefinite motion into a definite one.

**Mr. Fazal Ibrahim Rahimtulla :** It may be true, Sir, but it can make the recent occurrences urgent and of a definite character ; because his

visit was unsuccessful. People thought that the Honourable Member would be able to pacify the people there and reduce or minimise the difficulties existing there at the present moment.

**Mr. President :** But even that occurrence is not mentioned in the motion.

**Mr. Fazal Ibrahim Rahimtulla :** The motion says "repressive policy of the Government of India". That means the policy that is being followed there and which, if not stopped in time, might lead to disastrous consequences. Therefore it is a matter of urgent definite public importance. That was my submission. There is reason to believe that the visit, authorised with the concurrence of the Government of India, of Sir Fazl-i-Husain, to go there and ascertain first-hand information and to find out what could be done, was unsuccessful. That is why I maintain that the matter is urgent and it must be debated in this House. A question was raised by the Honourable Member that this could have been brought up as a Resolution. It is very difficult to get Resolutions here balloted, and even if balloted there is very little chance of their being reached.....

**Mr. R. S. Sarma :** What is the source of information of the Honourable Member that Sir Fazl-i-Husain's visit was unsuccessful ?

**Mr. Fazal Ibrahim Rahimtulla :** I think I will leave Mr. Sarma to the Honourable Members of Government. It is better that he should not interfere in this matter. Whatever information I have is quite correct and I shall substantiate it when the adjournment motion is allowed and a full dress debate takes place.

**Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) :** Sir, in the first place the word "continuation", which has been used, is, to my mind, a very positive and definite idea. It is not a negative idea nor is it indefinite. The second point is about the definition of the word "urgency". With due deference to our first President, I should maintain that the definition of urgency now advanced is very much open to question. It is said that anything that occurred some time ago is barred from discussion even if it be left unknown by the action of the Government. Now, I can certify that the Honourable the Mover did not know of the facts till Saturday morning, and as soon as he came to know of the facts, he took the first opportunity to give notice of a motion ; and if these facts were left unknown to the Mover, it is certainly not his fault, but of those who are in charge of affairs.

As regards the point about public importance, I may repeat in unequivocal words what I uttered in February last. I warned you as to what would happen in the Frontier Province—I told you the same thing, that if your policy is not changed.....

**Mr. President :** That is not discussing the point of order ; you must confine yourself to the point of order.

**Dr. Ziauddin Ahmad :** I just want to prove that this is a matter of public importance and my reason for it is this....

**Rai Sahib Harbilas Sarda :** It is objected to only on the ground that it is not definite or urgent.

**Dr. Ziauddin Ahmad :** And of public importance.  
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**Mr. President :** Nobody has denied so far that this is a matter of public importance ; even the Honourable the Home Member did not say that it was not a matter of public importance. The point raised by him was that it was not a definite matter—no particular definite incident was mentioned in the motion—and that it was not urgent. These are the two defects which the Honourable the Home Member pointed out and I would like Honourable Members in their reply to restrict themselves to these two salient points.

**Dr. Ziauddin Ahmad :** Sir, the matter is very definite, and a positive idea is implied in the words. As regards "urgent", the Honourable the Mover took the first opportunity to make this motion as soon as he came to know the facts.

**Sir Hari Singh Gour** (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I think our silence on this occasion is likely to be misunderstood, and I therefore wish to say a few words in connection with this matter. As regards the meaning of the word "definite", everybody knows that a matter is definite if it can be defined, is certain and that there is no vagueness about it. Now is there any vagueness about this subject ? Can anybody say that it is vague ? I think the Honourable the Home Member, in objecting to the admissibility of this motion, has himself pointed out how clear and definite the issue is. The definiteness lies in the defined policy of the Government in connection with frontier unrest. Nothing can be more definite than this, and I think it is sheer super-criticism to say that this matter is not definite. He knows it ; everybody knows that the matter is there. The question is, is it urgent ? Now, that it is urgent is equally clear from the fact that the ordinary laws have been suspended in the Frontier Province and emergency measures put in force. What justification is there for the suspension of ordinary laws and resort to extraordinary emergency measures if the Government of India did not consider this matter as one of urgency ? Urgency means and implies avoidance of delay. The ordinary normal procedure entails delay and the justification of the Government for resorting to extraordinary procedure is admission of the fact that this exceptional procedure is resorted to because the matter is urgent. I therefore submit, Sir, that both on the question of definiteness and urgency there cannot be two opinions.

As regards the matter being of public importance the Honourable the Home Member admits it. I submit, therefore, that on the broad constitutional issue, you should rule, Sir, that the matter is both definite and urgent within the meaning of the rules. Similar questions had been allowed and discussed in this House, and the Honourable the Home Member will find precedent after precedent that questions of this character had been admitted by your predecessors during the last ten years. I therefore think that, in the interests of justice and in the interests of the right of this House to give the Government a lead as to the right policy they should follow, this motion should be admitted.

**Mr. President :** Will the Honourable Member cite any ruling on this point ?

**Sir Hari Singh Gour :** If you will give me a little time, Sir, I shall be able to hunt up the rulings. I am speaking from my recollection in this House, and I am quite sure that I shall be able to show you the rulings on this point. But if you want me to give you the time and the dates on

which these rulings were given, I shall require a little time, because you cannot expect me to carry in my head the rulings contained in about 45 volumes of the Assembly debates.

**Mr. Arthur Moore** (Bengal : European) : May I ask the Honourable Member to state for our information in what sense the ordinary law has been suspended in the North West Frontier Province ? We are not aware of that.

**Dr. A. Suhrawardy** (Burdwan and Presidency Division : Muhammadan Rural) : There were never any ordinary laws in force there at all.

**\*Raja Ghazanfar Ali Khan** (North Punjab : Muhammadan) : Sir, I shall confine my observations to only one point, and that is about the question of urgency. As we have just learnt, the Honourable the Home Member has told us that, according to Sir Frederick Whyte's ruling given in this House in 1922, a motion can be called as one of urgent importance if it has been moved without losing much time. Now, Sir, I do not want to repeat the arguments advanced by Maulvi Mohammad Shafee, but there is strict censorship in the Frontier Province, and everybody knows it. I come from a place which is much nearer the Frontier Province than that of my friend, and I can assure you, Sir, that we were absolutely unable, in spite of our great anxiety, to get any correct news of what was going on in the Frontier Province, and we used to get very exaggerated reports. Therefore Sir, before making this motion here, we waited for the conclusions of the Sulaiman Committee's Report. We thought that unless we had an authentic document before us which would tell us what the real situation is, we would not be in a position to debate in this House. The Government's Resolution on the Sulaiman Committee's Report was published only four days ago. We were expecting that we would be supplied with a copy of that important document before this Session came to an end, and we thought that would be the proper time to discuss this question. Now, Sir, although the information conveyed to us through the papers may not be as complete as we desire, we are in possession of certain facts, and the present was the only early opportunity when we could move this motion. That, Sir, I think, will certainly show the urgency of the case, and it will also give the definite reasons why it was impossible for us to move this motion a few days earlier.

Only one more point, Sir, that I would like to place before the House, and that is the wording of the Resolution has been slightly modified and altered even during the discussion of the motions on previous occasions. My friend Maulvi Mohammad Shafee has used the words "the repressive policy in the Frontier Province". I think what he exactly meant was the present critical situation in the North West Frontier Province. Sir, as regards the definiteness of the motion, I think the Honourable the Home Member did not give us any reasons as to why the matter was not definite. The mere continuation of a certain definite thing does not make it indefinite, and the Honourable the Home Member having admitted that it was a definite matter, but as it continues, I don't understand why he calls it indefinite. Therefore, Sir, this matter is both urgent and definite, and I would request you to allow it to be discussed, and I can assure you, Sir, that the discussion will be carried on in a manner which would be helpful to remove the present tension.

\* Speech not revised by the Honourable Member.

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**Maulvi Sayyid Murtuza Saheb Bahadur** (South Madras : Muhammadan) : Without going in detail into this question, I may merely invite the attention of the House to the fact that numerous atrocities have been perpetrated in the villages of Sherpao and Yar Hussain on the 6th and 7th instant, and to add to this list, I might also mention the name of the village Umarzay. These are the definite villages in which excesses have been committed and atrocities perpetrated. Sir, these high-handed actions have reached a climax now. And yet if the Honourable the Home Member or any other representative of Government should come forward to question the definiteness of the matter and urgency of the question, it cannot but be deplored.

**Mr. President** : I think the question has now been sufficiently debated. We have had a debate for fully half an hour, and I think it is time that I should give my ruling. I have given my very anxious thought to this question, and really it has distressed me very much. I assure Honourable Members that I am not distressed any less than the Honourable Member who has given notice of this motion or any other Member on the floor of this House. But Honourable Members know that motions for adjournment of the House can only be allowed for the purpose of discussing a definite matter of urgent public importance. Such a motion must be restricted to a single specific matter of recent occurrence and must be of an urgent nature. It has been pointed out that there were certain matters of recent occurrence which came to the notice of the Honourable Maulvi Mohammad Shafee Daoodi on the morning of Saturday. Notice of this motion was handed over to me on the afternoon of Saturday. So, it is clear that the Honourable Member was in possession of these specific facts on the morning of Saturday before he gave me notice of this motion, and I do not see any reason why none of these incidents of recent occurrence was specifically put down in the notice of motion for adjournment. The motion of which Maulvi Mohammad Shafee Daoodi has given notice runs as follows :

"The continuation of repressive measures in the North West Frontier Province."

Not a single definite measure of a repressive character has been mentioned in this motion. It is obvious that the motion, as it has been framed, is not definite, nor does it relate to a single specific matter of recent occurrence, as was pointed out by the Speakers of the House of Commons on several occasions. The Honourable Member would have been well advised if, in framing his motion, he had stated some specific matter of recent occurrence. It has been pointed out by Dr. Ziauddin Ahmad, or by some other Honourable Member, that the ordinary law has been suspended in the North West Frontier Province. If that was a specific matter of recent occurrence, it ought to have been mentioned in the motion, if it was desired to discuss it as a matter of sufficient importance. Then, it has been pointed out by some Honourable Members that they were waiting for the Report of the Sulaiman Committee. If that was the case, the Report of the Sulaiman Committee was published a few days ago, and the Honourable Member could have very well said in his notice that he wanted to move an adjournment of the House for the purpose of discussing the unsatisfactory character of the Sulaiman Committee's Report. Nothing of that sort has been done. Again, it has been stated that there were no means of communication, and that no gentlemen could come from the frontier to give them real facts. But we know it very well that about a week before the Assembly met, about half a dozen gentlemen

from the Frontier Province came to Simla and they had a discussion about matters which were going on in that province with Assembly Members at Simla, including Dr. Ziauddin Ahmad himself. Therefore, I cannot say that Members of this House were not in possession of information in order to put it definitely in the motion for adjournment. No doubt, the situation at present created in the North West Frontier Province is a matter of great anxiety and I would be the last man to come in the way of any debate on that subject, provided it fulfilled the necessary conditions laid down in the rules of the Assembly. This point of view is also supported by a ruling which was given in this House some years ago. A similar point arose on the 16th July, 1923, when Lieut.-Colonel H. A. J. Gidney wanted to move the following motion for an adjournment of the House :

"The appalling condition leading to unparalleled economic upheaval in India due to the unemployment of middle classes, Domiciled Community and Indians."

This motion was framed in a form similar to the one which is now before the House. Sir Frederick Whyte ruled as follows :

"I am afraid the Honourable Member has mistaken the bearing of the rules. The rule, as I think I have explained, provides an opportunity for Members of this House to draw the attention of Government to a matter of recent occurrence which could not otherwise be discussed under the ordinary procedure of the House. The matter to which the Honourable Member is referring, namely, the appalling condition of the middle classes due to unemployment is a matter which, though urgent in his reading of the word, is not urgent in the sense of the rule and therefore I am afraid I cannot admit it."

There is another ruling on this point of a more recent date. A similar point arose on the 7th September, 1927, when Mr. M. K. Acharya wanted to move the following motion for an adjournment of the House :

"I desire under Rule 11 of the Indian Legislative Rules to make a motion for the adjournment of the business of the Assembly to-day (7th September 1927) for the purpose of discussing a definite matter of urgent public importance, namely, the decision of the Bengal Nagpur Railway authorities immediately to retrench 2,000 men of the Khargpur workshops at a time when the neighbouring parts of the country are stricken with the havoc caused by the recent floods, and while the said railway authorities are giving out on contract to private firms large quantities of work till recently done in the railway workshops by the workmen themselves."

My predecessor in office, the Honourable Mr. V. J. Patel, gave the following ruling :

"I am clearly of opinion that the matter is of great public importance. But I am not convinced that the matter is urgent. I should have certainly admitted this notice of motion for adjournment if it had come to me on the 18th August. The decision proposed to be questioned was arrived at on the 15th August. It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 18th."

In the present case also, the House met for the first time on the 7th July, and notice of this motion was handed to me only on the 12th. As I have already stated, all these facts were within the knowledge of Honourable Members when the House met on the 7th July. (Some Honourable Members : "No, no.") From the statements which have been made by some Honourable Members on the floor of the House today, it is quite clear that they were in possession of certain definite matters of information before the 7th July. In May's Parliamentary Practice, page 247, it is laid down :

"The Speaker declines to submit a motion for adjournment to the House if, in his opinion, the subject to be brought forward is not definite, urgent, or of public importance."

[Mr. President.]

I regret very much to say that the motion of which the Honourable Member has given notice is framed in such vague and undefined terms that I have no option but to rule it out.

**Sir Hari Singh Gour** : Will it be open to the Honourable Member to recast the motion and place it before this House ?

**Mr. President** : If a second motion comes before the Chair, the Chair will consider it.

**Nawab Sir Sahibzada Abdul Qaiyum** (North West Frontier Province : Nominated Non-Official) : Just on a point of information, Sir. Do I understand that the suggestion made by Mr. Jinnah this morning, and in a way accepted by the Foreign Secretary, will stand and that some sort of opportunity will be given for the discussion of the affairs of the North West Frontier Province ?

**Mr. President** : This is a point on which it is difficult for the Chair to say anything.....

**Nawab Sir Sahibzada Abdul Qaiyum** : I want the information from the Government side.

**Mr. President** : Order, order. I regret very much to say that when this question was being discussed so many Honourable Members got up to express their opinions, but the distinguished Member from the North West Frontier Province did not get up and did not say a single word in support of the leave asked for. (*An Honourable Member* : "He is a nominated Member.") (*Another Honourable Member* : "How can he ?")

#### STATEMENT LAID ON THE TABLE.

##### HYDRO-ELECTRIC POWER SUPPLIED FOR THE GREAT INDIAN PENINSULA RAILWAY.

**Mr. A. A. L. Parsons** (Financial Commissioner : Railways) : Sir, I lay on the table the information promised in reply to starred question No. 814, asked by Mr. Sarabhai Nemchand Haji on the 24th March, 1930, regarding power supplied by the Hydro-Electric concerns for the suburban service of the Great Indian Peninsula Railway.

(a) The rate per unit is 0.6 anna when the payments are made on the minimum consumption and 0.425 anna per unit plus Rs. 4.2-8 per month per "Kilowatt of Maximum demand" when payments are made on actual consumption.

(b)

| Period.                                   | Minimum units to be paid for by the Railway per month. |
|-------------------------------------------|--------------------------------------------------------|
| January, 1925 to 30th June, 1926 .. .. .  | 850,000                                                |
| 1st July, 1926 to 30th June, 1927 .. .. . | 2,000,000                                              |
| 1st July, 1927 to 30th June, 1929 .. .. . | 4,000,000                                              |
| 1st July, 1929 to 30th June, 1932 .. .. . | 5,000,000                                              |
| 1st July, 1932 to 30th June, 1937 .. .. . | 6,000,000                                              |

(c) and (d).

| Month.                      | Actual consumption in units and Kilowatts of Maximum Demand. | Amount paid. |
|-----------------------------|--------------------------------------------------------------|--------------|
|                             |                                                              | Rs. A. P.    |
| July, 1928 .. .. .          | 3,277,686 Units .. .. .                                      | 1,50,000 0 0 |
| August, 1928 .. .. .        | 3,297,300 Units .. .. .                                      | 1,50,000 0 0 |
| 'A' September, 1928 .. .. . | 3,195,500 Units .. .. .                                      | 1,50,000 0 0 |
| October, 1928 .. .. .       | 3,597,400 Units .. .. .                                      | 1,50,000 0 0 |
| November, 1928 .. .. .      | 3,746,164 Units .. .. .                                      | 1,50,000 0 0 |
| December, 1928 .. .. .      | 4,274,600 Units .. .. .<br>11,568 K. W. .. .. .              | 1,61,744 1 0 |
| January, 1929 .. .. .       | 4,289,600 Units .. .. .<br>12,024 K. W. .. .. .              | 1,64,042 8 0 |
| 'A' February, 1929 .. .. .  | 3,878,500 Units .. .. .                                      | 1,50,000 0 0 |
| March, 1929 .. .. .         | 4,683,750 Units .. .. .<br>13,152 K. W. .. .. .              | 1,79,212 2 0 |
| April, 1929 .. .. .         | 4,899,550 Units .. .. .<br>13,248 K. W. .. .. .              | 1,85,344 5 0 |
| May, 1929 .. .. .           | 5,106,540 Units .. .. .<br>12,960 K. W. .. .. .              | 1,89,642 8 0 |
| June, 1929 .. .. .          | 5,157,200 Units .. .. .<br>14,832 K. W. .. .. .              | 1,98,788 2 0 |

The minimum number of units fixed for the period from 1st July, 1927, to 30th June, 1929 [as shown in item (b) above] was 4,000,000 and, as the consumption during the months marked 'A' was below the minimum, the payments in these cases were made on the minimum number, viz., 4,000,000 at the flat rate of 0.6 anna per B. T. unit.

#### PRELIMINARY REPORT UPON THE EXPENDITURE OF THE CENTRAL GOVERNMENT.

**The Honourable Sir George Schuster** (Finance Member) : Sir, in accordance with an undertaking which I gave in the last Delhi Session, I beg to lay on the table\* a preliminary Report by Mr. Jukes on his inquiry into the expenditure of the Central Government.

#### THE INDIAN LAC CESS BILL.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : I beg to move that the Bill to provide for the creation of a fund for the improvement and development of the cultivation, manufacture and marketing of Indian lac, as reported by the Select Committee, be taken into consideration.

\*The Report was placed in the Library of the House.

[Sir George Rainy.]

When I moved in February last, Mr. President, for the reference of this Bill to a Select Committee, I explained in some detail to the House what exactly our proposals were and why they were put forward. The House on that occasion passed without discussion the motion to refer the Bill to a Select Committee, thereby accepting the principle of the Bill. All that I need do at this stage is to recall to the memory of Honourable Members very briefly the substance of what I said then. Hitherto the cess collected under the Act of 1921 has been administered by the Indian Lac Association, which is a private association, but registered under the law. The Act would in the ordinary course have terminated unless it was specially extended at the end of the year 1931. Last year the Indian Lac Association intimated to Government their view that the whole system should be re-organised on a more permanent and satisfactory footing and that the Association should be relieved of duties for the adequate performance of which it felt it had neither the knowledge nor the experience required. This Bill therefore provides for the constitution of a statutory body—of a committee to administer the expenditure of the funds which are collected by means of the cess. The Bill has been carefully considered by the Select Committee to which it was referred. They have found it necessary to make only one amendment in it of a purely formal nature. In these circumstances, Sir, I do not think I need take up any more the time of the House. Sir, I move.

The motion was adopted.

Clauses 2 to 12 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir George Rainy :** I move that the Bill, as amended, be passed.

The motion was adopted.

#### THE NEGOTIABLE INSTRUMENTS (SECOND AMENDMENT) BILL.

**The Honourable Sir George Schuster (Finance Member) :** I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as reported by the Select Committee, be taken into consideration.

This short Bill deals with a matter of practical importance to the commercial community which has been under discussion for several years. Its object is clearly stated in the printed explanation and was also made clear by me in the Simla Session of last year when I moved my motion for the circulation of the Bill for opinions. At the same time, I wish to avoid any possibility of misunderstanding of the provisions of the Bill and I propose to give this House few short explanatory remarks. Honourable Members who are familiar with commercial practice are aware that the present law affords protection to bankers in the case of forged or unauthorised endorsements on order cheques. That is to say, if a bank has presented to it an order cheque which purports to be endorsed by or on behalf of the payee, the bank is discharged by the payment in due course, even though the payee's endorsement may have been

forged or unauthorised. "Payment in due course" has a technical meaning and is defined in section 10 of the Negotiable Instruments Act which says :

"'Payment in due course' means payment in accordance with the apparent tenor of the instrument in good faith and without negligence to any person in possession thereof under circumstances which do not afford a reasonable ground for believing that he is not entitled to receive payment of the amount therein mentioned."

A bank therefore has a certain responsibility in the matter ; that is to say, a bank has to exercise reasonable caution or to avoid negligence. To give this protection to Banks is a common practice in all civilized countries, but under the Indian law as it stands it is not quite certain whether similar protection is given to banks in the case of a draft drawn by one office of a bank on another office of the same bank. Such a draft is exactly analogous to a cheque and would be handled in the course of business in exactly the same way, but we have been advised that it is possible that it might be held that, under the Negotiable Instruments Act as it stands, a draft drawn by one office of a bank on another office would not be a cheque and would not be entitled to the same protection. The whole object of this short Bill is to make it clear that bankers are to have the same protection against the effects of forged or unauthorised endorsements in the case of such a draft as they have in the case of a cheque. Therefore, nothing new is being introduced into commercial practice. No dangers to the public are involved, and we are simply making it clear that this recognized form of protection applies in the case of drafts drawn by one branch of a bank on another branch of the bank.

Now as I said at the beginning, this matter has been under consideration for some time, and I think it is fair to say that such differences of opinion as have been expressed about this Bill do not depend on objections to the object of the Bill but simply on a doubt as to its necessity. It is held by those who say that this Bill is unnecessary that the law already provides for the object which we are now seeking to provide for. The Bill has been circulated, and I think again it is fair to say that the overwhelming majority of the opinions received are in favour of legislation on these lines. Of the dissentient opinions that have been expressed, only one or two raise objections to the purpose of the Bill, and again I think it is fair to say that those objections really seem to me to be based upon a misunderstanding of its purpose.

In dealing with the question of opinions there is one matter to which I should like to call the attention of the House. When the Bill was under previous discussion, I took the opportunity to talk over its provisions at some length with one who used to be an Honourable Member of this House and whose opinion on these matters was always regarded as representative. I refer to my Honourable friend, Sir Purshotamdas Thakurdas. I had discussed this matter with him at the time and I had some further discussion with him at the end of the last Delhi Session, and this was followed by correspondence in the month of April. I should like to read to this House the final letter which I received from him closing this correspondence. I may explain to the House that we had some discussion as to whether, under the Bill as originally drafted, we should substitute the word "banker" for "bank". It was held by the Legislative Department here that it would be preferable to use the word "banker", but



[Sir George Schuster.]

Sir Purshotamdas Thakurdas, speaking for the interests which he represents, thought that that word might make the Bill a contentious one and I therefore agreed to meet his views and to retain the word "bank". After that decision had been communicated to him he wrote as follows :

"In continuation of my letter to you dated the 22nd instant I have now ascertained the view of the Committee of my Chamber and they see no objection to the Government proceeding with the Bill in the Assembly, although, as you know, they have said before now that in their opinion the Bill is not necessary and is almost redundant. But inasmuch as they do not consider it harmful to the interests of the commercial community, they have no objection to Government carrying it through the Assembly should the Honourable Finance Member consider that necessary."

Well, Sir, after a careful consideration of all the circumstances, we are definitely of the opinion that it is necessary. In conclusion, I should like to say a few words on the minor amendments which have been introduced into the Bill as a result of the discussions in Select Committee. These concerned themselves with two points only. The Select Committee has added words which in effect give a definition to the word "draft". It is a curious fact that no definition of the word "draft" occurs in the Negotiable Instruments Act. I presume the omission is really due to the fact that the word is considered to be so well understood that no definition is necessary. However, it was suggested in some of the opinions received—and as noted in the Report of the Select Committee, those opinions came from particularly authoritative quarters—I would refer for example to the opinion of the Honourable the Chief Justice of Bengal—that the word "draft" ought to be defined. Therefore we have added in the Select Committee a definition of the word "draft" by adding the words, "that is, an order to pay money". I think that ought to leave the matter with no possibility of doubt. The only other amendment was of a very minor nature. We have substituted the word "office" for the word "branch" in the case of a bank, it having been thought that the word "office" is clearer than the word "branch". I do not think that I am called upon to give any further explanations, and with these words, Sir, I move.

The motion was adopted.

**Mr. President :** The question is that clause 2 stand part of the Bill.

**Mr. Saradindu Mukerjee** (Calcutta Suburbs : Non-Muhammadan Urban) : Sir, I have an amendment\* standing in my name, but in view of what has fallen from the Honourable Sir George Schuster's lips, I think the question of cheques does not arise in this case because the law is clear on this point, and since the Honourable the Finance Member wants to make clear only the law as regards drafts, I think he has practically accepted my amendment.

**Mr. President :** So you do not move your amendment?

**Mr. Saradindu Mukerjee :** No, Sir, as my amendment has been accepted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

\* That in clause 2 of the Bill to the proposed section 85A the following proviso be added :

'Provided that a draft does not include "cheques" used locally in India.'

**The Honourable Sir George Schuster :** Sir, I beg to move that the Bill, as amended, be passed.

The motion was adopted.

## THE INDIAN FOREST (AMENDMENT) BILL.

**Mr. G. S. Bajpai** (Government of India : Nominated Official) : Sir,

I beg to move that the Bill further to amend the Indian Forest Act, 1927, for a certain purpose, be taken into consideration. The Bill is, as Honourable Members must have seen for themselves, a very small measure indeed. It is intended to meet a situation arising out of the fact that sub-clause (a) of clause (f) of section 2 of the Indian Forest Act (XVI of 1927) does not contain any provision whatsoever for the regulation of the movement of the commodity known as "kuth". "Kuth" is a forest produce, which has a certain value in China where it is burnt as an incense and, we find, that inasmuch as there is no provision under the law at the present moment to enable us to regulate the movement of this commodity, there is a considerable amount of smuggling going on. The commodity is produced largely in Kashmir, but it is also produced in certain parts of British India and in other Indian States. The authorities concerned met in conference last May at Lahore and came to the conclusion that the best way to prevent smuggling, which, I understand, is calculated also to disturb public tranquillity, is to add the word "kuth" after the word "seeds" in sub-clause (a) of clause (f) of section 2 of the Act. That, Sir, is the object of the amendment, and I hope that it will commend itself to the House. Sir, I move.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I would like to know whether the present Bill is moved for the benefit of the Indian States or for the benefit of British India. The other thing, which I would like to request the Honourable the Mover to do, is to place before the House all the circumstances of the case which led the Government to bring forward this Bill, because there are a good many things talked about this affair and I should like to have some authoritative statement from the Member in charge of this Bill.

**Mr. G. S. Bajpai :** As regards the first question, Sir, asked by the Honourable Dr. Ziauddin Ahmad, I should say that the Bill is intended to meet not merely the requirements of the Indian States but also the requirements of British India, because, in the Kulu Sub-Division of the Kangra District of the Punjab the growing of "kuth" is being encouraged, and it seems desirable that the Punjab Government should have authority to deal with the movement in British India of "kuth" that they may produce in their own forests and plantations.

As regards the second point, my Honourable friend said that there was a good deal that was being talked about this matter. If he had been good enough to specify what the nature of these conversations was, I would have been probably in a position to answer him. So far as I

[Mr. G. S. Bajpai.]

am concerned, I think I have given all the facts relating to the necessity for this legislation. The position is that "kuth" finds a very valuable market in China and, because it finds a valuable market in China, and there is no provision under the existing law to regulate its movement through British India, people, both from British India and, more so, perhaps from Indian States, get hold of this commodity and smuggle it out of India. The State primarily concerned, namely, Kashmir, and also the British Indian authorities, find that they really cannot do much in the present situation to deal with these smugglers because, under the law as it stands at present, it is not illegal to take this commodity called "kuth" across British India. Inasmuch as both the Kashmir State and British India stand to lose revenue by the absence of any legal control over this smuggling, it is proposed to amend the Act.

**Dr. Ziauddin Ahmad :** Did the suggestion for the amendment of the Act come from Indian States or from the Punjab Government ?

**Mr. G. S. Bajpai :** The suggestion came from the State of Kashmir, but it was considered by the Punjab Government as well as by the North West Frontier Administration.

**Dr. Nand Lal (West Punjab : Non-Muhammadan) :** Sir, the provision of the Bill, as proposed, appears to be of great importance. "Kuth" is of great monetary value. It is imported into British India and it has got a good sale. There was a lack of legislative sagacity when this word was not included and I am in support of the inclusion of this word "kuth" and therefore I support the Bill.

**Mr. President :** The question is :

"That the Bill to amend the Indian Forest Act, 1927, for a certain purpose, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. G. S. Bajpai :** Sir, I beg to move that the Bill be passed.

The motion was adopted.

#### THE INDIAN TELEGRAPH (AMENDMENT) BILL.

**The Honourable Sir Joseph Bhore (Member for Industries and Labour) :** Sir, I move that the Bill further to amend the Indian Telegraph Act, 1885, for a certain purpose, be taken into consideration. This is a small measure rendered necessary by modern developments in aerial transport. The existing Act makes provision for the grant of permission by rule to marine craft to operate wireless within Indian territorial waters. All that this Bill now seeks to do is to extend that provision to the case of aircraft in or flying over British India or over Indian territorial waters. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

**Mr. President :** The question is that Clause 1 stand part of the Bill.

**The Honourable Sir Joseph Bhore :** Sir, with your permission, I would like to move a purely formal amendment to this clause. It is this :

"That in clause 1, for the figures '1929', the figures '1930' be substituted".

I ought to explain, Sir, that this Bill has been with the Legislative Assembly Department for over a year, and it is much regretted that this formal mistake was not noticed by me before. Sir, I move the amendment.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Sir Joseph Bhore :** Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

#### THE BOMBAY CIVIL COURTS (AMENDMENT) BILL.

**The Honourable Mr. H. G. Haig (Home Member) :** Sir, I beg to move that the Bill further to amend the Bombay Civil Courts Act, 1869, for a certain purpose, be taken into consideration. This, Sir, is a small measure which has been introduced as a consequence of an amendment recently made in a local Act, the Bombay Civil Courts Act. Under that Act, the jurisdiction of a Subordinate Judge of the second class extended only to original suits and proceedings wherein the subject matter did not exceed in value Rs. 5,000. The amendment made in that Act has extended the limit for the jurisdiction of Subordinate Judges of the second class from Rs. 5,000 to Rs. 7,500. In section 26 of the Bombay Civil Courts Act, provision is made for appeals to the High Court from suits decided by Subordinate Judges, and as this matter relates to the jurisdiction of the High Court, it is necessary that any amendment should be undertaken in the Central Legislature. The provision in section 26 of the Bombay Civil Courts Act is that in all suits decided by a Subordinate Judge of the first class, of which the amount or value of the subject matter exceeds Rs. 5,000, the appeal shall be direct to the High Court. In consequence of the amendment already carried out in the Local Legislative Council, there are now suits of the value of more than Rs. 5,000 which will be decided by Subordinate Judges of the second class, and the object of this Bill is to provide that in such cases, the appeal from a Subordinate Judge of the second class as well as of the first class will go direct to the High Court.

Sir, I move.

**Dr. Nand Lal :** (West Punjab : Non-Muhammadan) : May I ask the Honourable Member whether there is no third class Subordinate Judge ? Is he aware of it ?

**The Honourable Mr. H. G. Haig :** I am not aware whether there is a Subordinate Judge of the third class. But in any case, if there is

[Mr. H. G. Haig.]

such a Judge, he is not empowered to deal with suits exceeding Rs. 5,000 in value.

**Mr. President :** The question is :

"That the Bill further to amend the Bombay Civil Courts Act, 1869, for a certain purpose be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**The Honourable Mr. H. G. Haig :** Sir, I move that the Bill be passed.

The motion was adopted.

#### THE BENARES HINDU UNIVERSITY (AMENDMENT) BILL.

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : Sir, I beg to move that the Bill further to amend the Benares Hindu University Act, 1915, for certain purposes, be taken into consideration.

Sir, the objects of the Bill are very fully stated in the Statement of Objects and Reasons and it is unnecessary, I think, for me to say more than a very few words in support of a brief, but by no means an unimportant, measure. The Government of India have recently, as the House is aware, increased their annual grant to the Benares Hindu University from 1½ lakhs to 3 lakhs, and have given the University a non-recurring grant aggregating 15 lakhs, with the object of enabling it to liquidate its indebtedness, to balance its budget, to improve its staff and to provide for the normal expansion of its Engineering College. In view of the fact that these grants amounted to a considerable sum, the Government of India felt that it was in the best interests of the University that a Standing Finance Committee should be established which would examine the annual accounts and financial estimates of the University and rule out expenditure in excess of its income and resources. This suggestion was very readily accepted by the authorities of the University and the present Bill is the outcome of their acceptance. The details of the constitution, powers and duties of the Committee will be prescribed by Statutes which will be framed under the provisions of the existing Act. As the House will see, opportunity is also being taken of the amendment to the Bill for this purpose to embody certain provisions taken from a Bill of which Pandit Madan Mohan Malaviya gave notice in 1926, but with which he was unable to proceed further. These relate to certain matters of domestic concern, but the Government of India have very willingly accepted the suggestions of the University authorities on these points.

The only point I wish to urge in conclusion is that this Bill has the full concurrence of the Vice-Chancellor, and the Court of the University of Benares and that therefore there is nothing in any way contentious about it. Sir, I move.

**Dr. Nand Lal** (West Punjab : Non-Muhammadan) : Sir, I support the Bill. I have examined the provisions of the Bill and I am of opinion that it is all right.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I cannot see the significance of the unusual procedure adopted in this particular Bill, and why it has not been referred to any Select Committee. There was plenty of time ; the Select Committee could have met during the sittings of this Assembly and could have reported in time to pass the amended Bill. There are one or two very important considerations which I would certainly have brought to the notice of the Select Committee had it been suggested and I take the opportunity of bringing them before the Assembly now.

**Mr. President :** Has the Honourable Member sent any amendment to the motion of Sir Frank Noyce asking that the Bill should be referred to a Select Committee ?

**Dr. Ziauddin Ahmad :** I sent no amendment or proposal of that kind, for which I express my regret. So I shall speak on the original motion.

The Bill provides for an increase in the number of members of the Syndicate from 17 to 20. Of course this is an important consideration, and it would have been far better if Government had taken this opportunity to move for a fundamental change, that fundamental change being that the constitution of the Syndicate ought to have been provided for in the Statutes and not in the Act. That is the procedure adopted in the Aligarh and other Universities Acts, so that, whenever there is a change in the number, the Legislative Assembly is not troubled with it and it becomes only a question between the Government of India and the University authorities. In some other University we have seen that the number of the executive body was reduced from 30 to 3, and probably the time is not far distant when they will have to raise it again from 3 to some other number. It was very fortunate that, in the constitution of that University, the constitution of the governing bodies was not prescribed by the Act but by the Statutes. Therefore, I would have very much welcomed it, had Government brought forward a motion, on these lines instead of only increasing the number from 17 to 20. The question of number should be fixed by the Statutes and not by the Act, and the Assembly may be relieved from the discussion about the increase from 17 to 20 and perhaps after some time again another change may be made from 20 to 11, or so.

Coming to the merits of the question itself, I am very doubtful whether the increase in the number of the Executive Committee is an expedient and wise move. Under the old Universities Act, in the case of the Syndicate, which deliberated both on the academic and on the financial side of the Universities, the number of members never exceeded 17 or 18. Here in the Benares University the executive of the academic and financial sides are separated. The executive part is in the hands of the Council, the academic part is in the hands of the Syndicate. Besides, they have got faculties also to deal with important questions of common interest. It is very desirable that the executive academic committee should be a compact body of a smaller number which may be able to act in unison and quickly. It would not happen if the number was

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increased. Therefore I would have very much liked Government to consider whether, instead of discussing the question of numbers on the floor of the House, they could not have transferred this particular provision to the Statutes and left the University to change the number with the permission of the Government of India or the Local Government, as the case might be. I think that would have been a very desirable method, and had Government not been in precipitate haste in bringing forward this Bill, I would certainly have made a suggestion which I am sure they would have accepted, and the University would also have accepted it. The academic opinion also would have endorsed that this kind of change ought not to be discussed on the floor of this House but should be settled by the University and the Government by mutual consent.

Now, Sir, I come to the really important issue which has led to the introduction of this Bill. On the face of it, it appears to be a very innocent proposition. It aims at simply adding one more authority to the University in the shape of a Standing Finance Committee. But we know that there is something deeper in apparently innocent propositions. Government always present bitter things in sugar coated form, so that people may not look into the inner meaning of the whole thing. Why is the change needed? Section 27 of the Act says :

"The following shall be the authorities and the officers of the University..... and such other authorities and officers as may be provided for by the statutes."

In the face of this provision that any authority can be created by the Statutes, is it necessary explicitly to provide it and add one more clause? I will give the answer myself. Here is another clause about the change of the Statutes. Section 17 of the Benares Hindu University Act says that the Statutes can be altered with the permission of the Governor of the United Provinces. But whenever they want to change the constitution of the Senate and Syndicate, the Court and the Council, the permission of the Local Government is not enough. They must also come to the Government of India for permission. Therefore, they wanted to provide in this Act that a change of the constitution of the Standing Finance Committee should not be made with the approval of the Local Government alone, but it must also come to the Government of India. It is evident that mention cannot be made of the Standing Finance Committee in the last proviso of the section unless it is also mentioned in section 7 of this Act. Why are the Government of India specially interested in providing this particular proviso? It is a truism that whenever the question of control comes in, both the Government of India and the Local Government vie with each other in claiming that these two unfortunate Universities, Aligarh and Benares, are under them. The Government of India on the one side maintain that they are the authority for them, the Local Government try to impose still greater authority over these two Universities. In fact every one claims to exercise authority over these Universities. The United Provinces Legislative Council several times, without division, sanctioned grants for the Benares and the Aligarh Universities. The unanimous wish of the Members of the United Provinces Council was always ignored by the United Provinces Government on the ground that these two Universities

do not come under them; they have no concern with them. They are not transferred subjects, but they are subjects directly under the Government of India, and therefore they could not give any grant whatsoever.

Then we come to the question of State scholarships. The Government of India constituted special State scholarships, but they did not make them available to the Benares and Aligarh students. They said it was not their concern. They give scholarships to the Frontier Province, Delhi, Ajmer-Merwara and not to Aligarh and Benares. Whenever these scholarships are instituted by the United Provinces Government, they explicitly exclude the Aligarh and the Hindu Universities from the award of these scholarships. So that when it is a question of scholarships, one Government shoves these two Universities on to the other, but whenever the question of control comes in, each Government maintains that these two Universities are under them and tries to put as many screws on as possible. This thing would not have been needed if, in sub-section (4) of section 17, they had added that the change of Statutes would require the permission of the Government of India, and all these difficulties would have been solved and this double control, which is now being exercised over these Universities, would have been avoided.

Now coming to the subject matter of the Finance Committee, the University has been in existence for about 15 years now. There has been a Finance Committee working there for these 15 years and no action has been taken about it. If their expenditure had been irregular, it would have been very desirable to draw their attention to it in time and not to continue waiting for a long period of 15 years and then come forward in the end with a bomb shell in the shape of creating a special Finance Committee with a Government spy in it.

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

The Assembly re-assembled after Lunch at Twenty Five Minutes to Three of the Clock, Mr. President in the Chair.

**Dr. Ziauddin Ahmad :** Sir, I pointed out before Lunch that, instead of moving a change in the number of members of the Syndicate, it would have been more profitable to the University, to the Government and certainly to the Legislature if they had amended the section, and transfer the constitution and powers of the Syndicate from the Act to the Statutes. Then it would have been open to the University and to the Government to go on playing with the change of numbers and we would have saved our time. This procedure is provided in the Acts of the modern Universities including Aligarh University, and I thought the present opportunity would be utilised for this particular change.

As regards this Standing Finance Committee proposed in the Bill, I would like to know from the Honourable Member in charge of the Bill as to what was the constitution of the Finance Committee from the beginning up to the present time, and what changes the Government of India have proposed in the constitution of this new Finance Committee which they are now introducing by this Bill. Of course, it is said that

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these suggestions have been accepted by the University. That may be true ; but since the Government give a very big grant, no University can refuse their demand. I should like to know whether the suggestion for the change in the constitution of this new Standing Finance Committee came from the Government of India, or whether it originated from the University. I would like to have information on this point as well.

**Sir Frank Noyce :** I am sorry that I did not catch the last point on which the Honourable Member desires to have information.

**Dr. Ziauddin Ahmad :** Whether the suggestion for the change in the constitution of the Finance Committee originated from the University or from the Government of India. The Honourable Member may say that there had been irregularities in the financial arrangements of the University. Supposing that was correct, why did not Government draw the attention of the University to it in time. Had timely action been taken by the University, there would not have been any necessity to adopt the measures which they are now proposing in the constitution of the Finance Committee. This is really one of the important defects in the present organisation of the Universities in general, that they have not got any organisation like the Grants Committee in England which might give timely advice to the Universities and avoid ultimate crises. When this new Advisory Board is established, then one of the important things they would look after would be that they would be giving timely advice to educational institutions, and these irregularities, which are now allowed to accumulate, will probably disappear and timely advice given to the Universities will certainly help in avoiding crises which might lead to some extraordinary action either by the University or by the Government. Therefore, it is very desirable that the Government of India should formulate some kind of policy about higher education. Of course I am not discussing other aspects of education at present, which may be entrusted to this new Advisory Board, and which I would very much like to be established at an early date. I sent in the notice of a Resolution to this effect last Delhi Session, and I sent in a notice again this time, but both times it was ruled out by the hallot, and so I did not get an opportunity to move it. Of course I do not want to discuss the Advisory Committee on this particular Bill, but I would certainly say that that Committee might function in the same manner as the Grants Committee, in the case of Universities. Of course it will have other functions as well in connection with other aspects of education, dissemination of information and advice to students who desire to go abroad. But I do not want to discuss those points now. I do feel that, although the Government have not utilised the present opportunity and have not moved the right motion, which they ought to have moved in order to make the affairs of the University more efficient, they had only one thing in their minds, namely, how to keep control over the affairs of the University. To my mind this is a very unimportant thing. The thing which we ought to look after is undoubtedly the efficiency of the University and not control either by the Local Government or by the Government of India in which alone the Mover of the Bill is interested, because the whole object of the Bill is to transfer the power of altering the constitution of the Finance Committee from the Local Government to the Government of India. I

say that this and this alone is the object of introducing this particular Bill. I maintain that Government ought to introduce some machinery which might help to avoid similar occurrences in this and other Universities in future by giving suitable, timely advice. I do not want to oppose this particular Bill, but I do regret that the Bill has not been rightly drafted ; if the Government had given us an opportunity to refer the matter to Select Committee, then probably it would have come out in a more useful form and included suggestions for more efficient working of the Universities. With these remarks, I close my observations.

**The Revd. J. C. Chatterjee** (Nominated : Indian Christians) : Sir, the Honourable and learned Member, Dr. Ziauddin, seems to have smelt a hare and has hunted extensively and long to unearth his quarry. But as I read this innocent looking Bill, it seems to me that the covert is not thick enough to hide even a rat, and therefore I think that the learned Member has to some extent unnecessarily exorcised himself. At all events, if we look at the Statement of Objects and Reasons of this Bill, we find at the end the following significant words : " This Bill gives effect to the above proposals, which have the full concurrence of the Vice-Chancellor and the Court of the University ". It seems to me that if the Vice-Chancellor and the Court of the University of Benares have given their full concurrence to these proposals, they could not have done so without the closest scrutiny. Although, I have the greatest admiration for the ingenuity and efficiency of the Education, Health and Lands Department, yet I am certain that even they are not astute enough to throw dust into the eyes of such astute and learned gentlemen as the Vice-Chancellor and the members of the Court of the University of Benares. So, if there had been something suspicious about this Bill, they would have certainly smelt it and would have raised a great deal of dust about it ; and since they have not done so, it seems to me that the fears and suspicions of my Honourable and learned friend are to some extent or largely unfounded. The main objection he has to the Bill apparently refers to the constitution of this Standing Finance Committee by statute. From the experience I have had for some years in the Standing Finance Committee it seems to me that the two Universities of Aligarh and Benares as well as others, are constantly coming up to the Central Government for large grants. The Universities of Aligarh and Benares have lately asked for very large sums of money—and I believe rightly—for the use of their Universities. Those sums of money were asked for and have been provided by the Central Government. It is therefore only right and proper that the Central Government, the custodian of the money of the taxpayer, when it makes such large grants, in however worthy a cause, should exercise a certain right to examine and scrutinise how that money is spent, and therefore it seems to me to be strange that the Honourable and learned gentleman should question the right of the Central Government having a certain amount of say in the constitution of this Standing Committee. The funds are not being provided by the provincial Governments on this occasion ; they are being provided by the Central Government, and therefore it is but right and proper that the Central Government should exercise some control over the expenditure of those funds.

Then there is another point, Sir. While these grants were asked for and various memoranda were presented to the Standing Finance

[The Revd. J. C. Chatterjee.]

Committee, it appeared that a great deal of criticism about the manner in which certain funds have been spent in a particular University was made. That is not a secret; it is public knowledge. It is therefore necessary that a strong Standing Committee should be created by statute to regulate these funds and to make it answerable to Government, who provide the funds. I think it is only right that such a body should be created.

Then my Honourable and learned friend is well aware that a great many Universities have these Standing Finance Committees. Drawing a parallel from my own University of Delhi, we have got a body which is almost on all fours with the body which is now proposed for the Benares Hindu University. We have a Standing Committee which sits for three years. That is for the normal term of elections in our University, and that is what is being proposed for the Benares Hindu University. I am not aware what the exact composition of this Standing Finance Committee is going to be, but I have no doubt that with the one or two nominees, who ever they may be, of the Government or rather of the Chancellor or the Rector, there would be certain elected representatives on the Court. That I must say, my friend will agree, is very nearly the same as in the other Universities. There also we have Standing Finance Committees, and whether they are Standing Finance Committees created by the Universities or whether they have been actually created by statute, to my mind it makes very little difference.

**Dr. Ziauddin Ahmad :** On a point of order, Sir. The Finance Committee has been in existence for 15 years.....

**Mr. President :** That is not a point of order.

**The Revd. J. C. Chatterjee :** I am quite aware, Sir, that the Finance Committee has been in existence, and I believe the intention of this Bill is to strengthen it so as to make it responsible to the authority which provides the grants that the University is now asking for. I was just saying that, in my own University of Delhi, there is a Finance Committee, on which the nominees of Government sit, for the simple reason that the University of Delhi is dependent upon Government for a very large portion of its revenue, and nobody has taken objection to it, because people who provide the money must have a certain amount of say as to the manner in which it is going to be spent. I think, Sir, the Honourable Member is unduly suspicious and that he is unnecessarily worrying himself over a matter in which there is very little to fear.

The other point he has referred to is the proposal for raising the number of the members of the Syndicate. I again feel that it is a very healthy change, because to increase the number of members of the Syndicate of a large University like that of Benares, which is in some way an All-India institution, from 17 to 20, is all for the good. Even in a small University like that of Delhi, the members of the Syndicate, or the Executive Council as it is called, exceed 20. So in a University like that of Benares, where so many interests have to be represented, it seems to me that the raising of the number from 17 to 20 is a step in the right direction, and whether it is done by statute or by some other method, to my mind the procedure makes very little difference. It is

a practical proposal, and has the full support, as we are told, of the Vice-Chancellor and of the Court of the Benares University, and therefore we in this House ought to have no apprehension in passing this Bill.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I shall not take much time of the House, but I only want to say just one or two words. I found doctors on either side disagreeing. When doctors disagree, laymen like me have to be very cautious. The learned doctor on this side came forward with some of his objections, and the reverend gentleman from that side came forward with what he considered to be his replies to those objections, and I was simply wondering how I could best adjust the two sides, and it looked to me as if my reverend friend was trying to measure the scale of the Benares University with that of the Delhi University.....

**The Revd. J. C. Chatterjee :** Not at all.

**Mr. M. K. Acharya :** .....or possibly my Honourable and learned friend on this side was trying to compare the scale of the Benares University with that of the Aligarh University. Any way, I am not concerned with any scale, whether borrowed from Delhi or from Aligarh. All that I want to say is this. It is very unfortunate that my old friend Pandit Madan Mohan Malaviya is not here in this House today when a Bill like this is introduced, because probably he is the person best qualified to speak and to tell us once for all how far this Bill will satisfy the authorities of the Benares University. I am not at all concerned with the reconstitution of the Standing Finance Committee. I never take much trouble about these things. How many Members are going to be on the Standing Finance Committee or who is to appoint them, these are matters which I leave to the practical genius of practical gentlemen. I am a dreamer and philosopher; and these numbers 17 or 20 do not trouble me at all. There is only one feature in this measure which I think I should welcome, and that is all that I wanted to say. There will be an examination in Hindu religion for all Hindu students. It seems to be one of the changes that are in contemplation, and I welcome that change. I believe it was about years ago that I paid a visit to the Benares Hindu University; and I stayed there for three or four days with somebody, and it then impressed me that the so-called Hindu University in Benares was just as good or as bad as any of the big first grade colleges in South India. There was nothing particularly Hindu about it, except that all the students that were receiving education in that University happened to be students who are, I suppose, in the Census Report described as Hindus. Of course, in the Census Report a Hindu is one who is neither a Muhammadan nor a Christian.....

**Dr. A. Suhrawardy :** Is that the definition?

**Mr. M. K. Acharya :** I believe it is so.

**The Revd. J. C. Chatterjee :** Nor a Parsi.

**Mr. M. K. Acharya :** Nor a Jew. So I do not believe that the Census Officers, or even the Government of India for that matter, are yet sure as to who a Hindu is. I am supposed to come from a non-Muslim constituency; that is all. That is all the definition of my constituency, and I am a non-Muslim. I think, Sir, in that respect the



[Mr. M. K. Acharya.]

Hindu University is non-Muslim and non-Christian. There was no Muslim or Christian religious teaching given in that University. I myself graduated from a Christian college, and I learnt plenty of the New Testament in my college, and I do not ever regret that I did learn it. In any case, it struck me in those days that, although something was shown in the time table by way of religious instruction to the boys, yet very little was actually given. And in passing I may say that in the days in which I was a teacher myself in charge of an educational institution, I always made it a great point to impart religious instruction on non-sectarian lines to the pupils—in fact at one time I even went to the length of moving the Madras Government to appoint a Committee on the subject. I had to write a book on the subject for the benefit of the High School boys in the Madras Presidency—that was all in the old days. Any way, I took some interest to see what kind of religious instruction was imparted to the students of the Benares University; and it struck me that very much more might have been done than was actually done in those days. I hope there is a change now coming on, and that the students of the Benares Hindu University will not be just nominally receiving instruction in the Hindu religion, in Hindu ideals and Hindu Dharma, but they will receive really sound and good instruction so as to be able to stand the test of an examination, if need be, in the instruction which is supposed to be imparted to them.

Therefore, I think that this provision that there would be an examination also and not merely instruction so as to make sure that the boys do learn something is, on the whole, a fairly satisfactory innovation. I admit one may know all the scriptures and yet may be as bad a renegade as anybody can be. Therefore, there is a good deal of difference between learning and actual conduct in life. However, there is this fact of being the knower of one's religion, whether one follows it or not. Knowing one's religion, one may be tempted to follow it in due course. That was an innovation which I thought was welcome. That is all that interested me in this Bill. For the rest, I hope that now that the expert on one side has been answered by the expert on the other side, a layman like myself may on this occasion at least vote with the Government and see the Bill passed.

**Sir Frank Noyce :** Sir, my Honourable friend Mr. Chatterjee has made such an able defence of this measure that it is unnecessary for me to add very much to what he has said. Dr. Ziauddin has accused Government of precipitate action in bringing the Bill forward. The papers I have in front of me are, I think, sufficiently thick to rebut that charge. This Bill has been under consideration for at least a year, and short and simple as its provisions appear to be, they have been the subject of very prolonged discussion with the Vice-Chancellor of the University. I myself have spent several hours with him in devising a measure which will be equally satisfactory to Government and to the authorities of the University.

Dr. Ziauddin has asked why the Bill was not referred to a Select Committee. It was because we were satisfied that it was acceptable to the authorities of the University, and because, as I have said, that its provisions are simple and no question of drafting arose, that we did not

consider that it was necessary to refer it to a Select Committee. Dr. Ziauddin thought that, if that had been done, opportunity might have been taken so to amend the Benares Hindu University Act as to bring such questions as the number of the Syndicate within the operation of the Statutes instead of that of the main Act. I think, if he had looked up the history of University legislation in this country, he would have realised why such an amendment would not have been desirable nor acceptable to the University. The Benares Hindu University Act dates from before the Report of the Calcutta University Commission. Since that Commission reported, its advice in regard to the drafting of University Acts has been followed, and such matters as Dr. Ziauddin has mentioned are now brought within the operation of the Statute. If we had made an amendment bringing the number of the Syndicate within the Statutes, we should have had to do likewise with regard to the constitution of the other authorities of the Benares Hindu University and that would have meant a very extensive remodelling of the Act, which hardly appears necessary.

Now, I come to the main point, which is the necessity for a Standing Finance Committee for the Benares Hindu University. Dr. Ziauddin referred to this requirement as a bombshell to the University. I think myself that Universities would welcome bombshells of this kind which "burst with blessings on their heads". The bursting of such a bombshell has its advantages and disadvantages and the disadvantage in this case is, of course, that the grants to the University have been made on the condition that it sets up a strong Standing Finance Committee. It has in the past had a Finance Committee, but it is an entirely informal body which was not constituted under the Act or under the Statutes. I venture to think that when Government increase the annual grant of the University from Rs. 1½ lakhs to Rs. 3 lakhs and give it non-recurring grants to the extent of Rs. 15 lakhs, they are justified both in their interests, in the interests of the taxpayer and in those of the University in taking steps to see that the grants are properly administered. That is also the opinion of the University, as I have said. The University authorities have never raised any objection whatever to the constitution of a Standing Finance Committee. The only objections they did raise were as to the manner in which it should be constituted, and those objections have now been met fully and completely. I was asked how this Standing Finance Committee is to be composed. It will consist of the Vice-Chancellor *ex-officio*, who will preside over its meetings, one member of the Court, who will be nominated by the Lord Rector, one member who will be nominated by the Vice-Chancellor, and two members of the Court who will be elected by the Court. I submit that there is no Government spy on that Committee; it consists entirely of the members of the Court who presumably enjoy the confidence of the University.

**Dr. Ziauddin Ahmad :** No representative of the Government of India ?

**Sir Frank Noyce :** The nominee of the Lord Rector. There is no question of the Government of India controlling the activities of the Standing Finance Committee: it will have full power in its own sphere. All that the Government of

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India insist on—and I think they are justified in insisting on—is that any change which may be made in the Statutes constituting the Standing Finance Committee shall come up to the Governor General in Council for approval. This House has constituted a Standing Finance Committee of its own and I cannot but conceive that a Standing Finance Committee cannot but be of great advantage to a University. It is, I submit, from the Standing Finance Committee thus constituted that the University can expect the advice which Dr. Ziauddin thought should be tendered by the Government of India or by a body constituted by the Government of India. I hardly think that the Education Board, whose formation he envisages in the near future, would be in a position to give the University advice in regard to the management of its finances, or that, if such advice was given, it would be altogether welcome to the University which is very jealous of its autonomy.

I think, Sir, I have said sufficient to show that the Bill is a salutary measure, and I repeat once more—and I am sure the House will agree—that there cannot be anything radically wrong with a measure which is acceptable both to the University authorities and to the Government of India.

**Dr. Ziauddin Ahmad :** Will the Honourable Member please answer two of my questions which I have already put ? One is, who originated the proposal of a Standing Finance Committee, and the other is, whether the decision of the Standing Finance Committee shall be final or subject to revision by the Council of the Court ?

**Sir Frank Noyce :** I am sorry I omitted to answer those questions. I think the reply is really implicit in what I have stated. The suggestion that there should be a Standing Finance Committee emanated from the Government of India, which felt, as I have said before, that, in making grants of the large amounts I have mentioned, they ought to have some means of assuring themselves that they were properly administered and that there would be no more bombshells coming in another fifteen years' time. The second question is whether the constitution of the Standing Finance Committee has the approval of the Court. I can assure the Honourable Member that that is the case. I have before me the draft Statutes regarding the constitution of the Standing Finance Committee, which have been sent to us by the Court.

**Dr. Ziauddin Ahmad :** It has been imposed on the so-called autonomous University.

**Mr. President :** The question is :

“ That the Bill further to amend the Benares Hindu University Act, 1915, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Sir Frank Noyce :** I move that the Bill be passed.

The motion was adopted.

## RESOLUTION RE CONVENTION FOR PROTECTION OF WORKERS AGAINST ACCIDENTS.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I move :

“ That this Assembly having considered :

- (1) the Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships ;
- (2) the Recommendation concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships ; and
- (3) the Recommendation concerning the consultation of workers' and employers' Organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships ;

adopted by the International Labour Conference at its Twelfth Session recommends to the Governor General in Council that he should examine the possibility of giving effect to the above Convention and the Recommendations and that the results of this examination should be placed before the Assembly within eighteen months from this date.”

I have only a few words to say in respect of this Resolution, but I think it is due to the House that I should tell them what exactly are the reasons which have made it necessary to bring it forward. As the House will see from its terms, it does not commit the House to any definite expression of opinion, but it conveys an injunction to the Government of India to proceed with its examination of the question, and to place its proposals before the Legislature within a period of 18 months. The necessity arises in this way. Under Article 425 of the Treaty of Versailles, the member Governments have bound themselves to bring any draft convention or recommendation adopted by the International Labour Conference before the competent authority empowered to take action, within 18 months from the date when the draft convention or recommendation was adopted. In this case the period of 18 months will expire on the 21st December next, and as legislation will be necessary before the Government can ratify the Convention, it is necessary in order to comply with the provisions of the Treaty, that the draft Convention and the Recommendations should be brought before the Indian Legislature this Session, because before the next Session begins, the period of 18 months will have expired. The nature of the Resolution being what it is, I do not think it is necessary for me to go into any great detail as to the terms of the Convention. It provides a pretty complete code for the protection of workers, employed whether ashore or afloat, in loading and unloading ships. In a matter of this kind, it is obvious that we could not in any case come to decisions without consulting Local Governments, commercial bodies, shipping interests and the Port Trusts and we started consulting them some time ago. We have not, however, yet received the opinions of all Local Governments, and we shall not be in a position to formulate our proposal until we have their replies. Thereafter the whole matter will be taken up and in due course the proposals of the Government of India will be placed before this House. Sir, I move.

**Mr. N. G. Ranga** (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : I learn from the reports submitted to the Government of India by its delegates to the International Labour Conference that this particular proposal was placed before them by the Government of India in April last. Their delegates to the International Labour Conference claimed that it was not possible for them to ratify

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or to accept this particular convention on behalf of the Government of India, in view of the fact that the Government of India had such short notice. In fact this was the same claim that they advanced in reply to my Honourable friend, Mr. Matin Chaudhury, who criticised their attitude. Sir, I learn from the Honourable the Leader of the House that the Government of India has not yet had sufficient time to consult Local Governments and also the other organisations which are concerned with this particular matter. It is also learnt from him that the Government of India have had replies only from a few provinces and not from all. I should be very grateful to the leader of the House, Sir George Rainy, if he would inform me whether they received the proposal from the International Labour Office in April, 1930, or April, 1929. If it was in April, 1929, that the Government of India were apprised of this convention of the International Labour Conference, certainly they have had more than enough time to consider this. If they had notice only in April last, that is three months ago, then to ask for 18 months' time to give the necessary consideration for this particular convention, in order to arrive at their own recommendations, is rather an extraordinary thing, because it shows that the Government of India are not really anxious to help the workers of this country—dockyard workers and workers employed on steamers—as soon as possible.

It is a notorious fact that in most of our docks and shipyards, no attention has been paid till now by the Port Trusts or the employers to take the elementary precautions to prevent accidents to the workers; and even when accidents have occurred, very little attention is given to the question of giving necessary compensation to these workers. I am conscious of the fact that there is a Workmen's Compensation Act, but by reason of the fact that these dockyard workers have not been organised properly, this Act has failed to give sufficient redress or sufficient assistance to these workers. Government have not taken care to see that the employers are persuaded to take the necessary precautions, and what is worse, there has been negligence on the part of employers as well as of Government. But to-day Government come to us and ask for a period of 18 months in order to formulate their own proposals. The other day (i.e., 7th July, 1930), when my Honourable friend, Mr. Matin Chaudhury, drew the attention of the Honourable Sir Joseph Bore to this question and inquired why Government should ask for six months' time to consider that particular convention regarding the industrial accidents of workers, he was given the answer that Government had to circulate that particular convention to all the Local Governments and to get the necessary replies before they could formulate their own conclusions and place them before this House. Sir, a period of six months was found necessary for that particular convention, so is not that period long enough for this particular convention also? If this period is not long enough, at most one year should be quite enough. Why do Government want 18 months? This question is very important, and I sincerely hope that the Honourable Sir George Rainy will try his best to see that proposals are placed before this House within at most one year from now. Secondly, Sir, there is a third section—the recommendation concerning consultation between workers and employers over the drawing up of regulations dealing with the safety of workers employed in loading and unloading ships. Here I learn that

some of the urban workers working in the dockyards of cities are organized into trade unions and therefore it is quite possible for them, or it may not be impossible for them, to safeguard their own interests when this particular question comes up for discussion, but what about those workers employed on small sailing ships and also in inland ports? These workers are not at all protected because they have no organisations for themselves. Therefore it is quite easy for Government to ignore them if their case is not placed before them properly. I would request the Honourable Sir George Rainy to take note of this fact and to try his best to see that proper representation is given to these people also on any committees or councils which may be held to get this particular convention discussed at the proper time. Thirdly, Sir, I do not know whether the Government of India propose to apply this particular convention only to the seaports or to inland ports as well. There was a discussion on this point at the International Labour Conference, and the majority of the delegates were of opinion that this particular convention should be made applicable to workers employed both at the seaports and also in the inland ports, and to workers employed on the shore and also on board steamers. Now I would suggest that it would be in the interests of the dockyard workers in this country, and those workers employed on the steamers and sailing ships, if this particular convention were to be made applicable not only to workers at the ports, but also to the workers in the inland ports of this country and to workers on the shore as well as workers on board steamers. Lastly, Sir, there is a provision made in this convention that a Government, if it was found to be necessary, should be authorised to exempt any small steamer or any small inland port from the provisions of this particular convention. Sir, I think this is a very dangerous provision. If this particular authority to exempt sailing ships or certain inland ports were to be given to the Government of India, I am perfectly sure, Sir, that the Government of India would try to exercise this power in as many cases as possible, to the detriment of the ultimate interests of the unorganised and helpless workers of the inland ports. Therefore I give this particular caution to the Government of India not to try to take advantage of this particular provision, but to try their best to extend the benefits accruing from the application of this convention to the workers employed in inland ports also.

**The Honourable Sir George Rainy :** Sir, I should like to say a few words in reply to what has fallen from my Honourable friend. He seemed to think that, in this case, the Government of India have been extraordinarily dilatory. Now what actually happened was this. The Convention and the Recommendations were adopted by the International Labour Conference in its Twelfth Session in May and June, 1929. Owing to the procedure of double discussion which obtains in the International Labour Organization—first discussion in one year and a second discussion in the next—and owing to the delay which takes place before papers reach the Government of India from the International Labour Organization, we had literally no time whatever to consult Local Governments and the other interests concerned. In these circumstances it was clearly impossible for the Government delegates at the Twelfth Session to take a decided line; and it was the more necessary, after we received the draft Convention and Recommendations,

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that we should take steps to see that these important questions were fully examined. The papers were issued from the Office of the International Labour Organization at Geneva in September, 1929, and they finally reached the Commerce Department about the middle of November. There was no delay in issuing a circular to Local Governments asking them to give their own opinions and to obtain the opinions of the interests concerned, and considering that this is the first occasion on which we have had a real opportunity of examining them, I do not think there has been any undue delay. Now my Honourable friend put a question. He wanted to know whether these provisions in the Convention and in the Recommendations would apply to the inland ports. Sir, my Honourable friend is in a position to answer his own question. If he will read the draft Convention and Recommendations, as no doubt he has already done, he will find that the provisions do apply in many cases to the inland ports as well as to the seaports. Now when the International Labour Conference have adopted a Convention, the member-Governments can decide for themselves whether they will ratify or not, but they cannot ratify with reservations. Therefore, the answer to the question is that, if the Government of India finally decide that the Convention should be ratified, and if the Legislature should concur in that decision, because in order to make it effective legislation is necessary, then in that case the provisions will apply both to the seaports and to the inland ports. I think, Sir, that really answers most of what fell from my Honourable friend, and it is perhaps unnecessary that I should say more.

**Mr. N. G. Ranga :** Does the Honourable Sir George Rainy propose to give due representation to inland workers employed in inland ports who are not properly organised at present ?

**The Honourable Sir George Rainy :** I am afraid I cannot give an answer to that question at this stage, but I will certainly promise that what my Honourable friend has suggested will be considered.

**Mr. President :** The question is that the following Resolution be adopted :

“ This Assembly having considered :

- (1) the Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships ;
- (2) the Recommendation concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships ; and
- (3) the Recommendation concerning the consultation of workers' and employers' Organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships ;

adopted by the International Labour Conference at its Twelfth Session recommends to the Governor General in Council that he should examine the possibility of giving effect to the above Convention and the Recommendations and that the results of this examination should be placed before the Assembly within eighteen months from this date.”

The motion was adopted.

## RESOLUTION *RE* CONVENTION CONCERNING THE MARKING OF WEIGHT ON HEAVY PACKAGES TRANSPORTED BY VESSELS.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I move :

“ That this Assembly recommends to the Governor General in Council that he should ratify the Draft Convention concerning the marking of the weight on heavy packages transported by vessels, adopted by the International Labour Conference at its 12th Session held at Geneva in May-June, 1929.”

This Convention, Mr. President, is a very simple one. It requires that any package or object weighing one metric ton or more consigned for transport by sea or inland waterway, shall have its gross weight plainly and durably marked upon it on the outside before it is loaded on a ship or vessel. The object of this Convention is to protect the worker against the danger to which he is exposed if heavy packages which must be loaded or unloaded on a ship by mechanical means do not have their weight marked on them. Obviously, it must seldom be possible to move a package weighing more than one metric ton by hand, and therefore it has to be moved by mechanical means. If the weight is not marked, a crane or derrick may be used to lift the package though it is not really strong enough to carry it. If the crane broke, there might be great danger to the life and limb of those who were employed in working the cargo. Since that Convention was adopted, we have consulted Local Governments, Local Administrations, commercial bodies and the other interests concerned on the question whether we should ratify the Convention or not. The opinions we have received are practically unanimous that the Convention should be ratified, and the only two dissentient opinions we have received are from the Bombay Chamber of Commerce and a firm in Madras. After considering the opinions, the Government of India are clearly of opinion that it is desirable that the Convention should be ratified.

Then we have also considered the question whether special legislation will be necessary, but as far as we can judge there is no present need for such legislation. The Port Trusts under their various Port Trust Acts have the power to frame bye-laws for the safe and convenient use of wharves, docks, piers, etc., and we believe that it will be quite possible to enforce the Convention by means of such bye-laws. In one port, namely, Chittagong, the position is rather exceptional, because the jetties belong to the Assam Bengal Railway Company. The Company, however, is willing to enforce the necessary rules to secure compliance with the Convention by virtue of their powers under the Indian Railways Act.

As regards the inland waterways, our information is that cranes are very seldom employed in the loading and unloading of vessels, and packages weighing one metric ton and upwards have very rarely to be dealt with. Therefore it appears to us that no legislation is necessary at present on that point, but should it appear, as the result of further experience, that legislation to enforce the Convention is necessary, then, undoubtedly, the Government of India would come to the House and ask for the necessary powers. Sir, I move.

The motion was adopted.

# RESOLUTION RE TERMINATION OF CONTRACT OF THE ASSAM BENGAL RAILWAY.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, I move :

"That this Assembly recommends to the Governor General in Council that, in view, firstly, of the requirements for new construction and open line works on railways which will have to be met in the course of the next ten years, and of the demands which the provision of adequate funds to meet the capital expenditure required for these projects will make on the resources of Government, and secondly of the fact that the purchase of the Assam Bengal Railway Company's interest in the Assam Bengal Railway will not at the present time be financially profitable, and that another opportunity for acquiring that interest will occur in 1941, notice should not be given to the Company on the present occasion of intention to terminate their contract unless it should prove possible to devise some expedient by which the purchase money can be found on terms which will neither involve the Government in substantial financial loss nor necessitate any serious curtailment in the programme of new capital expenditure required for the proper development of the railway system in accordance with the economic needs of the country."

I should like to express at the outset my regret that it was not possible to give longer notice of my intention to move this Resolution. Certain discussions have been in progress, and until they had terminated, it was very difficult to formulate the exact terms of a Resolution. As soon as I was in a position to do so, the Resolution was drafted and was sent in. It was considered by the Central Advisory Council for Railways yesterday, and copies of the Memorandum, which was placed before the Advisory Council, together with a note showing what the recommendation of the Council was, have been placed on the desk before every Member. As I said, I regret very much that it was not possible to give longer notice. Now, Sir, Government, in considering this question, and in deciding what their line ought to be, have constantly kept before their mind the strong feeling that is entertained by very many sections of Indian opinion and which has often found expression in this House in favour of terminating the contracts of the guaranteed Companies at the earliest opportunity. All Honourable Members are of course aware that this was the recommendation of the Acworth Committee. I should, however, like to read to the House exactly what the Acworth Committee said about the Assam Bengal Railway. In the first place their general recommendation was this :

"We recommend that the system of management by guaranteed companies of English domicile should not be continued after the termination of their existing contracts."

The Committee then went on to deal with the various railways giving the dates on which their contracts terminated, and what they said about the Assam Bengal Railway was this :

"The position of the Assam Bengal Company is exceptional. All the other guaranteed companies earn, in the shape of their share of surplus profits, a substantial dividend above the guaranteed minimum, and their shares, even under the exceptional market conditions of the present moment, stand in the neighbourhood of par. The Assam Bengal net receipts do not even meet the 3 per cent. guarantee. The shares are consequently quoted at present at about 45. We should hesitate to advise that the Secretary of State should pay off at par in 1931 shares now standing at 45. But the Company is not important, and there is ample time for consideration of this exceptional case between now and 1931. In any case, the amount at issue is not large."

I have quoted that passage to show that the Acworth Committee recognised that the Assam Bengal Railway stood in a somewhat different position from others, owing to the fact that they earned sufficient in the way of surplus profits to keep their shares above par, even at that time,

that is, 1921-22, whereas the Assam Bengal Railway was not even earning its guaranteed interest.

Now, Sir, we come to the question as to how matters stand at the present moment. First of all let us take the revenue position and try to ascertain how the bargain looks from the point of view of Government, which means the point of view of the taxpayer. Let us see how the bargain would look if we were to carry out the purchase in accordance with the terms of the contract. The ordinary share capital of the Company is 1½ million sterling and the guaranteed rate of interest is 3 per cent, that is to say, the Government have to pay annually £45,000 as interest on the Company's capital. In addition, there is the Company's share of the surplus profits. In the years 1920-21 to 1925-26, no surplus profits were earned. But in the following four or five years there have been surplus profits which in one or two years have amounted to as much as Rs. 4 lakhs a year. We have considered very carefully what these surplus profits might amount to during the next decade. The two years in which they amounted to as much as Rs. 4 lakhs were rather exceptionally good years, and we feel that it would be dangerous to count on the Railway making surplus profits to that extent as an average during the decade, although I certainly hope that in good years—good years for the railway, I mean, for the term good is somewhat ambiguous, since high receipts in the Railway may mean a bad rice harvest in Bengal and very heavy rice imports from Burma to Chittagong, still I do not doubt that in particular years, the surplus profits might amount to or might even exceed Rs. 4 lakhs a year. On the other hand, we must be prepared for years that are bad from the point of view of the Railway, a year for instance in which serious damage might be done to the hill section by heavy rainfall and consequently the working expenses be high. Therefore, our view is that, taking one year with another, we are not entitled to calculate that on the average the surplus profits payable to the Company would amount to more than Rs. 3½ lakhs. In sterling that would be nearly £24,000, or more exactly £23,750. Now, if we were to purchase the Railway, we should of course no longer have to pay the guaranteed interest on the capital of the Company, and we should not have to pay surplus profits but in addition we should not have to pay the administrative expenditure of the London Board of Directors, and that amounts to about £8,500. Altogether the total amount of the charges of which we should be relieved, if we made the purchase, is between £76,000 and £77,000. On the other side of the account in the first place, we lose the Indian income-tax and the super-tax on the Company's profits, which amount to a little over £3,000, and also of course, we should have to pay interest on the money that we should have to borrow in order to pay the Company's capital. Now, it seems very unlikely, conditions being what they are, that the Government of India would be able to borrow money required for paying off the capital in London at less than 6 per cent.....

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : Why not in India ?

**The Honourable Sir George Rainy** : I will come to that. Therefore as against the charges, of which we should be relieved of a sum amounting to something like £7,000, we should on the other hand have additional charges to meet to £93,000. That is to say, we anticipate that, if we made the purchase, we must lay our account for a recurring loss of something like £17,000 a year. Therefore, on the face of it, the transaction does not look like good business. It means that the Railway is not really profitable at



[Sir George Rainy.]

present and that, if we take it over now, the loss will fall on us, but if we do not take it over at present, part of the loss falls upon the Company.

The next point I want to make is this. According to the most recent information that I have, the market price of the shares in London is £78. Last year they rose higher, I understand, there was an impression that the Government of India was likely to purchase the Company and the price went up to 98, but it has now dropped back to 78. My own feeling is that when the London money market values shares at only 78 per cent. of their par value and when we are obliged, if we buy the Railway, to purchase them at par, I feel a certain instinctive reluctance—possibly due to my Scottish nationality—in placing that extra £22 in the pockets of the shareholders.

So far, I have been speaking of the matter almost entirely from the revenue side. Let us now look at it for a moment from the capital side. As Honourable Members know, during the last two years, it has become increasingly evident that it is going to be difficult to raise all the money that we should like to be able to spend upon railway development in India. Every Honourable Member knows that we have had to curtail our programme of capital expenditure rather drastically. We have not, I am glad to say, had to shut down any construction which we had actually begun, but we have been compelled to postpone the commencement of new projects; and as far as I can foresee, it is not going to be an easy matter in the next three, four or five years to provide funds for more than a very modest programme of capital development. Now, Honourable Members who hold strongly the view that the contracts with the Companies should be terminated may very well say to me: "But surely in any year when a contract falls in, if you devote part of the money, you can raise by borrowing, to buying out the Company, then you will have so much less to spend on railway development. Do the terms of the Resolution mean that the Government of India are asking the Assembly to commit itself to the general proposition that the shares of these Company railways ought not to be acquired when opportunity offers?" If the language of the Resolution on the paper has conveyed to any Honourable Member an impression that Government are asking the House to commit itself to a proposition from which it could be inferred that opportunity ought not to be taken of these opportunities when the contracts fall in, I should be very sorry, because that is not the intention of Government at all. The reason why these points were emphasised in the Resolution was this, that at the present juncture and in the existing circumstances, it is particularly difficult to raise the money we require for railway development. If we have to purchase the Assam Bengal Railway, it will not mean that we should still have a fairly good programme, though not quite so large as we could have wished. It would mean that a programme which, as I have already said, we regard as totally inadequate would become more inadequate still. It might mean that we should have to put off for a year or for two years the beginning of such important projects as the Bombay Sindh connection and the Dacca Aricha Railway in Eastern Bengal. That being so, Government are bound to put the position clearly before the House and

explain to them what the consequences are likely to be if we decide to purchase this Railway.

Now, Sir, there is another point connected both with the capital and revenue sides. The main reason why there have been surplus profits for the last four or five years is, we believe, the policy adopted in recent years of building short branch feeder lines on the Assam Bengal Railway. It is this which has brought about an increase in receipts and has finally provided surpluses. Now, it might be urged, "Is it not likely that with the construction of more feeder lines the financial results of the line will improve, and if this prospect exists, might not the purchase of the line be profitable?" My answer to this line of argument is this. I believe it is quite true that, if we could build several more feeder lines, the financial results of the main line would be substantially improved. But if we spend large sums of money to acquire the line, then I fear we shall not be able to afford to build the feeder lines and in that case we shall not get these additional profits. For that reason I do not feel that we can take into account any additional surplus profits arising from the construction of new feeder lines, because if we acquire the line, we shall not be able to build them.

There is another point which I ought to have mentioned earlier, and about which I must say something now. We have very carefully considered whether, in addition to the saving of administrative expenditure owing to the abolition of the London Board, there might not be administrative savings in India owing to the purchase of the line. It has been suggested for instance, that the management might be amalgamated with that of the Eastern Bengal Railway. That is a possibility, but after going into the matter very carefully, we are satisfied that on the balance there is not likely to be any saving. The Assam Bengal line has always been very economically managed, and as soon as we took it under State management, we should be faced with a very firm demand that the scale of salaries and emoluments of all ranks should be raised to the same standard as on other State-managed railways. That being so, I am afraid that any saving expected in this region would prove to be illusory.

That, Sir, I think very nearly concludes what I desire to place before the House. We have been exploring the subject to see whether any practical expedient can be devised in order to meet what I know are the wishes of a very large number of Members of this House, without sacrificing any important financial interests of Government, which means of the taxpayers. We shall continue our search, because it is not necessary to give notice until the end of December. But I should be misleading the House if I were to lead them to believe that I am very hopeful that we shall be able to devise any such expedient. As far as I can judge, it will not be possible to arrive at any scheme which would not either involve a substantial recurring loss to Government or which on the other hand would not lead to a drastic curtailment of our capital programme. Nevertheless we shall still see whether anything can be done. Meanwhile, owing to the fact that it must be in the interest of the shareholders to be paid off at an early date, so long as the line is not profitable to them and their shares stand below par, we believe it may be possible to obtain an additional option to purchase the line in 1936 instead of in 1941. If we are able to arrange for this—and I may say that it is the course recommended by the Central Advisory Council—we shall not be committed to the continuance of



[Sir George Rainy.]

the contract for any long period. The Government of India in 1936 will be able to decide whether, in the circumstances of that year, it is expedient to purchase or not.

My Honourable friend, Mr. Das, put me a question about the difference between borrowing in England and borrowing in India and I said I would come to it later. But I think I shall be better advised to leave my Honourable colleague the Finance Member to deal with that point, and I have no doubt that he will be able to intervene in the debate somewhat at a later stage. Sir, I move.

**Maulvi Abdul Matin Chaudhury** (Assam : Muhammadan) : Sir, I rise to oppose this Resolution. This Resolution on the face of it looks innocent enough, but it involves a very serious and a very dangerous departure from the accepted policy of this House. The Resolution is intended to give a new lease of life for ten years to Company management on the Assam Bengal Railway. Honourable Members are aware that the Acworth Committee, as Sir George Rainy pointed out, unanimously recommended that these English domiciled guaranteed companies should cease to exist at the termination of their contracts. I should like to supplement the quotation that was made by Sir George Rainy by another quotation from the same Report. The Committee said :

"Advantages may be claimed for the exercise by the London Boards of the functions to which we have referred and for the technical and expert knowledge which many of the Directors possess. But conditions in India have changed so greatly in the last few years, and are changing so rapidly at this moment, that whatever may have been the position in the past, we think the advantages of English management are now outweighed by the great disadvantages of absentee control and the difficulty of keeping in close touch with the modern social and trade conditions of India."

Now, Sir, this Committee consisted not only of two Presidents of the Railway Board, but of Indian public men of eminence like the Right Honourable Srinivasa Sastri, Sir R. N. Mukherjea, Sir Purshotamdas Thakurdas. In pursuance of the recommendations of this Committee, this House passed a Resolution in the year 1923 for taking over the Great Indian Peninsula and the East Indian Railways under State management and the contracts of those railways were terminated accordingly. In the year 1929 also, according to the same policy, the Burma Railways were brought under State management. This House and the public outside have always been very keen, very zealous about this question of State management, and we had thought that this battle for State management had been fought and won. But we are surprised today to find that the Government have tabled this motion this Session.

4 P.M.

Probably taking advantage of the peculiar constitution of this House now, Government want to smuggle in this proposal for Company management for the Assam Bengal Railway for another ten years. I am sure, Sir, that, apart from every other consideration, on the question of policy and principle, this House will throw out this Resolution. As to the merit of the question, the capital of the Assam Bengal Railway really comes to over Rs. 23 crores ; out of this only about Rs. 2 crores is the Company's share in the capital. About 11/12ths of the capital is Government money, and 1/12th only is the Company's property. Still, the Government of India, holding 11/12ths of the capital, are going to hand over this undertaking to the British investors.....

**Mr. A. H. Ghuznavi** (Dacca Division : Muhammadan Rural) : Does the Honourable Member suggest that the shares are owned by the Government ?

**Maulvi Abdul Matin Chaudhury** : I mean to say that Rs. 21 crores of Indian Government money have been sunk in this enterprise.....

**An Honourable Member** : More substantial than shares is cash.

**Maulvi Abdul Matin Chaudhury** : And the Government wish to hand over to the British Investor and the Board of Directors in London, who own only 1/12th of the shares, the management of the whole show. The position is, on the face of it, absurd. Then it has been suggested that it would not be financially profitable. This is a doubtful proposition to us. According to this memorandum that has been submitted to us this morning, we are paying 3 per cent. guaranteed interest on a capital of £1,500,000—that comes to £45,000, or about Rs. 6 lakhs. It has been admitted by Sir George Rainy that the company has been making a surplus profit for the last few years—the figures being :

|         |    |    | Rs.      |
|---------|----|----|----------|
| 1925-26 | .. | .. | 1,70,000 |
| 1926-27 | .. | .. | 2,19,000 |
| 1927-28 | .. | .. | 4,04,000 |
| 1928-29 | .. | .. | 3,96,000 |

When a newly constructed line like the Habiganj-Balla, Karimganj-Dhurlabeheria, Mohanganj-Netrakona line and Jorhat-Furkating and other sections are fully worked up, the surplus profit is bound to go up ; and on a modest estimate, we can calculate that at least for the next ten years we shall have a surplus profit of Rs. 4 lakhs every year. That makes the total Rs. 10 lakhs ; and as Sir George Rainy has pointed out, there is a saving in expenditure because of the abolition of the London Board ; that makes it about Rs. 12 lakhs. And so we make about Rs. 12 lakhs saving by taking over the Company's share. The question really before the House is whether this amount, which in ten years amounts to Rs. 120 lakhs, is to be handed over to the British investor or is going to be kept in India ; that is the real question before the House. The Government say that if we are to purchase the line, where are we to get the money from ? The value of the Company's share is £1,500,000. The Acworth Committee remarked :

"We should hesitate to advise that the Secretary of State should pay off at par in 1931 shares now standing at 45."

The present market quotation is 78 for a £100 share and so the present market value of the undertaking is £1,170,000 ; and that is the money we have to provide. (*An Honourable Member* : "No, no.")

**Mr. R. K. Shanmukham Chetty** (Salem and Coimbatore cum North Arcot : Non-Muhammadan Rural) : We have to purchase at par.

**Maulvi Abdul Matin Chaudhury** : Supposing we have to purchase at par and pay this sum of £1,500,000 and have to find the money, the purchase may be effected either in cash or by the issue of India stock or by annuities.

**Mr. A. A. L. Parsons** (Financial Commissioner, Railways) : On a point of information, Sir, under the contract, the purchase money must be paid in cash on the 31st December, 1931.

**Maulvi Abdul Matin Chaudhury :** I agree ; but in the year 1928-29 the Railway Board spent about 28 crores of rupees on capital expenditure ; and a Railway Board, that can afford to spend Rs. 28 crores for capital expenditure, can surely afford to make provision for Rs. 1½ crores for the purchase of the Assam Bengal Railway. Then again there is the Reserve Fund. Rs. 18 crores are locked up in the Reserve Fund and one of the main functions of the Reserve Fund was to provide money for writing down capital ; money from the Reserve Fund can be very properly used for the purchase of this Company's share. If, Sir, you are to raise a loan, then, as the Honourable Sir George Rainy has pointed out, we have to pay £90,000 by way of interest. I have shown, Sir, that we are going to make a saving of Rs. 12 lakhs, and £90,000 come approximately to that amount. So we can pay the interest from the saving we can expect by bringing it under Government control. So, Sir, neither on the question of policy nor on the question of the merits is there the least justification for continuing the Company management. On these grounds I oppose the motion.

**Mr. E. K. Shanmukham Chetty :** Mr. President, I must lodge a very emphatic protest against the shortness of notice given to this House for the consideration of a question of such vital importance as the one raised by the Resolution before the House. My Honourable friend the Commerce Member attempted to give some sort of an explanation for the delay in giving notice of this Resolution. Sir, whatever might be the difficulties that he might have had to encounter with the Secretary of State in coming to a final decision on this matter, the fact remains that this House is asked to give its verdict on a very important Resolution without being given a chance to examine the whole question in all its various aspects. We have been told in this memorandum that has been placed before the House only this morning, that the Central Advisory Council for Railways has approved of the suggestion of the Government of India with certain modifications. On making inquiries I found, that this matter was placed before the Central Advisory Council for Railways only yesterday, that is, after the Honourable the Commerce Member had tabled his Resolution. That procedure, I submit, is unfair not merely to this House but even to the Central Advisory Council. Sir, the object of the Central Advisory Council is to examine in detail proposals of this nature, so that this House may be in a position to know what exactly is the result of such a detailed examination by the representatives of this House who serve on that Committee. Giving such a short notice even to the Central Advisory Council on a matter of this nature is, I again submit, unfair to this House and unfair to the Central Advisory Council.

My friend the Honourable the Commerce Member recognised the feeling that we on this side entertain on the question of the State taking over the Company-managed railways as the terms of their contracts terminate. As a result of the recommendations of the Acworth Committee, it is now the recognised policy of this House, to which the Government of India also is pledged, that as the period of contract of each of the railways terminates, the management must be taken over by the Government of India. The time has now come for the Government of India to decide about the taking over of the Assam Bengal Railway in 1931. The reasons for postponing this transfer to Government control are given in the Resolution which the Honourable the Commerce Member has tabled. He gives

two reasons why this option ought not to be exercised at the present moment. In the first part of the Resolution he says that the requirements for new construction and open line works, which will have to be met in the course of the next ten years and of the demand which the provision of adequate funds to meet the capital expenditure required for these projects will make on the resources of Government, will be rather heavy, and therefore this option ought not to be exercised now. I must frankly confess that I do not at all like this part of the Resolution. Whatever my friend the Commerce Member might say, the meaning of this Resolution is that, if, in the opinion of the Government of India, any available money can be more usefully spent on new construction or open line works, which would be more advantageous, it would be advisable to spend that available money for such purposes rather than expend it on Company-managed railways. That, Sir, is a proposition which we on this side of the House are not prepared to agree to. In a vast country like this with immense possibilities of railway development awaiting in the future, for a long time to come the state of affairs will be that it would be desirable to expend money on new construction and on open line works. Now, if that is going to be a consideration, Sir, then, I am afraid that, even in 1937 or 1941, or 1945 or 1950, this consideration will have as much validity as it has at present moment. When the Bengal Nagpur Railway contract terminates in 1950, we will still be in the same position. (*An Honourable Member :* "By that time you will have Dominion Status.") And, if it is really the intention of the Honourable the Commerce Member that this option ought not to be exercised merely for the financial reasons mentioned in the second part of his Resolution, I would earnestly ask him to omit the first part of the Resolution.

Now, coming to the financial aspect, I need not go over the arguments advanced by my Honourable friend, Sir George Rainy, as these arguments are embodied in the memorandum that is before us. The argument, stated briefly, comes to this. We will have to pay in cash on the 31st December, 1931, a million and a half pounds for the purchase of the shares of the Assam Bengal Railway. The nett yield of the Assam Bengal Railway to Government will be about £73,000. We cannot raise money in London at less than 6 per cent., which means that we will have to pay £90,000 by way of interest on the capital, while we will be getting only £73,000 in return. That, in short, is the financial argument against exercising the option at present. It is mentioned in this memorandum, and it was reiterated by my friend, that money could not be raised in London today at less than 6 per cent. Sir, with the Bank of England rate at 3½ per cent., I would hesitate to take the statement that the credit of India is so low that money cannot be raised on India's revenues in the London market at less than 6 per cent. at present. My friend Mr. Das raised a very pertinent question and asked why the money should not be raised in India. I am sure the Finance Member will give some reason, but we all know what that reason is. If the money is raised in India, my friend the Finance Member will find it next to impossible to remit it to London, and if he is in that position today, Sir, he has himself and his currency policy to thank for it, and cannot hold this House or the Indian money market responsible for this state of affairs. As I stated a little while ago, it will lead us to controversial topics, which it will not be advisable to raise on this motion.

[Mr. R. K. Shanmukham Chetty.]

Looking at the financial position, Sir, I am of opinion that a yield of £73,000 on an investment of a million and half pounds is certainly an investment which is not very bad, and if at all it is possible for my friend the Finance Member to raise this money, he must leave no stone unturned to raise the requisite capital and purchase the Assam Bengal Railway.

There is another factor which the House ought not to forget. It may be that, as a result of the political situation in India, it may not be possible to raise money in the London market at less than 6 per cent.; but I would remind the House that this cash has to be paid not on the 31st December, 1930, but on the 31st December 1931. If we decide to exercise the option, notice has to be given before the 31st December, 1930, and it may be that if all goes well, if good sense prevails at the Round Table Conference in October, before 1931, money conditions may be easy and the credit of India may be restored in foreign markets and we might be in a position to raise money at about 4½ per cent. I would therefore ask most earnestly my Honourable friends the Finance Member and the Commerce Member to consider this question very carefully before they decide not to give notice to the Assam Bengal Railway at the end of this year.

**Mr. B. Das :** I listened to my Honourable friend the Railway Member very attentively and it seems to me that he is in the confidence of the Honourable the Finance Member, who has told him that he is not going to foot the bill for the purchase of the Assam Bengal Railway, which is to the tune of £1½ millions sterling. Well, I hope that when my Honourable friend, Sir George Schuster, rises to take part in this debate, he will give us the attitude of the Finance Department towards this question.

To me the issue is confined to two points. One point is—and I am glad that Sir George Rainy realises it—that the non-official Members of this House are all agreed and keen that all Company-managed railways should be purchased by the State. I am glad that he recognises that and that he accepts that. The second point, over which the Railway Member and the Railway Board are agitated, is that a sum of £17,000 may be lost to the taxpayers in India, and under those circumstances the Railway Member cannot advise Members of this House and also the Finance Member to take a loan of £1½ millions to purchase the Assam Bengal Railway. I am indebted to my Honourable friend, Mr. Chetty, for having raised the point about the status and dignity of the Central Advisory Council for Railways. To me no Advisory Committee has any status, and I know when their recommendations go before the departmental heads how they are treated as scraps of paper. I would ask a pertinent question of the Honourable the Railway Member. Did he consult the Standing Finance Committee on Railways to find out what was their opinion?

**Mr. A. A. L. Parsons :** Had there been a proposal on behalf of the Government to spend money on the purchase of the Assam Bengal Railway, then it would have been placed before the Standing Finance Committee for Railways. But until there was a proposal to do so—and it could not arise until this motion was discussed in this House—it could not properly be put before the Railway Standing Finance Committee

**Mr. B. Das :** If I understand the Honourable Member correctly, it means that the Railway Standing Finance Committee, which body, as far as I know, is given a very sacrosanct place in the management of railways in India, has no power, has got no status to advise the Railway Board regarding the purchase of the different railways. That is a matter which I think the Members of this House who are members of the Railway Convention Committee—I think that Committee will soon be a defunct body because the Assembly is going to be dissolved—will have to take the matter up whether the Standing Finance Committee for Railways have any control over the policy of the Railway Board. As I have stated, it is a matter of £17,000, and if I have read the little leaflet that was placed on the table of the House this morning correctly, my Honourable friend, Sir George Rainy, tells us that £78 is the price of a £100 share. As a business man, I would ask the Honourable the Finance Member why he did not ask the Secretary of State to buy up a certain amount of these shares instead of waiting till the last day to pay at par.

**The Honourable Sir George Schuster (Finance Member) :** I might answer that question at once. If it was known at the London market that the Secretary of State was going to buy these shares, I venture to prophesy that they would not remain at 78, and that before he could pick up more than a few thousand pounds of the stock, the price would go up to par and it would be impossible to buy below that.

**Mr. B. Das :** I may observe, I did anticipate that reply. However, the House stands committed to the principle of purchasing the Company-managed railways. To-day we are discussing the purchase of the Assam Bengal Railway. I think next year at this time we will have to discuss the purchase of that dilapidated railway over which my Honourable friend Mr. Gaya Prasad Singh travels, the Bengal and North Western Railway, over which we have to foot a bill to the extent of £10 millions. If to-day we accede to this request on the part of the Government, then strengthened with that idea, they will come to us next year and say, "We cannot purchase the Bengal and North Western Railway", which my Honourable friends of the European Group are very anxious should not be purchased by the Government of India because it pays a dividend of 16 per cent. at the cost of the travelling public, at the cost of the Government of India. Sir, I cannot accede to this request, and when I see that the financial loss to Government is only a trifle of £17,000, it cannot stand in the way of our purchasing the Railway. It may go up on the profit side; it may not be a loss at all. Here is my Honourable friend Mr. Abdul Matin Chaudhury the Member from Assam who is very much interested in this particular Railway; there are my Honourable friends Mr. Srish Chandra Dutta, of Assam and other Bengal Members from Eastern Bengal; and they will give their view points and how anxious they are to see this Railway become a State Railway. As my Honourable friend Mr. Abdul Matin Chaudhury has already stated, why not pay this £1½ millions from the Railway Reserve Fund which has accumulated to the tune of Rs. 17 crores. My Honourable friend Sir George Rainy smiles. The truth is that the Honourable the Finance Member does not allow him to utilise that money for any of these purposes. This is a fit occasion when we must utilise a portion of the Railway Reserve Fund to purchase this Railway. I will suggest another source from which this money can be tapped. India gets a share

[Mr. B. Das.]

annually from the War Reparation money paid by Germany. Will the Honourable the Finance Member kindly say how much this amounts to?

**The Honourable Sir George Schuster :** I should be very glad to give an answer to my Honourable friend's question, but I have not understood him clearly.

**Mr. B. Das :** I want to know what amount is received from Germany as India's share of the War Reparation from Germany. I think it is £250,000. As far as I recollect, that sum goes to-day to the Sinking Fund for the reduction and avoidance of debt. Why not utilise that money to purchase the Assam Bengal Railway? Those of us who know how the Assam Bengal Railway came into existence know that it was not originally a commercial proposition. It is really a strategic line. We know how the Government of India, as it was then constituted, tried and the Government of India as it is now constituted try to build strategic lines and show them as commercial lines, so that this House will not grumble much, though such railway lines are really for the exploits of my Honourable friend Mr. Macworth Young the Army Secretary. This Assam Bengal Railway is really a strategic line. Of course my Honourable friend Sir George Rainy said, and also my friend Mr. Matin Chaudhury pointed out, that the new extensions are the paying lines in that particular area. As the previous Government is committed to that expenditure, we are bound to buy it up and I do maintain that there is no other alternative but to buy it up. Otherwise it will produce a disastrous feeling in Indian India. Sir, my Honourable friend the Railway Member said that if we acquire this Railway labour will have to be paid better wages and the revenue might decrease. The revenue may decrease, but the money that will be paid to labour will remain in India and indirectly it is a gain. There is another point that I would like to mention. The Honourable the Railway Member knows that in the Company-managed Railways, there has been only Indianisation up to 42 per cent. When the State takes over the control of this railway, it will be rapidly Indianised to the extent of 75 per cent. in its superior establishment and therefore the money paid to the Indian employees of the Railway and the Indian officials will be a distinct gain to India, and the money that is paid to the British officials passes out of India. My Honourable friend Mr. Chetty has rightly alluded to my interjection why the money was not borrowed in India. As far as I know, there was much heart-burning in the Indian financial circles in Calcutta and Bombay because the recent loan was floated by the Honourable the Finance Member in London at 6 per cent. and not floated in India. I think it is only fair to India that the Honourable the Finance Member should float the loan in India at 5½, and if that loan was not subscribed in India, then he was justified in going to London. If the Honourable the Finance Member will float a loan here, in spite of the financial depression,—which is due not to us, but to the Treasury Benches, for not settling the constitutional question— at 6 per cent., he will get it.

**Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) :** Will you underwrite it?

# TERMINATION OF CONTRACT OF THE ASSAM BENGAL RAILWAY.

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**Mr. President :** Will the Honourable Member let me know how long he is going to take?

**Mr. B. Das :** About 10 or 15 minutes more.

**Mr. M. A. Jinnah :** The Honourable Member has got only 15 minutes, unless you give him permission to speak longer.

**Mr. President :** He has not exhausted his time. I feel that Honourable Members have not had sufficient time to go into this Resolution. Moreover, I feel that there is a large number of Members who want to discuss this important Resolution and I do not want to stop the debate. Therefore I think it would be better if I give another opportunity to Honourable Members to go into this Resolution and have a full discussion on the subject. I think that will meet the wishes of Honourable Members.

There is one thing more. I would like to inform Honourable Members that particular seats have been allotted to them and they cannot expect me to see them if they are not in their seats.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th July, 1930.

L6CPB(LA)

## LEGISLATIVE ASSEMBLY.

Tuesday, 15th July, 1930.

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

## QUESTIONS AND ANSWERS.

**Maulvi Abdul Matin Chowdhury** : On behalf of Mr. Mitra, I beg to ask for permission to put the questions standing in his name. No. 85.

## ARRESTS FOR POLITICAL OFFENCES IN THE NORTH WEST FRONTIER PROVINCE.

85. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Will Government please lay on the table a statement showing, district by district, in the North West Frontier Province, the number of arrests for political offences of Congress workers, Khilafatists, Khudai-Khidmatgars and Afghan-Youth-Leaguers and also state the section of the law under which they were arrested and the number of convictions, the period and nature of sentence and the classification of the prisoners in jail, from the 23rd of April, 1930 ?

(b) Will Government please state the percentage of persons convicted who have offered any defence ?

(c) What is the number of under-trial prisoners and the period for which they have been kept under custody before bringing them to trial ?

**The Honourable Mr. H. G. Haig** : Sir, questions Nos. 85 to 89 deal with certain detailed matters connected with the North West Frontier Province. I have asked for information in regard to them and as soon as I have received it, I will let the Honourable Member have the replies.

## UNDER-TRIAL PRISONERS IN THE PESHAWAR FORT.

†86. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Will Government please state what is the number of under-trial prisoners in the Peshawar Fort at present and for how long a period they have been confined in the Fort and the section of the law under which they are charged ?

(b) Will Government please state when these cases are likely to be taken up for trial ?

(c) Is it a fact that a press representative, who applied for permission to the District Magistrate to be present during the trial in the Peshawar Fort, was refused permission ? If so, for what reasons ?

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†For answer to this question, see answer to question No. 85.

# ARREST OF MEMBERS OF POLITICAL COMMITTEES IN THE NORTH WEST FRONTIER PROVINCE.

†87. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the Provincial Congress Committee of North West Frontier Province, the City Congress Committee of Peshawar and the Naujawan Bharat Sabha of Peshawar were declared unlawful assemblies by the Chief Commissioner of the North West Frontier Province, by his order dated the 3rd May, 1930, but announcements were made and notices served on persons concerned on the morning of the 4th May, 1930, and simultaneously without giving any opportunities to those persons to show that they were not unwilling to carry out the intention of the Government declaration and before they did anything after the service of the notice, all the persons were arrested ?

(b) Is it a fact that some of the arrested persons are not even members of the Congress Committee of the current year and that they were arrested merely because their names appeared in last year's Congress members' list ?

(c) Are Government aware that Mahasha Krishna, Editor of the liberal newspaper, the *Frontier Advocate*, is not even a member of the Congress or any other body declared unlawful, but was arrested and detained as a member of the unlawful assembly, simply because in his paper, dated the 6th May, he urged for an impartial inquiry committee ?

# ACTION TAKEN AGAINST CERTAIN MUNICIPAL COMMISSIONERS OF PESHAWAR.

†88. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that Mr. Pir Baksh, M.A., LL.B., Pleader and Municipal Commissioner, Peshawar, was asked to furnish security under section 108, Cr. P. C., because he gave notice of a resolution to be moved in the Municipal Committee that the name of the Kissakhani Bazar should be re-named Shahidi (Martyrs) Bazar and Kabli Gate as Khuni Gate, and on his refusal, he has been sentenced to one year's imprisonment ?

(b) Is it a fact that Mr. Attaullah Jan Khan, B.A., LL.B., pleader and Municipal Commissioner of Peshawar, who gave notice of seconding Mr. Pir Baksh's above-mentioned resolution, was called along with Mr. Pir Baksh by Mr. F. C. Isemonger, Inspector General of Police and was asked to withdraw the resolution, failing which they would be sent to jail, and subsequently Mr. Pir Baksh was sentenced to imprisonment and Mr. Attaullah Jan was called by Mr. C. Latimer, and in the presence of other Municipal Commissioners, the Revenue Commissioner very insultingly asked him to withdraw his support of the resolution by saying *kan pakro* (pull your ears) and *tobah karo* (repent) for the future, but the gentleman refused point blank ?

# BURNING AND OCCUPATION BY SOLDIERS OF CERTAIN OFFICES OF POLITICAL BODIES IN PESHAWAR.

†89. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that in the village of Utmanzai, in the Charsadda Sub-Division of Peshawar, Mr. Short, Commanding, Frontier Constabulary, ordered the offices of the Khodai-Khidmatgar, Afghan-Youth-League,

†For answer to this question, see answer to question No. 85.

Congress and National School, to be burnt and they were burnt ? If so, why and under what law or regulation ?

(b) Do Government propose to compensate the owners of these offices ?

(c) Is it a fact that British soldiers have occupied the offices of the Provincial and City Congress Committees and Naujawan Bharat Sabha, Peshawar, from the 4th of May, that they are still in possession of the police, but that the latter refuse to pay the rent of the buildings to the owners ?

# BLOCKADE OF CERTAIN TOWNS AND VILLAGES.

90. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that certain towns and villages in the North West Frontier Province were kept under blockade by military or Frontier Constabulary for taking part in the national movement ? If so, will Government be pleased to state the names of those towns and villages ?

(b) For what period did the blockades last ?

(c) Is it a fact that during the blockade, no persons, male or female, were allowed to come out or go into the villages or even foodstuff was allowed to enter into the villages, causing starvation in many places ?

The Honourable Mr. H. G. Haig : (a), (b) & (c). I understand that owing to the dangerous situation which prevailed in the North West Frontier Province for some weeks as a result of intense anti-Government activities including attempts to stir up tribal hostility, it was necessary for the civil authorities, with the aid of the military, to exercise effective control over certain towns and villages for short periods, and for this purpose to stop outside communication. The places concerned were

Peshawar,  
Kohat,  
Bannu,  
Dera Ismail Khan,  
Charsadda with Prang, and  
Utmanzai.

I am glad to say that the situation has much improved in the Province and I trust that no further necessity for such action will arise.

# SHOOTING OF A VILLAGER OF CHARSADDA.

91. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that a Hindu young man, Dwarika Nath, aged about 20 years, who went out of his village of Charsadda to perform a religious ceremony in connection with the death of his father on the *Ekadashi* day (the 7th June), while bathing in the river outside the village, was shot dead by a British military officer ?

(b) What is the name and rank of the officer and what action has been taken by Government in this case ?

Mr. G. M. Young : (a) A full report of this incident was called for from the local military authorities last month, and I understand that



the local administration has also been asked for a report. From the information received so far it appears that the young man was not bathing, but that having taken part in an unlawful assembly in contravention of an order issued under section 144, Criminal Procedure Code, he had broken through the military cordon established round the village, and persisted in attempting to cross the river.

(b) The officer is reported to be Captain Palmer of the 1st Punjab Regiment. Government are awaiting the receipt of further particulars.

#### FIRE-ARMS CONFISCATED AND LICENSES CANCELLED IN THE NORTH WEST FRONTIER PROVINCE.

92. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : Will Government please state the number of different kinds of fire-arms confiscated and licences cancelled in different places in the North West Frontier Province during the months of April, May and June, 1930 ?

The Honourable Mr. H. G. Haig : The information is being collected and will be furnished to the Honourable Member in due course.

#### FLOGGING IN THE PESHAWAR JAIL.

93. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that some under-trial and convicted Khodai-Khidmatgar and other national workers were flogged in the Peshawar Central Jail and other jails in the North West Frontier Province ?

(b) If so, for what offence, and the number of stripes administered in each case ?

(c) Is it a fact that public leaders like Khan Abdul Rab Nishtar, Pleader and Municipal Commissioner, Dr. Charu Chandra Ghosh, President, Provincial Congress Committee, Mr. Radha Krishen, Pleader and President, City Congress Committee, Dr. Syed Gillani, Sardar Milap Singh Akali, Maulana Alla Bux Yusufi, Secretary, Central Khilafat Committee, were threatened by Colonel Brierley, Inspector General of Prisons, to be flogged ? If so, for what reasons ?

The Honourable Mr. H. G. Haig : (a) Some prisoners were whipped.

(b) The offence in each case was incitement to mutiny in jail after due warning had been given. The number of stripes awarded varied from 7 to 30.

(c) The impression conveyed by the question is not correct. The facts are that the behaviour of some prisoners in the Peshawar Central Jail on April 23rd and 24th resulted in disorders, which gave rise to considerable anxiety, and as a consequence it was considered necessary that all convicted and under-trial prisoners should be warned that the punishment for incitement to mutiny was whipping.

Mr. Gaya Prasad Singh : Sir, I rise to ask a supplementary question. What is the number of prisoners in the Peshawar Central Jail and how many were awarded the punishment of whipping ?

The Honourable Mr. H. G. Haig : I am afraid I have not got the information. The information about the number of prisoners in the Peshawar Jail I think is being collected in answer to a previous question.

Dr. Nand Lal : May I ask how many convicted prisoners were transferred from the Peshawar Jail to other jails in the Punjab, especially Gujrat ?

The Honourable Mr. H. G. Haig : I am afraid I have not got the information, Sir.

Dr. Nand Lal : Thank you.

#### SHOOTING OF CERTAIN MEMBERS OF THE FAMILY OF SARDAR GANGA SINGH IN PESHAWAR.

94. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that while Sardar Ganga Singh, Supervisor, Military Dairy Farm, Peshawar, was coming on a *tonga* with the members of his family to attend the Gurudwara on a religious ceremony, a British soldier fired upon him near the Kabli Gate, Peshawar City, killing his son, a boy of 15 months and a daughter aged 9 years and seriously wounding his wife ?

(b) Is it a fact that neither police nor military took any steps to take the wounded lady to the hospital and it was left to the public to render first aid and to take the poor family to the hospital ?

(c) Is it a fact that while the dead bodies of the children were being taken in a procession to the funeral ground through the bazar, with the permission of the Deputy Commissioner, some British soldiers, without giving any warning, fired at the procession and killed and wounded several persons ? Will Government please state how many were killed and wounded on this occasion ?

(d) Is it a fact that Government thought of starting an inquiry in this matter by a Sessions Judge but had to give up the idea because of the opposition of the military authorities ?

The Honourable Mr. H. G. Haig : (a) The facts are stated in the judgment of the Additional District Magistrate, Peshawar, dated the 3rd of June, 1930, a copy of which is placed in the Library. This most regrettable incident was the result of a pure accident.

(b) The Honourable Member will observe from the judgment that the lady's wound was dressed at once in the Police Station, from where she was sent immediately to the Lady Reading Provincial Hospital.

(c) My information is that the procession met a detachment of British troops, that the crowd was very excited and attempted to seize the rifles of the soldiers, that it refused to disperse, and that the order to fire had to be given. The casualties were nine persons killed and 18 wounded.

(d) The answer is in the negative.

#### ESTABLISHMENT OF A GIRLS' HIGH SCHOOL AT PESHAWAR.

95. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that there is not a single high or middle Government girls school in the whole of the North West Frontier Province ?

(b) Is it a fact that there is an incessant demand for a Government high and normal (combined) school for girls, with hostel and playground at Peshawar ?

(c) Is it true that a largely signed memorial by the ladies and leading men of Peshawar of all communities was submitted to the Chief Commissioner on the 24th of July, 1928, for the establishment of a residential Government girls high school? If so, will Government please lay on the table a copy of the memorial and the reply thereto? Was there any correspondence in this connection between the Local Government and the Government of India? If so, with what result?

(d) Are Government aware that on the 26th of January, 1929, a representative deputation of ladies of the Frontier Province waited on Mr. J. H. Towle, D. I. P. of North West Frontier Province and presented an address directing his attention for expansion of female education and particularly for the establishment of a Government high school for girls at Peshawar? What was the result?

(e) Is it a fact that on the 3rd of October, 1929, a representative deputation of ladies of all communities waited on Mr. R. Littlehales, Educational Commissioner with the Government of India when he visited Peshawar and pressed on him the urgency of the establishment of a combined high and normal Government school for girls at Peshawar? Did he not promise to take up this matter as soon as financial conditions permitted? If so, when it is likely to be taken up? Will Government lay on the table a copy of the said address and the reply thereto?

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

(c) Yes; a copy of the memorial and of the reply is laid on the table. The Government of India forwarded to the Chief Commissioner a representation which had been received by them on the subject and informed him that the matter would be looked into by the Educational Commissioner when he visited the province.

(d) Yes; an assurance was given that the Department would do its best to help to meet the needs to which the deputation had referred.

(e) The answer to the first two questions is in the affirmative. The question of establishing a Government high school for girls at Peshawar is now under the consideration of Government. A copy of the address presented to Mr. Littlehales is laid on the table. As his reply was given *ex-tempore* a copy is not available.

#### Memorial.

To

The Honourable the Chief Commissioner,  
North West Frontier Province,  
Nathialgali.

Sir,

We, the undersigned, strongly urge upon the Government, the imperative necessity of opening a Government High School for Girls at Peshawar with hostel attached to it, as early as possible, since the lack of facilities for higher education for girls at Peshawar, is retarding the progress of female education here. It goes without saying that parents are now very anxious to impart higher education to their girls as to their sons, consequently they have to send their girls to Lahore or other distant places, at a considerable expense and sacrifice. It is a pity that while several towns in the Punjab boast of High Schools for Girls, the Government of the North West Frontier Province, has not yet thought it wise to make any provision for the higher secondary education of girls. The question is not now one of academic discussion but has passed into the range of practical politics. While we appreciate the policy of the Local Government in the matter of spreading literacy among males, we are constrained

to remark that the Local Government is treating the question of provision of facilities for girls' education, in a step motherly manner. That the demand for the same is genuine and keen is evidenced by the number of signatories to this representation. The Director of Public Instruction and the Inspectress of Girls Schools are both enthusiasts and there seems to be no reason why the Government should dally with this matter of so vital importance to the public. The Honourable the Chief Commissioner's speech on the opening of the new building of the Government High School (for boys) at Peshawar, has raised high expectations in the minds of the people that the Government is determined to provide educational facilities, same as exist in other Provinces. We have yet to see if the Local Government is really earnest in the matter of breaking down illiteracy among girls and the Government ought to give a practical proof of its earnestness by acceding to the popular demand for girls High School without any further delay.

We beg to remain,

Sir,

Your most obedient servants,

Signed by :

60 ladies.

22 Representatives of the twenty-two Religious, Social and Political Societies.

22 Municipal Commissioners, Members of District Board, Members of Cantonment Board, Honorary Magistrates and Members of the Indian Legislative Assembly.

31 Professors, Headmasters and other Prominent educationists.

20 Leading Medical Practitioners.

44 Barristers, Vakils and Pleaders.

161 Leading Bankers, Merchants, Import and Export Agents, Contractors, Zamindars, Jagirdars, Titleholders, Journalists, Publishers, Public men and other Prominent people.

C/o.

MRS. K. K. BOMBWAL,  
RAMPURA STREET, PESHAWAR CITY.

PESHAWAR.

Dated the 24th July, 1928.

#### Reply.

Copy of D. O. No. 5984-G.N., dated 13th September, 1928, from the Secretary to the Chief Commissioner, North West Frontier Province, Nathialgali, to Mrs. K. K. Bombwal, Rampura Street, Peshawar.

Please refer to your letter No. 1, dated the 1st September, 1928, regarding the subject cited above.

A copy of this Office letter No. 4686-S7-G.N., dated the 15th August, 1928, to the address of Rai Bahadur Karm Chand, O.B.E., Peshawar, and Khan Sahib Kazi Mir Ahmad, B.A., LL.B., Vice-Presidents, Municipal Committee, Peshawar, is sent herewith, with reference to a similar representation received with your letter dated the 24th July, 1928.

In his letter No. 4686-G.N., dated 15th August, 1928, in reply to a representation made by the Vice-Presidents of Peshawar Municipality, the Secretary to Honourable the Chief Commissioner, North West Frontier Province, wrote :

"I am directed to inform you that the Chief Commissioner has given the representation his careful consideration. He desires as strongly as you

that the education of girls should be stimulated in every possible manner. He notes, however, that there is already one (Church of England Zenana Mission) High School for girls in Peshawar and that the number of girls in the high school classes—he understands that there are 3 girls in Class IX and 6 girls in Class X—does not support the contention that a second (Government) High School is needed. He understands moreover that the number of girls at present in the top classes of existing girls middle schools in Peshawar is not sufficient to supply the high school classes of a second (Government) high school; these numbers, he is informed, are:

| Name of school.                                    | Classes.            | Number of girls. |
|----------------------------------------------------|---------------------|------------------|
| 1. Municipal Hindi Girls' Vernacular School.       | Anglo- VIII .. .. 3 |                  |
|                                                    | VII .. .. 4         |                  |
| 2. Municipal Urdu Girls' Vernacular Middle School. | VIII .. .. 4        |                  |
|                                                    | VII .. .. Nil.      |                  |
| 3. Arya Hindi Girls' Vernacular Middle School.     | VIII .. .. 2        |                  |
|                                                    | VII .. .. 8         |                  |

That is, if class IX of a second (Government) High School were to be opened next year, only three girls—namely those from the anglo-vernacular school—would be available to enter it; the girls from the vernacular middle schools would have to study English for a couple of years in a "Special Class" before they could be admitted. Some girls might possibly come from outside Peshawar, but the number of girls in Class IX and X of the existing (Church of England Zenana Mission) High School leads him to believe that they would be few.

While expressing his sympathy therefore with the cause which you have at heart, the Chief Commissioner desires to say that, in his opinion the small number of girls who would be ready to enter a second (Government) High School if it were opened, does not justify the considerable extra expense which would be involved. Funds moreover are limited; and, if any extra money is provided by the Government of India in the near future for female education, he considers it will be more profitably spent in improving the provision in the primary and middle stages.

He will however be prepared to reconsider this opinion at any time in the future if it appears that the number of girls who wish to join classes IX and X are qualified to do so, has materially increased.

I am at same time to thank you for the interest which you have shewn in this important matter."

Address.

To

B. LITTLEHAILES, Esq., M.A., C.I.E., I.E.S.,

The Educational Commissioner with the

Government of India, Camp Peshawar.

May it please you,

This deputation of the representatives of the ladies of North West Frontier Province most respectfully begs to thank the Government of India for kindly deputing you, Sir, to visit Peshawar and hear the grievances of the women behind the purdah in the matter of education.

We also beg to offer our heart-felt and sincere gratitude to you for having taken the trouble of undertaking this journey and to have given us this opportunity of placing our views before you.

We know, Sir, that the great problem of the education of females in India is not unknown to you. In fact it would be presumptuous on our part to dilate upon it in your presence. Suffice it to say that no one can divorce this problem from the great undertaking of the British Empire, that is to say, the educating of the great Indian Nation towards its final goal of responsible self-Government.

We assure you, Sir, that the importance of this problem does not decrease but increases when it is considered with reference to the N. W. F. Province. As gate-keepers of India it is absolutely necessary that the bringing up of the children of this Province should be on lines which may turn out the proper balance-minded citizen fit to keep a guard over the gateway of India. Who could deny the importance of the mother's lap and the influence of her culture on bringing about such a result?

But, Sir, we regret to inform you that although this aspect of the national advancement of India had such a great importance, it has unfortunately been ignored so far. Girls' education has not been very seriously considered in spite of the successive efforts by the ladies of this Province to obtain greater facilities and better impetus for its advance. We have been told that there was no demand for the girls' education, but Sir, we submit with the greatest deference that this argument amounts to begging the question. What efforts have been made, what spadework has been done and what encouragement afforded for causing the awakening amongst the males and females of the Province to advance this most important aspect of social life?

To tell the truth, Sir, facts and figures show that the nucleus for the advancement of education amongst the females existed. For do we not know that girls from N. W. F. Province have been sent to the Punjab and have been qualifying in various branches of education? To quote a recent instance, twelve girls have passed in the Matriculation Examination this year from the Punjab University. Eight of them were prepared in the Punjab and four offered privately. It will interest you, Sir, that one of the girls, who went up privately, stood first in the N. W. F. P., beating the boys also and obtained a scholarship from the University for having stood first amongst the girls.

But it cannot be forgotten that there are very few people who can afford to bear the expense of educating their children in the Punjab. We cannot lose sight of the factor that parents are not very prone to send their children away to a place situated at a great distance. In spite of all these drawbacks we beg to emphatically stress the importance of the numbers quoted above, and the results, to show that keenness of desire to educate their daughters is not lacking amongst the people of the Province but unfortunately encouragement is not forthcoming.

We beg to invite your attention, Sir, to the annexures to this address which we submit for your kind perusal. It will bring to your mind most forcefully the efforts made by us backed up by our sisters behind the purdah and supported by their husbands and relations for gaining what would be considered almost preliminary steps in a reformed province down country.

We cannot but also invite your attention to the facilities at the disposal of the people of the Punjab which would have been ours had it not been our misfortune to have been weaned from that Province for political considerations.

Our demands have been fully detailed in the address which we presented to the Director of Public Instruction on the 26th of January, 1929. They are modest demands and no more than what our sisters in the Punjab enjoy. The question of finance should not be an obstacle in giving us what is our due for it should not be forgotten, Sir, that these privileges would have been long availed of by us if we had not been separated from our parent Province, and if the Government of India considered it proper to sacrifice us at the altar of political considerations, the duty is heavily cast on them to pay from the central exchequer for our needs and thus compensate us for the loss which we have incurred for no fault of ours.

Again, Sir, it should not be overlooked that the brunt of keeping the land frontier of India and all its resultant disadvantages, inconveniences and dangers are being borne by the people of this Province. There is no reason why the Government of India should not be pleased to bear all the expenses relating to defence of the land frontier which necessarily includes the cost of up-keep of the people doing their duty at the door just as the water frontier of India is being guarded at the expense of the Imperial Government.

We assure you, Sir, that in case the Government is pleased to accede to our demands, there will be no lacking of number of students to come up to the standard required for establishing schools by the Education Department. In particular we guarantee that an up-to-date and well-equipped combined high and normal school for girls with a suitable hostel and play ground attached thereto at the headquarters of the Province on non-sectarian lines, would be exceptionally popular in view of the tremendous expense incurred by the people of the Province on sending their girls to the schools in the Punjab.

In the end, Sir, we beg to thank you for the patience with which you have been pleased to hear our address. We have great hopes in you and the visit is considered by us to be laden with potentialities for the education of the women and girls of the North West Frontier Province. We do fairly hope that we would not be disappointed.

We beg to remain,

Sir,

Your most obedient servants,

*Members of the Ladies Deputation.*

PESHAWAR,  
3rd October, 1929.

**Dr. Nand Lal :** May I ask a supplementary question ? Is there any special reason why a girls' school has not yet been established and founded ?

**Sir Frank Noyce :** I take it, Sir, that it has been due to the absence of proposals from the Local Administration on the subject, as also of funds.

#### OCCASIONS OF FIRING IN RECENT DISTURBANCES.

86. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : Will Government be pleased to lay on the table a statement showing, province by province, the number of occasions when firing had to be resorted to by the military or the police during the last three months, and the number of killed and wounded on each occasion ?

**The Honourable Mr. H. G. Haig :** The Honourable Member is referred to the reply given to his question No. 20 on 14th July, 1930.

#### GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

97. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the Government, in reply to my starred question No. 635, stated on 18th September, 1919, that "The Agent, Eastern Bengal Railway, has been requested to deal expeditiously with the memorial of the compositors, distributors and binders of the Eastern Bengal Railway Press of 23rd May, 1929 ?

(b) If the reply to (a) be in the affirmative, will Government be pleased to state whether the memorial has since been dealt with ? If not, the reason for this unusual delay ?

(c) Is it a fact that the Government in reply to my starred question No. 733, stated on 21st March, 1930, "That a decision will be arrived at shortly" with regard to the introduction of the graded scale of pay for the employees of the Eastern Bengal Railway Press ?

(d) If the answer to (c) be in the affirmative, will the Honourable Member-in-charge of Railways and Commerce be pleased to state the steps that have since been taken with regard to the matter ?

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

(b) I would refer the Honourable Member to the reply given to question No. 69 asked by Khan Bahadur Sarfaraz Hussain Khan on the 20th January, 1930.

(c) and (d). Detailed proposals for revised scales of pay for the Eastern Bengal Railway Press employees have been framed and are under discussion between the Railway Board and the Agent, Eastern Bengal Railway.

#### GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

98. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the Honourable Member-in-charge, Railways and Commerce, received a wire on 28th April, 1930, from the Secretary, Press Employees' Association, Calcutta, to the effect that great unrest is prevailing among the workers of the Eastern Bengal Railway Press on account of unusual delay on the part of Government in disposing of the memorial of 23rd May, 1929 ?

(b) If the reply to (a) is in the affirmative, will Government be pleased to lay a copy of the telegram on the table ?

(c) Are Government aware that a reply was sent to the Secretary, Press Employees' Association, in letter No. 117-E/30, on 5th May, 1930, that the Agent, should be addressed in connection with the service conditions of the employees ?

(d) Is it a fact that the Agent, Eastern Bengal Railway, received a letter on 10th June, 1930, from the Secretary, Press Employees' Association, for immediate disposal of the memorial of 23rd May, 1929 ?

(e) If the answers to (c) and (d) are in the affirmative, will the Honourable Member-in-charge be pleased to state what action has been taken for the speedy disposal of the matter ?

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

(b) A copy of the telegram has been placed in the Library.

(c) Yes.

(d) Government have no information.

(e) The Honourable Member's attention is drawn to the reply I have just given to his previous question.

#### GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

99. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the binders, pressmen, machinemen, galley proof pressmen and form carriers of the Government of India Press are in the superior service ?

(b) Is it a fact that the binders, pressmen, machinemen, galley proof pressmen and form carriers, of the Eastern Bengal Railway Press are in the inferior service ?

(c) If the replies to (a) and (b) are in the affirmative, will Government be pleased to state whether they intend to place the binders, pressmen, machinemen, galley proof pressmen and the form carriers of the Eastern Bengal Railway Press in the superior service ?

**Mr. A. A. L. Parsons :** (a), (b) and (c). The information has been supplied to the Honourable Member, *vide* Railway Board's letter No. 117-E.130, dated the 10th July, 1930.

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

100. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that Mr. Slatter, the Special Officer appointed by the Railway Board, to go into the grievances of the Press workers, during his last visit to the Eastern Bengal Railway Press, assured the employees, in the presence of the Superintendent, that the piece system would be abolished, the salary system would be introduced, and all the employees would be placed on the superior service ?

(b) If the reply to (a) is in the affirmative, will Government be pleased to state what has been done to give effect to that assurance ?

**Mr. A. A. L. Parsons :** (a) and (b). Enquiry will be made from Mr. Slater who is at present on leave out of India and a reply will be sent to the Honourable Member on its receipt.

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

101. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that holidays during the Durga Puja festival, Muharram and Christmas were allowed to all the employees of the Eastern Bengal Railway Press irrespective of their religion ?

(b) Are Government aware that the Muhammadan employees were not allowed to enjoy the holidays during the Durga Puja festival, the Hindu employees the Muharram holidays and both the Hindu and Muhammadan employees the Christmas holidays in this year ?

(c) If answers to (a) and (b) are in the affirmative, will the Honourable Member-in-charge, Railways and Commerce, be pleased to state the reason for this departure ?

**Mr. A. A. L. Parsons :** (a), (b) and (c). I have called for the information from the Agent, Eastern Bengal Railway, and will communicate with the Honourable Member on its receipt.

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY PRESSES OF HOWRAH AND CALCUTTA.

102. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that, in reply to my starred question No. 702, Government stated on 21st March, 1930, that the Agent of the East Indian Railway has been asked to deal with the memorial, dated 2nd January, 1930, of the compositors, distributors and binders of the East Indian Railway Presses of Howrah and Calcutta, as expeditiously as possible ?

(b) Is it a fact that the Honourable Member-in-charge received a telegram from the Secretary, Press Employees' Association, Calcutta, on 28th April, 1930, to the effect that great unrest was prevailing among the East Indian Railway Press workers ?

(c) Is it a fact that Government in letter No. 117-E.130, dated 5th May, 1930, directed the Secretary, Press Employees' Association, to refer the matter to the Agent, East Indian Railway ?

(d) Is it a fact that the Agent, East Indian Railway, received a letter from the Secretary, Press Employees' Association, Calcutta, dated 6th June, 1930, for immediate disposal of the memorial of 2nd January, 1930 ?

(e) If the answers to (a), (b), (c) and (d) are in the affirmative, will Government be pleased to state what has been done with regard to the matter ?

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

(b) Yes.

(c) Yes.

(d) Government have no information.

(e) Detailed proposals for revised scales of pay for the East Indian Railway Press employees have been framed and are under discussion between the Railway Board and the Agent, East Indian Railway.

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY PRESSES OF HOWRAH AND CALCUTTA.

103. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Will the Honourable Member-in-charge, Railways and Commerce, be pleased to lay on the table a statement showing the names of the binders of the East Indian Railway Press, both of Calcutta and Howrah, with their respective lengths of service and the last increment allowed to each of them ?

(b) Is it a fact that under the existing rules the binders of the East Indian Railway Press are promoted to the next higher class, when the maximum of the grade is reached ?

(c) Is it a fact that the Printing Superintendent, East Indian Railway, received a letter, dated 16th May, 1930, from the Secretary, Press Employees' Association, Calcutta, with a list of employees who have not been given any increment or promotion during the period ranging from 5 to 14 years ?

(d) If the reply to part (c) is in the affirmative, will Government be pleased to state the reasons for withholding promotion or increment to the employees as stated in the said letter ?

**Mr. A. A. L. Parsons :** (a), (b), (c) and (d). I have called for information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt.

GRIEVANCES OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY PRESSES OF HOWRAH AND CALCUTTA.

104. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the binders, pressmen, machinemen, galley proof pressmen and form carriers of the Government of India Press are in the superior service ?

(b) Is it a fact that the binders, pressmen, machinememen, galley proof pressmen and the form carriers of the East Indian Railway Press are in the inferior service ?

(c) If the replies to (a) and (b) are in the affirmative, will Government be pleased to state whether they intend to place the binders, machinememen, pressmen, galley proof pressmen and the form carriers of the East Indian Railway Press in the superior Service ?

**Mr. A. A. L. Parsons :** (a) The Honourable Member's attention is invited to the reply given in Railway Board's letter No. 117-E., dated 10th July, 1930, in answer to his question No. 736 (a) of the 21st March, 1930.

(b) No definite classification has been laid down by the East Indian Railway.

(c) The question of the classification of the staff of the East Indian Railway Press is under consideration.

#### GRIEVANCES OF CERTAIN EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

105. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that, in reply to my starred question No. 631, dated 18th September, 1929, regarding the pay of the piece-workers, Government of India Press, Calcutta, the Honourable Member-in-charge of Industries and Labour, stated that the same was under his careful consideration ?

(b) Is it a fact that, in reply to my starred question No. 721, dated 21st March, 1930, the Honourable Member-in-charge of Industries and Labour, stated that the memorials of the piece-workers of the Government of India Press, Calcutta, were still under the consideration of the Government of India ?

(c) If the answers to parts (a) and (b) are in the affirmative, will Government be pleased to state the steps that have since been taken ?

(d) Will Government be pleased to lay on the table their correspondence with the Manager, Government of India Press, Calcutta, with his recommendations regarding the pay of the piece-workers ?

**The Honourable Sir Joseph Bhole :** (a) and (b). Yes.

(c) Government have passed orders granting certain concessions to the memorialists.

(d) Government do not propose to lay on the table a copy of the correspondence.

#### GRIEVANCES OF CERTAIN EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

106. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that Government have received a memorial from the Mono-casters of the Government of India Press, Calcutta, dated 13th March, 1930 ?

(b) If the answer to (a) is in the affirmative, will the Honourable Member-in-charge, Industries and Labour, be pleased to state what steps have been taken in the matter ? If not, why not ?

(c) Is it a fact that according to the Civil Service Rules and Regulations, as well as the Government Servants' Conduct Rules, any employee suffering from an infectious disease, is liable to dismissal ?

**The Honourable Sir Joseph Bhole :** (a) and (b). Yes. The memorial has been considered and rejected.

(c) The attention of the Honourable Member is invited to the reply given to part (a) of his starred question No. 665 in the Legislative Assembly on the 23rd September, 1929.

#### GRIEVANCES OF CERTAIN EMPLOYEES OF THE EASTERN BENGAL RAILWAY PRESS.

107. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that the salaried hands in the Eastern Bengal Railway Press, are allowed increments in their pay while the piece-workers do not get any increment whatsoever ?

(b) If the reply is in the affirmative, will Government be pleased to state the reasons therefor ?

(c) Will the Honourable Member-in-charge, Railways and Commerce, be pleased to state whether Government are contemplating giving increments to the piece-workers of the Eastern Bengal Railway Press ?

(d) Is it not a fact that the compositors are promoted to section-holders, the section-holders to overseers, in the Government and railway Presses ?

(e) Is it not a fact that the present overseer of the Eastern Bengal Railway Press has been recruited from the clerical staff ?

(f) If the answers to (d) and (e) are in the affirmative, will Government be pleased to state the reasons for (e) ?

**Mr. A. A. L. Parsons :** (a), (b), (d), (e) and (f). I am calling for the information and will communicate with the Honourable Member on its receipt.

(c) The Honourable Member's attention is drawn to the reply I have just given to his question No. 102 (e).

#### GRIEVANCES OF CERTAIN EMPLOYEES OF THE EAST-INDIAN RAILWAY PRESS, HOWRAH.

108. \***Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that Government have received a memorial from the employees of the ticket printing, Howrah, East Indian Railway Press, dated 25th June, 1930 ?

(b) If the answer is in the affirmative, will Government be pleased to state what action has been taken in the matter ?

**Mr. A. A. L. Parsons :** (a) No.

(b) Does not arise.



## DELIVERIES FROM NALDHI POST OFFICE.

109. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that, in reply to my starred question No. 732, the Honourable Sir Bhupendra Nath Mitra stated on 21st March, 1930, that the copy of the question was forwarded to the Post Master General, Bengal and Assam ?

(b) If the reply to (a) is in the affirmative, will the Honourable Member-in-charge, Industries and Labour, be pleased to state what action has since been taken in the matter ?

(c) Will Government be pleased to lay on the table a comparative statement showing the number of deliveries made during the last six months in the villages of Sankerpore and Hobokhali under the Naldhi P. O. in the district of Jessore ?

(d) Is it a fact that the number of beats in the village of Sankerpore under the Naldhi P. O. in the district of Jessore has been reduced to two in place of five ?

(e) Is it a fact that number of beats in the village of Hobokhali under the P. O. Naldhi has been increased from two to five ?

(f) Is it a fact that the income from the village of Sankerpore is more than the village of Hobokhali ?

(g) Will the Honourable Member-in-charge, Industries and Labour, be pleased to state the number of peons employed in the Post Offices of Naldhi and Nohatta, respectively, in the district of Jessore ?

(h) Will Government be pleased to state whether they contemplate increasing the number of peons and introducing the system of daily beat in Sankerpore under the Naldhi P. O. ?

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

(b) The village is now served three times instead of twice a week.

(c), (e) and (f). The information is being collected and will be supplied to the Honourable Member when received.

(d) No.

(g) It is presumed that by the term "peon" postman is meant. There is one postman at Naldhi and there are three at Nohatta.

(h) No, the number of articles is not sufficiently large to justify a daily service.

## INSTALLATION OF A TELEPRINTER AT THE PARK STREET TELEGRAPH OFFICE, CALCUTTA.

110. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Will Government be pleased to state if it is a fact that a telegraph typewriter machine has been fitted at the Park Street, T. S. O., Calcutta, for receiving telegrams ?

(b) If so, will Government be pleased to state what the price of the machine is ?

(c) Is it a fact that a mechanic has also been appointed to repair the machine, when it becomes out of order ?

(d) If so, what is the pay of the mechanic and for how many hours a month does he work ?

(e) How many telegrams are daily received on an average in the Park Street T. S. O. for delivery ? What is the approximate amount that has been saved to the department by fitting that machine for receiving telegrams since the appointment of that mechanic ?

Mr. H. A. Sams : (a) Yes. The apparatus is known as a "teleprinter".

(b) Rs. 1,500.

(c) No. One of the mistries employed in the Central Telegraph Office, Calcutta, attends to the machine when necessary.

(d) Does not arise.

(e) The average number of telegrams received daily in the Park Street Telegraph Office is 136. The arrangement, which is of a purely experimental nature, was started on 23rd June, 1930. It was introduced not with the object of effecting an economy in the working of the Park Street Office, but with the object of testing the suitability of this system of working between the Central Telegraph Office and the local offices in order to secure the more expeditious disposal of telegrams by decentralising the delivery work which is at present centralised in the Central Telegraph Office, Calcutta. As stated in reply to part (c) of the question, no special mechanic has been appointed to look after the machine.

## DENIAL OF FIRST CLASS POWERS TO THE SUB-POSTMASTER, BEADON STREET POST OFFICE, CALCUTTA.

111. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Will Government be pleased to state if it is a fact that the Sub-Postmasters of Kalvadevi and Mandvi in Bombay and of Barabazar in Calcutta have been given certain powers of first class Postmasters and they are no longer under the Divisional Superintendents ?

(b) If so, will Government be pleased to state why the same powers have not been conferred on the Sub-Postmaster of Beadon Street in Calcutta ? Is he equal in rank and pay to those of Kalvadevi, Mandvi and Barabazar T. S. Os. ?

(c) Is it a fact that the house rent of the Beadon Street T. S. O. (Calcutta) is Rs. 1,500 per month, and is this high rent paid on account of the importance of the T. S. O. ?

(d) Will Government be pleased to state why the Sub-Postmaster of Beadon Street T. S. O. has been denied first class powers and been compelled to work under the Divisional Superintendent ?

Mr. H. A. Sams : (a), (b) and (d). Inquiries are being made and the results will be communicated to the Honourable Member in due course.

(c) The reply to the first part of the question is in the affirmative. As regards the second part, the rent paid for a post office is determined by prevailing local rentals and the extent of the accommodation required.

## APPOINTMENT OF SELECTION GRADE SUPERVISORS FOR POSTAL DEPARTMENTS.

112. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Will Government be pleased to state if it is a fact that the Postal Inquiry Committee recommended that a Department with an office of five clerks or more should be under the supervision of a selection grade official ?

(b) If so, will Government be pleased to state how many clerks there are in the following Departments of the Calcutta General Post Office and whether they have got selection grade supervisors ?

1. Registration Packet Sorting.
2. Money Order Delivery Department.
3. Money Order Audit Department.
4. Division No. 7 and 9 of the Parcel Sorting Department.
5. Issue, Receipt and Registration Sections of the Correspondence Department.

(c) Will Government be pleased to state how many Departments there are in the Calcutta General Post Office over and above those mentioned above, where there are five or more clerks, but where there are no selection grade supervisors ?

(d) Will Government be pleased to state the reasons why selection grade posts have not been sanctioned for these Departments ?

(e) Is it a fact that there are three selection grade appointments in the Accounts Department of the Calcutta General Post Office ? What is the strength of that Department ?

(f) Will Government be pleased to state whether they are prepared to transfer one of these appointments to another department where there is absolute necessity for a selection grade post, in case they cannot sanction all the posts just at present ?

Mr. H. A. Sams : (a) No.

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

(e) There are three selection grade appointments ; and the strength of the Department is 16.

(f) Any suggestion received from the Postmaster-General for a redistribution of the selection grade posts will receive my careful consideration.

## PHTHISIS AMONGST THE STAFF OF THE HOWRAH POST OFFICE.

113. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Has the attention of Government been drawn to correspondence in the *Labour* entitled "Phthisis at Howrah" published in its issue of May, 1930 ?

(b) Is it a fact that the Howrah Post Office was once visited by the Civil Surgeon of Howrah, who spoke of the bad condition of the office and recommended evacuation in the interests of the health of the staff ?

(c) Is it a fact that altogether 18 deaths have occurred amongst the staff of the Post Office up till now ?

(d) Will Government be pleased to supply a copy of the report of the Civil Surgeon, Howrah, in this matter ?

Mr. H. A. Sams : (a) Government have seen the correspondence.

(b) and (d). Yes ; a copy of the Civil Surgeon's report is being furnished to the Honourable Member.

(c) Thirteen deaths occurred from May, 1926, to March, 1930, including one from phthisis.

## REPORTED LOSS ON THE POSTS AND TELEGRAPHS DEPARTMENT.

114. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Has the attention of Government been drawn to an article in the *Times of India* on the 28th March, 1930, under the caption "Indian Posts and Telegraphs. Are they running at a loss ?" which article was subsequently reproduced in the April issue of *Labour* ?

(b) Is it a fact that postage stamps are supplied free of charge to Rulers of the Indian States, as has been stated therein ?

(c) If so, will Government be pleased to state the exact amount of postage supplied to them during the last two years ?

(d) Will Government please state why the amount is not charged for from them ?

The Honourable Sir Joseph Bhore : (a) Yes.

(b) Yes. Service postage stamps are supplied to certain Indian States free of charge.

(c) Free postage stamps to the value of Rs. 3,01,735 were supplied in 1928-29 and Rs. 3,32,138 in 1929-30 ; but in addition free postal service within the State is also allowed in certain cases, the aggregate annual value of which amounts to about Rs. 6½ lakhs.

(d) The amounts are not recovered from the States because the arrangements form part of the mutual agreements or understandings relating to the working of the Indian Posts and Telegraphs Department in the several States.

## RAIL AND STEAMER PASSES FOR POSTAL SUPERINTENDENTS AND INSPECTORS.

115. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that, several years ago, the Postal and Railway Mail Service Superintendents and Postal and Railway Mail Service Inspectors were given free passes for travelling in railways and steamers in connection with their work of inspection or investigation ?

(b) If the reply to the above be in the affirmative, will Government be pleased to state whether this concession has been withdrawn by Railways and steamer companies ? If so, why ?

(c) Will Government be pleased to state the amount which was spent in the last two years for paying train and steamer fares to the Superintendents and Inspectors ?

(d) Will Government be pleased to supply a copy of the letter or Resolution of the Government of India under which the railways issued free passes to the Superintendents and Inspectors ?

**Mr. H. A. Sams :** (a) and (b). Yes, but the concession was withdrawn, by railways only, from the 1st April, 1926, except in so far as it was necessary to continue it for Railway Mail Service work, this change being made because of the commercialization of the Railways and the Posts and Telegraphs Department.

(c) Government have no precise information readily available. The trouble involved in the collection of the information would be considerable. Government do not therefore propose to ascertain the amount.

(d) A copy of the Government of India Public Works Department Circular No. XLII-Railway, dated the 16th November, 1881, and of the Rules for Free Passes attached thereto will be given to the Honourable Member.

#### CONVEYANCE OF MAILS BY GARRAGE (CALCUTTA), LIMITED.

116. **\*Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) With reference to paragraph 2 of the agreement between Garrage (Calcutta), Ltd. and the Director General of Posts and Telegraphs for conveyance of mails of the Calcutta General Post Office and the T. S. Os., by motor vans, will Government be pleased to state whether the contractors maintain a fleet of cars, as has been mentioned in that paragraph ?

(b) Will Government be pleased to state how many motor cars have been built by the Company up to 31st March, 1930, since taking over the work and what are their respective carrying capacities ?

(c) Have these cars been approved by the Postmaster General, Bengal and Assam with reference to the schedule of trips prepared by the Presidency Postmaster, Calcutta ?

(d) Will Government be pleased to supply a statement showing the amount paid to the contractors in the year 1927-28, 1928-29 and 1929-30 ?

**Mr. H. A. Sams :** (a) Yes.

(b) Eighteen Cars.

Details :—6 one-ton Fords.

6 half-ton Fords.

2 one and half ton Beans.

2 one-ton San Fords.

1 one and half ton San Fords.

1 quarter-ton Trojan.

(c) Yes.

(d) 1927-28—Rs. 2,07,023-2-0.

1928-29—Rs. 2,13,825-0-0.

1929-30—Rs. 2,08,955-0-0.

The figures include the cost of extra haulage.

#### SCOPE OF THE RETRENCHMENT OFFICER'S INQUIRIES.

117. **\*Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Will Government be pleased to state if it is a fact that a

Retrenchment Officer has been appointed by the Government to effect retrenchment in all Departments of the Government of India ?

(b) If the reply be in the affirmative, will Government be pleased to state the terms and scope of the inquiry to be made by the Retrenchment Officer ?

(c) Will Government be pleased to state whether they intend to effect retrenchment in the Postal Department also ? If so, on what lines ?

**The Honourable Sir George Schuster :** (a) and (b). I would invite the Honourable Member's attention to paragraph 5 of the Proceedings of the Meeting of the Standing Finance Committee, Volume IX, No. 19. An officer has been placed on special duty in the Finance Department to carry out, in conjunction with that Department, a detailed and technical review of the various causes operating to increase the administrative expenditure of the Central Government, and to explore avenues of economy.

(c) The possibility of effecting retrenchment in the sense of economies in working is continuously before the responsible heads of the Post and Telegraphs Department. Government are also considering the question of undertaking a special examination of the growth of expenditure in this Department on the lines now being followed for the ordinary administrative services by the Officer on Special Duty in the Finance Department. A decision on this point will be taken shortly.

#### APPOINTMENT OF MR. J. N. GUPTA AS ACCOUNTANT, CALCUTTA GENERAL POST OFFICE.

118. **\*Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) With reference to starred question No. 538 in the Legislative Assembly on the 12th March, 1930, about the appointment of Mr. J. N. Gupta as Accountant, Calcutta General Post Office, will Government be pleased to state what the Government mean by "so long as he works in and is considered suitable for the appointment" as appears in the reply to part (b) of that question ?

(b) Will Government be pleased to state how many years an official can work in a particular appointment provisionally ?

(c) Have Government called for any report from the authorities concerned as to the suitability and fitness of Mr. J. N. Gupta ?

**Mr. H. A. Sams :** (a) The meaning is that Mr. J. N. Gupta will hold the post of Accountant, Calcutta General Post Office, so long as he works satisfactorily in that post.

(b) There is no prescribed time limit.

(c) No.

#### GRANTS MADE TO RECREATION CLUBS OF POSTAL AND TELEGRAPH OFFICIALS.

119. **\*Maulvi Abdul Matin Chowdhury** (on behalf of Mr. S. C. Mitra) : (a) Will Government be pleased to state what amount of grant was made to the Recreation Clubs of postal officials and telegraph officials, and on what condition ?

(b) Will Government please state what amount has been provided in this year's budget ?

**The Honourable Sir Joseph Bhore :** (a) During the year ending March 31st, 1930, Rs. 6,840 were granted to Postal and Railway Mail Service Recreation Clubs, and Rs. 4,965 to Telegraph Recreation Clubs. These grants are given to Clubs intended solely for recreation purposes and which are properly organised and managed.

(b) Rs. 7,500 for Postal and Railway Mail Service Recreation Clubs and Rs. 5,000 for Telegraph Recreation Clubs.

#### PAY OF EXTRA DEPARTMENTAL AGENTS IN CERTAIN POST OFFICES IN BENGAL.

**120. \*Maulvi Abdul Matin Chaudhury** (on behalf of Mr. S. C. Mitra) : (a) Will Government be pleased to state the pay of the Extra Departmental Agents in the E. D. Offices of Musapur, Maitbhanga, Aminullah, respectively, in the District of Noakhali (Bengal) ?

(b) Is it a fact that the Extra Departmental Agent in the Nyamasti Post Office in the same locality gets an allowance of Rs. 6 only ?

(c) Will Government be pleased to state the difference in pay between that of the Extra Departmental Agent of Nyamasti and that of the Extra Departmental Agents of other Post Offices mentioned in (a) above ? Do Government contemplate to remove this disparity ?

**Mr. H. A. Sams :** (a) Extra Departmental Agents do not receive pay but allowances, which in the cases of the offices referred to by the Honourable Member are Rs. 9, Rs. 14 and Rs. 14, respectively.

(b) Yes.

(c) The differences are Rs. 3, Rs. 8 and Rs. 8, and as these allowances are fixed with due regard to the amount of work performed by the various Extra Departmental Agents, such disparities are inevitable, nor is there any general case for their removal.

#### RUFFIANLY ATTACKS ON OVERSEERS, POSTMEN AND RUNNERS..

**121. \*Maulvi Abdul Matin Chaudhury** (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that of late many overseers, runners and postmen have been attacked by ruffians, and as a result of which some of them died and the Government cash and mails were looted ?

(b) If so, will Government be pleased to state how many cases of this nature occurred during the years, 1929 and 1930 ?

(c) Will Government please state what they propose to do to give protection to these men from the attack of ruffians, and what provision has been made for their families ?

**Mr. H. A. Sams :** (a) There have been some cases of the kind.

(b) 18 cases occurred in 1929, in which 4 were attended with murder, and 19 in 1930, in which 4 were attended with murder.

(c) No measure short of an expensive escort can give effective protection against attacks by ruffians. As a preventive measure, however,

conveyance of mails and cash is restricted to the day time and double sets of runners are employed where necessary. Postmen are allowed departmental escorts when the amount of cash is heavy. An extraordinary gratuity or family pension has been sanctioned in some cases, while others are under consideration.

#### WRETCHED CONDITION OF THE MAGRA POST OFFICE.

**122. \*Maulvi Abdul Matin Chaudhury** (on behalf of Mr. S. C. Mitra) : (a) Has the attention of Government been drawn to a complaint under the caption "Working under an umbrella" stating about the wretched condition of the Magra Post Office ?

(b) Will Government please state whether it is a fact that, in spite of representation about the wretched condition of the Post Office, no action has been taken by the Superintendent of Post Offices, Hooghly Division ?

(c) Will Government please state what action they propose to take to remedy the wretched condition of the Magra Post Office and make it habitable ?

**Mr. H. A. Sams :** (a) Yes.

(b) The fact is not as stated. Action was taken by the Superintendent of Post Offices, Hooghly Division, on receipt of a representation from the Sub-Postmaster, Magra. No building was, however, available in the locality for the temporary accommodation of the Magra Post Office.

(c) A sum of Rs. 927 was sanctioned by the Postmaster-General, Bengal and Assam Circle, on the 16th June, 1930, for thorough repairs to the Magra Post Office building. The work is in progress.

#### HARDSHIPS OF POST OFFICE SAVINGS BANK CLERKS.

**123. \*Maulvi Abdul Matin Chaudhury** (on behalf of Mr. S. C. Mitra) : (a) Has the attention of Government been drawn to an article under the caption "Hardship of the Savings Bank Clerks" published in May, 1930, issue of the *Labour* ?

(b) Is it a fact that the Accountant-General, Posts and Telegraphs, has submitted certain proposal to the Director-General regarding work of the Savings Bank Department which has not yet been accepted by the Director-General ?

(c) If so, will Government please state what they propose to do to give relief to the Savings Bank Clerks ?

**Mr. H. A. Sams :** (a) Yes.

(b) and (c). Yes, the matter is still under consideration.

#### LOSS OF LIFE ON THE DIBRU-SADIYA RAILWAY LINE.

**124. \*Mr. Anwar-ul-Azim :** (a) Will Government be pleased to state what is the relation of the Government of India with the Dibrugarh-Sadiya Railway in Assam ? Has the attention of Government been drawn to the fact that the Dibrugarh-Sadiya Railway passes through the town of Digboi from Charali to Digboi station and that it is responsible for the loss of many lives on that account ?

(b) Are Government prepared to consider the desirability of having that part of the said Railway Line fenced by the Company ?

**Mr. A. A. L. Parsons :** (a) and (b). I am making inquiries and will let the Honourable Member have a reply in due course.

#### LACK OF MONEY ORDER AND POSTAL FACILITIES IN THE DIGBOI THANA.

125. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state what are the post office hours, for registration and money orders in Dibrugarh Head Office ? How many post offices are there in Digboi Thana of Lakhimpur District ? Are Government aware that the labouring populations of Digboi suffer greatest hardship and troubles for want of proper facilities for sending their money orders and registered articles ?

**Mr. H. A. Sams :** The hours for registration and issue of money orders at Dibrugarh Head Office are :

Registration . . . From 7 A.M. to 10 A.M. and from Noon to 3 P.M.  
On Saturdays from 8 to 10 A.M. and from Noon to 2 P.M.

Money Orders . . . From 9 A.M. to 2 P.M.  
On Saturdays from 9 A.M. to Noon.

There is only one Post Office, viz., Digboi, in the Digboi Thana.

Only one complaint has been received, namely, from the Labour Superintendent in May, last, about the inconvenience felt by the Labourers in issuing money orders. On investigation it was found to be due to the sudden illness of one of the postal clerks.

#### REVENUE DERIVED FROM PETROL AND OIL IN ASSAM.

126. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how much revenue on petrol annually they get from the Assam Oil Company at Digboi (Assam), and how much from royalties on oil ?

**The Honourable Sir George Schuster :** Taking the average for the last four years the amount of excise duty collected on motor spirit produced at the Digboi refinery was Rs. 14,42,554. Information regarding royalties on the oil wells has been called for and it will be communicated to the Honourable Member separately when received.

#### SELECTION OF REPRESENTATIVES FOR THE ROUND TABLE CONFERENCE.

127. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state on what basis and on whose recommendations, representatives from the provinces will be selected to sit on the Round Table Conference ?

**The Honourable Mr. H. G. Haig :** The Honourable Member is referred to the reply which I gave to parts (c) and (d) of Mr. M. K. Acharya's question No. 84.

#### MEMBERS OF THE LEGISLATIVE ASSEMBLY APPOINTED TO THE CENTRAL BANKING INQUIRY COMMITTEE.

128. **\*Mr. Anwar-ul-Azim :** Will Government be pleased to state how many Members of the Legislative Assembly were selected to serve

on the Central Banking Inquiry Committee ? What is their status now, if they have resigned their seats in the Assembly ?

**The Honourable Sir George Schuster :** Excluding the Chairman, seven members of the Central Banking Inquiry Committee were Members of the Legislative Assembly. Two of these have resigned their seats in the Assembly. Their resignation does not affect their status as members of the Committee.

#### DENIAL OF LAND TO EX-SERVICE SEPOYS OF MERWARA.

129. **\*Rai Sahib Harbilas Sarda :** (a) Is it a fact that agricultural land in the Punjab was granted to Indian non-commissioned officers and sepoy who fought for Britain in the World War, 1914—1918 ?

(b) Is it a fact that the District of Merwara (Ajmer Province) furnished the largest percentage of its population as sepoy in India in the war ?

(c) Is it a fact that when agricultural land was awarded to those who had gone to that war, no land was given to sepoy from Merwara on the ground that land in the Punjab was reserved for Punjabi sepoy ?

(d) Is it a fact that the sepoy of Merwara were admitted as eligible for grant of land in connection with the Sindh Barrage scheme and they were told that their claims would be considered when land under that scheme was granted ?

(e) And is it a fact that when these sepoy have now applied for land under the Sindh Barrage scheme they have been told that Bombay and Punjab sepoy alone are eligible for this land ?

(f) Will Government state why the people of Merwara who furnished the highest percentage of fighting men in the whole of India are being debarred from all award of land, while sepoy from other provinces are given agricultural land ?

**Mr. G. M. Young :** (a) and (c). Under the Special War Reward Scheme, land in the Punjab, as in other provinces, was granted to Indian officers and other ranks of the agricultural class, who distinguished themselves in the Great War, or to the heirs of deceased soldiers of that class. The majority of grantees were Punjabis, but the Punjab Government, as a special case for the purpose of the scheme, accepted in addition as colonists, residents of the Delhi Province, the North West Frontier Province, the country beyond that province, Kashmir, and the Indian States in the Punjab. Where no land was available cash rewards were granted.

(b) No, Sir. I know of at least one district which furnished a higher percentage.

(d) The Government of India have no information.

(e) The Bombay Government have imposed the condition that colonists in the Lloyd Barrage Scheme must be residents of the Punjab, Delhi or the United Provinces and belong to the agricultural classes.

(f) I would ask the Honourable Member to refer to my replies to parts (a), (c), and (d). I would add that land is not being given free to any military grantees in the Sindh Barrage colonisation area.

APPOINTMENT OF A WHOLE-TIME SUPERINTENDENT OF EDUCATION FOR  
AJMER-MERWARA.

130. \*Rai Sahib Harbilas Sarda : (a) Is it a fact both Delhi and Ajmer are under the direct administration of the Government of India and that both the provinces contain approximately the same population, Delhi having 488,188 and Ajmer-Merwara 495,271 ?

(b) Is it also a fact that, while, taking the year 1928-29, in Delhi 65.4 per cent. of the boys of the school-going age attended school, in Ajmer only 27.9 per cent. did so ?

(c) Is it also a fact that, while in Delhi, enrolment of boys in Municipal schools of Delhi went up six times from 1,468 in 1922-23 to 8,549 in 1928-29, the enrolment in Ajmer rose only from 6,610 to 10,524 ?

(d) Are Government aware that, out of a total population of 2,25,705 females in Ajmer-Merwara, only 1,395 girls are under instruction, giving a percentage of 0.621 ?

(e) Is it also a fact that the number of primary schools for girls in Ajmer-Merwara decreased from 12 in 1921-22 to 7 in 1926-27 and the expenditure on these schools went down from 10,595 in 1921-22 to 6,909 in 1926-27 ?

(f) Will Government state if this "deplorable state of affairs", to use the words of the last Quinquennial Report on Education in Ajmer-Merwara, is due to the fact that the Officer, who is Superintendent of Education both for Ajmer and Delhi, lives out of Ajmer-Merwara and only pays occasional visits to Ajmer ? If not, to what is it due ?

(g) Are Government aware that the people of Ajmer-Merwara think that the first necessity of Ajmer in the matter of education is to have a full time fully qualified educational officer as Superintendent of Education, Ajmer-Merwara to organise education in its various grades and especially of girls in the province of Ajmer without avoidable delay ?

(h) Are Government aware that both the local Administration and the people of Ajmer-Merwara think that the appointment of a single Officer as Superintendent of Education for Delhi, Ajmer, and Central India with Headquarters at Delhi, is highly detrimental to the educational interest of Ajmer-Merwara, and that the educational needs of the people of Ajmer-Merwara can never be properly looked after by an officer who *does not live all the year round* in Ajmer ?

(i) Do Government propose to consider the question of appointing, as soon as possible, a whole time Superintendent of Education for Ajmer-Merwara only ?

Sir Frank Noyce : (a) Yes

(b) The percentages enrolled were 77 and 35, respectively.

(c) The figures given for Delhi relate to municipal board primary schools. The corresponding figures for Ajmer-Merwara are 301 and 783, respectively.

(d) The figures quoted are for 1926-27. In 1928-29, the number of girls under instruction increased to 3,252, being 1.3 per cent. of the popu-

(e) Yes ; but the decrease is only nominal as three of the schools were converted into middle schools and two small schools were amalgamated with a central girls' school at Ajmer.

(f) In the quinquennial report referred to by the Honourable Member, the backwardness of girls' education in Ajmer-Merwara is stated to be due in large part to purdah restrictions, early marriage, lack of demand for the education of girls and the want of a separate female inspecting agency.

(g) and (h). No.

(i) There is a whole-time Assistant Superintendent of Education for Ajmer-Merwara and Government trust that when a whole-time Superintendent of Education for Delhi, Ajmer-Merwara and Central India is appointed in the near future the administration of education in these areas will considerably improve.

Rai Sahib Harbilas Sarda : Does the Honourable Member think that 1.3 per cent. of the girls being educated is a proper proportion in Ajmer-Merwara when in other provinces it is ten or 12 times higher ?

Sir Frank Noyce : I agree with the Honourable Member that the proportion is not satisfactory.

Dr. Ziauddin Ahmad : It was stated that the Superintendent would be appointed at an early date. May I ask what is the definition of "at an early date" ? Will he be appointed in 1930 ?

Sir Frank Noyce : I hope so, Sir.

COLLECTION OF WATER IN THE BISLA TANK AT AJMER.

131. \*Rai Sahib Harbilas Sarda : (a) Is it a fact that water is allowed to collect in the Bisla tank at Ajmer only for three months after the rains for the benefit, and at the sole request, of the Bombay, Baroda and Central India Railway Officers to help the wells in their compounds, and then drained off ?

(b) Are Government aware that the revenue authorities of Ajmer opposed this request of the Railway authorities to let the water collect in the tank as being ruinous to the owners of land in the bed of the lake ?

(c) Is it also a fact that the railway authorities agreed to pay compensation to such owners of land for the injury done to them by the accumulation of water in Bisla ?

(d) Do Government propose now either to stop collecting water in the Bisla, or make the railway authorities pay proper compensation to the owners of land in the bed of the Bisla tank ?

Mr. A. A. L. Parsons : I have made enquiries from the Agent of the Bombay, Baroda and Central India Railway and will communicate with the Honourable Member in due course.

INVIDIOUS DISTINCTIONS AMONGST EXAMINEES FOR SELECTION GRADE POSTS  
IN THE POSTS AND TELEGRAPHS DEPARTMENT.

132. \*Mr. Saradindu Mukerjee : (a) Is it a fact that, in the last selection grade examination held by the Director General of Posts and



Telegraphs, a distinction was made between officials below 40 years of age and above, by which the former were compelled to appear in four subjects, and the latter in two only ? If so, will Government kindly state the reasons justifying such a new departure in the matter of examination ?

(b) Is it a fact that the examination was postponed on more than one occasion before it was finally postponed *sine die* ? If so, will Government kindly state the reasons ?

(c) Were any complaints received that the time allowed for preparation was inadequate in the case of those persons who had to appear in four subjects ? Is it also a fact that such examinees were denied any extension of time by the Director General though appealed to do so ? Will Government please state the reason for such denial ?

**Mr. H. A. Sams :** (a) Yes. The examination was the first of its kind and the distinction was made with a view to avoid hardship to the senior officials who, on account of their age, might perhaps have found it difficult to prepare for the examination in the time allowed.

(b) The Honourable Member is referred to the reply given to parts (b) and (c) of Mr. C. S. Ranga Iyer's unstarred question No. 245 in the Legislative Assembly on the 20th February, 1929.

(c) Yes. It was not considered necessary to grant an extension since the examination related in the main to matters with which the candidates were familiar and men of under 40 years should have had little difficulty in preparing for the examination in all four subjects in the time available. Moreover, two of the four papers were to be answered with the help of books.

#### REDISTRIBUTION OF AREAS OF THE ORIYA-SPEAKING PEOPLES.

133. \***Mr. B. N. Misra :** (a) Are Government aware of :

- (i) the recommendations of Mont-Ford Report in 1919 "that a sub-province for Orissa should be formed at no distant date" ;
- (ii) the recommendations of the Simon Commission "that the question of redistribution of the areas of the Oriya speaking peoples will be first considered" besides the long standing agitation of the Oriyas and promises by Government in the same matter ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to state :

- (i) whether they intend to make a redistribution of the Oriya speaking areas on the existing materials before them, collected during the last 30 years ; or
- (ii) whether they propose to appoint a fresh committee of officials and non-officials to inquire into the same ; or
- (iii) whether, in the latter case, Government are prepared to name the personnel and appoint such a committee immediately to begin their work ?

**The Honourable Mr. H. G. Haig :** (a) (i) and (ii). Government are aware of the references to Orissa in paragraph 246 of the Joint Report, and of the recommendation of the Indian Statutory Commission that the

Boundaries Commission should be set up to investigate the main cases, including Orissa, in which provincial readjustment seems called for.

(b) The recommendations of the Commission are now being considered by Government. In the meantime I regret that I am unable to make any statement in reply to the points raised in this part of the Honourable Member's question.

**Dr. Nand Lal :** Is there any definite date on which these boundaries will be settled and its recommendation will receive appreciation ?

**The Honourable Mr. H. G. Haig :** No, Sir. No definite date can be fixed for such a decision until the matter has been further considered.

**Dr. Nand Lal :** May I ask when that matter will be considered ? May I venture to ask the exact date when consideration will be extended to this matter ?

**The Honourable Mr. H. G. Haig :** As I have already informed the House, the Government of India are giving the most intense consideration to the whole question.

**Mr. B. N. Misra :** May I ask the Honourable Member whether at any rate it will be done before the proposed Government of India Act is introduced in the House of Commons ?

**The Honourable Mr. H. G. Haig :** I am afraid I cannot give any definite assurance on that point until we explore the matter further.

**Dr. Ziauddin Ahmad :** Will the fixing of the boundaries of the North West Frontier Province form part of the terms of reference to this Commission ?

**Mr. Gaya Prasad Singh :** That question does not arise out of this.

**The Honourable Mr. H. G. Haig :** I was not aware that the question of the boundaries of the North West Frontier Province was in issue.

#### SELECTION GRADE POSTS OF ACCOUNTANTS AND ASSISTANT ACCOUNTANTS IN HEAD POST OFFICES.

134. \***Mr. A. H. Ghuznavi :** (a) Is it a fact that the Director General, Posts and Telegraphs, laid down the principle, as far back as 1927, of appointing passed accountants only to selection grade posts of accountants and assistant accountants in Head Post Offices ?

(b) Is it a fact that the Government of India are in agreement with the principle mentioned in part (a) ?

(c) If the answers to (a) and (b) are in the affirmative, will Government be pleased to state whether the selection grade appointments of accountants or assistants have been filled up by passed accountants in (i) Head Post Offices in India (including Burma), and (ii) also in the Calcutta General Post Office ?

(d) If the answer to part (c) be in the negative, will Government be pleased to state, why it is not possible to transfer unpassed accountants, holding these posts, to the general line in the same grade ?

(e) Is it a fact that the post of accountants and assistant accountants in the selection grade do not by themselves constitute a separate cadre ?

(f) Is it a fact that the Director General, Posts and Telegraphs, has issued orders for rotation of charges at regular interval and that no official can claim to remain in a particular appointment indefinitely ?

(g) If the answers to parts (e) and (f) be in the affirmative, will Government be pleased to state why the unpassed accountants have been allowed to hold the posts of accountants and assistant accountants in selection grades in (i) any Head Post Office in India (including Burma), and (ii) also in the Calcutta General Post Office even after the issue of the recent orders of the Government of India on the subject ?

**The Honourable Sir Joseph Bhore :** Information on some of the points referred to has been called for. As soon as this is received a reply will be given to the whole question.

#### SIEGE OF DEHRA ISMAIL KHAN BY THE POLICE AND MILITARY.

135. \***Dr. Nand Lal :** (a) Is it a fact that a portion of Dera Ismail Khan town was besieged completely by police and military from 1st to 4th June, 1930, and that no body was allowed to go from one street to another ?

(b) Is it also a fact that the aforesaid action was taken under section 144 of the Criminal Procedure Code ?

(c) Is it a fact that the local Bar at Dera Ismail Khan made representation that the action, mentioned above, was illegal ?

(d) Will Government be pleased to state as to what action has been taken against the officials concerned of Dera Ismail Khan for putting peaceful citizens of that town in trouble by the act described in clause (a) above ?

**The Honourable Mr. H. G. Haig :** (a) No. One portion of the Dera Ismail Khan city was isolated from the rest in order to prevent the inhabitants from taking unlawful processions to other areas.

(b) Yes.

(c) Not so far as is known.

(d) The action was taken under the law and the question therefore does not arise.

#### OVERCROWDING OF THIRD AND INTERMEDIATE CLASS CARRIAGES ON THE NORTH WESTERN RAILWAY.

136. \***Dr. Nand Lal :** (a) Is it a fact that there is considerable overcrowding in third class passenger trains over the North Western Railway ?

(b) Is it a fact that there is overcrowding in the intermediate class in some of the mail trains over the North Western Railway ?

(c) If so, do Government propose to remedy this overcrowding ?

**Mr. A. A. L. Parsons :** (a), (b) and (c). A census of passengers on trains was taken by the North Western Railway in November, 1929. It was found that on 6 regular trains third-class carriages were frequently overcrowded. Out of the 679 occasions on which a census was

taken, overcrowding in inter class carriages was found four times. The Agent of the North Western Railway reported in January, 1930, that steps were being taken to remedy overcrowding by attaching extra carriages or, where this is not practicable, by restricting passengers holding tickets up to 50 miles travelling by certain trains on sections where overcrowding occurs. I am having a copy of this question and answer sent to the Agent, North Western Railway.

**Dr. Nand Lal :** May I ask why concession in summer season between Lahore and Simla which was in vogue in previous years has been stopped by the Railway Department this year ?

**Mr. President :** I do not think this supplementary question arises out of the question which the Honourable Member has put.

#### PAUCITY OF LETTER BOXES IN SIMLA.

137. \***Dr. Nand Lal :** (a) Is it a fact that some of the important suburbs of Simla are without letter boxes, although a large number of tax-payers reside in those localities ?

(b) Are Government prepared to provide at least one letter box in every important suburb of Simla ?

**Mr. H. A. Sams :** (a) No.

(b) Letter boxes have already been provided in localities where they are needed and where there is a demand for them. No complaints have been received regarding a lack of letter boxes in important suburbs of Simla.

#### CONVEYANCE FACILITIES BETWEEN NEW AND OLD DELHI.

138. \***Dr. Nand Lal :** (a) Is it a fact that there is no tram or bus service in New Delhi or between New Delhi and Old Delhi ?

(b) Will Government be pleased to state whether the question of providing regular tram or bus service in the above mentioned town is receiving Government's consideration ?

**Sir Frank Noyce :** (a) and (b). The Honourable Member's attention is invited to the reply given to question No. 69, asked in the Legislative Assembly by the Revd. J. C. Chatterjee on the 21st January, 1930. The position has not changed since then.

#### MEDICAL ATTENDANCE FOR GOVERNMENT SERVANTS IN SIMLA AND DELHI.

139. \***Dr. Nand Lal :** (a) Will Government be pleased to lay on the table a statement showing the names of all the medical officers specially deputed to attend on Government servants at Simla and Delhi, together with the hours and places fixed for free consultation ?

(b) Is it a fact that some of the medical officers at Simla have taken their residences at out of way places and have fixed very inconvenient hours for consultation when the Government servants are in offices ?

(c) If answer to part (b) be in the affirmative, are Government prepared to issue instructions that such medical officers should either

attend in the Ripon Hospital or fix consultation hours before 10 A.M. and after 5 P.M.?

**Sir Frank Noyce :** (a) A statement giving the information required by the Honourable Member has been placed in the Library of the House.

(b) No.

(c) Does not arise.

#### APPOINTMENT TO THE INDIAN SERVICE OF ENGINEERS OF STUDENTS OF THE THOMASON CIVIL ENGINEERING COLLEGE.

140. **\*Dr. Nand Lal :** (a) Is it a fact that up to 1927 ten appointments used to be guaranteed, every year, to top students of the Thomason Civil Engineering College and they used to be appointed direct in the Indian Service of Engineers after passing their final examination?

(b) Is it a fact that in 1928 only the first three boys got direct employment in the Indian Service of Engineers?

(c) Is it a fact that, in 1929, it was announced by the Public Service Commission that a competitive examination for the Indian Service of Engineers will be held?

(d) Will Government be pleased to state whether any such competitive examination has since been held or not?

(e) If the answer to part (d) is in the negative, will Government be pleased to explain why, recently, the Secretary of State made thirteen direct appointments instead of recruiting from the Thomason Civil Engineering College?

(f) Will Government be pleased to state as to whether, and if so, when, the rule and practice of guaranteeing posts and giving direct appointments (in the Indian Service of Engineers) to the top successful boys from the Thomason Civil Engineering College will be restored?

**The Honourable Sir Joseph Bhore :** (a) The number of appointments which used to be guaranteed to the Thomason Civil Engineering College, Roorkee, up to the year 1927, was 9 and 10 in alternate years, but, as two appointments were usually allotted to the Indian Railway Service of Engineers annually, the number of recruits taken from the college for the Indian Service of Engineers was 7 and 8 in alternate years.

(b) Yes.

(c) Yes.

(d) Yes, a competitive examination was held in February, 1930.

(e) Does not arise. I do not know to what thirteen appointments by the Secretary of State the Honourable Member refers.

(f) The system of guaranteeing posts in the Indian Service of Engineers to the students of certain engineering colleges in India was abolished as there were certain serious difficulties inherent in the system, and it is not proposed, at any rate at present, to revive it.

**Dr. Nand Lal :** May I venture to ask what were these serious difficulties alluded to by the Honourable Member?

**The Honourable Sir Joseph Bhore :** There were many considerations, but I hope my Honourable friend will agree with me that competition is *prima facie* a better system.

#### ORDINANCE AGAINST PICKETING FOREIGN CLOTH SHOPS.

141. **\*Sir Cowasjee Jehangir :** (a) Are Government aware that the picketing of foreign cloth shops has been going on in the Indian part of the City of Bombay for some weeks; that latterly picketing was extended to the principal European shops in the Fort area; that very soon after the latter shops were subjected to picketing, Ordinance No. 5 (Prevention of Intimidation Ordinance) was put into force on Monday, June 16th, by arresting the pickets?

(b) Are Government aware that, before this Ordinance was put into force, very little inconvenience was caused to the public in the Fort area by the pickets, and that the European shops lost little or no custom due to such picketing?

(c) Are Government aware that, from Monday, June 16th, large crowds have been collecting outside the shop of Whiteaway Laidlaw & Co., Ltd., on Hornby Road, to witness the arrest of the pickets, and it is alleged that a large number of innocent people were assaulted by the police on Monday, June 16th, without apparent provocation?

(d) Are Government aware that the names and addresses of a large number of such persons have appeared in the public press, with the names of respectable witnesses of such assaults; that many of these assaults were committed at a considerable distance from the premises of Whiteaway Laidlaw & Co., and that an Indian shopkeeper was actually assaulted in his own shop?

(e) Will Government be pleased to state whether this Ordinance was put into force in the Fort area of Bombay at the instance of the Government of India under their powers of superintendence, direction and control or of the Local Government?

**The Honourable Mr. H. G. Haig :** I am glad that the Honourable Member has given me an opportunity of dealing with a matter which I know has given rise to a good deal of feeling. The replies to his question are as follows:

1. (a) Yea.

(b) The Government of India understand that picketing in the Fort Area commenced about the 6th June. They have received no special information showing the extent to which the picketing achieved its object of interfering with legitimate business.

(c) and (d). The Police on several occasions have had to disperse crowds which had collected in connection with the picketing, and I understand that on some occasions certain persons who had no connection with the disturbances received injuries.

(e) The Ordinance was extended to the Bombay Presidency at the request of the Local Government, and was applied by them to Bombay city under the authority thus conferred upon them. The Government of India are fully in accord with the action taken by the Government of Bombay.

**Dr. Nand Lal :** In cases in which, according to the admission of Government, innocent persons, who were not concerned in the picketing, received injuries, have Government taken any effective measures so that this practice may be abolished and policemen may not behave like this in future ?

**The Honourable Mr. H. G. Haig :** I think I have already assured the House that I have no doubt that the Bombay Government are doing what they can to prevent any recurrence of such incidents.

**Mr. H. P. Mody :** Are Government aware that, during the mill strike last year, picketing accompanied by considerable violence was systematically carried on and nothing was done to put a stop to it, in spite of repeated representations ?

**The Honourable Mr. H. G. Haig :** I have not in my recollection at the moment precisely what happened. I think I myself was on leave in England at the time.

**Sir Cowasji Jehangir :** Are Government aware that, due to these assaults on innocent people on the 16th June, the reaction of public opinion has been of such a nature that the recurrence of such assaults is bound to drive thousands of people into the camp antagonistic to Government and to force them to resort to violence, which will result in serious bloodshed ?

**The Honourable Mr. H. G. Haig :** I think the position of Government was made sufficiently plain in the debate the other day, and I can assure my Honourable friend that Government are fully aware of the state of feeling in Bombay as explained by him.

**Mr. Gaya Prasad Singh :** Is it because the picketing of foreign cloth shops touches the pockets of vested interests in England that this Ordinance against picketing has been promulgated and applied to Bombay ?

**The Honourable Mr. H. G. Haig :** No, Sir. It was in defence of the ordinary rights of the public to be allowed to do what they please.

**Mr. Gaya Prasad Singh :** May I know why peaceful picketing unaccompanied by violence has been prohibited by the Ordinance ?

**The Honourable Mr. H. G. Haig :** The matter was fully explained in His Excellency's statement, which accompanied the issue of the Ordinance.

**Mr. M. R. Jayakar :** Are Government aware that Congress volunteers have been arrested even before they molested any purchaser for merely standing at the doors of foreign cloth shops ?

**The Honourable Mr. H. G. Haig :** I am not aware that any action has been taken which is not justified under the law, and if volunteers have been arrested in conditions which did not justify their conviction, presumably they would not have been convicted by the Court.

#### PROVISION OF ELECTRIC LIGHTS AND FANS IN THE RAILWAY FROM DOHAD TO MUTTRA.

142. \***Mr. A. H. Ghuznavi :** (a) Are Government aware that the first mixed train numbered 35 in the time table running 437 miles at a

stretch from Dohad to Muttra on the Bombay, Baroda and Central India Railway has no electric lights or fans in the first and second class carriages ?

(b) Are Government prepared to take steps at an early date to rectify this position and provide electric lights and fans ?

**Mr. A. A. L. Parsons :** Government are aware that a few first and second class carriages on the Bombay, Baroda and Central India Railway, which are nearing condemning age but are still fit to run, are still lighted by gas, as it would not be economical to incur the expense of putting electric installations into stock which is likely to be broken up in a short time. I presume the mixed train mentioned by the Honourable Member is one on which such carriages are used. But it is the desire both of Government and of the Railway Administration to replace gas by electricity on all carriages as soon as possible.

#### LAW DEGREES RECOGNISED BY THE ALLAHABAD HIGH COURT.

143. \***Mr. Gaya Prasad Singh :** (a) Is it a fact that the High Court of Allahabad does not recognise the degree of Bachelor of Laws of the Delhi University for the enrolment of pleaders under the said High Court ? If so, why ?

(b) Is it a fact that the Allahabad High Court recognises the law degrees of Calcutta, Dacca and Patna Universities for the enrolment of pleaders ?

(c) Are Government aware that the non-recognition of the law degree of the Delhi University by the Allahabad High Court operates as a serious hardship upon those persons who have taken their law degree from the Delhi University, but are not allowed to practise under the Allahabad High Court ?

(d) Will Government kindly explain the reason for this differentiation between the law degrees ; and do they propose to take necessary steps to redress the grievances of those persons of the United Provinces, who have taken the law degree of the Delhi University, but are not allowed to practise in their own province ?

**The Honourable Mr. H. G. Haig :** The authority to make rules regarding the qualifications and admission of pleaders in the courts subordinate to the Allahabad High Court is vested in that Court under section 6 of the Legal Practitioners Act, 1879. The Government of India have no precise information on the point.

**Dr. Nand Lal :** Can successful candidates appear in any special tests so far as the enrolment of advocates or vakils under the Allahabad High Court is concerned ?

**The Honourable Mr. H. G. Haig :** As I have said, the Government of India have no precise information on the point. The rules are made by the Allahabad High Court.

**Mr. Gaya Prasad Singh :** Sir, I do not wish to ask question No. 144 and I do not want that the answer should be on the record. So I will proceed to ask question No. 145.

†144. \*

†Not put by the questioner.

#### EXCLUSION OF INDIANS IN ADVERTISEMENT FOR ASSISTANT SURGEONS.

145. \*Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to an advertisement published in the *Pioneer*, dated the 9th April, 1930, over the signature of Lieut.-Colonel H. E. Stangerleathes, I.M.S., Deputy Director General, Indian Medical Department, New Delhi, inviting applications for admission into the Assistant Surgeon Branch of the Indian Medical Department ?

(b) Will Government kindly explain why "candidates must be Europeans or Anglo-Indians" ? Why have Indians been excluded from admission ?

(c) What are the names of the candidates so far admitted under the terms of the advertisement quoted above ?

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

(b) As the Honourable Member is aware, the Indian Medical Department is recruited from Europeans and Anglo-Indians only.

(c) A statement is laid on the table.

#### List of Candidates selected for Admission as Medical Students.

L. E. Chaves, E. N. Plomer, C. B. J. Norris, Cyril McArthur Hogg, C. S. Gomez, L. C. Emmett, Cyril Andrade, C. E. J. Frederick, G. J. Nicholas, E. W. Skilling, A. P. Maruff, J. O. Perrier, A. W. M. Garrad, J. A. Basnett, D. C. Mayberry, V. C. D. Sausman, D. St. Louis Little, B. G. Bamford, A. D. McLaughlin, F. G. L. Brafield, H. Maher, W. Ward, D. D. G. Passanha, S. F. D'Costa, G. A. Burby, V. A. H. MacInnis, C. J. D. Netto and A. F. S. Chatelier.

#### WITHHOLDING OF A TELEGRAM IN CHAMPARAN.

146. \*Mr. Gaya Prasad Singh : (a) Is it a fact that the following telegram despatched by Pandit Prajapati Misra (Champaran) to Babu Rajendra Prasad, on the 10th April, 1930 : "Bipin Babu marched 14 miles. Unique enthusiasm. 3,000 volunteers enrolled so far information received. Collections going on", was withheld by the telegraph authorities as objectionable ?

(b) What is the objectionable feature of this telegram, and who is responsible for withholding it ? Has the charge of the telegram been refunded to the sender ?

Mr. H. A. Sams : (a) and (b). I have instituted enquiries and will reply to the Honourable Member when I am in a position to do so.

#### USE OF INDIAN LANDING GROUNDS BY A FOREIGN AIR SERVICE.

147. \*Mr. Gaya Prasad Singh : (a) Will Government kindly state if the British Government have given permission to Dutch airmen to use landing grounds in India for the regular Amsterdam-Batavia Air Service ? If so, was it with the consent of the Government of India ?

(b) Why has a foreign air service been given the right to use regularly landing grounds in India ; and what, if any, will this foreign Air Service give as charges for the use of the landing grounds in India ? What is the total amount of charges so far collected from the Dutch, or

any other foreign air service for using landing grounds or obtaining any other facilities in India ?

The Honourable Sir Joseph Bhore : (a) Yes.

(b) Under the convention relating to the Regulation of Aerial Navigation dated 13th October, 1919, to which both India and the Netherlands are parties, contracting States undertake, in time of peace, to accord freedom of innocent passage above their territory to the aircraft of other contracting States, provided that certain conditions are observed. Landing and housing fees in accordance with the scale for the time being in force will be payable. Charges amounting to Rs. 456 in respect of the trial flights carried out in 1929 have already been preferred.

Mr. Gaya Prasad Singh : May I now why this House was not consulted before giving permission to a foreign airship company to establish a regular service in India ?

The Honourable Sir Joseph Bhore : My Honourable friend is under a mistake. There is no question of a foreign company establishing a service in India. It was a trial flight carried out from Holland to Dutch Java. There is no question of the establishment of a company to operate flights between any two places in India.

Mr. Gaya Prasad Singh : May I take it that the Dutch Company has not been given permission to establish a regular service in India ?

The Honourable Sir Joseph Bhore : Certainly not.

Dr. Ziauddin Ahmad : Will the Honourable Member consult the Assembly before giving permission to any foreign power ?

The Honourable Sir Joseph Bhore : I cannot bind myself to do that, but any expression of opinion by this Assembly will be most carefully considered by the Government of India.

#### CONTRIBUTION TO THE PRESS OF A LETTER ON MARTIAL LAW BY A MILITARY OFFICER.

148. \*Mr. Gaya Prasad Singh : (a) Are Government aware that a letter signed "C. Turner, Major, for Brigadier General Staff, Southern Command", was published in certain Anglo-Indian newspapers towards the close of May last, in which the writer discussed some controversial political questions relating to the administration of martial law in Sholapur ?

(b) Who is the writer of this letter, and what are his antecedents ?

(c) Do Government propose to take any steps against Government servants publicly discussing controversial political questions in contravention of the Government Servants Conduct Rules ?

Mr. G. M. Young : (a) Government have seen the letter in question.

(b) The officer who signed the letter, as is apparent from the first part of my Honourable friend's question, is a Major on the General Staff of the Southern Command. The letter issued on the responsibility of the Southern Command.

(c) Government see nothing objectionable in the subject matter of the letter, which was not, incidentally, intended for publication; but they are considering the question whether there was a technical irregularity in the circumstances of its issue. I may add that military officers are subject in this respect not to the Government Servants Conduct Rules, which are civilian rules, but to similar provisions contained in the King's Regulations and the Regulations for the Army in India.

**Mr. Gaya Prasad Singh :** May I take it that high officers of Government are entitled to enter into highly controversial political topics in the public press while the lower grade members of the services are prohibited from doing so ?

**Mr. G. M. Young :** Is my Honourable friend referring to military officers ?

**Mr. Gaya Prasad Singh :** Yes, Sir.

**Mr. G. M. Young :** There is no distinction between what higher military officers and lower military officers may do.

#### SPECIAL ALLOWANCE PAID TO CERTAIN NURSES IN BURMA.

149. **\*Lieut.-Colonel H. A. J. Gidney :** (a) Is it a fact that lady nurses of the Q. A. I. M. N. S. doing duty in Burma are in receipt of a special Burma allowance—*vide* the Government of India's letter No. 2804/1/A.G.-10 (A.D.-2), of the 18th January, 1929 ?

(b) Is a similar allowance granted to members of the Indian Medical Department employed in Burma ? If not, why not ?

**Mr. G. M. Young :** (a) Yes.

(b) No, because it has never been represented that the basic pay of officers and warrant officers of the Indian Medical Department requires to be supplemented to meet the cost of living in Burma.

#### CHARGE FOR ELECTRIC INSTALLATION IN QUARTERS OF MILITARY ASSISTANT SURGEONS.

150. **\*Lieut.-Colonel H. A. J. Gidney :** (a) Is it a fact that Military Assistant Surgeons of the Indian Medical Department are called upon to pay for the electric installation in their quarters ?

(b) Is it a fact that each time a newcomer enters these quarters he is called upon to pay a similar demand ? If so, why ? Are Government prepared to remedy this position ?

**Mr. G. M. Young :** (a) and (b). No capital charge is levied, but Military Assistant Surgeons, whose pay exceeds Rs. 400 a month, are required to pay rent for the electric installation in their quarters so long as they occupy them. The last part of (b) does not arise.

**Lieut.-Colonel H. A. J. Gidney :** Will the Honourable Member inform this House whether this Electric charge is confined to Indian medical men or whether it applies to other Department's Warrant Officers ?

**Mr. G. M. Young :** I should have to ask for notice of that question.

#### ARRESTS AND CONVICTIONS IN CONNECTION WITH RECENT POLITICAL DISTURBANCES.

151. **\*Dr. Nand Lal :** (a) Will Government be pleased to state how many persons were arrested throughout India in the present civil disobedience campaign ?

(b) How many of these arrested were convicted ?

(c) What is the approximate number of the persons arrested and convicted in each province ?

(d) How many ladies were arrested and convicted throughout India in the present struggle ?

**The Honourable Mr. H. G. Haig :** I would refer the Honourable Member to the reply given by me to Mr. S. C. Mitra's question No. 19. I lay a statement on the table giving the figures of convictions by provinces. I regret that I have no information regarding the number of arrests.

*Statement showing number of convictions in connection with the Civil Disobedience Movement from the 6th April to 15th June, 1930.*

|                              |    |    |       |
|------------------------------|----|----|-------|
| Madras                       | .. | .. | 1,229 |
| Bombay                       | .. | .. | 761   |
| Bengal                       | .. | .. | 1,157 |
| United Provinces             | .. | .. | 493   |
| Punjab                       | .. | .. | 68    |
| Burma                        | .. | .. | ..    |
| Bihar and Orissa             | .. | .. | 483   |
| Central Provinces            | .. | .. | 10    |
| Assam                        | .. | .. | 40    |
| North West Frontier Province | .. | .. | 91    |
| Delhi                        | .. | .. | 45    |
| Coorg                        | .. | .. | ..    |
|                              |    |    | 4,377 |

**Dr. Nand Lal :** May I ask for information in regard to the arrest of ladies ?

**The Honourable Mr. H. G. Haig :** I think I promised yesterday to obtain information regarding convictions of ladies : I think it would be very difficult to get satisfactory figures of arrests.

**Dr. Nand Lal :** Will you kindly fulfil your promise within two days ?

**The Honourable Mr. H. G. Haig :** That, Sir, I am afraid I cannot undertake.

#### ALLEGED PLEDGES GIVEN BY SIR NORMAN BOLTON AT PESHAWAR.

152. **\*Dr. Ziauddin Ahmad :** (a) Is it a fact that Sir Norman Bolton, late Chief Commissioner of North West Frontier Province, gave an undertaking to the representatives of Peshawar that no person would be prosecuted for any offence done in connection with the disturbances on the 23rd April ?



(b) Is it a fact that Sir Norman Bolton declared that liquor shops will be closed for two months ?

(c) Have the successors of Sir Norman Bolton, honoured the pledges ? If not, why not ?

**The Honourable Mr. H. G. Haig :** (a) No. The Honourable Member has in mind perhaps the undertaking given by Sir Norman Bolton that any person who gave evidence before any Committee of enquiry, that may be appointed, would not be prosecuted on the basis of that evidence.

(b) No.

(c) Does not arise.

**Dr. Ziauddin Ahmad :** Was this the assurance given by Sir Norman Bolton to a deputation of the members of the Municipal Committee of Peshawar ?

**The Honourable Mr. H. G. Haig :** That is, I think, the assurance that I mentioned here, that nobody who gave evidence before any committee of inquiry would be prosecuted on the basis of that evidence. As a matter of fact, so far as I know, nobody has been prosecuted merely for participation in the riots.

#### FIRING AT A FUNERAL PROCESSION IN PESHAWAR.

153. **\*Dr. Ziauddin Ahmad :** Is it a fact that the funeral procession allowed by the Deputy Commissioner on 31st May, was fired at by the military ? What was the reason for it ?

**The Honourable Mr. H. G. Haig :** The Honourable Member is referred to the reply given by me to part (c) of Mr. S. C. Mitra's question No. 94.

#### ESTABLISHMENT OF A HIGH SCHOOL FOR GIRLS IN THE NORTH WEST FRONTIER PROVINCE.

154. **\*Dr. Ziauddin Ahmad :** Is there any high school for the education of girls in the North West Frontier Province ? If not, are Government contemplating to establish a high school ?

**Sir Frank Noyce :** The answer to the first part of the question is in the affirmative. The second part does not arise.

#### REMISSION OF LAND REVENUE IN THE NORTH WEST FRONTIER PROVINCE.

155. **\*Dr. Ziauddin Ahmad :** (a) Are Government aware of the remissions granted by the Punjab Government in land revenue in the seven Western districts of the Punjab according to the undertaking given by the Revenue Member in the Legislative Council in August, 1921 ?

(b) Has the Frontier Province got any Legislative Council where the question of reassessment and reduction of land revenue may be discussed ?

(c) If the answer to part (b) be in the negative, will Government be pleased to mention the authorities or officers who discuss and decide the question of reassessment ?

(d) Do Government contemplate remitting land revenue in each tehsil of the settled districts of the North West Frontier Province ? If so, when and how much ?

**Sir Frank Noyce :** (a) Yes.

(b) No.

(c) The officers concerned with the process of reassessment are the Settlement Officer, the Revenue Commissioner and the Chief Commissioner. The orders passed by the last named officer are final, subject to the confirmation of the Governor General in Council.

(d) I would refer the Honourable Member to the assurance given by the Chief Commissioner in reply to a deputation which waited on him recently that the land revenue, water rates and local rates in the North West Frontier Province will not be, on the whole, higher than those obtaining in the Punjab and that the reassessment proposals of the Peshawar district will be re-examined in the light of the Punjab Land Revenue (Amendment) Act. The Peshawar district is the only district in the province which has come under resettlement since 1921.

**Dr. Ziauddin Ahmad :** May I ask the Honourable Member to define the words "on the whole" used in his answer ?

**Sir Frank Noyce :** I am sorry I did not hear the Honourable Member.

**Dr. Nand Lal :** May I ask if any practical step has been taken in connection with the remission of land revenue in the North West Frontier Province—specially the settled districts ?

**Sir Frank Noyce :** No, Sir ; the question does not arise in the case of the districts which are not under resettlement ; it is only in connection with the Peshawar District, which is at present under resettlement, that the question of re-examining the assessment in the light of the Punjab Land Revenue (Amendment) Act arises. I think I am correct in saying that the other districts in the North West Frontier Province come under resettlement in the course of the next few years.

**Dr. Ziauddin Ahmad :** The Honourable Member said that the assessment will not be "on the whole" higher than the assessment in the Punjab. I should like to know what is the meaning and significance of the words "on the whole".

**Sir Frank Noyce :** For that, Sir, I should have to refer to the Chief Commissioner himself.

#### DROPPING OF BOMBS ON ENEMIES FROM AEROPLANES.

156. **\*Dr. Ziauddin Ahmad :** Was the question of throwing bombs from aeroplanes on enemies, who do not possess any aeroplanes, ever discussed in the League of Nations ?

**Mr. G. M. Young :** A proposal that the contracting parties should undertake generally not to launch weapons of offence of any kind from the air by means of aircraft was discussed and rejected by the preparatory Commission for the Disarmament Conference, but I can trace no proposal to prohibit the use of aircraft for bombing enemies who do not possess aircraft.

# RECRUITMENT OF HEADS OF DEPARTMENTS IN THE NORTH WEST FRONTIER PROVINCE.

157. \*Dr. Ziauddin Ahmad : Are the Heads of Departments in the Frontier Province recruited from persons who have experience of the administration of the Province ?

Mr. E. B. Howell : In general the answer is in the affirmative. Amongst the qualifications which determine selections for appointment as Heads of Departments in the North West Frontier Province, a knowledge of local conditions and experience of the Provincial administration naturally ranks high.

Dr. Ziauddin Ahmad : May I ask whether the Inspector General in the North West Frontier Province had any experience of the province ?

Mr. E. B. Howell : Which Inspector General ?

Dr. Ziauddin Ahmad : The Inspector General of Police.

Mr. E. B. Howell : I understand he had no previous service in the province.

# RECRUITMENT OF MUSSALMANS IN THE POSTAL SERVICE IN THE UNITED PROVINCES.

158. \*Dr. Ziauddin Ahmad : Has the Director General of Posts and Telegraphs issued any circular that not more than 14 per cent. of Mussalman be recruited in the Postal Service in the United Provinces ?

Mr. H. A. Sams : No.

Dr. Ziauddin Ahmad : I was given to understand that there was this circular. Is it correct that no such circular was issued ?

Mr. H. A. Sams : I have already told the Honourable Member that I have issued no such instructions.

# POST OFFICE CASH CERTIFICATES.

159. \*Dr. Ziauddin Ahmad : (a) What is the total amount of investment in Post Office Cash Certificates in the year 1928-29 ?

(b) What is the amount of interest Government paid in the year 1929-30 for investment in Cash Certificates ?

(c) What is the rate of interest which Government actually pays on Cash Certificates ?

(d) Are Government contemplating the issue of Cash Certificates of smaller amount ?

The Honourable Sir George Schuster : (a) The nett amount of money added to the total of Post Office Cash Certificates outstanding in 1928-29 was Rs. 1,60,50,000. The total outstanding at the end of this financial year was Rs. 32,30,26,000.

(b) The total amount of bonus paid on Cash Certificates paid off during 1929-30 was Rs. 73,06,000.

(c) The rate of interest now being allowed on new Cash Certificates works out at  $5\frac{1}{4}$  per cent. compound interest if the certificates are held for the full period of five years. If they are repaid earlier, the rate is lower, i.e.,  $4\frac{1}{2}$  per cent. if held for four years,  $4\frac{1}{4}$  per cent. if held for three years,  $3\frac{7}{8}$  per cent. if held for two years and  $3\frac{1}{8}$  per cent. if held for one year. No interest is paid if the certificate is cashed within a year.

(d) The matter is under consideration.

Dr. Ziauddin Ahmad : Has the Department ever worked out the actual rate of interest paid on Cash Certificates—not the rate on paper—and I think if that is worked out it will not be more than  $3\frac{1}{4}$  per cent. ?

The Honourable Sir George Schuster : It is a little difficult to understand what the Honourable Member means by the actual rate of interest paid. It would not really be possible to know the actual amount of interest paid until all the Cash Certificates were paid off, and the whole practice of issuing Cash Certificates had been stopped. No final calculation can be made until the whole transaction is wound up. One reason for that is that Cash Certificates, if held till maturity, are renewable, and in order to calculate the amount of interest paid it would be necessary to know what is the final effect of a Cash Certificate renewed again and again after five years. It is impossible to make any calculation on the basis suggested by the Honourable Member, and all we can do at present is to get figures of the actual bonus paid in each year. At the same time, as the Honourable Member is aware, we have adopted a rough and ready basis for calculating the amount of interest due each year, and provision has been made in the Budget of this year on that basis. That, however, does not represent interest paid, but what we estimate will be a fair calculation of the interest which is accruing.

# INCORRECT CENSUS OF ANGLO-INDIANS.

160. \*Lieut.-Colonel H. A. J. Gidney : (a) Has the attention of Government been drawn to page 42, paragraph 60 of Volume I of the Report of the Statutory Commission, regarding the incorrect census of the Anglo-Indian community ?

(b) If so, have Government considered the question of issuing orders, through the Railway Board, to all railway officials, and also to the heads of the various Departments of the Government of India, requesting them to co-operate more closely with the census officers on the day the census is taken ?

(c) If the reply to part (b) is in the negative, what steps do Government propose to take with a view to eliciting an accurate census of Anglo-Indians ?

(d) Are Government aware that many Anglo-Indians return themselves as Europeans in the Railways and other Government Departments in India ? If so, what action do Government propose to take in order to prevent Anglo-Indians in Government service from returning themselves as Europeans ?

The Honourable Mr. H. G. Haig : (a) Yes.

(b) Suitable instructions have been issued as to the desirability of co-operation between railway officials and Government officials generally, and the Census authorities.

(c) Does not arise.

(d) The answer to the first part of the question is in the affirmative. For the coming census instructions have been issued that as far as practicable the enumeration of Europeans and Anglo-Indians should be carried out by trained enumerators, who should, wherever possible, be Europeans or Anglo-Indians.

#### IMPORTATION AND SALE OF SPURIOUS DRUGS IN INDIA.

161. \*Lieut.-Colonel H. A. J. Gidney : Will Government be pleased to state what advance it has made in respect to :

- (a) preventing the sale of spurious drugs in India ;
- (b) alterations of the Sea Customs Act to prevent the importation of spurious drugs into India ;
- (c) the introduction of the Poisons and Pharmacy Act in India ; and
- (d) the introduction of a Mental Deficiency Act in India ?

**Sir Frank Noyce :** (a) to (c). The Government of India, after consulting Local Governments, have appointed a small committee to enquire into questions relating to the importation, preparation and sale of impure drugs and chemicals and to make recommendations as to the measures required to prevent adulteration and fraud. The Committee will also enquire into the necessity for legislation to restrict the profession of pharmacy to duly qualified persons.

The matters referred to by the Honourable Member will be considered when the Committee's Report has been received.

(d) This subject is primarily one for Provincial Governments under the Devolution Rules, though the general question of the treatment of mental defectives has for some time been under the consideration of the Government of India. The enactment of legislation on the lines suggested would involve the establishment of special institutions at very great expense, which considerations of economy preclude at present.

**Lieut.-Colonel H. A. J. Gidney :** In reference to the Honourable Member's reply to part (a) of the question and considering the fact that this matter has been under discussion for two years, will he kindly inform this House, how long it will take the Government to come to a final decision ?

**Sir Frank Noyce :** I have informed the Honourable Member that a Committee has been appointed to inquire into the matter. They will shortly commence work, and have been requested to submit their Report at the earliest possible date. Government will then deal with the recommendations contained in that Report as expeditiously as possible.

**Lieut.-Colonel H. A. J. Gidney :** With reference to the Honourable Member's evidence before the Public Accounts Committee in which it

was stated that the Reports received from Provincial Governments did not corroborate my charges of a large sale of spurious quinine, will Government please place on the table the correspondence between the Provincial Governments and themselves on this matter ?

**Sir Frank Noyce :** I gave no evidence before the Public Accounts Committee on this matter, Sir. As regards the Honourable Member's request that the correspondence should be laid on the table, I will examine the point and see whether there is any objection to that or not.

**Lieut.-Colonel H. A. J. Gidney :** In regard to operating the Sea Customs Act, will Government inform this House whether it is not possible to effect the stoppage of importation of spurious drugs into Indian ports by giving specific orders to the Customs Department ?

**Sir Frank Noyce :** I must ask for notice.

**Lieut.-Colonel H. A. J. Gidney :** Will Government please inform this House what they have done.....

**Mr. President :** Kindly proceed to question No. 162.

**Lieut.-Colonel H. A. J. Gidney :** Just one more question, Sir.

**Mr. President :** No debate is allowed on questions.

#### GRIEVANCES OF EMPLOYEES IN THE LUCKNOW DIVISION OF THE EAST INDIAN RAILWAY.

162. \*Lieut.-Colonel H. A. J. Gidney : (a) Has the attention of Government been drawn to the frequent complaints that have appeared in the Press and reports by the Railway Union to the Railway Board in regard to inequitable and invidious distinctions that are still being meted out between railway subordinates who were formerly employees in the old Oudh and Rohilkhand Railway (now East Indian Railway) and the former East Indian Railway subordinates serving in the Lucknow and Moradabad Divisions ?

(b) Is it a fact that the Labour Member of the Railway Board visited Moradabad in 1929 and inquired into a series of grievances of these employees ? If so, what was the result of this inquiry, and are Government prepared to assure this House that an early inquiry will be held regarding the present grievances in the Lucknow Division of the East Indian Railway ?

**Mr. A. A. L. Parsons :** (a) Government's attention has been drawn to a few such complaints.

(b) The Honourable Member's attention is invited to the reply given to starred question No. 896, on the 28th March, 1930, put by Maulvi Muhammad Yakub, on the subject of the enquiry made by Mr. Hayman at Moradabad. The Agent, East Indian Railway, will be asked to look into the complaints of the Lucknow Division.

#### APPOINTMENT OF OUTSIDERS TO GOVERNMENT OF INDIA OFFICES.

163. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Will Government please state if it is a fact that the last examination for the admission of outsiders to the Government of India offices was held by the Public Service Commission in 1926 ?

(b) Is it also a fact that candidates above a certain age limit are not admitted to the examination ?

(c) Are Government aware that the fact that no examination has been held for the last four years for outsiders has deprived a large number of candidates, that have become over-age during these four years, of the opportunity to compete for the appointments ?

(d) Is it a fact that since the 1st April, 1930, the vacancies intended for outside candidates (under the new system) are being filled only provisionally pending the result of the next competitive examination ?

(e) When do Government propose to hold the next competitive examination ? Do Government propose to relax the age condition in respect of those outside candidates that have become over-age since the last competitive examination was held ?

(f) Is it a fact that several *unexpected* vacancies occur in the Departments which are not intimated to the Public Service Commission in time and for which they have no outside candidates on their waiting list of candidates that have passed the competitive examination ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) Under the new rules, which come into operation from the current year, candidates for the first and second divisions must be over 20 and under 24 years of age when they sit for the examination, but the Public Service Commission are empowered to modify these age limits as they think proper.

(c) Yes.

(d) Yes.

(e) It is hoped that a competitive examination will be held towards the close of the current year. No relaxation of the age limit is contemplated in the interests of those who have not been able to appear by reason of no examination having been held since 1926.

(f) This occurs only in the case of temporary vacancies.

#### ADMISSION OF NON-GRADUATES TO THE EXAMINATION FOR THE FIRST DIVISION OF THE GOVERNMENT OF INDIA SECRETARIAT.

164. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Will Government please state if it is a fact that out of the candidates that passed the last departmental examination held by the Public Service Commission for the Government of India offices *more than half* were non-graduates ?

(b) Did the non-graduates pass by merit or by special concession ?

(c) Do Government propose to consider the question of removing the restriction against non-graduates for the examination for First Division of the Secretariat ? If not, why not ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) No special concession was given.

(c) No. Government consider that the possession of a degree or the Cambridge School Certificate should be the minimum educational qualifications of candidates to be admitted to this examination.

#### EXAMINATIONS FOR APPOINTMENT TO GOVERNMENT OF INDIA OFFICES.

165. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Will Government please state if they propose to make any change in the system or standard of examination for the Government of India offices ?

(b) If the reply to part (a) be in the affirmative, when do Government propose to make an announcement to this effect for the timely information of those concerned ?

**The Honourable Mr. H. G. Haig :** (a) and (b). I understand that the matter is under consideration by the Public Service Commission who will shortly publish full information regarding the syllabus and subjects of examination for recruitment by competition to such posts in the ministerial service as are likely to fall vacant before the 30th September, 1931.

#### CANDIDATES OF 1922 FOR THE FIRST DIVISION OF THE SECRETARIAT.

166. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Will Government please state if it is a fact that, for some years past, no distinction has been made by the Public Service Commission for the First Division of the Secretariat and Attached Offices in respect of educational qualifications or standard of examination ?

(b) Is it a fact that all those candidates who had originally passed for the First Division of the Attached Offices were recently declared to be qualified for the First Division of Secretariat also, *excepting* only those who had passed in 1922 ?

(c) Do Government propose to remove this restriction in respect of the candidates who passed in 1922 ? If so, when ? If not, why not ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) No declaration was made, but those candidates who qualified for the upper division in these examinations and were appointed in attached offices are eligible for appointment as assistants in the Secretariat.

(c) The Honourable Member is referring presumably to those who passed in the separate examination held for the recruitment of assistants in attached offices in 1922. I understand that the Public Service Commission have declared a few of them to be qualified for appointment to the first division of the Secretariat after considering the special circumstances of each case. Government see no reason to take the action suggested.

#### MEMORIAL FROM THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE AND OTHER ATTACHED OFFICES.

167. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (a) Will Government please state if it is a fact that the office of the Director General, Indian Medical Service, and other Attached Offices of the Government of India submitted a memorial long ago for revision of their scale of pay ?

(b) What action has so far been taken on the memorial and what is its present stage ?

(c) Is it a fact that the Army Headquarters offices are allowed higher scale of pay? If so, why?

(d) Do Government propose to bring the Army Headquarters and Attached Offices on the same scale of pay?

**The Honourable Mr. H. G. Haig :** (a) A memorial was submitted last year.

(b) and (d). A final decision has not yet been arrived at.

(c) The rates of pay at Army Headquarters have always been somewhat higher than those prevailing in Attached Offices on the ground of the nature of the work.

**MEMORIAL FROM THE OFFICE OF THE DIRECTOR GENERAL INDIAN MEDICAL SERVICE AND OTHER ATTACHED OFFICES.**

168. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : (d) Will Government please state if it is a fact that the principle of "equal remuneration for similar labour" laid down by the Secretary of State and quoted in the memorial of the office of the Director General, Indian Medical Service, is followed by the Government of India in fixing scales of pay?

(b) Is it a fact that in pursuance of the same principle *equal rates* of pay are allowed to :

(i) all Departments of the Government of India ;

(ii) all Branches of the Army Headquarters ;

(iii) all Attached Offices ?

(c) Do Government propose to apply the principle *generally* to all the offices of the Government of India Secretariat, Army Headquarters and Attached Offices? Is it a fact that recruitment for all of these offices is made from the same class of people, by the same agency and through the same examination?

(d) Do Government propose to have this question thoroughly examined by the Retrenchment Officer or a special committee? If not, why not?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) Yes, wherever the labour is similar.

(c) The answer to the first part of this question is in the negative and to the second part in the affirmative.

(d) No. The question has often been examined.

**BUSINESS DONE BY THE IMPERIAL BANK OF INDIA.**

169. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : Will Government be pleased to state :

(a) the total of the daily Government balances deposited with the Imperial Bank of India and the total interest earned by the Bank on such deposits during the last financial year ;

(b) the approximate value of the banking service rendered to the Government by the Imperial Bank ;

(c) the amount of the public debt and securities managed by the Bank on behalf of

(i) the Government of India ;

(ii) the Provincial Governments ; and

(d) the total remuneration received by the Bank on account of the management of public debt and securities ?

**The Honourable Sir George Schuster :** (a) The total Government balance with the Imperial Bank of India is not calculated daily as the amount of work involved in bringing together each day the results of transactions at all branches throughout India would be considerable and no useful purpose would be served in making these calculations. The amount of the Government balance on Friday each week is shown in the weekly statement issued by the Imperial Bank of India and the amount of the closing balance at the end of each month is shown in a statement issued monthly by the Controller of the Currency. It is impossible to calculate accurately the amount of interest earned by the Bank on the Government balances as these deposits are merged with other deposits of the Bank for the purpose of their business and at certain periods of the year the Bank cannot employ its funds fully.

(b) It is impossible to assign a definite value in money to the banking service rendered to Government, but it is estimated that the actual cost to the Imperial Bank of maintaining the Government account is about Rs. 21½ lakhs per annum. In addition services on both sides are rendered, the value of which cannot be reckoned in money.

(c) (i) About 400 crores.

(ii) About 16 crores.

(d) About 7 lakhs.

**MANAGEMENT OF THE IMPERIAL BANK OF INDIA.**

170. \*Maulvi Abdul Matin Chowdhury (on behalf of Mr. S. C. Mitra) : Will Government be pleased to state whether Government have any right of intervention in the management of the Imperial Bank of India besides what is provided for in clause 14 of the agreement between the Secretary of State and the Bank?

**The Honourable Sir George Schuster :** Government have the right of appointing the Managing Governors and nominating four unofficial members of the Central Board of the Bank. In addition the Controller of the Currency is an ex-officio member of the Central Board without a vote.

**ELECTION OF MEMBERS TO THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.**

**Mr. President :** Members will now proceed to elect two members to sit on the Governing Body of the Indian Research Fund Association in place of Sir Purshotamdas Thakurdas and Dr. Moonje who have ceased to be Members of the House. There are four 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 HINDU GAINS OF LEARNING BILL.

**Mr. M. R. Jayakar** (Bombay City : Non-Muhammadan Urban) : Sir, I move that the Bill to declare gains of learning by a Hindu to be his separate property, as reported by the Select Committee, be taken into consideration.

This Bill, Sir, was introduced about a year ago in the Simla Session. It is a revival of an exactly similar Bill which was introduced about 30 years ago, about the year 1900, in the Madras Legislative Council by a lawyer of great eminence, Sir V. Bashyam Aiyangar, and the principle of the Bill, without tiring the patience of my non-lawyer friends here, is this—that all acquisitions made by a member of a Hindu joint family by the aid of the learning and of the education which he got with the help of the family funds will be declared his self acquired property, so that his widow and his daughter become entitled, in case he dies without a male heir, and not the joint family. That is the principle of the Bill. The main object of the Bill is to clear up the present difficulty and uncertainty of the law which causes very harassing and expensive litigation in the courts of India. Incidentally I may mention that my purpose also is to benefit the women heirs of the acquirer of the property. At present they do not get any share in such property because it passes into the hands of the Hindu joint family. They only get the right to reside in the family property and to be maintained out of that, and I am anxious that these gains and acquisitions made by a member of the Hindu joint family entirely with the aid of his brains and intellect, although he might have been educated with the funds of the family, should be regarded as self-acquired property. I shall explain the present law very briefly, so that Honourable Members may follow how far my Bill proceeds, because my Honourable friend to my right (Sir Hari Singh Gour) is going to contend, I imagine, that the Bill does not go far enough. I admit it does not go far enough, because I think it will be advisable in these days to proceed with such measures cautiously and not to take a big jump. The present law is this. If a member of the Hindu joint family is educated with the funds of the joint family, supposing he is sent to England to qualify for the Bar or for the Indian Civil Service, or any such examination, or is trained in India for any profession or career and then he acquires, with the aid of that education, any riches afterwards, all those riches, under the present law, become the acquisition of the joint Hindu family. The law will appear to my Honourable friends in clear light if they turn to a case which I have stated in my Statement of Objects and Reasons. I do not think Honourable Members have that Statement before them on the present motion, but I should like to call their attention to a specific case which shows the great uncertainty and also the unfairness of the law as it stands at the present moment. I shall quote from the Statement of Objects and Reasons to illustrate my point.

"In a rich family the present law offers a premium to extravagance idleness and perpetual discord. Its injustice is manifestly galling. Take for instance a case in which a father has three sons and incurs the same expenditure on their education. He sends them all to England to be educated for the Indian Civil Service. One is successful, the other two fail. Of the two who fail, one takes to trade and the other is unwilling to do any work and remains idle. The trader earns a large fortune which the present law allows him to keep to himself because his education in England was for the Civil Service and not for trade, but out of the earnings of the Civilian who became successful, two shares are claimed, one by the trader and the other by the brother who remains idle."

This is the present law. I am giving a very typical case, and if I may say so without exaggeration, the present law offers a premium in favour of the drones of the family, and it is a great handicap on those who make a successful use of the family property. It practically tells them, "Because you have successfully used the family funds as against those who have successfully wasted the family funds, on that ground you must contribute all your wealth to the general funds of the family." I am not concerned with the morality of the question for the moment because we are not here sitting as a moral body or an ecclesiastical court. I am only concerned as a practical man with the great uncertainty of the present law and the expensive litigation which it causes. I will illustrate my point. Supposing a coparcener of this description earns money. I am taking a hypothetical case which very often occurs in courts. Supposing he goes to Bombay from the mofussil where the joint family lives, and is called to the Bar—I will take the case of the profession to which I belong. He earns a large income for say 25 years at the Bar and accumulates wealth, and the other members of the family, remain quiet during his lifetime and do not move at all. The acquirer is therefore quite secure in the feeling that, under the present law, after his death his income will go to his wife or to his daughter, or to whoever his heirs may be. The trouble however arises in most cases, if I may speak from my own experience, after his death. He dies in Bombay leaving say a few lakhs of rupees. The very next month his coparceners, who have been living absolutely idle or luxurious lives in the mofussil home, send a notice to the widow saying that all that property which the acquirer died possessed of in Bombay is joint family property and therefore the widow has no claim on that property, but is only entitled to a few sarees now and then and to go back to the village home of the family and to claim a residence there. The trouble invariably arises, except in a few exceptional cases, after the death of the husband of the widow, and then this poor widow is dragged into a court of law. She has possibly no knowledge of how the money was acquired; it might have been 25, 30 or 35 years ago and possibly no accounts were kept. The widow or the daughter, as the case may be, is absolutely defenceless. The coparceners file a suit and then generally, as my lawyer friends know, the matter is referred to a Commissioner as he is called, and the case drags on a most weary existence for, say, four or five years. My Honourable friends, who are lawyers, know the harassing nature of such litigation and the troubles the Hindu widow is put to on account of her having to be on the defensive. I will therefore read a few remarks from my Statement of Objects and Reasons in which I have stated this point in a nut-shell.

"The Bill will also have the effect of preventing an inquiry into the character of the education and the means by which such education was imparted. The difficulties of such an inquiry in any suit concerning the property of the acquirer are enormous, especially when it takes place after the death of the acquirer and many years after the completion of his education. In most cases, such an inquiry is very harassing, when conducted at the expense of the estate and with a helpless widow or daughter on the defensive."

I will mention one more point. According to the present rules relating to the giving of costs, even if the coparceners are not successful, unless the case was conducted in a very flagrant and obstructive manner, the costs may be decreed to come out of the estate. Therefore the coparceners feel more or less certain about the expenses of the litigation,



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even if they lose. That is the present law, and it is in consequence of this that I thought it desirable that this uncertainty and injustice of the law should be removed. Further I will tell my Honourable friends how the uncertainty is encouraged. I would draw attention to one aspect of the extraordinary rule differentiating between the acquisitions of general education as opposed to special education. A man can keep to himself property gained as the result of the acquisition of general education, but if the education proceeds further and becomes special or professional education, the acquisitions of such education are regarded as joint family property. Thus, if a man proceeds up to the B.A.—I am taking one of the standards of our Universities—with the aid of the general family funds, and he acquires any property for himself as a B.A., he can keep that to himself under the present law, but if he becomes an LL.B., which means two years more, if he goes to a law school and gets qualified as a vakil, or an advocate then all his acquisitions acquired thereafter become joint family property. The result is a mass of uncertainty as to what is expert education, special education, or technical education, as against general education. The words are extraordinarily difficult to interpret or explain because it will all depend upon the facts of the case. I will here read to my Honourable friends the following remarks from my Statement of Objects and Reasons which illustrate the difficulty of determining what in a particular case is special education and what is ordinary education.

“The standard of education varies in different localities, in different classes and different families. It is also shifting from time to time. What might at one time be regarded as extraordinary education becomes ordinary education after the lapse of some years, and what might be ordinary education in the case of a wealthy family would be extraordinary education in a family of scanty means. The result is a great uncertainty of the present law. It is impossible for any person who acquires property by his learning to feel any certainty that his earnings would be regarded as his own, and the uncertainty is greater if the distinction drawn between ordinary and extraordinary gains of learning is borne in mind.”

I may mention, if I do not tire too much the patience of my Honourable friends, that further difficulties arise consequent on the permutation and combination which takes place, with the result that, if I may say so without disrespect to the profession to which I belong, lawyers only prosper and families go to ruin. I am therefore anxious, Sir, that we should carry this remedial measure in the course of the day, and I am particularly anxious, now that we have had the benefit of an expert Select Committee to which my Honourable friend, the Law Member, belonged, and now that that Committee has practically approved the entire Bill and has made only a few amendments here and there, that this Bill should go through. I see that a very insidious amendment has been given notice of by my Honourable friend, Mr. Acharya, for circulating the Bill for eliciting opinion thereon. Now with great respect to him, I say that is an insidious amendment because the effect of that will be to kill the Bill. Honourable Members are aware that all Bills which are not passed during the tenure of this House will lapse, with the result that somebody else, later on in the Assembly, either myself, if I happen to be there, or somebody else will have to revive the Bill. Therefore, the whole attempt on the part of my Honourable friend, Mr. Acharya, under the innocent guise of seeking to elicit public opinion, is to kill the Bill, and that will be the result if the House accepts his amendment. I should

have very gladly considered this amendment if the result of that had been to throw more light on it and not to kill the Bill entirely. I am aware that this Bill does not go far enough. For instance, as Dr. Gour will inform the House later on, it does not deal with the difficulty of the onus of proof. These are all technical questions and I do not wish to weary the House with them. I have left out these matters, important as they are, because I know one bite is enough at a time. If this Bill gets through, then we would have passed something which was before the public 30 years ago. This Bill, as I told my Honourable friends in my opening remarks, was introduced in the Madras Legislature by Sir V. Bashyam Aiyangar, a man of great distinction in those days and even now, whose memory is revered with all respect and honour by the profession of the law. He had brought forward this Bill. It passed the Legislative Council in those days, about the year 1900. I may be wrong by a year or two. Then it was not allowed to proceed further because in those days, 30 years ago, doubts were raised whether the times were appropriate and ripe for such a measure. Personal attacks were made upon Sir V. Bashyam Aiyangar on the ground that he was a member of a joint Hindu family. I am glad to say that I am not a member of a joint family and therefore not liable to be judged in that way. The result was that the Government then said that, having regard to the times, this Bill should not be allowed to become law and the Bill was vetoed by the Governor. Now, we have proceeded 30 years beyond that.

I will give my Honourable friends one more instance to show that we are not adopting any extraordinary principle contrary to the rules of the Hindu law. Now, take the hypothetical case which I gave to the Honourable House. Supposing a Hindu acquires property with the aid of such education, even under the present law he can ask for separation and the partition of the property, and no one can prevent him from doing so. And at that partition the other members of the family cannot insist that he must bring back or allow to be debited to his share, the money spent on his education. Nobody can make a claim like that; that is the law. It may seem to be a somewhat extraordinary law, but the fact is that nobody can prevent him from getting that partition and in that partition nobody can say that the money which was spent on his education should be debited to his account or should be brought into hotch-pot. That contention will not lie in the mouth of the family because that is not the law. The result is that only the more delicate-minded people suffer. The more selfish people, the moment they begin to acquire money, give notice that they want to be separated and the whole of the law is evaded. The Privy Council have made this process more easy by ruling that any unequivocal intention is enough to constitute a partition. The result is that more selfish people, the moment they are educated with the aid of the joint family, and see a prospect of making money or have made money, at once give notice for partition, with the result that they evade the division. The more cultured, the more affectionate and tender minded do not do that, with the result that, on their death, trouble arises and causes a great deal of litigation. As I said, the case is taken into a court and, like the old Chancery cases, of England, which became a scandal in ancient times, it does not emerge out of it for 6, 7 or 8 years. During this time a Receiver is generally appointed of the property and he allows a few rupees to the lady whose husband

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left several lakhs of rupees. The Receiver collects all the rents; the widow is dispossessed and only gets a few rupees a month for her maintenance. This, Sir, is the present state of law.

Now, my Bill removes all these difficulties. I would like to invite Honourable Members' attention to clause 3 of the amended Bill which runs thus :

"Notwithstanding any custom, rule or interpretation of the Hindu Law, no gains or learning shall be held not to be the exclusive and separate property of the acquirer merely by reason of :

(a) his learning having been, in whole or in part, imparted to him by any member, living or deceased, of his family, or with the aid of the joint funds of his family, or with the aid of the funds of any member thereof, or

(b) himself or his family having, while he was acquiring his learning, been maintained or supported, wholly or in part, by the joint funds of his family, or by the funds of any member thereof."

The last case, as the House will observe, is most extraordinary. A man was sent to England for the purpose of education. He earned his own living and maintained himself and obtained his education. He came back, and made a large fortune. The claim was made on the most extraordinary ground that, while he was in England, and although his education there was acquired with moneys which he earned there, his wife and children in India were maintained during his absence with the aid of some funds belonging to a brother. Therefore, owing to this maintenance, all his future earnings became the joint family property. Sir, the doctrine has been pushed to such an extravagant extent and it has, of course, caused a great deal of irritation. I can say from my own knowledge of the members of a joint Hindu family and the way in which they live that there is a perpetual atmosphere of discord and suspicion, and subterfuges are adopted in order to conceal purchases and investments by the property being purchased in the name of some benami person in order to prevent any trace being left that the property was purchased with the funds of the acquirer. They adopt subterfuges of a most extraordinary kind and it is difficult in a court of law to unravel or unclot them except after a considerable amount of evidence, which means money. I can assure my Honourable friends that all this causes chronic discord and embitterment in joint Hindu families. I submit therefore that it will lead to great deal of amity and goodwill in the joint Hindu families if we could make two things clear in the present law. If Honourable Members will turn to sub-clause (c) of clause 2 they will find that I have removed all difficulties and uncertainties. It runs as follows :

"'Learning' means education, whether elementary, technical, scientific, special or general, and training of every kind which is usually intended to enable a person to pursue any trade, industry, profession or avocation in life."

Therefore all these distinctions, whether they are special gains of general education or the special gains of extraordinary education, or the ordinary gains of such education, all these inquiries which take place in a court of law are in one sweep cleared away. There will now be no distinction between different kinds of learning and the process will be very much simplified.

So far I have dealt with the clauses of the Bill. This Bill was referred during the Delhi Session to a Committee consisting of the Honourable the Law Member, Mr. K. C. Neogy, Mr. N. C. Kelkar, Rai Sahib Harbilas Sarda, Sir Purshotamdas Thakurdas and myself. Honourable Members will agree that it was a very strong committee consisting mainly of lawyers. We purposely put in a business man (Sir Purshotamdas Thakurdas) and we went into this question very minutely. More than two sittings were held. Honourable Members will find that the Bill has emerged from the Committee with no alteration except one or two formal ones. The Select Committee says :

"The only changes which we have introduced into the Bill are of a formal nature, not affecting the substance."

In clause 3 they say :

"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."

There is only one dissenting minute. Therefore, it is clear that the Bill has received the approval of a strong and representative committee which had good legal and business talent available at its disposal. The only point on which my Honourable friend, who is absent, Mr. Kelkar, differed in his minute was this. It is a very narrow point. I shall explain what that point is and why the Select Committee did not agree with Mr. Kelkar's view. Mr. Kelkar's point, as stated in this short minute, is that the man who is dealt with in this Bill, namely, the acquirer, the man who acquires riches with the aid of the joint family funds, ought to be made to pay back whatever money was spent on his education. That was Mr. Kelkar's point. At first sight it seems very equitable.

An Honourable Member : Why ? How is it ?

Mr. M. R. Jayakar : I say at first sight, it seems to be equitable, but considered in greater detail the difficulties are immense. First of all, I will say, it is not in conformity with the present law. As I told my Honourable friends, even under the present law, there is no obligation on the part of the acquirer to pay back the expenses of education. Even under the present law, as it stands, if the acquirer, chooses to claim a partition, the law will not oblige him to give back the money. Therefore, even under the present law, there is no equity that he should pay back the money. He has only to claim a partition and the law allows it, on the bases of the property as it exists. He takes the whole property including the amount spent on his education. That is the first point which has to be remembered : the alleged equity is only seeming and not in accordance with Hindu law. Take the point further. Supposing the acquirer has the benefit of a maintenance allowance from his brother during the time he was being educated, the brother cannot ask for the return of the maintenance allowance spent ; he cannot get back the accumulated money that has been spent for his maintenance. If he claims partition under the present law, the brother cannot claim back this amount. All the acquirer has to do is to send a notice of partition, and he escapes with the whole of his earnings, including the money spent for his education. There is no obligation on his part to pay it back to the family. The Hindu law does not regard it as an equitable obligation. A greater difficulty which I want my Honourable friends to remember is that a contrary rule would cause harassment and litigation,

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which it is one of the objects of the Bill to prevent. Supposing the acquirer is dead and the case goes to a court of law. The Court will have to inquire as against his widow, firstly what is the amount spent on his education ? Secondly, how much of it was spent on his general education ; thirdly, how much of it was spent on his special education ; fourthly, how much of it was responsible for or was the direct cause of the money which he acquired or how much of it was the indirect cause ? This means a long and harassing enquiry which my Bill seeks to avoid. All such inquiries will be opened up if Mr. Kelkar's point is to succeed. Now, take a case where this enquiry goes to a court of law 25 years after the acquirer earned the money. Supposing a man lives for 30 years. The question does not arise during his lifetime. Thirty years later, the widow will have to prove by oral or documentary evidence—possibly no documents were made or they have been destroyed during these 30 years—what money was sent to her husband to England for education, what money was sent to him when he was studying in the Elphinstone College, how much of that was spent on expert education and all these things. Is it fair or just, I ask my Honourable friends, as men of common sense, that the widow should be put to all this harassing enquiry 30 years after ? The result of that will cause the mischief of feeding lawyers in court houses, which I am trying to avoid. I do not think my profession will feel very grateful to me for having brought this Bill before this House. I do not think it is necessary further to point out what the result will be if this House accedes to Mr. Kelkar's minute of dissent. All that I am trying to secure, namely, certainty and clearness of the law, all that benefit will be gone. Besides, as I said just a few minutes ago, that is not the principle which is accepted by the Hindu law, that the money spent on a coparcener's education is to be regarded as a debt which he is bound to pay. I submit, Sir, that this Bill may therefore be taken into consideration.

**Mr. M. K. Acharya** (South Acrot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I beg to move that the Bill, as reported by the Select Committee, be circulated for the purposes of eliciting opinions thereon.

My Honourable friend, Mr. Jayakar, with an amount of learning which he rightly exulted in displaying, and with an amount of ingenuity which he might well have utilised in a better cause, has been trying to mislead the House, and it falls to my unfortunate lot to place before the House some higher aspect of the duty of this House than he, unfortunately today, content to be a mere lawyer, has been calling upon us to discharge. He has been talking a great deal of the great many difficulties that lawyers and judges felt and so on and so forth. One admission he made and honestly made which startled me, which shook me, and it was this : that this Bill, not only this Bill, but this House is not concerned with the morality of the question, but only with the technical legality and the technical bearings of the law, cases real or possible.

**An Honourable Member** : Did he say that ?

**Mr. M. K. Acharya** : I took down his exact words. He said, " We are not concerned with the morality of the question " as to what is

the relation of a man who is gaining through learning towards the family and what should be the relation of the man's earnings towards the family property. He distinctly said that we were not concerned with the morality of it. Possibly he is not concerned. But, Sir, I am concerned, and I beg this House to say that it ought to be concerned with the moral aspect of every Bill that comes before it. If the moral aspect is degrading, even if it is necessary to remove certain technical defects in certain places, we shall have to remove those defects without surrendering the moral principle. It is after all the higher purpose for which any law ought to be passed that should be examined in any Legislature. That the statement that we are not concerned with the morality of the question should come from the Leader of the Nationalist Party.....

**An Honourable Member** : He said for the moment.

**Mr. M. K. Acharya** : I hope, Sir, that my Honourable friend knows better the conscience of my friend over there, but I do not know. I am accustomed to hear people, especially lawyers—thank God, I am not one of them—talking about the immediate concern and things of that kind. Sir, I wish for a little moment we do take, as I said, a really larger view of our responsibilities.

Now, Sir, I do not deny that under the existing law there may be many difficulties. He is a better authority than I am to speak from practical experience of the law. There are probably cases of many individuals who gain large sums of money through their learning and are afterwards put to difficulties in sharing the gains of their learning with the members of their families. I am ready to admit that there must be many difficult cases ; I am ready to admit that there may be very many cases of great and real hardship. Admitting that is one thing, but admitting a few or even many cases will not justify a sweeping law which interferes with what I may call the basic principles of the joint family system. We know that the general trend of modern education is to disintegrate the joint family system. For good or for bad, we are all laying the axe at the root of the ancient Hindu family system and the ancient Hindu *dharma*. We have been trying to disintegrate the family and to destroy the *dharma*.

**Mr. President** : Order, order. I think the Honourable Member is moving his amendment that the Bill should be circulated for opinion. He is not opposing this Bill, and therefore on this motion he should confine himself only to giving reasons for which this Bill should be circulated for public opinion. He should confine himself to that one issue only.

**Mr. M. K. Acharya** : May I know under what rule I may not go into the principle of the Bill at this stage, because the Honourable the Mover went at great length to explain the principle ?

**Mr. President** : That time will come when the Bill is discussed at the consideration stage. Now the Honourable Member is moving his amendment and wants to show that the Bill should be circulated for public opinion. On this motion the Honourable Member should only confine himself to giving reasons why this Bill should be circulated.

**Mr. M. K. Acharya :** My reason is simply this that I want the principle of the Bill to go before the public at large not in the wrong form in which the Honourable the Mover has put it, but in the right form in which I think the Bill ought to be understood ; and therefore I am explaining how I understand the principle and how public opinion ought to be expressed on the principle of this Bill, which I say is to disintegrate the ancient Hindu family system more and more and very much more than it is being done now. That, Sir, is my point and the public cannot give their opinion if this Bill is passed now. And I cannot reasonably ask my colleagues here to support my humble motion as against a motion coming from such an authoritative source as the Mover of the Bill without explaining to them why I feel so strongly on the point that we must have very much more information about this and not take for granted as acceptable all that the Honourable the Mover has said. That is my point.

Now, Sir, the principle of the Bill is not simply to remove the few cases of doubt in the law. If that were so, I daresay the lawyers and courts would do it. As I understand it, it is firstly to disintegrate the ancient Hindu family system. Secondly, from the moral standpoint I consider that it is to make a man more and more of a brute concentrated in his own self, without thinking of his father or mother or sister, under whose love he was born and bred, those who gave him all their care and attention, fondled him in his early years, nursed him in his later years and went on looking after him and made him a man. All these people are nothing. His wife and children are everything to him and all his earnings will go to them. He would not care whether his father or mother or sister was starving, but all his earnings would go to his wife and children only—beautiful moral ethics that, indeed ! I can give many more cases than my friend has given. There have been specific cases in which men born in very humble families have had all the care and fondling attention bestowed upon them by their parents and relations, have been brought up and helped to attain very high positions in life, have been turned into great lawyers, even like my Honourable friend over there, and have earned large sums of money, and become great men entitled even Rajahs. And I know at least one case in which a man rose very high in life, lived all for himself and his wife and children only, and left his father to go about begging in the streets. And the father, unable to live, was forced to contract a little debt of Rs. 100, and a warrant for that amount was issued against him and the father at last went to the son's palace—he was himself in his old hut. The son declined to pay this amount of Rs. 100, saying that he had been paying him Rs. 10 every month, which ought to have been enough for him. And a far-off relation, from very shame that the father of such a big man should be arrested on a warrant of Rs. 100, gave him that money to clear the debt.

**Mr. President :** Order, order. The Honourable Member is an old Member of the House and he knows that when a Bill has been referred to a Select Committee the House accepts the principle of the Bill, and at this stage the principle of the Bill cannot be attacked. The Honourable Member is in his speech attacking the very principle of the Bill which I cannot allow him to do.

**Mr. M. K. Acharya :** Thank you, Sir ; it is very natural that my words should be very unpleasant. (Laughter.) However, truth is

truth, very often unpleasant. What I say is that these are facts on which the public have a right to think very leisurely, and the Bill was not circulated for opinion in the first instance. I was anxious to move that this Bill should be circulated for opinion at the last Session, and it was only to oblige my Honourable friend there that I did not move it then. But because I did not move it then, it does not mean that I forfeit my right under the rules to move it now. Because I thought that possibly the Select Committee might so draft the Bill as to free it from all possible objections. I now find that one member of the Committee, for whom rightly or wrongly I have greater respect than for others, has put in some of the objections which I should have thought of very strongly. A legally trained man like my Honourable friend over there cannot attach much importance to these objections, but a poor morally trained man like myself and others like myself will attach great importance to the dissenting minute of my friend, Mr. Kelkar. And because the Select Committee evidently failed to carry out my friend Mr. Kelkar's objections, and to make such alterations in the Bill as would have satisfied Mr. Kelkar, it is for us to take the same view as he did ; and it has unfortunately become necessary that I should raise this protest and say that the Bill must go to the public for opinion. My Honourable friend may pay great compliments to the members of the Select Committee and say that the Bill was very carefully considered in all its aspects and that it has come out with the full support of the Committee. But from the Report of the Select Committee I find that they did not evidently give much weight to Mr. Kelkar's objections. I have no doubt that Mr. Kelkar did put before the Committee his objections, which later on he was forced to put down in writing. If his objections in the Committee had been properly considered there would have been no necessity for him to write a minute of dissent at all, and because his objections were evidently brushed aside by the Committee, he had to put them down in writing.

**Mr. M. R. Jayakar :** Sir, I may inform my Honourable friend that a whole day was devoted to the consideration of the questions which Mr. Kelkar brought before the Select Committee.

**Mr. M. K. Acharya :** All the more pity that the Committee, in spite of a whole day's consideration, was not able to agree that there was a great principle involved in Mr. Kelkar's objection. Therefore my point is that it must go before the public and the public must decide whether the objections of Mr. Kelkar do deserve to be brushed aside in the manner in which the four or five other members of the Committee did brush them aside, in spite of a whole day's consideration. It is for the public to judge whether Mr. Kalkar was, after all, right in putting forward these objections before the Select Committee, or whether the other members of the Select Committee were right, even after a full day's discussion, in not taking note of Mr. Kelkar's objections. I can understand the reasons for this. Possibly the other members of the Committee were obsessed by what are called legal technicalities. That is the great difficulty in this life. When men become obsessed with legal technicalities they forget the demand of moral ideals. It happens every day in life. When a man becomes somehow concentrated on some particular point, that point becomes magnified out of all proportion and his whole mind becomes concentrated on that point.

1 P.M.

[Mr. M. K. Acharya.]

Perhaps my friend thinks that, if this Bill is not passed, the heavens will tumble down upon us : I can very well imagine it, and that is what happens when there is over-concentration on a particular point and that is exactly the root cause of all the trouble in this world. One man seizes upon a phrase of a point and says that he will not be satisfied until he gains it, and all his life is given up to it—call it Dominion Status or self-determination ; he wants it in a certain document and he concentrates upon getting it. Similarly, these lawyers, probably because they are lawyers, are over-obsessed by their legal difficulties, and do not probably pay as much attention to the moral side of the question. But, Sir, has the public no right to consider the Bill from the moral side ? I plead that the question is, above all, a Hindu question and it is for the Hindu public to decide ; this Bill is going to affect—as many other Bills coming up in the course of the day will—not other communities, but my unfortunate Hindu community ; it is going to affect my unfortunate community, in which there are leaders calling themselves Hindus but who do not know what the basic principles of Hinduism are, who have been so perverted by the denationalised foreign education they have got that they have forgotten what the basic principles of Hindu dharma are. Therefore, has not the Hindu public the right to know how this Bill is going to affect our Hindu dharma ? My friend, Mr. Amar Nath Dutt, is anxious to know what is my authority for saying that many of us do not know the meaning of Hindu dharma and that others besides myself are anxious to have their say upon this Bill before we proceed further with it. Let me read one or two sentences from an open letter on this subject of the relation between the general Hindu public outside, to whom I want this Bill to be referred, and the Anglicised, denationalised Hindus who are sitting by my side. (An Honourable Member : "Question".) This is an open letter addressed by the Bharata Dharma Mahamandal to the political leaders of the country on behalf of Hindu India :

"Formerly the word 'Hindu' meant one who believed in the sacred scriptures of the Hindus, and followed their injunctions as articles of faith. But now the term has acquired a different meaning. It is often used as a simple synonym for any Indian who is non-Muslim, and non-Christian ; and is often qualified with various adjectives. We thus read of orthodox Hindu, non-orthodox Hindu, Political Hindu, Reformed Hindu, Arya Hindu, Brahmo Hindu, and so on. All these, excepting the first, are new groups, each of them having its own creed, aims and methods of propaganda. These are not for mutual co-operation, nor for maintaining their common inherited stronghold of Dharma in its original grandeur, nor for making only such repairs in that stronghold as may be necessary to suit changed time and conditions, without interfering with its original principle and design. They know not what mighty angelic hands had built that Dharmic citadel which in the main has stood the ravages of time, and stands still in utility and grandeur unsurpassed by that of any race, ancient or modern. In their shallowness and fury these qualified Hindus will soon efface, if they can, this mighty edifice from the map of India. Some of them with machine guns moulded in the Legislative arsenals of British India, some with sword and spear sharpened in separatist congregations and sabhas, some with match-box propaganda trying to inflame the passions of the ignorant and gullible—all want to demolish the mighty structure of Hindu India, planned in conformity with the highest laws of Nature, and embellished with the ripe experience of countless ages."

Sir Hari Singh Gour (Central Provinces Hindi Division : Non-Muhammadan) : I rise to a point of order. You, Sir, have decided that the principle of the Bill having been accepted after its reference to Select Committee, it was not open to the Honourable Member to attack

the principle of it : in spite of your ruling, the Honourable Member is consistently and persistently attacking the principle of the Bill.

Mr. M. K. Acharya : I am not attacking the principle of the Bill, Sir, I am taking the view which many Hindus outside are entitled to take upon the manner in which the Bill and the provisions of the Bill are likely to affect the unfortunate Hindus who do not follow the lead in religious and social matters of the Honourable Mr. Jayakar or the Honourable Sir Hari Singh Gour ; and how those people look upon all such legislative measures which this House is considering, and how they will be affected by these provisions and not merely by the principle of this Bill. Now, Sir, this open letter says and rightly says :

"—all want to demolish the mighty structure of Hindu India..... Yet every one is supposed to act *bona fide* (There of course I give credit to my friends), and believes that he is doing the right thing for the regeneration and unification of the Hindu people."

That, Sir, is the view taken by the people outside of these measures ; and here is a measure of that kind. And I beg of you therefore to see that we have the opinion of those who are primarily affected by it. Hindu joint family members will be greatly affected by this Bill. Of course there are difficulties under the present law, but who knows there will not be greater difficulties if the present law be amended ? Which will be the lesser of the two evils ? That is not only for my friends here to judge or for me to prove, it will be a matter for the entire Hindu community outside to express its opinion upon.

I come to another point. This Bill, or something very much like it, was brought forward forty years ago in Madras by a gentleman who was even a greater lawyer than my friend over there—I mean the late Sir V. Bashyam Aiyangar ; and he was even more keen about it than my friend to-day is ; and yet the Bill brought by such a very distinguished lawyer and supported by very many other lawyers had to be withdrawn. Why ? Because public opinion in Madras was so strongly against it that, in spite of very many imperfections in the existing law, in spite of the very many hardships which the law at present inflicts upon members of the joint Hindu families, and in spite of the very many bad cases which have come before the courts, forty years ago public opinion was so strong that even a higher man than my friend, Mr. Jayakar, had to withdraw the Bill. Has public opinion really gone forward in favour of this measure ? That is all the question I ask. If that is so, if public opinion is going to welcome this Bill to-day, as it did not forty years ago, then I shall withdraw my objection. That is exactly the point. Mr. Jayakar has himself admitted that forty years ago public opinion was greatly against this Bill and this Bill had therefore to be withdrawn.....

Mr. M. R. Jayakar : My Honourable friend is not accurate ; I never said that the Bill was withdrawn ; it was vetoed by His Excellency the Governor of Madras.

Mr. M. K. Acharya : I am very glad of the correction ; it is a technical correction which I most thankfully accept. Public opinion was so strong that His Excellency the Governor recognised its importance and was prudent enough not to give to the Bill his assent ; and I wish His Excellency the Viceroy in this case, before allowing this Bill to come up here, had taken public opinion, even before allowing it to be introduced. But whatever that may be, the fact is there that the Bill was drafted



[Mr. M. K. Acharya.]

and it was before the public and the public opinion was so strongly against it that it was either not introduced or was not proceeded with or had to be vetoed—I do not care for these technicalities: the Governor, very rightly in response to public opinion, recognised that he ought not to allow the Bill to become law. The substantial question then arises: has public opinion now altered considerably, and will the general Hindu public, the orthodox Hindu public and the members of the joint Hindu families, who are going to be affected by this Bill, welcome this Bill to-day? My friend will probably answer that the good people whom he represents will welcome the Bill, and the worse sort of people, whom I represent, will not welcome it and will raise a hue and cry; but in any case let us have at least some kind of public support to this Bill—some measure of public opinion behind it; and I ask you whether it is not the duty of this Legislature not to proceed with a Bill of this kind, especially the Members who do not happen to belong to joint Hindu families. What right have you to legislate for us and to force laws upon us—laws by which you yourselves are not affected? You sit quite safe and you impose laws upon us, and make laws for others by the sheer accident that you happen to be Members of the Legislature, you impose laws upon people from whom you are quite different and whom you are not even prepared to recognise as eligible to give an opinion. Where is the righteousness of making laws like this? In all charity, therefore, do not inflict laws upon people with whom you have no concern for whose joint family ideals you have probably no sympathy—do not for God's sake interfere. There is already enough bad feeling in the country, do not increase that bad feeling, this is not the time, this is not the day, we have a great many other things to engage our attention—very much more serious. My Honourable friend has himself admitted that, with all these imperfections, the Hindu law has been working for many years, and it is not as if, if you do not pass this law now, the heavens will tumble down. There might have been a few people who might have been harassed.....

Mr. President: Order, order. I cannot allow any violation of the rules. The Honourable Member has been from the very beginning opposing the principle of the Bill and it cannot be done at this stage.

Mr. M. K. Acharya: Sir I am not attacking the principle at all. What I am saying is that if we can wait a little bit longer and not pass this measure to-day we may be able to make some detailed alterations in the law acceptable to all. I am not attacking the principle at all.

Mr. President: The Honourable Member is altogether opposing the principle of the Bill.

Mr. M. K. Acharya: Can I not oppose the Bill or any provision of it, Sir?

Mr. President: When the Honourable Member is moving his amendment, he must confine himself to the reasons he has to give for his amendment, and he cannot attack the principle of the Bill at this stage.

Mr. M. K. Acharya: My reasons are these for re-circulation of the Bill. I am stating that the Hindu community has a right to know what the provisions of the Bill are.....

Mr. President: That you have already said. What else has the Honourable Member got to say?

Mr. M. K. Acharya: There is no particular hurry in passing this measure to-day. That is my next point. The present Hindu law has been getting on very well. We have been working fairly well with it in spite of all its imperfections; and to-day, I say, there is no particular hurry for passing this Bill, and therefore the Bill can very well wait for some time more. Sir, my friend was telling me that I was making a very insidious motion. I am very frank, Sir. I do not think there is anything insidious in the amendment I am bringing forward; there is nothing ingenious about it; there is nothing covert about it. I simply want people to have their say; I simply tell them how they will be affected. And as I said, if this Bill is not passed to-day, it will not be killed. My friend there will live long and I give him my Brahmin's blessings. He will come back to this Assembly with perhaps a larger following. If therefore this Bill is introduced with the support of public opinion from learned lawyers like himself, incorporating all the objections which Mr. Kelkar has raised, I hope he will be privileged in the next Assembly to get it passed with the support of public opinion. Let me assure my friend that, till then, the heavens are not going to tumble down. Whether I come to this House or not, certainly he is bound to come, and this Bill can very well be introduced in the next Assembly. Meantime, you can get public opinion instead of our thinking that all the legal genius of this country is confined to the few brains in this House and passing the Bill in such great hurry. Let us consult all the various legal geniuses in this country; let us take their opinion, and let us consider how Mr. Kelkar's objections might be incorporated in this Bill as unfortunately the majority of the Select Committee were not able to incorporate them. Therefore, Sir, for these reasons, because the provisions of the Bill do make great inroads into the Hindu joint family system, because the provisions of the Bill are such as have not been unanimously agreed upon by the Members of the Select Committee, because the provisions of the Bill follow very closely another Bill which was introduced 40 years ago and against which public opinion in Madras was so strong that it had to be given up, because the Hindu community, who have a right to be consulted on this measure, have not been sufficiently consulted, I say that this measure should not be passed in a hurry as we are attempting to pass it. And lastly, Sir, because we have got many more important things engrossing our attention at the present time, and for God's sake let us not waste our time, let us not divert the attention of the House to all these small matters. I beg of this House to send this Bill for public opinion. Let us have better materials; let us have larger opinions on which to frame this Bill and on which we can give our vote honestly with a full sense of responsibility, and not merely because some leader wants us to give our vote in this way or that way. I beg of this House, therefore, kindly to accept this motion that the Bill be sent up for public opinion and that the Hindu community, who will be primarily affected by this Bill, be given an opportunity to express their opinion to which they are entitled before a measure of this character is passed into law.

Dr. Nand Lal (West Punjab: Non-Muhammadan): Sir, there is no doubt that this measure is one of those measures which can be characterised



[Dr. Nand Lal.]

as very important and of great usefulness to the Hindu community. The measure being so important because it will apply to the bulk of the people of this country, doubts naturally arise in the minds of every person in this House who has to perform his duty rightly.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

The objections raised by the previous speaker have been occupying my mind very seriously, and after giving my thought to the *pros* and *cons* of the whole matter, I am driven to the conclusion that this measure deserves approbation at the hands of this House.

Sir, there are four phases from which this Bill can be looked at with a view to give a correct opinion on it. There is no doubt that, so far as the principle of the Bill is concerned, it has got the support of the majority of the members of the Select Committee, and their opinion deserves great respect. The four phases to which I want to advert are as follows. The first phase relates to the moral aspect. With great respect for my Honourable and learned friend, Mr. Jayakar, I differ from him when he says that morality is excluded altogether so far as the realm or domain of the law is concerned. However, differing from him, as I do in this view, I submit that, so far as the Hindu household social morality and social views are concerned, this Bill will, to a certain extent, create some sort of difference of opinion. It cannot be denied that orthodox Hindus will not be really happy to hear that this Bill is passed. There is no doubt about it, that there ought to be an element of morality, though it should not have the bulk of it when we are passing the law. Consequently, I submit, Sir, that the argument centring round the question of morality has not got immediate bearing, though, no doubt, it may have a remote bearing. Moral views are not to be expunged, they are not to be eliminated; they are not to be ignored. However, when we compare those arguments with the principles of the Bill, we are driven to this conclusion that we may bid good-bye to the too great claim of morality in view of the other advantages which will be derived by the public by this measure.

The second phase is equity. There is no doubt that the equitable phase requires equal deliberation. Equity requires that you, a member of coparcenary, have been educated from the money of the whole family; that the money of the family was spent on you, on your learning, learning as defined by this measure, and when you have attained your object, so far as learning and education are concerned, you have allowed yourself to be selfish, and you want to say now that the other members of the family have got no concern and you should have mastery over your entire earnings which will be acquired in consequence of the education imparted to you at the expense of the joint family moneys. This sort of criticism in the shape of equitable views could be advanced and deserves some appreciation, but not to such an extent that it should do away with this useful measure in the light of modern conditions. My Honourable and learned friend has already given cogent reasons in support of his motion and I need not repeat them. A man, who has acquired money in consequence of his learning and his education, is certainly competent, so far as the law is concerned, to make an application for partition. There is no law, whether

statutory or case law, which can prevent it. Thus so far as equity is concerned, so far as the equitable aspect of the case is concerned, it has not got much weight against the measure. The law will prevail, and equity will have to give in. Consequently, the second phase, which can be characterised as the equitable phase, cannot prevent us from considering this Bill. So far as it is concerned, the law, wholly and solely, and in its entirety, is in favour of this measure. This is a measure which is purely based on law.

The third phase is this, if this measure is considered and eventually passed into law, what effect will it have on the family and the manager of the family, or the *kartha* of the family, in connection with the imparting of education to the members of the coparcenary? This is a subtle point of great weight and importance. When a man, who has acquired education at the cost of the family money and has become a graduate, or a barrister, or an LL.B., or engineer, says, "I shall have the monopoly of the whole thing," it is a question which is really debatable and requires considerable thought and patience—no doubt about it. But there is an answer to it, and that answer is this. If any joint Hindu family will feel reluctant on that score, suppose there were four boys belonging to the family and the family was going to spend so much money on the education of one, and that one after having got the education says, "I shall be entitled to the whole of my earnings as the result of my education," then the other boys might sustain some monetary loss, and this idea will occur to the *kartha* or manager of the family. Therefore, this may discourage the love for giving high or costly education to the members of the coparcenary. I think there is some weight in this argument. This idea will occur to every thoughtful mind, but we have to see what is the eventual gain, what is the eventual profit, and then we are brought face to face with this conclusion that we have to put up with this sort of discouragement. Because, love for education will really have a victory over that sort of argument. Therefore, there is not much to fear so far as the four phases are concerned. My Honourable and learned friend, the author of this measure, has dealt with the subject very ably and has gone into the minutest details, and I do not desire to go into them again and to detain the House long. My submission is this. That my consideration of the *pros* and *cons* of this measure induces me to support this measure and go against the amendment and I hope that it, namely, the Bill will be considered by this House.

**Mr. C. V. Venkataramana Aiyangar** (Madras : Indian Commerce) : Sir, I have always thought that Members who come here newly should listen and learn and should not speak, especially in the first Session. But if I rise now, it is because my Honourable friend, Mr. Acharya, has called upon the orthodox Members of this House to declare their position. Sir, I am an humble orthodox Member like my Honourable friend, though probably I may not grow a beard. I am very much in favour of this Bill, and I feel that any attempt to shelve or delay it will certainly be dangerous. I do not know if Mr. Acharya commits the insult of saying that the late Sir V. Bashyam Aiyangar was not much more orthodox than himself. The whole orthodox community of Southern India, especially the Aiyangar community, would rise in revolt against my Honourable friend if he suggested that the late Sir V. Bashyam Aiyangar was not orthodox. (Mr. M. K. Acharya : "Question.") I know these "Questions". It is these questioning and doubting people that always create the trouble, but

[Mr. C. V. Venkataramana Aiyangar.]

I do say this, that so far as the late Sir V. Bashyam Aiyangar was concerned, he was one of the most orthodox men in Southern India, especially among the Aiyangar community. My Honourable friend wants to shelve this matter at this last stage when we all know that the Assembly is going to be dissolved, and his only object in moving this amendment is that the Bill should be wrecked. There must have been a number of previous stages when he could have moved this motion. There were a number of stages when he could have easily pressed his views. Does my Honourable friend think that nobody knew of this Bill? Was this Bill confined within the four walls of this House? It must have been published in every provincial Gazette, and in every language of every possible province, and if my Honourable friend kept quiet then as well as his so-called orthodox friends, they must thank themselves. From the beginning there seems to have been an unanimous opinion, in favour of this Bill and there seems to have been no objection from the orthodox section, and the country seems to have been in favour of this Bill. (Mr. M. K. Acharya : "No.") My Honourable friend did not raise these objections then. The Bill went before a Select Committee and it was before it for a long time and the Report of the Select Committee has been before the country for a long time. (Mr. M. K. Acharya : "No.") My Honourable friend referred to Mr. Kelkar. What does Mr. Kelkar say? With great respect to my Honourable friend, Mr. Kelkar says from beginning to end that he approves of the Bill. He postulates that the Bill is quite necessary; only he says that, in the interests of justice to the other members of the joint family, the acquirers should be made to pay the money that they had received from the joint family for education. My Honourable friend has taken the cue from that, and has given notice of a similar amendment, and his proper duty, his reasonable duty, and his sensible duty would have been to press that amendment if he cared. Probably he thinks that he cannot substantiate that. Further on, he said that the joint family would be dissolved by this course. I am exactly of the contrary opinion. Under the present law a member can dissolve the joint family if he likes as soon as he begins to get money. This measure will prevent such a disruption.....

Mr. Deputy President : Is the Honourable Member likely to take long to finish his speech?

Mr. C. V. Venkataramana Aiyangar : Five or ten minutes.

Mr. Deputy President : If it is five minutes I shall allow him to go on ; otherwise, I shall adjourn the House for Lunch.

Mr. C. V. Venkataramana Aiyangar : I shall take ten minutes, Sir. I think we had better adjourn.

Mr. Deputy President : This House stands adjourned till twenty minutes to three.

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. C. V. Venkataramana Aiyangar : When the House rose for Lunch I was alluding Sir, to the statement made by Mr. Acharya that this

Bill would cause disruption to Hindu family life. I was rebutting it and saying that Mr. Jayakar's Bill would be one of those causes that would exactly prevent such disruptions. What now happens is that when a man begins to acquire property, he, under the law as it is, gives notice of partition to the members of the family. Nobody can say anything against it. Secondly, another thing sometimes happens unfortunately and that is that, when a person acquires money, he is afraid either of his old father or mother or other coparceners and what he does is that he executes documents for whatever he earns in the names of other people, such as his brother-in-law, his father-in-law and so on, with the result that it ends in litigation and it causes disruption of the family much more. Therefore Mr. Jayakar has done very well in pointing out in his Statement of Objects and Reasons that the object of this Bill is to continue the family, and I believe I am correct in saying—and I speak subject to contradiction—that Sir V. Bashyam Aiyangar said the same thing in his Statement of Objects and Reasons. I trust that this Bill may be passed to-day, so far as this Assembly is concerned.

I would just point out one or two more things. My friend, Mr. Acharya, referred to the Goddess of Morality. He has trampled the poor Goddess under foot. That is probably the reason, Sir, why my friend is very fond of lady picketers and they are so very fond of him as he invites the Goddess of Morality in connection with this Bill. I do not know what he means. Mr. Jayakar clearly stated that, in the interests of morality, this Bill should be passed. He referred to it more than once and at the same time he added that grounds of morality alone would not be sufficient. What he evidently meant was that there should be strong legal and social grounds, as well as moral grounds, and therefore, Sir, it is absurd to say that morality is against this Bill. Mr. Jayakar never admitted that and I do not think anybody can postulate that point. Then Mr. Acharya unfortunately referred to our family life and he said that our young men are so fond of their wives and children that they ignore their fathers and mothers and sisters. I do not know if that can be one of the reasons for sending this Bill for public opinion. What I would respectfully say is this. No father or mother who gives money for the education of their sons would ever dream that the money should be returned to them some years afterwards, and I do not think that any father educates his sons in the hope of a monetary gain at some future time. I may quote my own personal case. My father, who knew this bad law, did a very good thing. Though his whole property was self-acquired property, when he gave money for my special education, he gave it as a loan and when I began to earn he took back the money from me, thereby putting an end to the possibility of my being asked to pay to others practically everything that I earned later on. This Bill will prevent disruption of family life. It will prevent unnecessary litigation, and I think it is the duty of this House to prevent a very large number of persons from going to Court and ruining themselves. When I was practising,—I have given up practice during the last ten years and I do not know if things have gone worse in the interval—I knew of several cases which had come to Court. Nobody gained anything, and after a lapse of 30 or 40 years, there was the difficulty of getting reliable evidence. The parties become paupers by litigation, then they go out of the Courts. Therefore, in the interests of the economics of social life and of religious life, this Bill ought to be passed into law at once. If

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my friend, Mr. Acharya, has got fair and strong grounds for his contention, let him take the direct road. He knows that time is very short and therefore he wants to delay this motion by talking two or three times and wasting the time of the House. If he thinks that this Bill is unfair, immoral or anything like that, let him have a straight fight on that point. My friend, Mr. Acharya, is so fond of interviewing the Governor General and the Governor General is so fond of interviewing him. So, if he feels that this Assembly has done anything wrong in passing this Bill, it is open to him to interview the Governor General and tell him to veto this Bill. In any case we must pass this Bill to-day. I have only one word more to say. This Bill was introduced in the September Session last year and I do not think it lies in the mouth of anybody to say that the public have not had time to consider its provisions, and it is clear that what my friend, Mr. Acharya, wants is to prevent the passage of this Bill. Sir, I strongly oppose his amendment and I hope that the House will reject that and pass the Bill unanimously.

**Sir Hari Singh Gour:** I am afraid a somewhat misleading lead has been given in this case which has been treated as a measure of social reform or as a matter of morality. Sir, if there is any question of morality in this case, it is a case upon which it was the incumbent duty of the Government to take action immediately after they had read the judgment of the Privy Council in the leading case of *Gokal Chand v. Hukam Chand* reported in 2 Lahore page 40. Honourable Members are aware that the Hindu law has two conflicting texts on the subject of self acquisitions. One is that, all acquisitions which are the result of learning or the gains of science usually belong to the acquirer and the other text is that of *Yadnatalkuor*, that property acquired without detriment to the patrimony shall belong to the acquirer. Now, Sir, these two texts have given rise to a crop of conflicting cases and when Sir V. Bashyam Aiyangar introduced this Bill 40 years ago, the juristic notion of what was learning and science and how it would be contra-distinguished with the detriment of the patrimony was not clearly understood. In this judgment of the Privy Council, delivered in 1921, Their Lordships of the Privy Council made it abundantly clear that, so far as they were concerned, they did not see the distinction between learning and science. Let me give you their *ipseissima verba*—I read from page 51—and that would be my amplest justification for supporting this measure. This is what Their Lordships say:

"It may be difficult to say now why the anomaly should have arisen, by which the gains of a man's own labour or of his own bargains are impartible, because they are the fruits of his own effort, while the gains of his science are partible, though they are the fruits of his effort too. In each case the member of the joint family is indebted to the family funds for something; in the former, for the nurture which has made him strong to labour, in the latter, for the professional education in addition which has made him also skilled in art. Conversely, the dull coparcener, who learns but turns his learning to poor account, must share his gains such as they are, while his brother, who learns without teaching and acquires professional skill by intuition only, keeps his greater gains for himself. All that can be said is that the rule, if really anomalous, is too old and well settled to be altered now."

Their Lordships of the Privy Council have in unmistakable terms pointed out the anomaly that exists in Hindu law in making acquisitions of property as the result of personal effort as his own property, whereas if the gains are the gains of science, they are also his property, provided

they are not acquired in a particular manner without detriment to the patrimony. Now I think this doubt, that exists as to general education and special education, general education and technical education, is, as Their Lordships of the Privy Council pointed out, illusory, and therefore what the Honourable Mr. Jayakar has done is to remove this distinction which Their Lordships in this characteristic language have condemned as illogical and illusory. Now what is the net result of his Bill? The net result of his Bill is that, while all law up to date is clear, that if one of the members of a joint family receives general education and as a result of that general education, acquires wealth, then all that wealth becomes his self-acquired property, but Hindu law, as it was understood (but as it has been misunderstood as Their Lordships of the Privy Council pointed out in 1921), drew a distinction that, if that education was of a technical or professional character, then in that case the acquirer does not get the property as his own. Mr. Jayakar wants to make it absolutely clear that, in both cases, the property shall be the property of the acquirer, and in doing so, he is giving effect to the just criticism of Their Lordships of the Privy Council. If therefore I support his Bill, I am not supporting it on any moral or social reform grounds. I am doing so because I feel that it was incumbent on Government in 1921, when they received this authoritative pronouncement from the highest Court of appeal, pointing out the anomaly and the illogical distinction that exists between these two texts of Hindu law, to take action and rectify that anomaly by an amending Act or by an Act intended to clarify the law. Now that settles one question. Mr. Jayakar's Bill settles the first point, but the anomaly to which Their Lordships of the Privy Council referred would still remain, and I think it is my duty to point out to the Honourable the Law Member and his officers of the Legislative Department that they should take early action to remove other anomalies of a cognate character, without which the removal of this anomaly would be insufficient. Honourable Members are aware that I have pointed out that there are two texts of Hindu law—one regarding the gains of learning and science and the other regarding acquisitions made without detriment to the patrimony. Now let me simply illustrate my point. A father has got ample funds, and out of those ample funds he sends his son to England, and he comes back as either a barrister or a member of the Indian Civil Service and he accumulates considerable wealth. This wealth, according to the conflicting texts of Hindu law, as understood by the Privy Council in 1921, and to which they give effect, would become the joint property of the family, but as Their Lordships of the Privy Council said, "We do not know why it becomes the property of the joint family, but this is your law and we administer it as such, but at the same time we point out the anomaly". Now take the other case, of a father, a very poor man, who is ambitious and has got a clever son. He sells his fields and his house and raises money, and with that money he sends his son to England, and he then comes back as a member of the Indian Civil Service or as a member of the bar and similarly accumulates much wealth. That is acquisition of wealth with detriment to the patrimony. What is the result? The result is not stated in this Bill, and I am afraid when this Bill is the subject of interpretation in the Courts, there will arise conflicting views again, and if I had got a hand in the drafting of this Bill, I would have easily amended it so as also to exclude cases of the kind I have mentioned. As it is, the Select Committee have drafted this Bill and sub-clause (a) of clause 3 says, "With the aid of the joint funds of his family". Now my fields and my house are equally very

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important joint funds. If I sell them, then it is to the detriment of the family, and another conflicting text will immediately come into operation to defeat this law. I do not wish to be over-critical, but I am raising an objection which has been raised by Their Lordships of the Privy Council themselves. The matter would be clearer if Honourable Members will turn to the statement contained at pages 45 and 46. There is a short passage and it will repay perusal. I shall read it. Their Lordships say :

"The distinction between acquisitions made by a coparcener solely by his own exertions and those which have involved the use of the patrimony is as old as the laws of Manu. The text of the Mitakshara gives as an instance of impartible acquisition that which has been gained by 'science' or learning. Difficulties"—

Mark these words—

"in applying this simple distinction are supposed to begin when Vijnaneswara makes the comment on this illustration, that 'without detriment to the father's estate' must be implied throughout the passage, so that the gains of this kind, which are impartible, are not gains of science as such, but gains of science made without any detriment to the father's estate and acquired by the coparcener's exertions independently of patrimonial help. Succeeding commentators developed this point, not always in terms that can be completely reconciled, but the rule itself is simple and logical; though difficulties arise, as with so many rules, in the application."

Now, Sir, this is a difficulty which I am pointing out. You have drafted this Bill and, with all respect to the Members of the Select Committee, you have overlooked this most important point which will give rise to conflicting decisions and create further confusion of law which they might have obviated if they had provided against it. This is my second point. The Honourable the Mover of this Bill.....

Dr. Nand Lal : How are these observations applicable to the present measure ?

Sir Hari Singh Gour : I am afraid my Honourable friend does not understand me ; but I know that the Honourable the Law Member understands me all right.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : You must make it understandable to the House. Do not rely on Government support alone.

Sir Hari Singh Gour : Now, I pass on to the other point. The author of this Bill in his Statement of Objects and Reasons has rightly pointed out that the great difficulty in cases of this kind arises when the acquirer of the wealth is dead and his widow or daughter.....

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : I rise on a point of order, Sir. I understand there is only one amendment before the House moved by Mr. Acharya. My Honourable friend (Sir Hari Singh Gour) is not moving an amendment.

Mr. President : He is speaking on the motion before the House.

Sir Hari Singh Gour : I think my Honourable friend is new to the House and is not conversant with the procedure of the House. But I hope he will learn it.

The third point is this. The Honourable the Author of this Bill, in his Statement of Objects and Reasons, rightly pointed out that the difficulties in cases of this kind occur when the acquirer is dead and his widow or

daughters have to litigate about their husband's estate, in which case they are confronted with the difficult task of having to prove that the property is exceptional and is not subject to the ordinary presumption of Hindu law that it is a joint family property. That, I submit, is the crux of the whole case. But this Bill does not provide for the onus of proof that in all cases where the acquisition is made as a result of learning and science, or whether it is made with or without detriment to the family estate, the property shall be deemed to be the property of the acquirer and it shall be so presumed. If that had been the simple language of the section, it would have been complete.

Dr. Nand Lal : My learned friend is perhaps aware that the question of onus is the question of procedure and not of substantive law. We are now dealing with substantive law or a measure which is going to be enacted as an Act. We are not discussing procedure.

Sir Cowasji Jehangir : The Honourable Member must speak on the amendment, which is to the effect that the Bill be circulated.

Mr. President : I suppose, Sir Hari Singh Gour is giving reasons why the Bill should be circulated and he is pointing out the defects of the Bill.

Sir Cowasji Jehangir : Is he supporting the amendment ?

Sir Hari Singh Gour : I think I have made myself perfectly clear in stating, at that very beginning, that this Bill is an improvement and has settled one conflicting point of law, namely, it eliminates the distinction between learning and science. But it falls short of the other two conflicting views of law. The second is as regards the detriment to the patrimony and particularly as regards the burden of proof, and I am appealing to the Honourable the Home Member and to the Honourable the Law Member that, in order to reconcile the judicial conflicts on this point and give effect to what I have pointed out as the considered opinion of Their Lordships of the Privy Council, it is the duty of the Government to bring in another Bill early next year or as soon as possible with a view to complete the reform in the interpretation of this branch of Hindu law. That is my submission.

Now, I wish to point out that, on this particular question of the onus of proof, the High Courts have been for a long series of years giving contradictory judgments. We have, in the first place, an acquirer of property in sole possession of the estate, in which case the question arises whether an acquirer of property who is in sole possession of the estate shall be presumed or shall not be presumed to be the owner of the property. Section 110 of the Evidence Act says that the person who is in possession of the property shall be presumed to be the owner ; but the Hindu Law declares it otherwise. The Hindu Law says that, whatever estate you have in a family, it shall presumably belong to the joint family. So there is a conflict between the Hindu Law and section 110 of the Evidence Act. The Honourable the Mover of this motion points out the difficulties with which widows and daughters are confronted on the death of their bread-winner. As these are the difficulties which still remain, I would ask the Honourable the Law Member, who had nodded his assent to my view, that he will rectify in the interests of the clarification of the law the serious conflict between the Hindu Law and section 110 of the Evidence Act. I submit, in order to make the law perfectly clear, it should be declared that whatever a person is in possession of whether



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he is a member of a joint Hindu family or otherwise, he must be presumed to be the owner because no rule of Indian law can contravene this plain principle of justice and equity.

Now, Sir, having spoken so far, I wish to point out that the Honourable Mr. Acharya stated that you are contravening the *Dharma*, and that you are contravening the Hindu Law. I hope he will now agree that there is no question of contravening the Hindu Law. It is a question of elucidating the Hindu Law, it is a question of nationalising the Hindu Law, it is a question of clarifying the conflict in the judicial cases which exists and to which reference has been made by the highest tribunals in this country.

**Mr. M. K. Acharya :** At whose request you are doing it ?

**Sir Hari Singh Gour :** Then, Sir, it has been said that equity demands that the acquirer should reimburse the expenses of his education. Now, I am surprised to hear why such an amendment has been made or how such an amendment can be passed by this House. No English Law, no Muhammiadan Law, no Jewish Law makes any such provision. If the father wishes to educate his children and he does so out of natural love and affection, does he expect any reimbursement ? If he does, it is a moral claim and not a legal claim. And why should it any more be a legal claim under the Hindu Law than under any other law in the land or elsewhere. When this Bill is passed, the father will know that he is not entitled to any reimbursement, and still he will educate his son either in a professional or some other capacity. I object to the introduction of commercialism in a Hindu joint family. I therefore see no reason whatever for reimbursing the father for the outlay he has made on the education of his children.

Then it has been said that this is a case which will completely disintegrate the Hindu society. I have already pointed out that there must be a complete misapprehension of law on the part of those who consider that this is an effort made in the direction of disintegrating the Hindu society. When I have said that it is not a matter of social reform ; when I have said it is not a question of any improvement or advancement of the existing law ; when I have said it merely clears an obscurity, removes a doubt and reconciles a conflict which the judicial authorities have noticed in the texts of the Hindu Law, then I submit I stand on a solid ground in asking the Government to give their combined support to this Bill, because I feel that, though it is not as complete a Bill as I should like to see enacted, still I think it is a Bill that goes in the right direction and, at any rate, elucidates one point upon which the Privy Council have noticed a clear anomaly. Sir, on these grounds I entirely support the motion of my Honourable friend and I appeal to the Government that they should support this measure overruling all the amendments, not on the ground that it is a measure of social reform, because as I have already pointed out it is not a measure of social reform, but one in which Mr. Jayakar is doing a partial duty, which it was incumbent upon the Government to undertake after the judicial decision of Their Lordships of the Privy Council in 1921, and I therefore submit that it is the duty which a Member of the Opposition is doing on behalf of the Government, for which the Government should be thankful. I therefore ask the Government to give their combined and united support to my Honourable friend Mr. Jayakar's motion.

**Rai Bahadur S. C. Dutta** (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, I wish to submit that the two points urged by the Deputy President do not apply to the merits of this Bill. It is clear from his own statement that, so far as the law of the burden of proof is concerned, if no provision is made in this Bill, the general principles of burden of proof which are enunciated in the Indian Evidence Act, coupled with the presumption of the Hindu law, will govern the case so that, although there might be room for improvement in this respect, it might be made by a separate Bill. Then, as to the apprehension that he entertains that there may be future conflicts in the interpretation of this Bill, if passed into law, as to the law regarding acquisition of learning at the expense of joint funds referring to the doctrine of detriment of the joint family funds or joint family property, I submit that the provisions of this Bill really cover this point and there cannot be any future conflict, because the definition of the Bill is wide enough to cover the cases the Honourable Member pointed out, namely, education acquired at the expense or to the detriment of the family property or by selling some family property, because that is also borne out of joint family funds. So that I submit that in that respect the Bill alters to some extent the law to the detriment of the family property, and this is all that the Bill affects in giving a wider definition of the law of gains of learning.

Passing from these two points, I should only say that I do not look upon this Bill as departing from any principles of morality (Hear. hear.) because, I am not a believer in morality by compulsion.

**An Honourable Member :** Not even a believer in picketing.

**Rai Bahadur S. C. Dutta :** No, not even a believer in picketing when there is compulsion in it. Sir, I did not understand the Leader of the Opposition as saying that he did not consider the morality of the thing. What I understood him to say was this, that so far as this Bill was concerned, the discussion as to the morality of the thing was not very relevant because the Hindu law also which he was proposing to alter in certain small respects did not consider any moral principles, but looked to the expediency of things.

**Mr. M. K. Acharya :** Question.

**Rai Bahadur S. C. Dutta :** The Hindu Law on this point looks mainly to expediency and not to morality. (An Honourable Member : "No.") when it allows a selfish member to force partition when he has begun to earn. There are selfish members, as was already pointed out, who force partition after they have acquired learning at the expense of the joint family funds. What would be the position if the Bill is passed ? It would be only this, that the definition of gains of learning would be wider and it would remove conflicts of law, as to the difficulties in applying the law by interpreting the ancient texts. But then I should point out that this law as to gains of learning covers only a very small part of the law of self-acquired property. The other aspects of the law relating to self-acquired property are not affected by this Bill. For instance, even if a man, a member of a joint family, acquired property by his own efforts or by means of learning, gained at the expense of general education, yet he had the option to treat this as joint family property and throw it in the hotch-potch and to mix it up with the other joint family properties so that it might hereafter be treated as joint family property. If he did this by his own act, it would be treated as joint family property.

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Even if he had the right to claim his self-acquired property, there is nothing in the Hindu law debarring him from devoting the same to the benefit of the same, and that law is not affected by this Bill. So, what I submit is this. I submit, as the Hindu law has no means of preventing the disruptive tendencies breaking the joint family as a result of the action of selfish members in forcing a partition, it is better that the joint family should be maintained by the voluntary action of the members; that is, if they think it proper and if they are generous minded persons, and if they have received considerable benefit from joint family funds, they will not cheat others. They would give a proper share to the joint family funds. There is nothing to prevent a man from promoting the interests of other members of the family. Those who are not selfish, those who are generous will not fail to help other members of the family, and by helping them out of their goodwill they would be promoting the highest morality.

**Mr. N. Natesa Ayyar** (Madura and Ramnad *cum* Tinnevely : Non-Muhammadian Rural) : Sir, I rise to raise my feeble voice on behalf of the voiceless millions of the orthodox Hindu community. I feel, Sir, and the orthodox Hindu community, whom I have the honour to represent, feels that this Bill is a Bill which is absolutely revolutionary in its character. It is a Bill which strikes at the fundamentals of Hindu law; whereas the Hindu law in unequivocal terms declares that the property acquired by a member of a joint Hindu family, except in special circumstances to which we need not now refer, must be treated as the property of the joint family, this Bill shakes the Hindu law to its very foundations and it proceeds to say that that property will be his separate property, not partible at the instance of any of the members. The Hindu community, which I have the honour to represent in this House, has always been a very docile community, strong in the security of religious freedom, which has been vouchsafed to them by the successive proclamations of the various Sovereigns of India. They had been remaining impervious to the surroundings and oblivious of what was going on around them. The result was that they did not acquaint themselves with what was going on and they are mainly responsible for the position in which they find themselves now. At no time have they had adequate representation in this Assembly or elsewhere. But a strange event happened last year; this attitude of theirs received a rude shock, and a very violent shock in the shape of that legislative monstrosity which is now strutting under the name of the Child Marriage Restraint Act. They woke up to the real situation, and they have come before the Assembly to-day to represent their grievances. They feel that this Bill means sounding the death-knell of the joint family ties and affections.

**Dr. Nand Lal** : I may remind my Honourable friend of the conflicts in the various schools of Hindu law.

**Mr. N. Natesa Ayyar** : They feel that the passing of this Bill means the signing of the death warrant of the joint Hindu family system. There is an organised movement, mostly by Arya Samajists, by Theosophists, by the promoters of social reform movements and by the promoters of self-respect movements, and above all, by that amphibious

section of Indian humanity which is neither Eastern nor Western, neither Indian nor European, but a strange combination of all that is bad in both, and which contains nothing that is good in either. The attempt has been made by a number of bodies of this kind to wreck the joint family system and put an end to all the *varna* laws, the *ashrama* laws, and the *varnashrama* system. To some extent I have no quarrel with these bodies. They fight this battle in open daylight; they give us a fair battle. But what does this Bill propose to do? In the shape of defining the law relating to the gains of learning, it indirectly strikes at the joint family system and wants to put an end altogether to the joint family system.

**Sir Hari Singh Gour** : How?

**Mr. N. Natesa Ayyar** : I shall answer presently. My Honourable friend mentioned that, instead of disrupting the joint family, it tends to the preservation of the family. One reason further mentioned by him was that it is equitable and fair that the acquirer ought to have the benefit of the thing acquired by him. The fundamental fallacy that lies underneath this proposition is this; it takes no note of the fact that the Bill prevents an individual from making any acquisition whatsoever. Whereas the Bill is anxious to preserve to the acquirer the golden eggs which he hopes to acquire, the effect is to prevent the individual from acquiring those golden eggs at all. I shall explain the position in this way. A father, an elder brother, or the manager of a joint Hindu family has now a very good incentive to send the sons or wards to England or to equip them in every department of knowledge. The incentive is that, as a result of the education imparted at the family expense, the boy returns fully equipped. He is a source of profit to the family. It is this selfish interest—and human actions cannot be free from this kind of vanity and selfishness—which gives an incentive to the manager of the family to equip the junior members of the family with higher education. This incentive will, if the Bill becomes law, be irretrievably gone and gone for ever; and the result will be that, within two decades of the working of this Act, you will not be able to find one Hindu in a position to go to schools or colleges for higher education. I respectfully place before you for the consideration of this House this salient feature which has been completely lost sight of. I will ask Mr. Jayakar, if this law had been passed 35 years ago, would he have been able to appear in this Assembly in the capacity in which he now appears here? I doubt very much whether 50 per cent. of the Members who are now figuring as Members of the Assembly would have been able to appear here and to place before this House matters which they are now representing. It is because this law did not exist, it is because the fathers and managers of families were fully cognisant of the benefits of the joint Hindu family law by which they were themselves governed that they were sending their boys for higher education, and we are now what we are. I therefore put this matter forward preeminently for the consideration of the Assembly as an element which it has to take into consideration before giving its verdict upon this Bill.

There is one other aspect of the case. It was represented by the Honourable the Mover that there would be hardship in shutting out the



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benefits of the acquisition from the acquirer's widow, in case he happened to die without making any arrangements for the benefit of the widow. My answer to that is this. I shall assume that it is a hardship. But suppose there is an unchaste wife, suppose there are daughters by a pre-deceased wife, who will get this property in the absence of the son? Why should the daughters be disregarded?

**Sir Hari Singh Gour** : Who should get it according to you?

**Mr. N. Natesa Ayyar** : I will answer it. The spirit of the Hindu law is that the joint family should get it. Why should you break away from that law? What is the extraordinary circumstance which compels us to say that the stranger who has come into the family—the widow—should get it rather than the devoted father, brother and the other members of the family who would otherwise get it? What is the special reason which moves the mind of the Honourable the Mover of the Bill?

**Dr. Nand Lal** : It is regrettable that the widow, who is the queen of the house, should be considered as a stranger.

**Mr. N. Natesa Ayyar** : Certainly she is a stranger. The moment she comes into the family she may become a member of the family, but as between the coparceners and the issueless widow, certainly the widow is a stranger, and the remedy regarding this matter lies in the hands of the acquirer himself. At any moment he can separate himself from the joint family—a piece of paper will do for the purpose and no registration is necessary—and he may declare that he is a separated member and from that moment all the property that he acquires will become his self-acquired property, and the widow will get it. From that moment all his acquisitions become his separate property. One reason which was painted in lurid colours by the Honourable the Mover of the Bill was that there are many difficulties confronting judicial tribunals in determining the question whether a particular acquisition is self-acquisition, the gains of learning, or the result of ordinary education. What is the remedy for this state of things? Is it not flying directly against the principles of Hindu law? The Hindu law says that the gains of learning are not partible if they are not acquired to the detriment of the family estate. The judicial tribunals feel extreme difficulty in determining the question, what are the gains of learning and what are not the gains of learning. Well, the simple solution for this is to define what is meant by gains of learning.....

**Sir Hari Singh Gour** : That is just what he has done.

**Mr. N. Natesa Ayyar** : Not by saying that, whatever is acquired as the result of education is his self-acquisition and must go to the individual acquiring it.

**Sir Hari Singh Gour** : That follows from it.

**Mr. N. Natesa Ayyar** : That will not follow. If you define the term and say what "gains of learning" means, then the judicial tribunals will experience no difficulty whatsoever in giving their verdict as to whether a particular acquisition is or is not the result of learning; but instead of so doing that, what this Bill attempts to do is, whether

the acquisition is the result of learning or the result of ordinary industry, to provide that in all cases alike it ought to go to the hand of the acquirer. This is what the Hindu law directly says ought not to be done. The Hindu law says that it is only the gains of learning not acquired to the detriment of the family that alone should be partible; but the proposed Bill will say that all acquisitions, however made will be the property of the acquirer. This is flying directly in the face of Hindu law; it is abrogating the Hindu law; it is shaking the foundations of Hindu law, for which there is absolutely no justification. I therefore say that this Bill ought not to be rushed through; I do not want that this matter ought not to be considered in all its aspects. It is said that this Bill has been before the public for nearly one year. I must confess that though I am in the profession, I have not had knowledge of the Bill until three or four months back. Do you expect the many millions inhabiting the Southern Presidency to have knowledge of this Bill? I know for certain that the vast majority of people there do not know of the Bill. Why then should you rush it through at this last stage of the House? Why should not the ordinary practice of circulating the Bill for public opinion be had recourse to in this case as in other cases? We have had the benefit of a Committee of five; they say simply that they approve of the principle of the Bill; they do not enter into any elaborate discussion of the scope or principles of the Bill; and it has been reserved to one member, a dissenting member, Mr. Kelkar, to say that the Bill is defective at least in one respect. Should not that matter be considered? Why should a family be deprived of the money which it has spent upon a particular individual?.....

**Sir Hari Singh Gour** : Did he earn that money as gains of learning?

**Mr. N. Natesa Ayyar** : There is a fallacy here again on the part of the Mover of the Bill. He put forward a statement before this Assembly that the ordinary Hindu law is that, when a partition is made, the person who has had the benefit of the education cannot be called upon to reimburse the family to the extent of the expenses which had been incurred on his behalf. I think that is only partially correct. When the partition takes place, the property he has already acquired must be brought into the family chest. I believe that the House will be able to see the fallacy. It is true that when an account is taken, the member on whose behalf expense has been incurred will not be called upon to reimburse the sum that has been expended on his behalf, but what is the reason? The reason is that the property he has acquired as a result of that expenditure will also be brought into the common chest and will be divided; but when you deny one thing, you ought not to deny the other. If you deny the right of the family to participate in the benefit of the acquisitions that have been made, you ought not to deny the right of the family to have the expenses reimbursed. That aspect of the case has also to be considered by the Assembly.

On the whole, it is my respectful submission that this Bill has not reached a stage at which it can be rushed through in the Assembly without further consideration. There are very many persons who are entitled to speak authoritatively on this point, and it is absolutely necessary that the Bill should be circulated for obtaining the opinions of those who are entitled to give their opinion.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Mr. President, at this stage of the discussion, it is not my purpose to enter into the labyrinth of learned and at the same time very interesting disquisitions on Hindu law as was done by the previous two Honourable Members, nor to attempt at reconciliation of the conflict of some sections in the Evidence Act with some provisions of this Bill, which my Honourable friend Dr. Gour thought might come about if this Bill was passed into Law. If there are any such conflicts, it is for those Honourable Members to bring in amending Bills to remove such defects. But, Sir, I am glad to find unanimity of opinion among Members in this House, including the Honourable and learned Member, Dr. Gour, in favour of this Bill. As far as I can see there are only two discordant notes sounded against this Bill.....

**Mr. M. K. Acharya** : Many more in the country.

**Mr. T. N. Ramakrishna Reddi** : As far as I can see, there are only two discordant notes ; one of the Honourable Members who opposed this Bill did so on grounds of orthodoxy ; another Honourable Member opposed the Bill on the grounds of legality as well as orthodoxy. I do not see there are any valid grounds for opposing this Bill on the ground of orthodoxy. The Honourable Member, who is a Sanatana Dharmist, might remember that there were two Sanatana Dharma conferences held after the Bill was introduced in this Assembly. One was at Madras and it was presided over by no less a person than Mr. V. V. Srinivasa Ayyangar, who had adorned the High Court Bench of Madras for two years, and who is still considered as an eminent Hindu lawyer. He was a Sanatanist and President of the Sanatana Dharma Sabha, but he never raised any objection with regard to this Bill though it was before the country at that time.....

**An Honourable Member** : No, it was not.

**Mr. T. N. Ramakrishna Reddi** : The Honourable Member, who now wants to interrupt me, did not raise his little finger in the Sabha against the Bill.

**Mr. N. Natesa Ayyar** : It was not one of the subjects brought forward before the Conference.

**Mr. T. N. Ramakrishna Reddi** : That was the proper place for the Sanatana Dharmists to ventilate their grievances, if any, against this Bill. The Conference was a representative conference and that was the proper place.

Then the Honourable Member said that orthodox Hindus are always opposed to any deviation from the Hindu law. Well, Sir, any lawyer, and much more so the eminent lawyer who preceded me, well knows how the High Courts have been interpreting Hindu law very liberally from time to time, and especially during the time of the late Justice Seshagiri Ayyar and that great social reformer the late Justice Sadasiva Iyer. The veriest tyro in the field of law will find that women have gained a lot of privileges under the decisions of the High Courts—for instance, according to the Hindu law texts to which my Honourable friend who preceded me wants to cling, a woman cannot hold any property at all absolutely. But that has been toned down by subsequent judgments of

the High Courts, so much so that at present a woman can hold property as her own, just as much as any male member of the family ; and with regard to many other points of Hindu law the High Courts have given very liberal interpretations and there were absolutely no objections raised against those decisions. I support the Bill on various grounds, one of them being that it has been fully considered by the Select Committee composed of eminent lawyers and business men, and this has come out of the Select Committee unscathed. Even Mr. Kelkar did not oppose the Bill ; he simply said that on equitable grounds another clause must be added, that the acquirer should reimburse the money which had been spent on his education. That does not mean that he is opposed to the principle of the Bill. It is the business of the father, it is his duty, to spend money on the education of his children. In the eyes of the father there is no distinction between one child and another. And nobody will expect, much less the father, that his son should pay back the money to the family. Then, Sir, I support this Bill on other grounds also. For instance, take the illustration pointed out by the Honourable the Mover. A man happens to earn a lot of money as a lawyer or as a doctor in a city and lives a very decent life. More often his parents and other relations might be living in a village leading a villager's life. Suppose the man, who lives in the city all his life and earns money, happens to die. On his death his wife has to go to the village, though she has all along been living a decent life in the town, and obey the dictates and commands of the women of the house in the village ; otherwise she will be sent out. And is the fate of this poor widow and her female children to depend upon the whims and caprices of the women at home in the village ? Then again, Sir, even the High Courts have in recent cases decided that the gains of learning should belong to the acquirer even if he received a general education—it may be B.A. or M.A.—unless it is a special education. The distinction is made only with regard to special education. Sir, it is very difficult to make a distinction between general education and technical or special education in all cases and so, in order to remove all these defects, this Bill has been introduced, and I have no doubt that every progressive Member of this House and every lover of this country will support this measure.

**The Honourable Sir Brojendra Mitter** (Law Member) : Sir, the question before the House at the present moment is the amendment for circulation, and I shall briefly state the Government attitude in this matter. Sir, in February last when the motion of my Honourable and learned friend, Mr. Jayakar, for a reference to Select Committee was before the House, I said this :

“ The Bill deals with secular rights and no religious principle is involved in it. As the general sense of the Hindu Members of the House is in favour of the principle of the Bill, Government will not stand in the way. The attitude which Government take up in the matter is one of neutrality and they leave it to the Hindu Members to shape the Bill in manner best suited to the conditions.”

That was our attitude when the Bill was sent to the Select Committee, and the House approved the principle of the Bill. Now, the Bill has been considered in the Select Committee and a Report has been made. Our position with regard to circulation is this. If we

[Sir Brojendra Mitter.]  
were convinced that there was a general feeling against this Bill, or if we were convinced that the Bill had got any of the mischievous tendencies which my friend Mr. Acharya mentioned, then, Government would certainly have supported the motion for circulation....

**Mr. M. K. Acharya :** How do you know it except by circulation ?

**The Honourable Sir Brojendra Mitter :** If we were convinced of it, we would certainly have supported the motion for circulation. Sir, the Bill has been before the country for several months. It has been said that the vast millions do not know anything of the Bill. Even if the Bill were before the country for ten years, those vast millions would never have known of it, and even if they had known of it, not even a microscopic minority of those vast millions would have understood the implications of the Bill. This is not a layman's Bill. A layman would not understand what the law is, how the law has been from time to time interpreted by the courts and what changes are necessary. That is not a matter for the masses. This is a matter entirely for lawyers. This is a lawyer's Bill. Therefore, the plea that the general public have not had an opportunity of expressing their views on the Bill, I submit, is not valid.....

**Mr. M. K. Acharya :** Have the electors, who have sent us here, no right to say what they think of the Bill ?

**The Honourable Sir Brojendra Mitter :** The electors have got every right to say whatever they choose on any measure before the Legislature, but the question is the competence of the people to talk on a measure like this. Are the general masses competent to talk on a measure like this, or are they competent to form any judgment on a measure like this ? It is only lawyers who can form a judgment.....

**Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran : Non-Muhammadan) :** Sir, does not this Bill seek to change the course of succession of property ?

**Sir Hari Singh Gour :** No, it does not.

**The Honourable Sir Brojendra Mitter :** I am coming to it presently. What I say is this, that if Government were convinced that this Bill had any of the mischievous tendencies which have been referred to in the course of the debate, certainly Government would have supported the motion for circulation. Now, what are the mischievous tendencies which have been mentioned ? The first is, that it tends to disrupt the joint family. Sir, we are not convinced that the Bill has got that tendency.

**Rao Bahadur D. R. Patil (Bombay Central Division : Non-Muhammadan Rural) :** You have not heard all the Members ; how are you convinced then ?

**The Honourable Sir Brojendra Mitter :** The first alleged mischievous tendency is the disruption of the joint family. Sir, we are not convinced that the Bill has that tendency. It has been pointed out by a number of Members that it has just the opposite tendency. Not only does it not mean disintegration of the joint family, but it means, if it

means anything at all, consolidation of the joint family. That is the view which Government take.

The second mischievous tendency which has been mentioned is that it offends in some way Hindu Dharma. Sir, Government take the view that no principle of Dharma is involved in this Bill. It is a purely secular measure, and therefore Hindu Dharma does not come in at all.

The third mischievous tendency which has been referred to by the last speaker is that, if this Bill be passed, then Hindu parents would be disinclined to spend money for the education of their children. Sir, speaking as a Hindu, I say this, that it is a gross libel on Hindu parents. Hindu parents will continue to educate their children even though such a step involves the greatest sacrifice. Hindu parents do not educate their children in the expectation of a monetary return out of the acquisition of those children. They educate their children in discharge of their parental duty, out of love and affection. These are the three mischievous tendencies referred to. On none of them are the Government convinced. That being so, Sir, Government cannot support the motion for circulation. The Bill has been before the country for several months and Government have not received any protest either from any Hindu Association or from any person competent to express an opinion on the measure.

**Mr. M. K. Acharya :** Because Government have not asked them.

**Mr. N. G. Ranga (East Godavari and West Godavari cum Kistna : Non-Muhammadan Rural) :** It is the business of the public to express their view.

**The Honourable Sir Brojendra Mitter :** In view of the opinion expressed in this House in February, and in view of the general sense among the Hindu Members in support of the Bill, Government feel that no useful purpose will be served by circulating the Bill for further opinions. Sir, Government are not in a position to support the motion for circulation.

**Several Honourable Members :** Let the question be now put.

**Mr. President :** The question is that the question be now put.

The motion was adopted.

**Mr. President :** The original motion was :—

“That the Bill to declare gains of learning by a Hindu to be his separate property, as reported by the Select Committee, be taken into consideration.”

Since which the following amendment has been moved :

“That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinions thereon.”

The question that 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 declare gains of learning by a Hindu to be his separate property, as reported by the Select Committee, be taken into consideration.”

L7CFB(LA)

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : Clause 3.

Mr. M. K. Acharya : (*Cries of "Withdraw."*) I beg to move that at the end of clause 3 the following be added :

"Provided however that where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay to those joint funds the full amount spent upon his learning."

Sir, I am one of those who always feel.....

Sir Hari Singh Gour : I rise to a point of order. Under Standing Order 46, printed at page 113 of the Assembly Manual, notice of an amendment should have been given not less than two clear days before the date on which the Bill is to be considered, and if it is not so given, any Member may object to the moving of the amendment and such objection shall prevail, unless the President, in the exercise of his power to suspend this Standing Order, allows the amendment to be moved. I never got notice of this amendment and I do not think that any other Honourable Member got two clear days' notice of this amendment. Sir, I object to the moving of this amendment.

Mr. President : I understand that notice of the amendment was received on the 12th and it was printed and circulated before two clear days from to-day. Therefore, the amendment is in order.

Mr. M. K. Acharya : Thank you, Sir. I am sorry that, even when Members are sure of their votes, they must try to get advantage by subterfuges, by having resort to rules and Standing Orders. I am very glad that you are here to vindicate the rights of humble Members like me. Now, Sir, I will just say this. As the House wants to show to me what their general feeling is towards this amendment, I would submit most respectfully to you and to others that I am here to do my very humble duty, and I will beg of you and others to allow me to do it whatever may be the consequences. I am one of those who believe :

"They are slaves who dare not be in the right with two or three."

What does it matter ? The great majority here are against me in this amendment, but I am here to do my humble duty, and my humble duty I will do. (*An Honourable Member : "This is not the first occasion."*) No, this is not the first occasion certainly when I do my duty. The amendment that I want to move is that at the end of clause 3 the following be added :

"Provided however that where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay to those joint funds the full amount spent upon his learning."

I am ready to admit that, if I had more time at my disposal to consult my lawyer friends, I might have been able to draft this much better. Our minds were engrossed with other things and that was in fact my argument this morning. I was greatly impressed by the argument of Mr. Kelkar contained in his minute of dissent.

Mr. President : Why did you put in your amendment without consulting your lawyer friends ?

Mr. M. K. Acharya : Because I had no time and I was afraid that they would ask me for their fees. I saw this note of Mr. Kelkar which was put into my hands only last week. After studying it—I thought my intelligent friends would easily follow me—I sent in notice of this amendment, and however, imperfect it may be, I want to have it recorded, because hereafter when the provisions of this Bill come up again, somebody may bring in a better Bill. Now, two or three objections have been taken, some of which appear to me to be frivolous. One of them was that, even under the present law, there is no obligation to pay back to the family what is spent upon general education, and therefore why should we create an obligation in the new Bill, which is not already in the existing law ? I thought the new Bill was meant to improve the existing law in certain respects. I thought that the Honourable Mr. Jayakar wanted to improve the present law with regard to gains of learning, and it should be open to him to allow others also to improve the existing law. However, it is doubtful, as my friend Mr. Natesa Ayyar has just said, whether in the existing law there is any provision at all of some kind or other with regard to the family claim on the gains of learning. Another reason was put forward by the learned Knight from Nagpur that there is nothing in Christian or Muhammadan law to the effect that the father must be paid back the cost of the education of his son, and that therefore there should be nothing in the Hindu law. Even supposing, for the sake of argument, that there is nothing in Christian or Muhammadan or Jewish or Parsi law, I cannot see the force of the argument that there should be nothing provided in the Hindu law. I do not exactly understand the logic of this at all. You can as well say that, if men of other creeds do not put any mark on their forehead in memory of God's name, therefore I should not put any on my forehead. I do not understand that analogy. If such a provision does not exist in other systems of law, probably they do not require it. I cannot understand the force of the logic that merely because such a provision does not exist in other systems of law, therefore there should be no provision in the Hindu law. The Hindu law is wholly different from other systems. The argument of the Honourable the Law Member was a little more satisfactory—that the father does his duty to his son because he wants his son to be great and happy in future, irrespective of any return. Certainly the Hindu *dharma* is very much more comprehensive, and let me here respectfully submit to the Honourable the Law Member that that term "*dharma*" does not mean the English word "religion".

The Honourable Sir Brojendra Mitter : The meaning of the word "*dharma*" is duty and when I spoke of "*dharma*" I used the word in that sense.

Mr. M. K. Acharya : That is a side question into which we need not enter now. "*Dharma*" means a lot of things—the whole cyclopedia of right life. It cannot be expressed by the word "duty" or any other word. That is by the way. After all, a father does his best towards his son, irrespective of any return. Similarly a son is expected to do his best towards his father. There may be an ungrateful son who does not do his duty by those who spent money on his education. There may be a wicked husband, who is encouraged by the law to transfer all his gains of learning to his wife. These are various aspects of this question, but they do not represent the legal aspect.....

**Mr. President :** Order, order. I hope the Honourable Member will kindly realise that this is the last day when non-official Bills will be discussed in this House. This is the last day allotted during this Session when non-official Members will do the work of legislation. Therefore I trust the Honourable Member will be good enough to restrict his speech only to the point at issue. His speech ought to be relevant and he should restrict himself to the point at issue.

**Mr. M. K. Acharya :** I bow to your wishes ; but I am not responsible for this debate at all ; it has been thrust upon me. Now, Sir, my argument is simply this. There may not be an obligation on the part of the son to repay the amount to the family in the legal sense ; but I think it is the moral duty of every son to pay back to his father or other members of the joint family the sum which has been spent upon his education from the funds of the joint family.

Lastly, I believe Mr. Jayakar asked, who is to find out how much was spent upon the education and how much should be paid back ? And he said that the widow, long afterwards, would be put to the trouble of proving whether the education was received out of family funds or was not received out of family funds. Sir, I am not a lawyer, but I should have thought that the burden of the proof would be upon those who claim. If a member of the family claims that some of the money in question should go back to the family, I think the burden of proof would not be upon the widow but upon those who put forward this claim, and I should have thought the onus would not lie on her to show that the gains of learning in question were acquired in this way or that way. However, that is for the lawyers to say. I personally do not think this a sound argument, as I should have thought that the proof would have to come from those who claim. In any case, I submit the least that we can do is, while agreeing to this Bill to insert a provision however imperfect—and Sir Hari Singh Gour has shown that the Bill would have been better if further amended in some ways—that “ where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay to those joint funds the full amount spent upon his learning ”. Sir, a man whose parents or guardians spent all the family property on educating him is under some obligation and may even be called upon in a court of law to pay some of the expenditure back. That is all I want to say, and therefore I move my amendment. It does not matter to me whether it is going to be accepted or not, but I must do my duty and move amendment.

**Mr. President :** Mr. Jayakar.

**Mr. N. Natesa Ayyar :** Sir, I crave only a few minutes in order to support the amendment. The only aspect which I wish to place before this Assembly is the legal aspect. My Honourable friend, Mr. Acharya, said that it is a moral obligation. I say it is not only a moral obligation but it is a legal obligation as well. The legal aspect of the case is the common sense aspect. Law is but the quintessence of common sense, and common sense requires that any expense incurred under this head ought to be reimbursed to the family. The father, or the manager of a property, whoever he may be, when he spends money on a particular member of the family, does so as a trustee for the family. He cannot embark upon an enterprise which will not be for the benefit of the family. If therefore a particular sum is to be spent on a particular member of a family,

the manager of the family or the father will be guilty of a gross dereliction of duty and of a gross breach of trust if he does not limit the expenditure within the safeguards which have been provided by law. Therefore, when a particular member of a family acquires higher education and is sent to England or any other place for the purpose of special study, the father or the manager of the family hopes, not for his own personal interest, but in the interests of the family, that a corresponding return to the family for the monies spent out of the family fund will be made. Therefore it is not only a moral obligation, but it is a legal obligation which he owes to the family which has incurred the expense. A member of a joint family, who has been educated at the joint family expense, should be under an obligation to repay it, and inasmuch as this is a matter relating to a trust which has been imposed on the father, there is absolutely no period of limitation for his claim. When the time of accounting comes, when the members of the family are to give an account of the various monies received, then comes the time for taking the accounts, and then you will have a proper account of the proper amount which is to be payable by one member or other of a joint family. Therefore I heartily support the amendment of my Honourable friend, Mr. Acharya.

**Mr. M. R. Jayakar :** Sir, I oppose this amendment (Hear, hear,) and I shall deal with it in just a few words because there are a number of other Bills, and as the Honourable the President has remarked, this is our last day for going through non-official Bills. Sir, this amendment is absolutely ill-considered, as Mr. Acharya himself admitted. (Mr. M. K. Acharya : “ No, no.”) If, Sir, the Honourable Members will turn to this amendment, which reads :

“ Provided however that where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay the full amount spent upon his learning.”,

and if they will then turn to the definition of the word “ learning ”, that is :

“ education, whether elementary, technical, scientific, special or general, and training of every kind which is usually intended to enable a person to pursue any trade, industry, profession or avocation in life ”,

they will see the absurdity of this amendment. Of course one can forgive Mr. Acharya because he is not a lawyer, but I am surprised that my lawyer friend Mr. Natesa Ayyar should not have seen the absurdity of Mr. Acharya's amendment. If we accept this amendment, Sir, the result of that will be that the present law will be made even stricter, and the acquisitions of any learning, however, elementary and general it may be, will be regarded as joint family property and will have to be repaid back. That means that the present law will be made narrower than it is at present. As Mr. Acharya himself has admitted, this amendment is most ill-considered and I oppose it.

**Mr. Gaya Prasad Singh :** It is mischievous.

**Mr. President :** The question is that at the end of clause 3 the following be added :

“ Provided however that where a person's learning has been imparted to him out of the joint funds of his family, he shall be liable to repay to those joint funds the full amount spent upon his learning.”



The motion was negatived.

Clauses 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. M. R. Jayakar : Sir, I move that the Bill be passed.

Mr. M. K. Acharya : Sir, I object to the passing of the Bill.

Mr. President : The question is that the Bill be passed.

The motion was adopted.

#### THE AJMER-MERWARA COURT-FEES (AMENDMENT) BILL.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : Sir, I rise to move that the Bill further to amend the Court-fees Act, 1870, for a certain purpose, as reported by the Select Committee, be taken into consideration. This Bill is a simple measure and its applicability is confined to Ajmer-Merwara. The Bill aims at reducing the burden of court-fees on widows. If this Bill is passed into law, widows suing for maintenance will have to pay a lesser amount of court-fees on their complaints than under the present Court-fees Act. It is entirely a question of revenue, and the Bill is non-contentious. The Local Government have accepted the Bill, and the Government of India are in complete agreement with the terms of the amending Bill. I therefore move that the Bill be taken into consideration.

Mr. C. W. Gwynne (Home Department: Nominated Official) : Sir, I only wish to say that, as was explained at Delhi when the motion for reference to Select Committee was passed, Government have no objection to this Bill. They are very friendly to it, and support it, now that the necessary drafting amendments have been made.

Mr. President : The question is :

"That the Bill further to amend the Court-fees Act, 1870, for a certain purpose, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Rai Sahib Harbilas Sarda : Sir, I move that the Bill be passed.

Mr. President : The question is :

"That the Bill further to amend the Court-fees Act, 1870, for a certain purpose, as reported by the Select Committee, be passed."

The motion was adopted.

#### THE MUSSALMAN WAKF VALIDATING (AMENDMENT) BILL.

Mr. A. H. Ghuznavi (Dacca Division : Muhammadan Rural) : Sir, I beg to move that the Bill to amend the Mussalman Wakf Validating Act, 1913, as reported by the Select Committee, be taken into consideration. Sir, this short Bill was introduced to give retrospective effect to the Mussalman Wakf Validating Act, 1913, which my Honourable friend

Mr. Jinnah introduced in the old Imperial Council, and that Act has been in operation already for the last 17 years. In my Statement of Objects and Reasons I have fully explained why this Bill is required. The Mussalman Wakf Validating Act aimed at restoring the Mussalman Wakf law as it was understood and applied by the courts before Their Lordships in the Privy Council overruled their decisions and declared Wakfs in favour of one's family (Wakf ala'l-Aulad) as illusory and obnoxious to the rule against perpetuity. There is no room for doubt that this Validating Act of 1913 was never intended to be prospective, but being declaratory Act—an Act declaratory to the existing personal law of the Mussalmans—it was evidently retrospective. But in a number of cases—and I have cited only a few in my statement of Objects and Reasons—the High Courts of India have held that this Act is prospective and not retrospective, and the wakfs and endowments in favour of one's family or descendants (Aulad) executed prior to the enactment of this law thus stand excluded from the purview of the Wakf Validating Act of 1913. It is to include these wakfs and endowments within the purview of this Act and save many a respectable family from utter ruin that this Bill has been brought in. Sir, if this Act validates wakfs in favour of one's family, children and descendants (Aulad) created after its enactment, why similar wakfs and endowments created before this Act was passed should be deprived of its protection passes one's comprehension. They certainly do not merit this penalty, and it is only just and fair that retrospective effect should be given to the Wakf Validating Act of 1913. The Select Committee, after giving it its careful consideration, has amended the Bill. Honourable Members will observe that the sole object of the Bill is to give retrospective effect to the Act of 1913. Although the Bill has emerged from the Select Committee in the form of a distinct, independent Bill and not as an amending Bill, that object has not been lost sight of. Only the scope of the Bill has been narrowed by the introduction of a proviso to save vested rights as far as possible.

Sir, I move that the Bill, as amended, be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President : The question is that clause 1 stand part of the Bill.

Rai Bahadur S. C. Dutta : (Surma Valley cum Shillong : Non-Muhammadan) : Sir, I move :

"That clause 1 be re-numbered as clause 1 (1) and the following new sub-clause be inserted :

'(2) It shall come into operation on the 1st August 1931'."

Sir, I wish to begin by explaining how it is that I, a non-Muhammadan, should take an interest in this matter which may be considered forbidden ground for me. I should explain at once that, when I was elected a Member of this Assembly in January last, some Mussalman gentlemen of my district approached me and said that they were opposed to the principles of a retrospective Bill of this kind and that their vested interests would suffer by its passage. They also said that there were several wakfs that sought to alter the law of succession according to the Muhammadan law. In fact, I was myself from the very beginning opposed to the principle of retrospective law, but at that time I gave



[Rai Bahadur S. C. Dutta.]

them only this promise that I would look into this matter when it came up before the Assembly. When I got the text of the Bill, as amended by the Select Committee, I found that the scope of the Bill was much restricted by the proviso which was added to this Bill. I found that the proviso really limited the scope of the Bill to a single class and I wondered why a law of this kind, restricting the operation of the Bill to only wakfs in respect of a very limited class of people should be passed at all. But then I considered that at least if the law was to be passed, those persons whose vested interests were affected by the Bill should be given some further measure of protection. I thought that some further time should be given to those who might protect their vested interests within the year. The Bill does not protect all vested interests.

Mr. A. H. Ghuznavi : It does.

Rai Bahadur S. C. Dutta : I shall presently show that it does not. It protects all vested interests that were acquired after the creation of the wakf.

Dr. Nand Lal : (West Punjab : Non-Muhammadan) : Kindly see that it says "already acquired". That demolishes your argument.

Rai Bahadur S. C. Dutta : No, it does not. The proviso will show this. The proviso runs thus :

"Provided that nothing herein contained shall be deemed in any way to affect any right, title, obligation or liability already acquired, accrued or incurred before the commencement of this Act."

Now, what is the meaning of acquisition ? Acquisition means that the right that was not existing before was acquired subsequently, that is, acquired subsequent to the creation of the wakf. Well then what is acquired ? This proviso does not save the original owner who created the wakf, if he be living now. It protects all acquisitions, it protects acquisition by purchase, by grant, by gift and also by will or by right of inheritance. Inheritance is also acquisition. Right accrues or is acquired thereby. Supposing a person creates an invalid wakf and then he dies. His heirs get the property. That is also a kind of acquisition, if, when the wakf is created, it is invalid. We are under this Bill validating wakfs that are invalid. If they are invalid, the property remains in the hands of the person who created the wakf as his own property. As soon he dies, the property passes into the hands of his heirs. They acquire it and that right is protected by this proviso. The rights of heirs who get this property by right of inheritance are protected by this proviso. Then where does the operation of the Act end ? Only in the case of those wakfs whose owners have not yet died. It is limited to this particular class of persons. That is, this validating Act would confine its operation to those wakfs, the creators of which are still alive and whose rights have not been protected by the proviso, as they cannot be said to have acquired any right. That is the sense of the proviso. I also gather from this proviso that it protects the rights of heirs. This is also clear from this that in this Bill, as it has emerged from the Select Committee, there is no proviso to protect pending litigation. If it was intended to affect the rights of heirs, there should have been such a provision.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Pending litigation is protected by the General Clauses Act.

Dr. Nand Lal : There is a special Act for that.

Rai Bahadur S. C. Dutta : But it is clear from my point of view, that it protects all rights, except rights that are in the hands of the original owner who created the wakf and who is alive. That being so, I should remind the House that he has also a vested right.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : What is vested right ?

Rai Bahadur S. C. Dutta : Vested right is not future right, nor contingent right, but it is existing right. I would like to remind the House that we are contemplating to validate wakfs which are in their inception, according to Muhammadan law, invalid. That being so, there has been no valid wakf. There has been no dedication to God ; so that the right remains in the hands of the person who created the wakf, so that that will be his vested right, and that is the only vested right that is affected by this Bill, as he has not acquired any right afresh and is outside the scope of the protection of the proviso. Considering the limited scope of this Bill, I should say, that while a man may have created a wakf which is invalid according to the Muhammadan law.....

Dr. A. Suhrawardy : Not according to the Muhammadan law.

Rai Bahadur S. C. Dutta : According to the Muhammadan law as interpreted by the highest tribunal. Otherwise there is no necessity for this Bill.

Sir Hari Singh Gour : This Bill is intended to make the Validating Act of 1913 retrospective, and it safeguards every right.

Rai Bahadur S. C. Dutta : It does not safeguard all rights ; I want additional safeguards. I say these are the persons who created certain wakfs, which are to be deemed invalid according to Muhammadan law, as interpreted by the Privy Council. Well then, suppose they were advised that the wakf was invalid, and subsequently, though they created it, they were treating the property as their own.

Sir Hari Singh Gour : There is the proviso.

Rai Bahadur S. C. Dutta : That proviso does not cover this case. It does not cover the case as the original owner does not acquire it. His right remains as it was before.

Maulvi Abdul Matin Chowdhury (Assam : Muhammadan) : Is the Honourable Member in order in discussing this question of vested right on the amendment before this House ?

Rai Bahadur S. C. Dutta : I am in order as my amendment aims to give protection to those whose vested rights are going to be affected.

An Honourable Member : This is a matter which concerns Mussalmans, why should Honourable Member waste time over it ?

Rai Bahadur S. C. Dutta : It does affect the district from which I come, in which the majority of the people are Muhammadans. It therefore concerns me as well. It is within the scope of my duty. If I have a right, I ought to discharge my duty according to my conscience. I

[Rai Bahadur S. C. Dutta.]

say, Sir, take the case of a man who created a wakf. He was subsequently advised that it was invalid. Well then, he says, "I should hereafter treat it as my own property and no further deed is necessary". I say that you should give that man another opportunity so that he might create a deed and settle all disputes with a view to avoid all future litigation about the property.

Mr. President : How does your amendment help him ?

Rai Bahadur S. C. Dutta : By giving him more time.

Sir Hari Singh Gour : How ?

Rai Bahadur S. C. Dutta : The former deed by which he created the wakf was invalid and this amendment will give him one year's time so that he may create another wakf deed of a different import. If he wanted to maintain the same wakf, there would be no difficulty, but he may have changed his mind and may want the property to go to his heirs. In that case, as this is going to be interfered with, he should get time to execute a deed setting aside the previous wakf. This would be effective and the Muhammadan law allows it.

Sir Hari Singh Gour : I just want to explain that this amendment is futile.

Rai Bahadur S. C. Dutta : I have not yet finished. So, Sir, I think the House will consider this point, that it affects a class of persons who have certain rights and you are going to deprive them of their rights. However limited this class of persons may be—they may be very few—you are going to affect their rights because according to the proviso, their rights are not protected, for they have not acquired their rights after the creation of the wakf. This Bill does not protect their rights, so that an opportunity should be given to them to protect their rights in the way they are legally advised. They may create another wakf. Or, because they were treating the property as their own, as they were advised that the wakf already created was not valid, they must be given another opportunity to create a deed setting aside the wakf and showing their intention that it is to go to the heirs. So long as the Bill was not passed, such a deed was not necessary.

Mr. President : Please do not repeat your arguments.

Rai Bahadur S. C. Dutta : With these words, I move my amendment.

Dr. A. Suhrawardy : Sir, I rise to oppose the amendment moved by my Honourable friend Mr. Dutta. I have tried to listen, with great attention to his arguments, but unfortunately I have failed to be impressed with the arguments advanced by him as to why the particular date 1st August, 1931, is chosen for the operation of this Bill. If he had mentioned the 1st April, I might have understood why he had chosen that date. But I fully sympathise with him. He has frankly confessed to us the reason why he is taking so much interest in this matter. He said that he was approached, on the eve of the bye-election as a result of which he is here, by certain Mussalmans, interested in this matter and they have asked him, if not briefed him, to hold a brief for them here. He has discharged that obligation and I think his friends

ought to be grateful to him. But I do not see any substance in the arguments advanced by him. He says that this is interference with the Muslim law of succession. In that sense the Muslim law of *waqf*, the Muslim law of gift, and the Muslim law of wills, all these institutions of Muslim law may be considered as interfering with the Muslim law of succession. The Muslim jurists have deliberately given this power to every Muslim. There is the Muslim law of succession no doubt, but at the same time a Mussalman is given power to change the law of succession, if he so desires, by making a gift of the entire property to anybody, to the exclusion of his heirs. Similarly by the law of *waqf* he can give the whole property to charity if he likes. That is also an interference with the law of succession.

Rai Bahadur S. C. Dutta : That was not my argument, but that is the effect.

Dr. A. Suhrawardy : That is not my Honourable friend's argument, but that is the argument, which, if I understood my learned friend aright, was advanced to him by his Mussalman friends on the eve of the bye-election. Anyway, this is not the time nor the occasion for me to dilate upon the theory and philosophy of Muslim law. The question before us is a very simple one. The object of the Bill is, as it has very clearly and lucidly been explained, to give retrospective effect to the Act of 1913, and the object of the amendment is that the Bill should not come into operation immediately on its passing into law but on the 1st August, 1931. And if I understood my learned friend aright, he said that the object of this is to give the founders of the *waqf* opportunities of protecting their vested interests. I have failed to understand how it can do so. If the *waqif* is alive, he can, if he so desires, render the *waqf* valid by again executing a *waqf-nama* and if any rights have accrued up to 1930, I do not see how any injustice or inequity will be caused to any person by the Act coming into operation immediately on its passage. With these words I oppose the amendment.

Mr. D. G. Mitchell (Secretary, Legislative Department) : Mr. President, the attitude of Government towards this Bill is one of benevolent neutrality. Government are prepared to accept the general feeling of the House, and if the general feeling is in favour of this Bill, we shall support it. But Government are not prepared to accept any textual amendments. So far as I could follow the Honourable the Mover of the amendment, he appeared to attack this Bill on two grounds. The first was that the proviso had so attenuated the Bill that it was no longer worth passing. I can advance no stronger argument against his own motion that the Bill should not come into operation for more than a year. If the Bill is so very attenuated as the Honourable the Mover would make out, then it will surely not be worth while to postpone its operation for another 13 months. The second argument which I understood the Honourable the Mover to make was that he wished to give time to the *waqifs* to re-create their trusts. There is nothing in this Bill to prevent a *waqif* from creating his trust again after the passage of the Bill, if he so desires. I oppose the motion.

Mr. President : The question is :

"That clause 1 be re-numbered as clause 1 (1) and the following new sub-clause be inserted :

"(2) It shall come into operation on the 1st August, 1931."

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

**Mr. A. H. Ghuznavi :** Sir, I move that the Bill be passed.

The motion was adopted.

### THE HINDU WIDOWS' RIGHT OF INHERITANCE BILL.

**Rai Sahib Harbilas Sarda** (Ajmer-Merwara : General) : Sir, I move that the Bill to secure a share for Hindu widows in their husbands' family property be referred to a Select Committee consisting of the Honourable the Home Member, Mr. M. R. Jayakar, Mr. R. K. Shanmukham Chetty, Sir Hari Singh Gour and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be three.

Sir, I know that, as this is the last day for non-official Bills this Session, even if the Select Committee is appointed, we will not be able to carry this Bill through. I therefore will not take up much time in discussing the merits of the Bill. I will take only two or three minutes to support this motion for Select Committee.

This Bill, Sir, was ordered to be circulated by the Legislative Assembly on 21st January last. The Bill has been circulated and opinions have been received. I have carefully gone through them, and I find that the majority of opinions is in favour of the principle of the Bill. Of the opinions recorded, 86 are in favour and only 49 against it, while many people who were consulted offered no opinion. Of course many of those who favour the Bill suggest amendments. Among those who have opposed the Bill there are many who have opposed it simply because they misunderstood the provisions of the Bill. For instance one or two Local Governments think that the Bill disinherits sons in favour of widows. It does nothing of the kind; the sons get their shares all right along with the mother.

The Honourable the Law Member, speaking in January last during the discussion of the Bill, said :

" I appreciate the object of the Bill which is to secure to the Hindu widow a share in the family property with full power of disposition. . . . . The present attempt is not to elucidate what is obscure, but really a definite step towards the improvement of the widow's position in the family. To that extent the Honourable the Mover has my full sympathy. . . . . If the majority of the community affected by this law are in favour of this departure then certainly Government would not stand in the way."

I hope, Sir, that by assenting to this motion for Select Committee, the House will be doing nothing, but giving their approbation to the principle of the Bill. The principle of the Bill is simply to alleviate the lot of the Hindu widow, by giving her a share in the family property. The extent of the share and the nature of the share, i.e., whether it should be absolute or only in the nature of a widow's estate is not a matter of fundamental importance or vital to the Bill. That is a matter which the Select Committee may deal with. As the object of the Bill is simply

to alleviate the hard lot of the Hindu widow and give her some share in the family property, I hope the House will accept this principle of the Bill and accept my motion for reference of the Bill to Select Committee. Sir, I move.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, I oppose this motion for Select Committee, because accepting the Select Committee would be accepting the principles of the Bill. Sir, we have had enough of legislation interfering with the laws of the Hindus.

**Dr. A. Suhrawardy** (Burdwan and Presidency Divisions : Muhammadan Rural) : And of the Muhammadans.

**Mr. Amar Nath Dutt** : And of the Muhammadaans, as my Honourable friend says. The history of the Legislative Council in British India was formerly one of non-interference with the social customs and usages of the Hindus and Muhammadans and their laws of inheritance. The first encroachment was made by my Honourable friend, Rai Sahib Harbilas Sarda, and if I am right, I think to a certain extent by my Honourable friend, Dr. Gour, also. Sir, the Hindu law of inheritance is a thing, not of today or yesterday, and our Rishis of old formulated laws of inheritance several centuries ago, under which we have been living without any interference even under the Muhammadan rule and though some people say unjustly that Muhammadan rule was worse than British rule, the Muhammadans never interfered with the social customs or the religious usages of the Hindus.

**Mr. President** : But this is not a Government Bill.

**Mr. Amar Nath Dutt** : But it is a product of one of their pensioned officers. Sir, these are our new Manus and Parasaras. Instead of our ancient Rishis, we have our Gours and Sardas, and probably Mr. Jayakar is also an aspirant for that place. . . .

**Rai Sahib Harbilas Sarda** : There is a saying, " If you have no case, abuse the plaintiff's attorney ". On that principle apparently my Honourable friend is proceeding.

**Mr. Amar Nath Dutt** : I would ask the Government to adopt the doctrine of *laissez-faire* in these matters. I do not know whether they will or not. The Honourable the Law Member nods and I hope I shall have his support in this matter. . . .

**The Honourable Sir Brojendra Mitter** (Law Member) : You will.

**Mr. Amar Nath Dutt** : I hope that he will interfere as little as possible with the social customs of the orthodox Hindus. He and myself are at one about many things, and I think if we were to form a society of our own we would welcome a good many laws like these; but what he and I would not like is to thrust our own views upon those orthodox Hindus who do not think with us. It may be that we are right and they are wrong, or that they are right and we are wrong; however that may be, certainly we have no right to thrust our own views on them and change the law of inheritance against their wishes. In fact, if such laws are to be changed at all it should be with the unanimous voice of those who are affected by them. Therefore, I beg to oppose this motion for Select Committee because acceptance of this motion will mean acceptance of the principles of the Bill; and I declare in no unmistakable terms that this is an alien Legislature; and my friend, Rai Sahib Harbilas Sarda, has no right to legislate for orthodox Hindus like my friend over there, Pandit Bisheshwar Prosad Bhattacharya.

**Mr. Gaya Prasad Singh** (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Before this debate proceeds further, may I ask the Government whether they will be pleased to express their attitude on this motion ? It might be helpful to us.

**The Honourable Sir Brojendra Mitter** : A little later.

**Dr. Nand Lal** (West Punjab : Non-Muhammadian) : Sir, I speak with great respect for the Honourable the Opposer of this measure, because I find he has been induced by the greatest possible respect for his own orthodox views. However, I may tell him, with great deference, that he is mistaken. This measure is of the greatest possible importance and of the greatest possible utility to the Hindu world. There is great criticism against Hindus that they do not think much of widows and that they treat them in some cases as chattel. When her husband dies, the collateral of her husband and the male heirs try to deprive the widow of her property. This is a most useful measure and I, for one, will thank the author of the Bill. I whole-heartedly support this measure, so far as the present request is concerned, namely, that it should be referred to a Select Committee. I may further say that I very strongly oppose the view which has been set forth by so learned a lawyer as my friend the opposer.

**Rao Bahadur D. R. Patil** (Bombay Central Division : Non-Muhammadian Rural) : Mr. President, I do not accept the principle of this Bill. The motives underlying the Bill are undoubtedly good, but my friend, Rai Sahib Harbilas Sarda, forgets the state of the Hindu widow in Bombay as well as elsewhere. I may tell this Honourable House that generally the Hindu widow, especially among backward classes, is an illiterate woman and she is under the influence of some of her relatives and does not know always what is for her own good. Under the law as it stands, she has only a limited interest. The object of the Bill is to give her an absolute estate. Without taking much of the time of the House, I would like to read the opinion of the Honourable Mr. Jadhav from the Bombay Presidency, as it will clearly give the real state of things regarding the Hindu widow in the Bombay Presidency so far as the backward classes are concerned. He says :

"The condition of the Hindu widow, as Rai Sahib Harbilas Sarda says, is indeed very deplorable. After the death of her husband, as a member of a joint Hindu family she loses all rights in the family property except that of maintenance and she is completely at the mercy of her husband's relatives. It is desirable to give her some independence and make provision for her comfortable life, but I do not think that I should support the Bill in its entirety, especially when the condition of Mahratta women, that is to say, the backward classes in particular who are educationally backward, is taken into consideration. They are almost illiterate and do not know what is going on outside. They are, as a rule, under the influence of either their father or brother or some relative who may misuse his influence to his own profit at the cost of her property. In the Bombay Decan such widows are induced and many a time duped by somebody and in this way they lose the right of enjoying their husbands' property. The passing of the present Bill will make the Hindu widows wholly independent of all *Bhowobands* i.e. husband's relatives and the joint Hindu family will be a thing of the past. As soon as a brother dies, if not before, the family will be disrupted. The widow will claim her share and will either stay with her parents or somebody else ; if she is made an absolute owner in her present state of illiteracy she will soon lose her property and may have to beg for her maintenance. Until widows are educated and taught to realise the responsibilities of ownership, to invest them with absolute ownership will be to their loss. They ought to be protected against themselves."

From this quotation, Sir, you will be able to see that the time has not come when an absolute estate should be invested in the Hindu widow as

proposed by the Honourable Mr. Sarda. No doubt the Hindu widows ought to be protected, but this is not the way to protect their interests. We must find out some other way to improve their lot ; but if we pass this Bill into law as it is, it will be a great weapon in the hands of busy bodies in rural areas to play mischief against the interests of the Hindu widow, especially, as has been clearly stated in the quotation I have just read out. This Bill aims a death blow at the whole joint family system so it is really a revolution in the law of inheritance—a law which has been in force for so many years. Had the Government thought it proper to amend the law, I am quite sure that they would have been the first to bring in legislation to make the necessary changes in the law of inheritance so far as the interests of the Hindu widow are concerned. But as the Government did not take any steps in that direction and as the various High Courts did not make any recommendations to Government to effect the necessary change in the law of inheritance for the Hindu widow, I do not think that the time has come when this Bill should be put on the Statute-book. Now, I shall merely quote the opinion of a Commissioner in my province. He says clearly.....

5 P.M.

**Mr. President** : Order, order. The House now stands adjourned till tomorrow at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 16th July, 1930.

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## LEGISLATIVE ASSEMBLY.

Wednesday, 16th July, 1930.

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

### QUESTIONS AND ANSWERS.

#### REFUSAL OF POSTMEN IN BENGAL TO DELIVER LETTERS TO UNTOUCHABLES.

171. \*Mr. S. C. Mitra : (a) Will Government please state if they are aware that any postmen refused to deliver letters to untouchables in the Presidency of Bengal ?

(b) If the reply to part (a) be in the affirmative, where, when, in how many cases, and what are the castes of the addressees of those letters ?

Mr. H. A. Sams : (a) No.

(b) Does not arise.

Mr. S. C. Mitra : Will the Honourable Member please refer to the Simon Report, Volume I, page 39, lines 13 and 14, and enquire wherefrom they got this fantastic information ?

Mr. H. A. Sams : Yes, Sir.

#### OWNERSHIP OF SALT AT DHARSANA.

172. \*Mr. S. C. Mitra : (a) Will Government please explain why, in the Government communiqué, they declared that salt at Dharsana was not Government property, while in the latest " Report on the Administration of Salt Department of the Bombay Presidency " for the year 1928-29 at page 2, paragraph 7, it is stated " The factories at Dharsana and Chharwada at the southern end of the Gujerat Coast near Bulsar are both Government property and worked departmentally " ?

The Honourable Sir George Schuster : The salt manufactured at Dharsana is the property of the agarias or salt workers, though the works are the property of the Government. These works were described as departmentally worked in the Administration Report evidently in order to distinguish them from private works and works leased out as a whole by the Government. The Department control the output and the sale price at Dharsana. They also collect the price of the salt from purchasers and pay it to the agarias.

#### " MURABIT " PAINT AND VARNISH.

173. \*Mr. S. C. Mitra : (a) Will Government please state if it is a fact that the Alipore Government Test House issued a circular letter No. 12588, dated the 16th March, 1927, to all the dealers and manufacturers

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of paints and varnishes in India, asking for the supply of samples of bituminous paint for two years exposure test ?

(b) If so, is it a fact that bituminous paint "Murabit" of Messrs. the Murarka Paint and Varnish Works, Ltd., 137, Canning Street, Calcutta, was supplied to the Alipore Government Test House for two years' exposure test under cover of their letter No. 1458, dated the 5th April, 1927 ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state whether any record of the examination of the test was maintained in the Alipore Government Test House ; if so, is it a fact that Messrs. the Murarka Paint and Varnish Works, Ltd., asked for a copy of such report and offered Rs. 500 to the Government for a copy of such Report ?

(d) Is it a fact that such a copy of the Report was refused to them even after a period of two years when the exposure test was over ?

(e) Is it a fact that the Government purchased a sufficient quantity of bituminous paint "Murabit" from Messrs. the Murarka Paint and Varnish Works, Ltd., 137, Canning Street, Calcutta, for the three years, viz., 1928-29, 1929-30 and 1930-31 ; if so, will Government be pleased to state the reasons for their such purchases ?

(f) Are Government prepared to give a certificate to Messrs. the Murarka Paint and Varnish Works, Ltd. ; if not, why not ?

**The Honourable Sir Joseph Bhore :** (a), (b), (c) and (d). The Superintendent, Government Test House, Alipore, addressed various manufacturers and importers of Paints in India, including Messrs. the Murarka Paint and Varnish Works, Ltd., Calcutta, asking them to submit standard samples of their products for test against the Indian Stores Department specifications. The firms were informed that the standard samples would be registered and that the test results would constitute a permanent basis of reference when they were invited to tender for Indian Stores Department orders. They were further informed that detailed results of tests on standard samples would not be communicated to them, but that they would be informed in due course whether or not their samples satisfied the respective specifications, and if they failed to do so the respect or respects in which such samples failed would also be indicated.

In development of this scheme, samples of revised grades of bituminous solutions were invited in March, 1927, and Messrs. the Murarka Paint and Varnish Works, Ltd., among others, submitted a sample of their solution in that connection in April, 1927.

A record has been maintained at the Government Test House of the examination of the samples and the general results obtained were communicated to the firms concerned, including the Murarka Paint and Varnish Works, Ltd., in terms of the arrangement under which the samples were invited. The latter firm asked to be furnished with a copy of the complete report stating that they were willing to pay "a fancy price, say Rs. 500, to secure the recommendatory report." They were told in reply that the sample had been examined for purely departmental purposes, that they had been informed before it was received that a detailed report would not be supplied, and that their request could not, therefore, be acceded to, in fairness to the other firms who had sent

samples at the same time and under the same conditions. They were further informed that it was open to them to submit another sample and obtain a detailed test certificate on payment of the prescribed fee. This they have not done up to now.

(e) Over the period in question the Indian Stores Department has purchased three different makes of bituminous paints and included among these three was the Murarka Paint and Varnish Works brand "Murabit". Their tender for "Murabit" bituminous paint was accepted, because the price and quality were acceptable.

(f) That a contract was placed with the Murarka Paint and Varnish Works for "Murabit" bituminous paint indicates that the price and quality were considered to be satisfactory. In such cases where price and quality are acceptable, contracts are placed to cover current demands and the question of granting certificates does not arise. The award of the contract is in itself sufficient evidence that the particular products are considered to be comparatively satisfactory.

**Mr. S. C. Mitra :** May I ask the Honourable Member what stands in the way of the Government Test House disclosing the result when they are prepared to pay the charges and when a test again means another two years' time ?

**The Honourable Sir Joseph Bhore :** My Honourable friend has evidently not listened to my reply. I have pointed out that under the rules in force if this Company is prepared to pay the normal charges for such tests, the tests will be carried out and a certificate given. The Company was so informed, but up to the present time the Company has not asked for a certificate under those conditions.

**Mr. S. C. Mitra :** It seems the Honourable Member has not followed my question. Does he take into consideration that it will take another two years to get the same result, while this Test House is meant only to help indigenous industries ?

**The Honourable Sir Joseph Bhore :** I am not aware that it will take two years.

**Mr. S. C. Mitra :** Will the Honourable Member please enquire about this matter whether it will take another two years to come to a conclusion ?

**The Honourable Sir Joseph Bhore :** It is open to the firm in question to make representations on that basis.

#### TENDERS FOR WHITE LEAD.

174. **\*Mr. S. C. Mitra :** (a) Will Government please state if it is a fact that the Indian Stores Department called for tenders for the supply of "White Lead Dry" and "White Lead Stiff" in the Tender No. H-6040, dated the 11th November, 1929 ?

(b) Is it a fact that Messrs. the Murarka Paint and Varnish Works, Ltd., quoted Rs. 31 and Rs. 32 per cwt. f. o. r. Calcutta for "White Lead Dry" and "White Lead Stiff", respectively ?

(c) Is it a fact that Messrs. Martin and Company, Calcutta, the Managing Agents of Messrs. the Bangalore Syndicate, originally quoted



Rs. 32-4-0 and Rs. 34 per cwt. f. o. r. Bangalore, respectively, for the same articles ?

(d) Is it a fact that the tenders were opened by Mr. C. A. Williams of the Indian Stores Department and the respective rates mentioned above were read out in the presence of all the representatives of different firms on 20th December, 1929 ?

(e) Will Government be pleased to state the reasons why the lower original quotations of Messrs. the Murarka Paint and Varnish Works, Ltd., were refused ?

(f) Is it a fact that Messrs. Martin and Company, Calcutta, Managing Agents of Messrs. the Bangalore Syndicate were requested by the Indian Stores Department to resubmit their tender owing to their certain omissions in their original tender ; if so, will Government be pleased to state the reasons why the Indian Stores Department requested them to resubmit their tender by quoting lower rates than their original rates ?

(g) Is it a fact that, as per the rules for the submission of tenders, a tender is liable to be rejected for any omission on the part of the tenderer, and if so, why this rule was not applied in the case of Messrs. Martin and Company, Calcutta ?

(h) Do Government propose to enquire into the matter ; if not, why not ?

(i) Will Government be pleased to state the number of cases in which particular individual tenderers were requested to resubmit tenders on account of certain omissions in their original tenders on the part of the tenderers since the creation of the Indian Stores Department ?

**The Honourable Sir Joseph Bhore :** (a) Yes.

(b) The Murarka Paint and Varnish Works, Limited, quoted as follows :

For imported white lead dry Rs. 31 per cwt. in 2 cwt. casks.

For imported white lead stiff Rs. 32 per cwt. in 56 lbs. drums.

The delivery terms were f. o. r. Calcutta in both cases.

(c) Messrs. Martin and Company, Calcutta, the Managing Agents of the Bangalore White Lead Syndicate, originally quoted as follows :

For white lead dry made in India from Indian materials Rs. 30'10 per cwt. in 2 cwt. casks.

For white lead stiff made in India from Indian materials Rs. 34 per cwt. in 56 lbs. drums.

The delivery terms in both cases were f. o. r. Calcutta and not f. o. r. Bangalore.

(d) The tenders were opened by Mr. C. A. Williams and the rates read out were those mentioned at (b) and (c) above.

(e) The reason why the rates quoted by the Murarka Paint and Varnish Works were not accepted is because theirs was not the lowest satisfactory tender. Moreover, under the rules for the supply of articles required for the public service, the Chief Controller of Stores gave preference to the Indian made white lead tendered by Messrs. Martin and Company on behalf of the Bangalore White Lead Syndicate.

(f) Messrs. Martin and Company were not asked to resubmit their tender. In their original tender they quoted prices f. o. r. Calcutta, and in these prices railway freight from Bangalore to Calcutta was calculated by the firm at public tariff rates.

The white lead stiff was purchased for the use of State Railways and would, therefore, be despatched at railway material rates. In order, therefore, to ascertain the actual cost to Government at destination, Messrs. Martin and Company were asked to quote their price f. o. r. Bangalore.

(g) The liability to rejection for omission of any tender would naturally depend upon the nature and importance of the omission. The rejection of the tender submitted by Messrs. Martin and Company would not have been justifiable.

(h) The answer is in the negative and the reason is self-evident.

(i) The Government have no information of any such cases.

#### REPORTED WHOLESALE ARRESTS IN THE NORTH WEST FRONTIER PROVINCE.

175. **\*Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the statement of Jamiat-ul-Ulema, Hind, published in the *Tribune*, dated the 2nd July, 1930, in which it is stated that in Bannu, North West Frontier Province, "The present activities of the Jamiat-ul-Ulema have resulted in the wholesale arrests of not only volunteers but also of prominent Members, Khans of the Frontier, and of influential persons. Imams of Mosques who preach prohibition of liquor in accordance with the admonitions laid down by the Holy Quaran and the Holy Prophet, are also being arrested under section 40 of the Frontier Act. It evidently means interference in religion. Those who believe in the vitality of co-operation with Government, should take a lesson from these happenings. Even congregational prayers have been rendered impossible, for all the Imams are being arrested" ?

(b) Will Government be pleased to state whether Imams who preach in the mosques the prohibition of liquor are arrested and imprisoned ; if so, why ; and are regular trials held in such cases ?

**The Honourable Mr. H. G. Haig :** (a) The attention of Government has been drawn to the statement, but the allegations contained in it are not true.

(b) Does not arise.

**Mr. Gaya Prasad Singh :** Is this statement absolutely incorrect or merely exaggerated, or may I know if any part of it is true ?

**The Honourable Mr. H. G. Haig :** The reply we received from the Chief Commissioner was that the information was completely untrue.

**Mr. Gaya Prasad Singh :** Completely untrue ?

**The Honourable Mr. H. G. Haig :** I imagine that what he was mainly referring to was the allegation that Imams of mosques have been arrested and imprisoned for preaching prohibition of liquor. It is entirely without foundation.

## REPORT OF INQUIRY INTO THE INCIDENTS AT PESHAWAR.

176. \*Mr. Gaya Prasad Singh : (a) Will Government be pleased to state when the Official Report of the Suleiman Inquiry Committee into the happenings at Peshawar is likely to be published ; and what is the total cost of the inquiry ?

(b) Why was Pandit Madan Mohan Malaviya prevented from going to Peshawar to give relief to the distressed ; and under what law ? And why was the non-official Inquiry Committee under the presidency of Mr. V. J. Patel, not allowed to visit Peshawar ?

The Honourable Mr. H. G. Haig : (a) The Report was published on the 7th July. The Chief Commissioner's calculation of the cost of the inquiry has not yet been received.

(b) The Chief Commissioner considered that, in view of the conditions then prevailing in the province, the visit was likely to be prejudicial to peace and good Government and he accordingly took the necessary action under the North-West Frontier Province Security Regulations of 1922. Similar action was taken in the case of Mr. Patel's Committee for the same reason.

Mr. Gaya Prasad Singh : Are Government aware that the prohibition of entry of these gentlemen into Peshawar has resulted in one-sided evidence being placed before the Suleiman Inquiry Committee, and which to some extent vitiates the conclusions at which the Committee has arrived ?

The Honourable Mr. H. G. Haig : These gentlemen were not personally acquainted with the events which took place on the 23rd April, and I do not see why the prohibition of their entry into the province should have prevented those who were acquainted with the events coming forward to give evidence.

Mr. Gaya Prasad Singh : May I take it that this prohibition was confined only to these two gentlemen and to nobody else ?

The Honourable Mr. H. G. Haig : As far as I know.

Mr. N. G. Ranga : In view of the fact that in that Report it is stated that some people who were slightly injured did not like to come before the Committee lest they should be charged with having something to do with the rioting, did the Government take the necessary steps to assure them that there would not be any action taken against them if they had gone before the Committee and given their evidence ?

The Honourable Mr. H. G. Haig : I think a definite assurance was given that nobody would be proceeded against on the basis of any evidence that he might give before that Committee.

Mr. N. G. Ranga : Arising out of the answer given by the Honourable Member, had they been assured that no action would be taken against them for their presence at the rioting, if they appeared before the Committee and gave their evidence ?

The Honourable Mr. H. G. Haig : I think an assurance to that effect was given, but I should like to have notice of that question to be able to answer it quite positively.

Dr. Ziauddin Ahmad : The Honourable the Home Member said yesterday that the Report of the Suleiman Inquiry Committee would be made available to the Members of this House.....

Mr. President : It has been made available. We got it last night.

Mr. K. C. Neogy : I do not propose to put question No. 177.

†177.\*

## NEWSPAPERS SUPPLIED TO POLITICAL PRISONERS.

178. \*Mr. Gaya Prasad Singh : Is it a fact that in the Punjab Jails, the *Civil and Military Gazette* is supplied to some political prisoners ; the *Statesman* in Bengal and Behar and the *Times of India* in Bombay ? If so, why only these papers are supplied, and not Indian papers ?

The Honourable Mr. H. G. Haig : I would refer the Honourable Member to the reply which I gave on the 14th July to Mr. S. C. Mitra's question on the same subject.

Mr. Gaya Prasad Singh : Is it not within the power of the Government to call for a statement from the Local Governments to ascertain whether the statements contained in my question are correct or not ?

The Honourable Mr. H. G. Haig : I think, Sir, this is essentially a matter which must be left to the discretion of the Local Governments.

## DECLARATION OF THE ALL-INDIA CONGRESS COMMITTEE AS AN UNLAWFUL ASSOCIATION.

179. \*Mr. Gaya Prasad Singh : (a) Is it a fact that the Working Committee of the All-India Congress Committee was declared an unlawful association at 4 A.M., on the 30th June, and Pandit Motilal Nehru and Dr. Sayed Mahmud were arrested after 5 A.M., on the same date, under section 17 (1) of the Criminal Law Amendment Act ?

(b) Are Government prepared to publish the correspondence that passed between them, and the Government of the United Provinces, with regard to the declaration of the Working Committee of the All-India Congress Committee as an unlawful association ?

The Honourable Mr. H. G. Haig : (a) So far as the Government of India are aware, the facts are correctly stated.

(b) No, Sir.

## CONGRESS PROPAGANDA AMONGST TRANS-BORDER TRIBES.

180. \*Mr. Gaya Prasad Singh : Will Government kindly state what is the evidence in support of the official statement issued by them that " it is believed that persistent propaganda among the trans-border tribes of the North West Frontier inciting them to attack British India has been instigated by Congress organisation " ?

And are Government prepared to place such materials on the table ?

The Honourable Mr. H. G. Haig : The Government of India reached this view after full consideration of the information in their possession. I regret that I am not prepared at present to place that information on the table.

†Not put by the questioner.

## COMPENSATORY ALLOWANCE FOR POSTAL EMPLOYEES IN MADRAS CITY.

181. \*Rao Bahadur P. T. Kumaraswami Chettiyar : (a) Will Government be pleased to state whether it is a fact that compensatory allowance is paid to postal officials in the selection grades in Calcutta and Bombay while it is denied to the similar class of employees in Madras City ?

(b) Is it a fact that a certain class of officials of the Local Government in Madras whose scale of pay is the same as that paid to similar employees in the mofussil get compensatory allowance on account of the costliness of living of the City ?

(c) Is it a fact that the late Member-in-charge of the Department of Industries and Labour, the Honourable Sir Bhupendra Nath Mitra, replied as follows to a deputation of Postal officials of Madras at Madras City on the 19th December, 1929, which is published at page 400 of the general letter of the Madras Circle Postal Union :

"He said that a departmental committee which was once appointed by the Government of India to inquire into the question of the grant of compensatory allowances to certain classes of gazetted officers reported that there was no necessity for compensatory allowance in the case of officers serving in Madras City. When it was pointed out to him that the Local Government are granting such compensatory allowances he said that the rates of pay in the two cases were not comparable."

(d) Will Government be pleased to state when the Committee was appointed and who were the members of the Committee ?

(e) Did they visit Madras and make personal investigations as to the cost of living at Madras and compare them with the cost of living at Calcutta and Bombay ?

(f) Will Government be pleased to lay on the table a copy of the Report ?

(g) With reference to the concluding portion of the Honourable Member's reply, are not the rates of pay of postal officials in Calcutta and Bombay different from the rates of pay granted to the employees of the Local Government at the respective stations and, if so, why should postal employees in Madras City alone be treated exceptionally ?

(h) Have Government reconsidered their decision, and are they prepared to grant the allowance early ?

Mr. H. A. Sams : (a) and (b). The Honourable Member is referred to the replies given by Sir Bhupendra Nath Mitra to parts (a) to (c) of Mr. Abdul Latif Sahib Farookhi's starred question No. 491 in the Legislative Assembly on the 11th February, 1929.

(c) Yes.

(d), (e) and (f). The Committee was a departmental Committee and Government are not prepared to furnish the information asked for.

(g) The reply to the first part of the question is in the affirmative. As regards the second part, the rates of pay of postal officials in the ordinary time-scale in Madras have been fixed after due consideration of the cost of living, among other things, in that place. As regards officials

in the selection grade, their rates of pay have been fixed at an all India rate and Government do not consider that the cost of living in Madras is so much above the general average of the cost of living throughout India as to justify the addition of any compensatory allowance to these rates.

(h) No.

## CLERICAL ESTABLISHMENT OF THE MINT BUILDINGS POST OFFICE AT MADRAS.

182. \*Rao Bahadur P. T. Kumaraswami Chettiyar : (a) Will Government be pleased to state the strength of the clerical establishment of the Mint Buildings Post Office, including the Sub-Postmaster ?

(b) Is it a fact that the Presidency Postmaster, Madras, has been sending proposal after proposal for the last two or three years to the Postmaster-General, Madras, asking for additional establishment as the work of the office has enormously increased ?

(c) Is it a fact that the Postmaster-General, Madras, has been returning such proposals each time, asking the Presidency Postmaster to submit fresh proposals ?

(d) Is it a fact that one reserve clerk and sometimes two reserve clerks have been permanently attached to the Mint Buildings for the last few years to cope with the increased work pending sanction of additional establishment by the Postmaster-General, Madras ?

(e) Are Government prepared to direct the Postmaster-General, Madras, to expedite his inquiries regarding the justification of additional establishment ?

Mr. H. A. Sams : (a) to (e). The necessary information is being collected and will be communicated to the Honourable Member in due course.

## CLERICAL ESTABLISHMENT OF THE HIGH COURT BUILDINGS POST OFFICE AT MADRAS.

183. \*Rao Bahadur P. T. Kumaraswami Chettiyar : (a) Will Government be pleased to state the strength of the clerical establishment of the High Court Buildings Post Office, Madras, including the Sub-Postmaster ?

(b) Has the Director-General sanctioned that the Sub-Postmaster be placed in the selection grade ? If so, when ?

(c) Is it not a fact that the sanction has been kept in abeyance ? If so, why ?

(d) Do Government propose to give effect to the sanction early ?

Mr. H. A. Sams : (a) Seven, including the Sub-Postmaster.

(b) Yes, in March last.

(c) and (d). The required information is being collected and will be communicated to the Honourable Member in due course.

## CLERICAL ESTABLISHMENT OF THE FOREIGN MONEY ORDER DEPARTMENT IN THE MADRAS GENERAL POST OFFICE.

184. \*Rao Bahadur P. T. Kumaraswami Chettiyar : (a) Will Government be pleased to state the total number of clerks in the Foreign Money Order Department in the Madras General Post Office ?

(b) What is the average number of Money Orders disposed of by the Department every day and what is their total value ?

(c) Does not the Head Clerk check all the entries and stamps on the money orders and is he not immediately responsible for the correctness of the preparation of the amounts ?

(d) Has not the Head Clerk got to advise all the Money Orders received daily, arrange for the proper distribution of work among the staff, prepare advices of payment, and despatch of outward Money Order lists, refund statements, void statements, dispose of the innumerable correspondence received on the subject from the foreign administration, payees and various post offices in India and Burma ?

(e) Are not similar appointments in Calcutta and Bombay placed in the selection grade ?

(f) Do Government propose to raise the appointment of the Head Clerk, Foreign Money Order Department, to the selection grade ? If not, why not ?

**Mr. H. A. Sams :** The required information is being collected and will be furnished to the Honourable Member in due course.

#### POSTAL OFFICIALS DOING FOREIGN MAIL SORTING WORK AT MADRAS.

185. **\*Rao Bahadur P. T. Kumaraswami Chettiyar :** (a) Will Government be pleased to state whether it is a fact that they are abolishing the Foreign Mail Division which performs sorting work of overland mails in the mail van attached to the special train running from Bombay to Madras, and if so, from what date and why ?

(b) Is it a fact that the sorting work is proposed to be done at Madras by the staff of the Madras General Post Office out of their usual office hours by payment of overtime allowance ?

(c) What is the allowance paid to postal officials in Bombay when they perform a similar class of work on foreign mail days ?

(d) What is the allowance proposed to be paid to the postal officials in Madras ?

(e) If the overtime allowance proposed to be paid to the postal officials at Madras is lower than that paid at Bombay, what is the reason for paying lower allowance at Madras ?

(f) Is the lower allowance due to lower cost of living ? If so, is the difference in the cost of living so great ?

(g) Do Government pay different rates of pie money to the telegraphists at Calcutta and Bombay owing to the difference in the cost of living ?

(h) If not, are Government prepared to pay the same rate of overtime allowance to postal officials doing foreign mail sorting work at Madras as at Bombay ?

**Mr. H. A. Sams :** (a) No : only a section of the Foreign Mail Division has been abolished from the 11th July, 1930, from which date the Bombay-Madras Express train is being utilised for transmission of inward foreign mails in order to accelerate the service.

(b) Yes, in respect of the sorting work of the town of Madras.

(c) and (d). Statements containing the required information are being supplied to the Honourable Member.

(e) As the overtime to be performed by the staff of Madras is expected to last only half as long as the overtime in Bombay, and as the rates of pay of the former are lower than those of the latter, the rates of overtime proposed for the Madras staff are less than the rates sanctioned for the staff in Bombay.

(f) As explained in the reply to part (e) of this question, the difference in the rates of overtime is not solely due to the difference in the cost of living in Madras and Bombay as reflected in the difference in the time-scales of pay for the two places. It is chiefly due to the difference in the duration of the overtime duties.

The last part of this question does not, therefore, arise.

(g) No, because the rates of pay of the staff concerned and the standards which determine pie money earnings are the same at both places.

(h) No, for the reasons given in my reply to parts (e) and (f).

#### LOWEST SELECTION GRADE EXAMINATION OF THE POSTAL DEPARTMENT.

186. **\*Rao Bahadur P. T. Kumaraswami Chettiyar :** (a) Will Government be pleased to state whether they intend holding the lowest selection grade examination of the Postal Department this year also and if so, when, and if not, why not ?

(b) If the examination is to be held this year also, do they propose to exempt the officials who are more than forty years old from appearing in parts 3 and 4 as was done in the first examination ? If not, why not ?

(c) Do they propose modifying the rules and the syllabus of the examination and if so, what are they ?

**Mr. H. A. Sams :** (a) Yes. Probably in December, 1930.

(b) No. The officials have had ample notice that the examination would be held yearly ; and even the older members of the staff, in whose favour a concession was allowed on the occasion of the first examination, should now have no undue difficulty in preparing for the examination which relates in the main to business with which they are familiar.

(c) The question is under my consideration.

#### CLERICAL ESTABLISHMENT OF THE CORRESPONDENCE DEPARTMENT OF THE MADRAS GENERAL POST OFFICE.

187. **\*Rao Bahadur P. T. Kumaraswami Chettiyar :** (a) Will Government be pleased to state the number of clerks in the Correspondence Department, Madras General Post Office ?

(b) Is it a fact that there is only one selection grade appointment in the Correspondence Department ?

(c) How many clerks are there in the Correspondence Departments of the Bombay and Calcutta General Post Offices and how many selection grade appointments are there in each of those offices ?

(d) Is it a fact that one single Head Clerk is in charge of the correspondence work of the offices of the two City Superintendents of Post Offices of Madras City ?

(e) Are Government prepared to consider the matter ?

**Mr. H. A. Sams :** (a) to (e). Necessary information is being collected and will be communicated to the Honourable Member in due course.

#### UNSUITABLE QUARTERS OF THE MINT BUILDINGS POST OFFICE AT MADRAS.

188. **\*Rao Bahadur P. T. Kumaraswami Chettiyar :** (a) Are Government aware that the Mint Buildings Post Office is located in an ill-ventilated and low building putting the staff to serious inconvenience ?

(b) Is there any proposal to remove the office to a better building, and if so, when ? If not, why not ?

**Mr. H. A. Sams :** (a) and (b). The Postmaster-General, to whom I have referred, reports that the building is neither ill-ventilated nor low and that there is therefore no proposal to move the post office to another building.

#### CONGESTED QUARTERS OF THE GENERAL POST OFFICE BUILDINGS AT MADRAS.

189. **\*Rao Bahadur P. T. Kumaraswami Chettiyar :** (a) Will Government be pleased to state the total area occupied by the different Departments of the Madras General Post Office in the Madras General Post Office buildings ? Will Government be pleased to place on the table the orders passed prescribing standard minimum space requirements for each clerk or department ?

(b) Is it a fact that judged by the above standard the space of the General Post Office buildings is insufficient ?

(c) Is it a fact that certain Departments of the General Post Office, such as Correspondence, Delivery, etc., are very congested ?

(d) What is the total area of the Correspondence Department and what is the number of clerks and menials working in the Department ?

(e) Is it a fact that all the records of the Department are kept in the Department itself ?

(f) Is it a fact that the post boxes in the Madras General Post Office are situated in a dark room in the ground floor and the officials are made to work in the Department throughout the day under electric lights and fans ?

(g) Is it a fact that some of the officials working in that Department are frequently absenting themselves falling ill ?

(h) Is it a fact that a site has been purchased for constructing Madras General Post Office buildings ; if so, when and where, and at what price ? Has the site been let out to any body ? If so when, for what rent and for what period ?

(i) Do Government propose to take steps to erect a suitable building for the General Post Office early and take immediate steps to obtain a rented building near the General Post Office to transfer some of the Departments ?

(j) Is it a fact that about a sum of Rs. 60,000 was spent last year to effect some improvements to the buildings of the Central Telegraph Office, Madras, which forms part of the General Post Office buildings and nothing has been spent for the improvement of the building occupied by the post office proper for a very long time ?

**Mr. H. A. Sams :** (a) 28,836 square feet plinth area. A copy of the orders prescribing, as a guide, the standard space for each postmaster, clerk and department will be sent to the Honourable Member. The standard laid down for a clerk is 75 square feet. No standard is prescribed for a Department as the size of a Department varies with its personnel.

(b) and (c). Information on these points is being collected and will be communicated to the Honourable Member.

(d) 2,240 square feet. 29 clerks and 6 menials work in that Department.

(e) Yes.

(f) The post-boxes in the Madras General Post Office are in a room on the ground floor, but the room is spacious and well ventilated. The long range of post boxes necessitates the use of electric light when work is in progress. Fans are also used for the convenience and comfort of the staff.

(g) No. Absenteeism in the Correspondence Branch is about the same as in other Departments of the General Post Office, Madras.

(h) The site known as Taylor's yard on Mount Road was purchased in 1915 for Rs. 1,31,614 for a building not only for the Madras General Post Office, but to accommodate also the Executive and Administrative offices. A portion of the site was sold to the Madras Corporation in 1924-25 for Rs. 3,438 and another portion has been let out to the Madras City Mail contractors at Rs. 219 per mensem, as assessed by the Public Works Department. The period of the lease is being ascertained and will be communicated later to the Honourable Member.

(i) The Government of India do not propose to erect a new building for the General Post Office, Madras, nor to hire a rented building until they are convinced of the necessity to do so.

(j) A sum of Rs. 56,597 was spent last year for improvement of the Instrument Room of the Central Telegraph Office, Madras. No extensive improvements are necessary to the General Post Office building, but several internal alterations have been made to meet the requirements of every Department as necessity arose.

#### REFUSAL OF PERMISSION TO GHULAM KASIM KHAN, *ex-NAWAB OF TANK*, TO RESIDE IN THE NORTH WEST FRONTIER PROVINCE.

190. **\*Mr. S. C. Mitra :** (a) Will Government please state if it is a fact that Ghulam Kasim Khan, *ex-Nawab of Tank*, District Dera Ismail Khan, North West Frontier Province, was deported during the great war ?

(b) Is it a fact that the order of deportation regarding the Nawab of Tank was cancelled several years ago by the Government of India after consulting the Chief Commissioner, North West Frontier Province ?

(c) Is it a fact that soon after the cancellation of the said order of deportation the said *ex-Nawab* wanted to go to his native place Tank and live there at his home for the rest of his life?

(d) Is it a fact that the Government communicated to him an executive order that if he were to enter the North West Frontier Province he would forthwith be turned out of that province under the Frontier Crimes Regulations of 1901? If so, will Government give reasons for such an order?

(e) Is it a fact that the said Nawab is about 60 years of age, and despite his repeated memorials to the Government of India through the Chief Commissioner, North West Frontier Province, he is not permitted to enter the North West Frontier Province and reside at Tank or Dera Ismail Khan? If so, will Government be pleased to state the reasons for such refusal?

(f) Are Government prepared to permit the said *ex-Nawab* to enter the North West Frontier Province and reside therein on the fulfilment of any condition or conditions? If so, what are those conditions?

**Mr. E. B. Howell:** (a) to (e). Yes. The presence of Nawab Ghulam Qasim Khan in the North West Frontier Province was considered to be undesirable.

(f) Enquiry is being made from the North West Frontier Province authorities and an answer will be given to the Honourable Member in due course.

**Maulvi Abdul Matin Chowdhury:** Why was the presence of the gentleman considered undesirable?

**Mr. E. B. Howell:** Does the Honourable gentleman know the Nawab in question? Is he acquainted with the Nawab?

**Maulvi Abdul Matin Chowdhury:** No, Sir.

**Mr. E. B. Howell:** If the Honourable Member were acquainted with the Nawab in question, he would not have put this question.

**Maulvi Abdul Matin Chowdhury:** I want the information from the Honourable Member. Why was his presence considered undesirable?

**Mr. E. B. Howell:** The presence of the *ex-Nawab* in Tank puts it within his power at any time to make the existence or at any rate the tranquil existence of the present Nawab a matter of impossibility. If he exercises all the powers that he has in that direction, he can make the present Nawab's life unbearable.

†191.\*

#### LATE ARRIVAL OF THE GRAND TRUNK EXPRESS AT THE CENTRAL STATION, MADRAS.

192. **\*Rao Bahadur M. C. Rajah:** (a) Will Government please state if it is a fact that the Up Grand Trunk Express almost daily arrives late at the Central Station, Madras?

(b) Is it a fact that, as a consequence thereof, through passengers from Northern India to places south of Madras on the metre gauge section are unable to catch the Ceylon Boat Mail at the Egmore station?

†Not put by the questioner.

(c) Are Government aware that, even otherwise, the interval of 25 minutes between the arrival of the Up Grand Trunk Express at the Madras Central Station (8-15 p.m.) and the departure of the Ceylon Boat Mail at Egmore (8-40 p.m.) is so short that it is physically impossible for through passengers from Northern India to catch the Ceylon Boat Mail at the Egmore Station? Is it also a fact that the interval is only thirty minutes between the arrival of the Ceylon Boat Mail at the Egmore Station (7 a.m.) and the departure of the Down Grand Trunk Express from the Madras Central Station? Have the Railway Department considered the advisability of addressing the Railway Administrations concerned to allow at least an interval of two hours between the arrival or departure of the Grand Trunk Express and the departure or arrival of the Ceylon Boat Mail respectively?

**Mr. A. A. L. Parsons:** (a) I regret to say that this train is at present frequently running late, though Government are not aware of the actual number of times on which it has arrived late at Madras.

(b) Yes, frequently, as the interval between these trains at Madras is only 25 minutes.

(c) The facts are as indicated in these questions. Revised timings for the Grand Trunk Express trains are to be introduced from the 1st September and the Railway Administrations concerned will be asked to consider the advisability of extending the interval between these and the Ceylon Boat Mail trains.

#### HALT OF THE GRAND TRUNK EXPRESS AT STATIONS BETWEEN BEZWADA AND MADRAS.

193. **\*Rao Bahadur M. C. Rajah:** Will Government please state if it is a fact that on the section Bezwada and Madras the Grand Trunk Express makes a halt of only a few minutes in the intermediate stations, and are Government aware that passengers are put to a lot of difficulty in getting water and refreshments from the platforms? Have the Railway Department considered the question of arranging for the halts to be longer, especially at breakfast, lunch and dinner times?

**Mr. A. A. L. Parsons:** Between Bezwada and Madras the majority of the halts made by the Up and Down Grand Trunk Express trains are limited to a few minutes and it is no doubt correct that passengers experience difficulty in getting water and refreshments during such halts.

Revised timings for these trains are to be introduced from 1st September and the Agent of the Madras and Southern Mahratta Railway will be asked to see what can be done to improve conditions in this respect.

#### RUNNING OF A THROUGH TRAIN BETWEEN DELHI AND MADRAS.

194. **\*Rao Bahadur M. C. Rajah:** (a) Will Government please state if they are aware that the through route between Northern and Southern India has become very popular and that consequently there is a lot of overcrowding in the through carriages? Have Government considered the question of the advisability of running a through train from Delhi to Madras and *vice versa* instead of running only two through carriages?

(b) Are Government prepared to issue instructions to the Railway Staff to see that the through carriages contain only through passengers?



(c) Have Government considered the question of the advisability of providing intermediate accommodation also on the through carriages?

**Mr. A. A. L. Parsons :** (a) Government are not aware that these through carriages are generally overcrowded, but as these trains are to be run as through trains between Delhi and Madras from the 1st September the number of through coaches will then no longer be limited to two as at present.

(b) I am afraid it is not practicable to prohibit local passengers from finding accommodation in the through carriages when they are not fully occupied.

(c) Intermediate class through tickets cannot be issued for this train as intermediate class tickets are not sold on the Nizam's State Railway which forms a portion of this route.

#### PROVISION OF BUFFET CARS IN THE GRAND TRUNK EXPRESS.

195. **\*Rao Bahadur M. C. Rajah :** Have Government arranged for the provision of buffet cars in the Grand Trunk Express for the convenience of the long distance passengers who are mostly Indians, just as they have done on the Lahore-Delhi section?

**Mr. A. A. L. Parsons :** A dining car for Indians is run on this train on the North Western Railway and an ordinary restaurant car on the South Indian Railway. The Agents of the Great Indian Peninsula, Nizam's State and Madras and Southern Mahratta Railways will be asked whether it will be possible to run a buffet car on this train over their lines.

#### OVERCROWDING OF THROUGH THIRD CLASS CARRIAGES BY INDIAN SEPOYS.

196. **\*Rao Bahadur M. C. Rajah :** (a) Are Government aware that the through third class carriages are often overcrowded with Indian sepoys on their seasonal moves?

(b) Have Government considered the question of providing them with separate compartments so as to relieve the congestion in the ordinary through third class carriages?

**Mr. A. A. L. Parsons :** (a) No.

(b) With the present arrangement of only two through coaches, it is not possible to reserve any of the accommodation therein for sepoys. From the 1st September when the whole train will run through between Madras and Delhi it should not be necessary to reserve special accommodation for sepoys.

#### PROVISION OF BETTER TYPE CARRIAGES FOR THROUGH SERVICE IN THE MADRAS AND SOUTHERN MAHRATTA AND SOUTH INDIAN RAILWAYS.

197. **\*Rao Bahadur M. C. Rajah :** Are Government prepared to instruct the Madras and Southern Mahratta and South Indian Railway authorities to provide a better type of carriage for the through service than they do at present?

**Mr. A. A. L. Parsons :** It is understood that of the through coaches required for the present service those provided by the Nizam's State Railway are not in very good internal condition, and the Agent of that Railway has been asked whether he can replace them with better ones.

#### CARRIAGE OF MAILS BETWEEN NORTHERN AND SOUTHERN INDIA BY THE THROUGH RAILWAY ROUTE.

198. **\*Rao Bahadur M. C. Rajah :** Will Government be pleased to state if it is proposed to carry the mails between Northern and Southern India by the through route, instead of by the Bombay route as at present done? If so, when?

**Mr. H. A. Sams :** Yes. Steps are being taken to carry mails by the "through route" from February, 1931.

#### INDIANISATION OF THE SUPERIOR STAFF OF THE IMPERIAL BANK OF INDIA.

199. **\*Mr. S. C. Mitra :** (a) Will Government be pleased to state whether any correspondence has passed between the Government and the Imperial Bank of India or whether Government have ever issued any instructions regarding Indianisation of the superior staff of the Bank?

(b) If so, will the Honourable the Finance Member be pleased to lay on the table copies of such correspondence or instructions?

**The Honourable Sir George Schuster :** No official correspondence has passed on this question between the Government and the Imperial Bank, and I would remind the Honourable Member that the Government have no official status for interfering in the internal administration of the Bank. At the same time I may inform him that I have taken frequent opportunities of discussing the question with the Managing Governors, and after the debate in this House during the last Delhi Session on the Bill brought forward by Mr. B. Das, I specially wrote to one of them forwarding a copy of the official Report and calling his special attention to the points raised and to the sentiments which I had expressed in the course of the debate. I am satisfied that the responsible authorities are making a genuine endeavour to instal Indians in positions of trust in the Bank.

#### APPOINTMENT OF MUSLIMS TO THE OFFICE OF THE PRIVATE SECRETARY TO THE VICEROY.

200. **\*Mr. Abdul Latif Saheb Farookhi :** (a) What is the total strength of the clerical establishment in the office of the Private Secretary to H. E. the Viceroy?

(b) How many of them are Muslims? If none, why not?

(c) Are candidates recruited in that office through the Public Services Commission?

(d) Are not qualified Muslims available for the office of the Private Secretary to H. E. the Viceroy?

(e) Have Government considered the question of the desirability of appointing qualified Muslims in that office?

**The Honourable Mr. H. G. Haig :** (a) Fifteen.

(b), (d) and (e). There are no Muslims in the office at present. The Honourable Member will no doubt realise that in a small office vacancies occur infrequently, and in this office there has in fact been no vacancy since 1926, when the Government of India took up the question

of Muslims in the Secretariat offices. I understand that when a suitable vacancy occurs, the head of the office will consider the claims of Muhammadan candidates.

(c) No.

†201.\*

#### RESTORATION OF STIPENDS TO MEMBERS OF THE CARNATIC FAMILY.

202. \*Mr. M. K. Acharya : Will Government be pleased to say what action they have taken or propose to take on the Resolution adopted by this House last January, on the subject of restoration of Carnatic stipends ?

Mr. E. B. Howell : I would refer the Honourable Member to the answer given by me in the House on the 14th instant to a question on the same subject by the Honourable Maulvi Mohammad Shafee Daoodi.

#### EDUCATION, HEALTH AND SANITATION OF AJMER-MERWARA AND DELHI.

203. \*Rai Sahib Harbilas Sarda : (a) Is it not a fact that the Government of India are responsible for the education, health and sanitation of the provinces of Ajmer and of Delhi ? Is it a fact that both of them, containing almost equal populations, are under the direct administration of the Government of India ?

(b) Is it a fact that there is only one District Board in the Province of Ajmer-Merwara and one in Delhi ?

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

#### GRANTS GIVEN TO THE DISTRICT BOARDS OF DELHI AND AJMER.

204. \*Rai Sahib Harbilas Sarda : (a) Is it a fact that the annual income of the District Board, Delhi, is Rs. 90,000 while the Government have given it (recurring and non-recurring) grants :

in 1926-27 of Rs. 9,47,270,

in 1927-28 of Rs. 1,88,431,

in 1928-29 of Rs. 1,35,579,

in 1929-30 of Rs. 1,54,811,

while to the District Board of Ajmer with an average annual income during the last four years of about Rs. 85,000, Government have given

in 1926-27 only Rs. 17,000,

in 1927-28 only Rs. 29,250,

in 1928-29 only Rs. 25,750,

in 1929-30 only Rs. 25,750,

or in other words while to the Delhi District Board, Government have given from 150 to 175 per cent. of its own income as grant, they have given only 29.5 per cent. as grant to the Ajmer-Merwara District Board ?

†See page 535.

(b) If so, will Government state their reasons for this differential treatment, stating if the requirements of the two provinces are different, what are those differences which entitle the Delhi District Board to earn such a large grant as Rs. 1,55,000 while Ajmer gets only about Rs. 24,500 a year ?

Sir Frank Noyce : (a) The average annual income of the District Board of Ajmer is over Rs. one lakh, not Rs. 85,000, but the other figures given by the Honourable Member regarding the District Board of Ajmer are approximately correct. The figures he has given regarding the income of the District Board, Delhi, and the Government grants made to it, have had to be referred to the Chief Commissioner, Delhi, for verification.

(b) Pending receipt of the information called for from the Chief Commissioner, I am not in a position to reply to the point raised. On the assumption that the figures for Delhi are approximately correct, I may, however, suggest that though it is not easy to compare the relevant needs of two distinct areas, it is not unnatural that the District Board of the district which contains the Capital of the country should receive the larger grants from Government.

Rai Sahib Harbilas Sarda : The annual income of the District Board in question given in my question is Rs. 85,000 and the Honourable Member said that this income is over rupees one lakh. Is it not a fact that the rupees one lakh includes the Government grant also, while the figure of Rs. 85,000 given in the question gives the income of the District Board exclusive of the Government grant ?

Sir Frank Noyce : The figures which were given, Sir, were obtained from the Chief Commissioner. I will verify the point raised by the Honourable Member and let him know the result.

#### LACK OF GRANTS GIVEN TO THE AJMER MUNICIPALITY.

205. \*Rai Sahib Harbilas Sarda : Is it a fact that the Government of India have, during the four years 1926-27 to 1929-30, given from Central revenues Rs. 8,15,489 as recurring and Rs. 78,891 as non-recurring grants to the Delhi Municipality, while not a rupee has been given as a recurring or non-recurring grant to the Ajmer Municipal Committee for the same purposes as those for which grants have been given to the Delhi Municipal Committee except Rs. 25,000 a year given to the Ajmer Administration for primary education in urban and rural areas of the province ?

Sir Frank Noyce : The figures relating to grants to the Delhi Municipal Committee have been referred to the Chief Commissioner for verification. The statement in the last part of the question as to grants to the Ajmer Municipal Committee is correct.

#### DEPLORABLE SANITARY CONDITIONS OF AJMER AND BEAWAR DUE TO LACK OF GOVERNMENT GRANTS.

206. \*Rai Sahib Harbilas Sarda : (a) Are Government aware of the abnormal death rate in the Ajmer Municipal area, as evidenced by 448.5 babies out of 1,000 dying in the first year of birth, and of the fact that the Ajmer Municipal Committees are unable to make proper arrangements for the sanitation and health of the citizens of Ajmer ?

LSCPB(LA)

(b) Will Government give reasons why, when they grant to the Municipal Committee of Delhi about Rs. 2½ to 2¾ lakhs a year they grant practically nothing to the Ajmer Municipal Committee?

(c) Are Government aware that Government's not taking immediate measures to remedy the deplorable sanitary and health conditions of Ajmer and Beawar is adding to the dissatisfaction and discontent of the people of these places?

**Sir Frank Noyce :** (a) Government are aware of the high death rate in Ajmer municipal area, to which the Honourable Member refers; and think that it may be attributed in part to the fact that the Ajmer Municipality have apparently not been able in the past to allot sufficient funds for public health schemes.

(b) An enquiry has been made from the Chief Commissioner, Delhi, as to the amount of the grants made annually to the Municipal Committee of Delhi. With regard to such grants to the Ajmer Municipality, I would invite the attention of the Honourable Member to the reply given by me on the 17th February, 1930, to parts (c) and (d) of his question No. 318, in which it was explained that as part of the programme for medical and public health improvement in areas directly administered by the Government of India the Standing Finance Committee had approved on certain conditions of a grant-in-aid of Rs. 1,55,000 to the Ajmer Municipality for the improvement of sanitation in Ajmer. Owing to severe financial stringency it has not been found possible to make any such provision in the budget estimates of the current year, but the question of including provision for the purpose in the budget for 1931-32 will be duly considered.

(c) As I informed the Honourable Member last February, the Government of India are alive to the necessity of remedying defects and deficiencies in the public health conditions of Ajmer, and hope that when such deficiencies have been removed, any discontent which may at present exist on the subject will also be removed.

**Dr. Nand Lal :** May I ask whether Government have ever appointed or deputed an expert staff proficient in the efficient treatment of children's diseases, in order to drive out this malady?

**Sir Frank Noyce :** Which malady?

**Dr. Nand Lal :** So far as the excessive death rate of boys is concerned (Laughter.) (Cries of "No, no."), that is due to the malady which is specially concerned with the babies—I mean the excessive death-rate as the result of those maladies, those diseases which are peculiar to children, boys and babies? The question I ask is, have Government yet kindly deputed or appointed any expert to drive out those maladies and diseases which attack these poor boys as their victims?

**Sir Frank Noyce :** The Indian Research Fund Association is employing an expert on questions of this kind. I am not yet aware how far the results of that work have been applied to Ajmer.

#### LEGALITY OF ORDINANCE III OF 1930.

\***Mr. Abdul Haye :** (a) Are Government aware that the Lahore High Court Bar Association has expressed an opinion that Ordinance No.

III of 1930 is inexpedient and *ultra vires*? (Vide page 3 of the Tribune, dated the 3rd July, 1930.)

(b) Have Government since then referred the matter to their Law Officers and obtained their opinion? If so, with what result?

**The Honourable Mr. H. G. Haig :** (a) and (b). As the Honourable Member is no doubt aware, the matter is now *sub judice*.

#### RESTORATION OF STIPENDS TO MEMBERS OF THE CARNATIC FAMILY.

208. \***Mr. Abdul Qadir Siddiqi :** Will Government be pleased to state what action was taken on the Resolution passed by the Legislative Assembly in the last Delhi Session regarding the restoration of stipends to the members of the Carnatic family?

**Mr. E. B. Howell :** I would refer the Honourable Member to the answer given by me in the House on the 14th of this month to a question on the same subject by the Honourable Maulvi Mohammad Shafee Daoodi.

#### NUMBER OF MUSLIM STUDENTS AND STAFF IN THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL, NEW DELHI.

209. \***Mr. Abdul Qadir Siddiqi :** (1) Will Government be pleased to state :

(a) the total number of Muslim and non-Muslim students in the medical classes and F. Sc. classes, Lady Hardinge Medical College, New Delhi;

(b) the total number of students, Muslims and non-Muslims who have obtained M. B. B. S. degree from the Lady Hardinge Medical College, New Delhi; and

(c) the total number of Muslim and non-Muslim members of the staff of the Lady Hardinge Medical College, including subordinates?

(2) Is it a fact that the number of Muslim students in the Lady Hardinge Medical College is extremely small? If so, have Government taken any steps to increase the number?

(3) Are Government prepared to consider the desirability of reserving some seats and scholarships for Muslim students and to provide other suitable facilities to increase their number in the Lady Hardinge Medical College?

(4) Are Government prepared to appoint suitable Muslims when vacancies occur in the Lady Hardinge Medical College and Hospital, New Delhi, to remove communal inequality?

**Sir Frank Noyce :** With your permission, Sir, I shall answer questions 209 to 211 together. I regret that I cannot at the moment supply the information for which the Honourable Member asks, but it has been called for and will be supplied to him later. When it is available, Government will consider the suggestions which the Honourable Member has made.

NUMBER OF STUDENTS DISCHARGED FROM THE LADY HARDINGE MEDICAL COLLEGE, NEW DELHI.

†210. \*Mr. Abdul Qadir Siddiqi : (a) Will Government be pleased to state how many students were discharged from medical classes and F. Sc. classes in the Lady Hardinge Medical College during the current session, and how many of them were Muslims ?

(b) Will Government please state the reasons for discharge from the classes in each case ?

(c) Are Government prepared to readmit the students so discharged ?

DISCHARGE OF A MUSLIM GIRL STUDENT FROM THE LADY HARDINGE MEDICAL COLLEGE, NEW DELHI.

†211. \*Mr. Abdul Qadir Siddiqi : (a) Is it a fact that, a Muslim girl, K. Fatima was admitted in the Lady Hardinge Medical College, after due formalities and that she was reported to be doing her best in February, 1930 ?

(b) Will Government state if she was discharged and if so, why ?

(c) Have Government considered the desirability of her readmission ?

APPOINTMENT OF ACCOUNTANTS ON RAILWAYS.

212. \*Mr. S. C. Mitra : (a) Is it a fact that some training class students have been posted as officiating junior accountants in the Accounts Department of the Eastern Bengal Railway very recently, though there are some fully qualified clerks on the East Indian Railway who have not been given any chance ? If so, why have their cases been overlooked ?

(b) Is it a fact that a certain number of the posts of junior accountants are held by such unqualified men—who could not even pass Part I of the S. A. S. Examination—though there are qualified clerks who have passed Parts I and II who are working as clerks on very low pay ?

(c) What is the procedure in the Audit Department in such cases, and is the same procedure followed in the Accounts Department ?

(d) Are the posts of accountants and accounts officers (in the Accounts Department) treated as an all-India service, or are they treated as a local service ? Are there any rules framed by Government ? If so, will Government be pleased to lay a copy of those rules on the table ?

Mr. A. A. L. Parsons : (a) The answer to the first part of the question is in the affirmative. As regards the second part, there is at present only one fully qualified clerk on the East Indian Railway who is not working as an Accountant; but it is expected that he will get a chance very soon to do so. He has therefore not been transferred to the Eastern Bengal Railway.

(b) Men who have passed the Training Class Examination are qualified to officiate as junior accountants.

(c) The Audit Department had no special Training Class.

†For answer to this question, see answer to question No. 209.

(d) They are treated as a Local service. The rules framed by Government and approved by the Standing Finance Committee for Railways are in the Library of the House.

TENDER FOR RED PAINT ACCEPTED BY THE INDIAN STORES DEPARTMENT.

213. \*Mr. S. C. Mitra : (a) Is it a fact that the Indian Stores Department in Tender No. H-6040, dated the 11th November, 1929, asked for quotations as item No. 87 a substance "Red anti-corrosive suitable for painting corrugated sheets" ?

(b) Is it a fact that the Indian Stores Department accepted the tender of a proprietary article "Corrugal" against the said item ?

(c) Is it a fact that on an inquiry from Messrs. the Murarka Paint and Varnish Works, Ltd., 137, Canning Street, Calcutta, about the specification for the said item No. 87 the Indian Stores Department informed them that it is the same substance as "Red Oxide" to I. S. D. specification ?

(d) Will Government be pleased to state whether "Corrugal" which has been purchased against the said item No. 87 is of the same specification as "Red Oxide" to I. S. D. specification ?

The Honourable Sir Joseph Bhore : (a) Yes.

(b) The Indian Stores Department invited tenders for the substance mentioned in (a) (of the question) and called for prices for any quantities up to 500 cwts. and between 500 and 1,000 cwts. One of the tendering firms quoted alternative prices for the brand of anti-corrosive paint known as "Corrugol". Two indentors specially asked for this particular brand as they had found by experience that it gave the most satisfactory service. To meet the special requirements of these indentors 33 cwts. of "Corrugol" was accepted and the balance of the demand amounting to 600 cwts. of red oxide paint was placed with a tenderer who submitted the lowest satisfactory tender.

(c) Yes.

(d) It has been explained in answer to (b) that only a comparatively small quantity of "Corrugol" was purchased to meet the special requirements of two indentors. "Corrugol" does not conform to the Indian Stores Department specification for red oxide paint.

TENDER FOR PAINT REMOVER ACCEPTED BY THE INDIAN STORES DEPARTMENT.

214. \*Mr. S. C. Mitra : (a) Is it a fact that the Indian Stores Department called for tenders for 6,000 gallons "Paint Remover free from Alkali" in their tender No. H-6040, dated 11th November, 1929 ?

(b) Is it a fact that Messrs. the Murarka Paint and Varnish Works, Limited, quoted their proprietary article "Mura Paint Di-Solve" at Rs. 5-8-0 per gallon ?

(c) Is it a fact that the said "Mura Paint Di-Solve" was tested by the Alipore Test House and was awarded a certificate on the 31st May, 1929 ?

(d) Is it a fact that the said "Mura Paint Di-Solve" is an article manufactured by Messrs. the Murarka Paint and Varnish Works, Ltd.,

which is wholly an Indian concern with Indian management, with Indian capital and labour ?

(e) Is it a fact that the Indian Stores Department accepted the tender of "Salvoid" as a substitute for the "Paint Remover free from Alkali" ?

(f) Is it a fact that the said "Salvoid" is an imported foreign proprietary product ?

(g) Is it a fact that this "Salvoid" is purchased by the Indian Stores Department at Rs. 7 (Rupees seven) per gallon ?

(h) If the answers to the parts (a) to (g) be in the affirmative, will Government be pleased to state the reasons why only 41 gallons of "Mura Paint Di-Solve", an approved indigenous product, was purchased and the supply of the remainder of the 6,000 gallons of the Paint Remover tendered for was given to the tenderer who quoted a foreign imported article at a considerably higher rate ?

**The Honourable Sir Joseph Bhore :** (a) The Indian Stores Department invited tenders on the date mentioned for "Paint Remover (caustic soda solution is not required)." The invitation to tender called for prices for any quantities up to 4,500 gallons and between 4,500 and 6,000 gallons, that might be demanded during the period from the 1st April, 1930, to the 31st March, 1931.

(b) Messrs. the Murarka Paint and Varnish Works, Ltd., quoted for their proprietary preparations called "Mura Paint Di-Solve" as follows :

|                             | Up to 4,500<br>gallons.  | Between 4,500<br>and 6,000 gallons. |
|-----------------------------|--------------------------|-------------------------------------|
|                             | Per gallon.<br>Rs. A. P. | Per gallon.<br>Rs. A. P.            |
| (a) in one gallon tins ..   | 5 12 0                   | 5 12 0                              |
| (b) in two gallon cases ..  | 5 10 0                   | 5 10 0                              |
| (c) in five gallon drums .. | 5 8 0                    | 5 8 0                               |

(c) Yes.

(d) This is believed to be the case.

(e) The Indian Stores Department accepted the tender for "Solvoid", not as a substitute, but because this preparation fully satisfied the requirements.

(f) Yes.

(g) The Indian Stores Department accepted the tender for "Solvoid" at Rs. 7 per gallon in one or two gallon tins.

(h) At the time of awarding the contracts the total demands received for paint remover, by the Chief Controller of Stores, from indenting officers amounted to 841 gallons. Of this quantity, 41 gallons was placed with the Murarka Paint and Varnish Works for "Mura Paint Di-solve". The balance of 800 gallons was required by a particular indenter who had indented specifically for "Solvoid". The Indian Stores Department represented to the indenter that "Mura Paint Di-Solve" could be purchased at a lower price. The indenter was asked if he would accept this preparation, but he was unable to agree to accept any brand of which he had no experience in practical use

and insisted on the supply of a brand which had been tested, tried and found satisfactory in actual service.

The Superintendent, Government Test House, has reported that "Solvoid" is superior to "Mura Di-Solve" as a paint remover.

#### COMMUNAL REPRESENTATION IN THE GOVERNMENT OF INDIA OFFICES.

215. **\*Mr. S. C. Mitra :** (a) Will Government please state whether the instructions issued by them regarding communal representation in the Government of India offices apply also to departmental examinations and promotions ?

(b) If the reply to part (a) be in the affirmative, how do Government justify their policy under section 96 of the Government of India Act which lays down that no one shall be debarred from holding any post under the Crown in India by reason of his creed, caste or colour ?

**The Honourable Mr. H. G. Haig :** (a) The instructions referred to by the Honourable Member do not apply to departmental promotions.

(b) Does not arise.

**Dr. Nand Lal :** May I ask, Sir, whether this policy, which is practically based on communalism, is not detrimental to the purity of administration ?

**The Honourable Mr. H. G. Haig :** No, Sir. The view of the Government of India is that it is desirable that, as far as possible, all communities should receive a reasonable share in the administration.

**Dr. Nand Lal :** That is quite true : but will the Government of India be also pleased to look to the purity of administration, which is of vital importance to every good government ?

**The Honourable Mr. H. G. Haig :** I do not understand, Sir, how any question of the purity of administration arises. The Honourable Member might perhaps raise a question of the efficiency of the administration. So far as that is concerned, the Government take steps to satisfy themselves that persons are not admitted to the public service who are not, in their opinion, efficient.

**Dr. Nand Lal :** May I give a personal explanation, Sir. The purity is the result of the efficient Government.

**Mr. President :** Order, order. No explanation is required.

#### CLERICAL ESTABLISHMENTS OF THE INDIA OFFICE AND THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

216. **\*Mr. S. C. Mitra :** (a) Will Government please state the strength of the clerical establishments of the India Office and of the office of the High Commissioner for India ?

(b) What are the different grades and the rates of pay ?

(c) What is the system of recruitment as regards these establishments ?

(d) What is the number of Indians holding appointments in the clerical establishments ?

(e) Are Indians given any preference in the matter of recruitment of personnel for the clerical establishment ?

**The Honourable Mr. H. G. Haig :** (a) The total number of the clerical staff including shorthand-typists, typists and comptometer operators actually serving in the High Commissioner's Office on the 1st April, 1930, was 260.

(b) A statement showing the grades and rates of pay is placed on the table.

(c) Government understand that the High Commissioner maintains a list of candidates who apply for appointments in his office and makes a selection from that list to fill each vacancy as it occurs.

(d) The number of clerical appointments in the High Commissioner's Office held by Indians, including Anglo-Indians, on the 1st January, 1930, was 49.

(e) It is understood that the High Commissioner fills the majority of vacancies occurring in his clerical establishment by the appointment of Indians.

Government have no information about the clerical establishment of the India Office.

*Statement showing the grades and rates of pay of the clerical establishment of the Office of the High Commissioner for India in London.*

|                               |                                                                                                                                                                                   |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Higher Clerical Officers ..   | .. £300—15—400 a year.                                                                                                                                                            |
| Clerical Officers :           |                                                                                                                                                                                   |
| (i) Men ..                    | .. £60 a year on entry, rising to £80 a year at the age of 18; thence by £5 to £100; thence by £10 to £120; thence by £15 to £150; thence by £10 to £250. (Efficiency Bar, £180). |
| (ii) Women ..                 | .. £60 a year on entry, rising to £80 a year at the age of 18; thence by £5 to £120; thence by £7-10s. annually to £180. (Efficiency Bar £135.)                                   |
| Superintendents of Typists .. | .. £150—£7-10s.—£180.                                                                                                                                                             |
| Shorthand typists ..          | .. 28s.—2s. 6d.—46s. a week.                                                                                                                                                      |
| Typists ..                    | .. 22s. a week from age of 18 to 19; 24s. at 19; 26s. at 20; 28s. at 21 (or over in case of entrants over 21); and thence by increments of 2s. to 36s. a week.                    |

The temporary staff is on weekly rates of pay, which, on 1st April, 1930, varied between 28s. 8d. and 102s. 9d. a week according to the grades and ages of the incumbents.

*Note 1.*—The permanent staff is in addition entitled to the Civil Service Cost of Living Bonus.

*Note 2.*—Members of the establishment of Indian domicile, whose basic salary does not exceed £400 a year, receive also an overseas allowance of £50 a year. This allowance is not, however, admissible to a temporary clerk of limited tenure.

**PAY OF MECHANICAL TRANSPORT AND SUPPLY AND TRANSPORT CLERKS.**

**217. \*Mr. S. C. Mitra :** (a) Is it a fact that there are at present two different cadres of Mechanical Transport and Supply and Transport clerical establishments?

(b) If the reply to (a) be in the affirmative, will Government please state their scales of pay?

(c) Is it also a fact that some years ago both were in one cadre? If so, what was the scale of pay before separation?

(d) Is it a fact that the nature of duties and qualifications required for admission to both the services are identical?

(e) Is it a fact that the scale of pay of the Mechanical Transport clerks was increased after separation but the question of improving the pay and prospects of Supply and Transport clerks is still under consideration?

(f) When did the Government receive the last memorial from the Supply and Transport clerks, and what decision, if any, has been arrived at on it?

**Mr. G. M. Young :** (a) Yes. The Honourable Member is referred to the reply given on the 21st March last to part (a) of unstarred question No. 269.

(b) The scale of pay for both cadres is the same, namely :

Upper Division—Rs. 125—10—325—25½—375, with efficiency bars at Rs. 225 and 325.

Lower Division—Rs. 50—4—90—3—150, with efficiency bars at Rs. 90 and 120.

(c) The answer to the first part is in the negative. The second does not arise.

(d) Yes.

(e) In view of the answer to part (c), this does not arise.

(f) The last memorial was received in June, 1930. The question of uniform scale of pay for clerks of all military services in India is under consideration.

**CONDONATION OF A BREAK IN SERVICE FOR PENSION.**

**218. \*Mr. S. C. Mitra :** (a) Is it a fact that the temporary service rendered by a clerk in the Military Accounts Department during the Great War counts for pension, if no gratuity was received for it and if it is followed by pensionable service in another Government Department?

(b) Does the same service also count for pension if followed by service in another Government office, not *immediately* after discharge from the Department, but after one or more short breaks? If so, what is the authority for it? If not, why not?

**The Honourable Sir George Schuster :** (a) and (b). The answers to both parts of the question are in the negative in the sense that temporary service does not as of right count towards pension under the rules in the Civil Service Regulations, except according to the provisions of Article 370 in cases where the service has been rendered in an appointment which is subsequently made permanent on the same establishment. As, in the Military Accounts Department, temporary appointments created in the War have not been made permanent, the principle laid down in Article 370 does not apply. At the same time the Government of India have discretion, in individual cases, to allow temporary service to count for pension under Article 361A of the Civil Service Regulations and to condone interruptions of service under Article 422 of the same Regulations.



## CONDONATION OF A BREAK IN SERVICE FOR PENSION.

219. \*Mr. S. C. Mitra : (a) Will Government please state if it is a fact :

- (i) that as a result of the Report of the Inchcape Committee, certain temporary clerks in the Government of India offices were retrenched and that some of them were re-appointed later after *short breaks* in service ?
- (ii) that Government granted special leave up to some specified period to those retrenched temporary men who had put in *more than four years'* continuous temporary service at the time of retrenchment and that that period, although without any appointment, was not considered a break in service ?
- (iii) that, among others, a temporary clerk in the Department of Education, Health and Lands whose service was *less than four years* in the Department when he was retrenched was enabled to avail himself of the leave concession by the break between his service in that Department and some other previous service elsewhere being *condoned* ?

(b) If the reply to part (iii) above be in the affirmative, will Government be pleased to state whether the breaks in the service of other clerks referred to in (i) above (between retrenchment and reappointment in another permanent vacancy) has been condoned generally to enable all of them to count their temporary or officiating service before the break for the purposes of leave and pension ? If not, why not ?

The Honourable Mr. H. G. Haig : (a), (i) and (ii). I would refer the Honourable Member to the reply given to part (1) of the Honourable Maulvi Muhammad Yaqub's question No. 875 on the 28th March last.

(iii) It is not a fact that the break was condoned in the case of the clerk in question. He was allowed two months' leave on average pay as a special case.

(b) The Honourable Member is referred to the reply given to part (2) of the question mentioned above.

## PENALTY PAYABLE FOR CARRYING UNBOOKED LUGGAGES.

220. \*Mr. S. C. Mitra : (a) Is it a fact that all the railways have fixed a maximum limit up to which penalty is payable by those travelling without tickets ?

(b) Is it a fact that no maximum has been prescribed in the case of penalty payable by those carrying unbooked luggage in excess of the free allowance ?

(c) If the answer to parts (a) and (b) be in the affirmative, do Government propose to consider the desirability of prescribing a maximum limit as in the case of those travelling without tickets ?

Mr. A. A. L. Parsons : (a) The maximum limit referred to is fixed by section 113 of the Indian Railways Act, No. IX of 1890.

(b) No maximum sum payable as a penalty has been prescribed but the amount payable is the full freight chargeable on the luggage carried, no free allowance being permitted.

(c) Government do not propose to prescribe a maximum sum payable.

## HOURS OF CLEARANCE OF LETTER BOXES IN COLABA.

221. \*Mr. S. C. Mitra : (a) Is it a fact that some of the letter boxes in Colaba are cleared at 13-30 hours ?

(b) Is it a fact that these letter boxes are not cleared between 10-00 and 13-00 hours ?

(c) Is it a fact that the Frontier Mail leaves Colaba at 13-00 hours ?

(d) Is it a fact that mails for the Punjab, etc., are conveyed by this train ?

(e) Are Government prepared to revise the hours of clearance of the letter boxes in Colaba to provide for a clearance about an hour before the departure of the Frontier Mail ?

Mr. H. A. Sams : (a) Yes ; all the street letter boxes in the area of Colaba Town Sub-Office are cleared between 13-15 and 13-45 hours.

(b) No ; they are cleared between 11-30 and 12-00 hours.

(c) Yes.

(d) Yes.

(e) The facility asked for already exists.

## DIRECTORY OF GAZETTED OFFICERS OF THE GOVERNMENT OF INDIA.

222. \*Mr. S. C. Mitra : (a) Do Government publish any Directory of the Gazetted Officers of the Government of India ? If so, after what intervals ?

(b) Is this publication for public use ? If so, how is its publication notified for the information of those who may like to purchase it ?

(c) Is this publication specially for the use of the Government of India offices ? If so, are its copies supplied to all the Departments and is any intimation sent to the various Departments when it is published ?

The Honourable Mr. H. G. Haig : (a) Yes. The Government of India Directory is published twice a year.

(b) and (c). This publication is intended both for official and public use and is on sale. It is advertised in the Catalogue of Government of India publications, and also in the monthly book list published by the Central Publication Branch, Calcutta.

## ASSIGNMENT OF POLICIES UNDER THE POSTAL INSURANCE FUND.

223. \*Mr. S. C. Mitra : (a) Is it a fact that the Postal authorities have prescribed a particular form of assignment of policies issued under the Postal Insurance Fund ?

(b) Is it a fact that they refuse to register assignments which though legally valid, are not exactly in accordance with the prescribed form ?

(c) Will Government please state why it is necessary to adhere strictly to the prescribed form ?

(d) Is it a fact that conditional assignments are not registered ? If so, will Government please state the reasons ?

**Mr. H. A. Sams :** (a) The Postal authorities have prescribed a particular form of assignment of policies issued under the Post Office Insurance Fund as a guide to assist policy-holders.

(b) No, so long as the form is the same in substance as the form to which I have just referred.

(c) Does not arise.

(d) Yes, Government do not accept conditional assignments as legal complications might arise.

#### CRIMINAL SUITS FILED BY THE NEW DELHI MUNICIPALITY AGAINST RESIDENTS AND SHOPKEEPERS IN NEW DELHI.

224. **\*Mr. S. C. Mitra :** Are Government aware that the general practice in New Delhi Municipality is to file criminal suits against residents and shopkeepers in New Delhi for violation of municipal by-laws without warning or serving previous registered notices on those against whom they propose to take criminal action? If so, why?

**Sir Frank Noyce :** No.

#### PROVISION OF ADDITIONAL ACCOMMODATION IN NEW DELHI FOR ARMY HEAD-QUARTERS OFFICES.

225. **\*Mr. S. C. Mitra :** (a) Is it a fact that owing to limited accommodation in the Imperial Secretariat Buildings in New Delhi only a portion of Army Headquarters Offices moved down from Simla to Delhi last winter?

(b) When do Government propose to provide accommodation in Delhi for the whole of Army Headquarters?

**Mr. G. M. Young :** (a) The proportion of Army Headquarters Offices moving to Delhi each year is regulated primarily by administrative requirements, and not by the amount of office accommodation available.

(b) There is no such proposal, as it was never intended that the whole of Army Headquarters should move to Delhi.

#### GRANT OF HOUSE RENT AND SECRETARIAT RATES OF PAY TO CLERKS OF ARMY HEADQUARTERS.

226. **\*Mr. S. C. Mitra :** (a) Is it a fact that the question of the grant of house rent and Secretariat rates of pay to clerical establishments of Army Headquarters is under consideration?

(b) Will Government please state how this matter stands at present?

**Mr. G. M. Young :** (a) Yes.

(b) No decision has yet been reached.

#### ABOLITION OF THE POST OF ESTABLISHMENT OFFICER, ARMY DEPARTMENT.

227. **\*Mr. S. C. Mitra :** (a) Is it a fact that the question of the abolition of the appointment of Establishment Officer, Army Department, is under consideration?

(b) Is it a fact that leave reserves have now been established in all Branches of Army Headquarters?

(c) Is it a fact that one of the principal functions of the Establishment Officer was to recruit personnel for leave vacancies in the clerical establishments?

(d) If the answer to parts (b) and (c) be in the affirmative, do Government propose to abolish the post of Establishment Officer?

**Mr. G. M. Young :** (a) No, Sir.

(b) Yes.

(c) No.

(d) Does not arise.

#### ABOLITION OF THE POST OF ESTABLISHMENT OFFICER, ARMY DEPARTMENT.

228. **\*Mr. S. C. Mitra :** (a) Is it a fact that Attached Offices of the various Departments of the Government of India deal direct with the Public Service Commission in matters pertaining to their ministerial establishment?

(b) Is it a fact that all Branches of Army Headquarters have their separate establishment sections like Attached Offices?

(c) Is it a fact that establishments of Branches are distinct from each other and that each Branch has its separate seniority roll?

(d) If the answers to parts (a), (b) and (c) be in the affirmative, will Government please state why the Branches of Army Headquarters cannot deal direct with the Public Service Commission?

**Mr. G. M. Young :** The information desired by the Honourable Member will be found in the reply given in the Council of State on the 17th September, 1927, to question No. 213 and in the replies given in this House on the 11th September, 1928, and 2nd September, 1929, to starred questions Nos. 407 and 10, respectively.

#### ABOLITION OF THE POST OF ESTABLISHMENT OFFICER, ARMY DEPARTMENT.

229. **\*Mr. S. C. Mitra :** (a) Is it a fact that most of the work pertaining to the clerical establishment of the Army Department Secretariat has been entrusted to the Personal Assistant to the Army Secretary?

**Mr. G. M. Young :** Most of the work in question is dealt with by the Personal Assistant, but under the control of the Establishment Officer.

#### MEDICAL ATTENDANCE ON GOVERNMENT EMPLOYEES IN SIMLA.

230. **\*Mr. S. C. Mitra :** (a) Will Government please lay on the table a copy of the Education Department Resolution No. 780, dated the 12th December, 1922, regarding medical attendance on Government employees?

(b) Is it a fact that Government of India employees are required to pay fees for their operations performed by the Civil Surgeon in the Ripon Hospital, Simla, and X-rays, etc.?

(c) If the reply to part (a) be in the affirmative, have Government considered the question of the advisability of making all such treatment free? If not, why not?

**Sir Frank Noyce :** (a) A copy of the Department of Education, Health and Lands Resolution No. 780, dated the 12th December, 1922, has been placed in the Library of the House.

(b) No, provided in the case of X-Ray treatment that such treatment has been prescribed by the official medical attendant of the Government servant concerned.

(c) Does not arise.

#### MEDICAL ATTENDANCE ON GOVERNMENT EMPLOYEES IN SIMLA.

231. **\*Mr. S. C. Mitra :** (a) Is it a fact that the establishments of the Government of India Secretariat and Army Headquarters are entitled to requisition the services of prescribed medical officers at their residences in cases of serious illness ?

(b) Are Government aware that the doctors paying visits to the houses of such patients accept fees if offered to them ?

(c) Are Government prepared to issue instructions that in the case of those entitled to free medical aid payment of fees to doctors is prohibited and should not be accepted by the latter ?

**Sir Frank Noyce :** (a) Yes.

(b) Government are not aware of any cases in which the doctors have accepted fees.

(c) Does not arise.

#### SHORTAGE OF RESIDENTIAL QUARTERS IN NEW DELHI.

232. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Government of India collected information six months ago regarding the total establishment of each of the Government of India Secretariat, Attached and Subordinate Offices permanently located at Delhi or moving to Delhi and the number wishing to reside in New Delhi if residential accommodation is available ? If so, what are the total figures for "C" and "D" class orthodox quarters ?

(b) What is the total number of residential quarters that will be available for them next winter ?

(c) When do Government propose to construct a sufficient number of quarters to accommodate all the establishments of the civil and military offices in New Delhi ?

**The Honourable Sir Joseph Bore :** (a) Information of the nature referred to has been collected but the figures for "C" and "D" class orthodox quarters have not been worked out separately.

(b) 1208 quarters, viz., 238 "C" and 970 "D" class orthodox quarters.

(c) The matter is under consideration.

#### PROVISION OF A ZOO AND MUSEUM IN NEW DELHI.

233. **\*Mr. S. C. Mitra :** (a) Is it a fact that there is no zoological and botanical garden in New Delhi ?

(b) Do Government propose to convert one of the parks into a garden ? If so, when ?

(c) Do Government propose to provide a museum in New Delhi ? If so, when ?

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

(b) No such proposal is under consideration at present.

(c) Yes, a museum of Central Asian antiquities already exists in Delhi. The question of constructing a larger museum is held up at present because of financial stringency.

#### CHECKING OF ACCOUNTS OF BRANCHES IN ARMY HEADQUARTERS.

234. **\*Mr. S. C. Mitra :** (a) Is it a fact that Branches of Army Headquarters keep imprest advances ?

(b) What are the arrangements for checking accounts of Branches and for ensuring that the imprest money is properly utilised ?

(c) Have the accounts been ever checked by the Accounts Department ? If so, when were they last checked ?

(d) Are Government prepared to issue instructions for the periodical inspection of accounts by members of the Audit Department ? If not, why not ?

**The Honourable Sir George Schuster :** (a) Yes.

(b) and (c). Accounts supported by vouchers for all amounts expended out of the imprest are rendered monthly, or more often if necessary, to the Military Accounts Department. Cheques in recoupment of the amounts so spent are issued by the Military Accounts Department to Branches of Army Headquarters. It is thus seen by audit that amounts are correctly utilized out of imprest advances.

(d) The question does not arise as the accounts are regularly audited.

#### DATE OF THE MOVE OF GOVERNMENT OF INDIA OFFICES FROM NEW DELHI TO SIMLA.

235. **\*Mr. S. C. Mitra :** (a) Is it a fact that usually the date of move of the Government of India offices from New Delhi to Simla is determined, not by the heat at Delhi but by the date on which the business of the Legislature is finished ?

(b) Are Government aware that sometimes the offices move up so early that most of the clerks and their children fall sick on account of the biting cold at Simla in the beginning of April ?

(c) Do Government propose to consider the question of keeping the Government of India offices at Delhi at least for seven months in the year ? If so, when ?

**The Honourable Mr. H. G. Haig :** (a) The conclusion of the Delhi session of the Legislature is obviously an important factor which is taken into consideration in fixing the date of the move of the Government of India from Delhi to Simla.

(b) The Government have no reason to think that the dates fixed by them for the move to Simla are such that the health of their staff is adversely affected.

(c) I would refer the Honourable Member to the answer which was given by Sir James Crerar on the 28th January, 1929, to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No. 95.

#### DETENTION OF ATTACHED AND SUBORDINATE OFFICES IN NEW DELHI.

236. \*Mr. S. C. Mitra : (a) Will Government state the names of the Attached and Subordinate Offices which have stopped moving to Simla ?

(b) Is it a fact that cooling apparatus has been installed in the Secretariat Buildings in New Delhi ?

(c) Are any more offices likely to be detained at Delhi next year ? If not, why not ?

The Honourable Mr. H. G. Haig : (a) The Honourable Member is referred to the answers given by Sir James Crerar on the 15th February, 1928, and 9th September, 1929, to questions Nos. 93 and 250, respectively, by Mr. Kelkar and the Honourable Maulvi Muhammad Yakub.

(b) Yes ; the cooling apparatus has been installed in certain portions of the Secretariat Buildings.

(c) It has not yet been found possible, with due regard to administrative convenience, to detain any more offices in Delhi for the summer months.

#### PROVISION OF SHOWER BATHS IN GOVERNMENT QUARTERS IN NEW DELHI.

237. \*Mr. S. C. Mitra : (a) Is it a fact that arrangements for shower bath are provided in the orthodox Chummeries (single quarters) in New Delhi ?

(b) What would be the cost per quarter for providing the same in the family quarters in New Delhi ?

(c) Do Government propose to consider the advisability of providing shower bath arrangements in all bath rooms in New Delhi Government quarters ? If not, why not ?

The Honourable Sir Joseph Bhore : (a) The reply is in the affirmative.

(b) The cost would vary with the class of quarters, but the probable cost would be :

|                                                | Rs. |
|------------------------------------------------|-----|
| in A class Orthodox quarters .. .. .           | 30  |
| in B class Orthodox quarters .. .. .           | 20  |
| in C and lower class Orthodox quarters .. .. . | 10  |

(c) No. The total cost involved would be heavy and Government are not aware that any general demand exists for these conveniences.

#### INSTALLATION OF THE FLUSH SYSTEM IN ALL RESIDENCES IN NEW DELHI.

238. \*Mr. S. C. Mitra : (a) Is it a fact that flush latrines are provided in orthodox Chummeries in New Delhi ?

(b) What would be the cost per quarter for providing similar arrangements in other residential quarters in New Delhi ?

(c) Do Government propose to instal the flush system in all family quarters in New Delhi ? If not, why not ?

The Honourable Sir Joseph Bhore : (a) The reply is in the affirmative.

(b) The cost would vary with the type of house from Rs. 2,500 for an A class Officer's bungalow to Rs. 300 for the smallest type of quarters.

(c) The installation of the flush system in all family quarters would involve a very heavy expenditure and Government are not therefore prepared to consider the matter at present.

#### VACANT PIECES OF LAND IN NEW DELHI.

239. \*Mr. S. C. Mitra : (a) Is it a fact that small pieces of land are lying vacant on the Baird Road (in front of shops), near the Electric Power House, on one side of Queen Mary's Avenue, behind the Raja Bazaar Square and Cantonment Road orthodox quarters and on one side of Lady Hardinge Road ?

(b) Will Government please state what these tracts are reserved for, and why Government have not so far constructed quarters or shops on the vacant land ?

The Honourable Sir Joseph Bhore : (a) Yes.

(b) The plots are reserved for future requirements. No decision has been arrived at regarding their disposal, but it is probable that all these sites will be required for further Government quarters.

#### COAL-TARRING OF BAIRD ROAD, NEW DELHI.

240. \*Mr. S. C. Mitra : (a) Is it a fact that Baird Road has got a large number of quarters and Municipal and private shops on it in New Delhi ?

(b) Is it also a fact that on one end of the road there is a Convent School and on the other Lady Hardinge Medical College and Hospital ?

(c) Is it a fact that it is not coal-tarred and are Government aware that the heavy motor and other traffic on it makes it a cause of great nuisance for those residing in the quarters on the road ?

(d) Do Government propose to have it coal-tarred ? If so, when ? If not, why not ?

The Honourable Sir Joseph Bhore : (a) and (b). Yes.

(c) and (d). The road has not yet been bituminised, but it is hoped to do this during the current year.

#### DIRECT RECRUITMENT OF CLERICAL STAFF OF CERTAIN OFFICES.

241. \*Mr. S. C. Mitra : (a) Will Government please give a list of Government of India offices which are permitted to recruit their clerical establishments otherwise than through the Public Service Commission ?

(b) Will Government please state the reasons for relaxing the condition of passing the Public Service Commission examination in the case of personnel recruited for such offices ?

**The Honourable Mr. H. G. Haig :** (a) So far as I am aware the offices which have been permitted to recruit their clerical establishments otherwise than through the Public Service Commission are :

- (1) The Contracts Directorate of the Master General of Ordnance's Branch.
- (2) The Finance Department (Civil and Military) in respect of technical men required for budget work.
- (3) The Railway Board, in respect of technical staff from Railways.
- (4) The Office of the Director, Intelligence Bureau, Home Department, in respect of certain posts only.
- (5) The Central Cypher Bureau of the Foreign and Political Department.

(b) I would refer the Honourable Member to part (c) of the reply given to the Honourable Maulvi Muhammad Yakub's question No. 207 on the 5th September, 1929.

#### RESULTS OF THE LAST MINISTERIAL BRANCH EXAMINATION OF THE PUBLIC SERVICE COMMISSION.

242. **\*Mr. S. C. Mitra :** (a) Is it a fact that there have been numerous interpellations in the Legislative Assembly with regard to the drastic nature of the results of the last ministerial branch examination held by the Public Service Commission ?

(b) Is it a fact that in spite of numerous questions, information has not been furnished as to the percentage of marks that were required to be obtained in order to secure a pass in the First or Second Division ?

(c) If the answer to (b) be in the affirmative, will Government please state the reasons for their inability to do so ?

(d) Is it a fact that out of 425 candidates for the First Division only 17 were declared successful ?

(e) Is it a fact that of these 17, eight were stenographers ? If so, was any preference given to them on the grounds that they were qualified stenographers ?

(f) How many of the successful candidates were graduates ?

**The Honourable Mr. H. G. Haig :** (a) There have been several interpellations in the Legislative Assembly with regard to the results of the examination to which the Honourable Member refers.

(b), (c) and (d) : The answers to these questions will be found in the reply which the Honourable Sir James Crerar gave to the Honourable Member's question No. 659 on the 19th March, 1930.

(e) Out of the 17 successful candidates 8 were qualified stenographers but no preference was given to them on this ground.

(f) Five.

#### STAFF SELECTION BOARD EXAMINATION OF 1920.

243. **\*Mr. S. C. Mitra :** (a) Is it a fact that in the examination held by the Staff Selection Board in 1920, the minimum educational qualification prescribed for the First Division for all Indian candidates was the B.A. degree ?

(b) Is it also a fact that certain candidates who did not possess this qualification were declared as passed for the First Division as they were considered to have obtained sufficient marks for the purpose ?

(c) If the replies to the above be in the affirmative, will Government please state how many of the candidates referred to in (b) were departmental and how many outsiders ?

**The Honourable Mr. H. G. Haig :** (a) and (b). External candidates were required to possess a degree but this qualification was waived in the case of departmental candidates seeking admission to the examination in question.

(c) Does not arise.

#### STAFF SELECTION BOARD EXAMINATION OF 1920.

244. **\*Mr. S. C. Mitra :** (a) Is it a fact that the Staff Selection Board examination of 1920 was a qualifying one ?

(b) Is it a fact that the qualifications and rules for the examination published in the Board's communiqué of 1920 applied equally to departmental and outside candidates ?

(c) Is it also a fact that some of the departmental men who had appeared for the *Lower* Division were declared qualified for the *First* Division on account of high marks obtained by them ?

(d) If the replies to the above be in the affirmative, are the outside candidates also entitled to the same treatment ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) No. Concessions in the matter of age and educational qualifications were recognised in favour of departmental candidates.

(c) Yes.

(d) Does not arise.

#### PROBATIONARY PERIOD FOR CANDIDATES FOR THE STAFF SELECTION BOARD EXAMINATION IN 1920.

245. **\*Mr. S. C. Mitra :** (a) Is it a fact that the probationary period prescribed in the Staff Selection Board's communiqué of 1920 was one year ?

(b) Is it also a fact that most of the candidates who passed the 1920 examination had to remain unconfirmed for several years, not because they were not considered fit, but owing to financial stringency ?

(c) Is it a fact, that in view of the hardship involved, the Government allowed some increments to those who were confirmed in 1924 ?

(d) Do Government propose to extend the same concession to those who were confirmed *still later* and had to suffer loss of increments for more than four years without any fault ? If not, why not ?

**The Honourable Mr. H. G. Haig :** (a) The period of probation is ordinarily one year but confirmation depends, among other things, on the occurrence of vacancies.

(b) I am not aware that any candidates appointed on probation to definite posts remained unconfirmed after a year but it is the case that some candidates who passed in 1920 were not confirmed for a considerable period owing to lack of permanent vacancies.

(c) It was not possible to evolve any general principle for application to all cases but relief was given in cases of hardship, by the grant of advance increments on the merits of each case.

(d) The rule is that the minimum of the scale is drawn only on confirmation, and as I have already explained, cases of hardship have been dealt with on merits. The reply therefore is in the negative.

#### PAUCITY OF MUSLIM TEACHERS IN AJMER-MERWARA.

246. **\*Mr. Abdul Latif Saheb Farookhi :** (a) Will Government please state if it is a fact that, in reply to a question in the Legislative Assembly on the 14th September, 1925, drawing attention to the extremely low number of Muslim teachers in the employ of the Ajmer-Merwara Administration, Government promised that the claims of suitable Muhammadans would receive consideration at the hands of the local Administration ?

(b) Is it a fact that in 1925, September, the number of Muslim teachers in the Government employment in Ajmer-Merwara, excluding the Moinia Islamia High School was 23 out of a total number of 229 teachers ?

(c) Is it a fact that there are at present only about nine permanent Muslim teachers out of a total number of about 250 teachers drawing salaries from the Imperial and District revenues in the boys' vernacular schools in Ajmer-Merwara under the authority of the Assistant Superintendent of Education, Ajmer-Merwara ? If this number is not correct will Government kindly state (1) the total number of teachers, and (2) the total number of Muslim teachers in the said schools ?

(d) Is it a fact that the appointments of teachers in vernacular schools in Ajmer-Merwara getting salaries up to Rs. 40 per mensem is made by Mr. P. B. Joshi, the Assistant Superintendent of Education, by his own orders and on his own authority without obtaining the sanction of the Superintendent of Education and that appointments above Rs. 40 in the said schools are made by promotion from lower grades by the Superintendent of Education on the recommendations of his Assistant Superintendent of Education ? Will Government kindly state who delegated this power to the Assistant Superintendent of Education, and under what authority and on what understanding ?

(e) Is it a fact that nothing effective has been done in giving Muslims adequate representation in the vernacular schools in Ajmer-Merwara since the Government reply referred to in (a) above and that the assurance given by the Government of India in the Legislative Assembly in 1925 has been disregarded by the Assistant Superintendent of Education in making appointments on his own authority with the result that the number of Muslims in these schools has further deplorably gone down ?

**Sir Frank Noyce :** With your permission, Sir, I shall deal with questions Nos. 246—255 and 257 together. The information asked for is being collected and will be supplied to the Honourable Member as soon as it is available.

#### PAUCITY OF WOMEN TEACHERS IN AJMER-MERWARA.

†247. **\*Mr. Abdul Latif Saheb Farookhi :** Is it a fact that out of 36 women teachers in Ajmer-Merwara there is only one Muslim woman teacher, and that the rest are all Hindus ? Will Government kindly state the reasons ?

#### DISCONTENT AMONGST TEACHERS IN AJMER-MERWARA.

†248. **\*Mr. Abdul Latif Saheb Farookhi :** Will Government kindly state when the combined cadre was sanctioned by the Government of India, and when it was sent by the Ajmer-Merwara Administration to the Superintendent of Education ? Will Government kindly state the reasons why no action has yet been taken on the combined cadre ? Who is responsible for this extraordinarily long delay ? Are Government aware that there is much discontent among the teachers for this delay ?

#### GRIEVANCES OF MUSLIMS AGAINST MR. P. B. JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

†249. **\*Mr. Abdul Latif Saheb Farookhi :** (a) Is it a fact that there has been considerable discontent among the Muslims in regard to education in Ajmer-Merwara since Mr. P. B. Joshi's appointment as Assistant Superintendent of Education in 1925 ?

(b) Is it a fact that the discontent referred to in part (a) above has been increasing every year since 1925 owing to the unsympathetic attitude of Mr. Joshi towards Muslims ?

(c) Is it a fact that the relations between the Hindus and Muslims in Ajmer-Merwara have been embittered by Mr. Joshi's activities in the Education Department ?

(d) Is it a fact that the unsympathetic attitude of Mr. Joshi referred to in part (c) above has been expressed by means of newspaper articles, representations and memorials to Government and by questions in the Legislature ?

(e) If what are stated in parts (a) to (d) are correct, what steps do Government propose to take against the said Mr. P. B. Joshi, Assistant Superintendent of Education ?

#### WASTE OF GOVERNMENT MONEY ON THE CENTRAL GIRLS' SCHOOL, AJMER.

†250. **\*Mr. Abdul Latif Saheb Farookhi :** (a) Will Government please state if it is a fact that there are only 32 students in the Government Central Girls' School, Ajmer ? If it is not a fact, will Government please state the total number of the students at present on the rolls of the said school ?

(b) Is it a fact that the said school has only four classes and six teachers ?

†For answer to this question, see answer to question No. 246.



(c) Is it a fact that about Rs. 1,000 per month are spent in running the said school ?

(d) What is the annual expenditure per student in the said school ?

(e) Is it a fact that the recurring expenditure incurred by Government per student in the said school is far greater than the expenditure per student incurred by Government in any other girls' school in British India ?

(f) If the reply to part (e) be in the affirmative, what steps do Government propose to take to put a stop to the enormous waste of Government money in running the Government Central Girls' School, Ajmer ?

#### CLASSES IN THE GOVERNMENT CENTRAL GILES' SCHOOL, AJMER.

†251. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government please state if it is a fact that over and above the four sanctioned classes there is in the Government Central Girls' School, Ajmer, a coaching class which has not been sanctioned by competent authority ?

(b) Is it a fact that the girls of the said coaching class are of various educational attainments and that they study diverse courses ?

(c) Is it a fact that the Head Mistress of the said school has entered the names of the girls of the said coaching class in the attendance register of class V, whose course of teaching is quite different from the courses of the coaching class girls ? If so, are Government aware that the said action of the said Head Mistress makes the number of the students of class V greater than it actually is ?

(d) What action do Government propose to take in the matter ?

#### VISITS PAID TO CERTAIN SCHOOLS BY THE ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

†252. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government please state the distances of the following primary schools in Ajmer-Merwara from Pisangan (Ajmer-Merwara) and also their distances from one another : Govindgarh, Nand, Bhagwanpura, Dantra, and Nagelav ?

(b) Will Government please put on the table of the House a statement concerning each of the primary schools referred to in part (a), showing (i) the dates of the visits paid to it by Mr. P. B. Joshi, Assistant Superintendent of Education, Ajmer-Merwara in 1927, 1928, and 1929, (ii) the number of the inspection notes in the handwriting of Mr. P. B. Joshi in the inspection note books of the school in 1927, 1928, and 1929, (iii) the amount of travelling allowance drawn from Government by the said Mr. P. B. Joshi for each visit to the school, together with the place from which and the places to which the travelling allowance was charged, in 1927, 1928, and 1929 ?

#### LACK OF ENGLISH TEACHING AT THE PISANGAN VERNACULAR SECONDARY SCHOOL.

†253. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government please state if it is a fact that the vernacular secondary school of Pisangan

†For answer to this question, see answer to question No. 246.

in Ajmer-Merwara is older than the vernacular secondary school of Saradhna in Ajmer-Merwara ?

(b) Is it also a fact that Mr. P. B. Joshi the Assistant Superintendent of Education, Ajmer-Merwara, arranged to give the privilege of English as an optional subject to the Saradhna secondary school and not to the Pisangan secondary school ?

(c) Is it also a fact that Pisangan is a much more populous town than Saradhna ?

(d) Is it also a fact that a police station and a Government dispensary are also located in Pisangan, whereas there is no police station or Government dispensary in Saradhna ?

(e) Is it also a fact that the number of Government servants posted in Pisangan is far greater than the number of Government servants posted in Saradhna ?

(f) If the replies to the question in parts (a) to (e) above are facts, why was not the privilege of English teaching given to the Pisangan school, before or along with, the Saradhna school ?

(g) Is it a fact that the present Sub-Inspector of Police, Pisangan, has been compelled to send his son for his education to the Saradhna vernacular secondary school boarding house for want of provision for English teaching in the secondary school, Pisangan ?

(h) Are Government aware that Mr. C. C. Watson, then Commissioner, Ajmer-Merwara, made a special mention of the excessive poverty of the peasants of Pisangan Istimrari area in 1922 and 1923 after personal inspection of the Pisangan locality ?

(i) Are Government aware that Pisangan peasants are at present unable to give their children any education in English in consequence of the want of provision for English teaching in the Pisangan school and of their poverty which does not allow them to send their children outside for education ?

(j) Do Government propose to start the teaching of English in the secondary school, Pisangan ?

#### HELP RENDERED TO THE ISTIMRARDAR OF PISANGAN BY MR. P. B. JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

†254. \*Mr. Abdul Latif Saheb Farookhi : (a) Has the attention of Government been drawn to a leading article entitled " Pisangan's memorial to the Viceroy " published at pages 8 and 10 of the *State's Weekly*, Ajmer, dated the 28th March, 1930 ?

(b) Have Government made an inquiry into the part played by Mr. P. B. Joshi, Assistant Superintendent of Education, Ajmer-Merwara, in helping the Istimrardar of Pisangan in his disputes with his tenants, referred to in the said article ? If so, will Government please communicate to this House the result of the inquiry ?

†For answer to this question, see answer to question No. 246.

VISITS PAID TO SCHOOLS BY MR. P. B. JOSHI, ASSISTANT SUPERINTENDENT OF EDUCATION, AJMER-MERWARA.

†255. \*Mr. Abdul Latif Saheb Farookhi : (a) In response to questions in the Legislature last Session the Government stated that Mr. P. B. Joshi, Assistant Superintendent of Education, Ajmer, paid nine visits to Pisangan only in 1927, 1928 and 1929, in addition to passing through Pisangan at other times, but that he recorded no inspection note in the log book of the Pisangan vernacular school. Will Government kindly now state the object of Mr. Joshi's visit to Pisangan at Government expense ?

(b) Is it a fact that the Pisangan school has remained without any inspection for the last five years ?

(c) Will Government kindly state how many vernacular middle schools have been visited by the Assistant Superintendent of Education in the last three years and how many inspection notes have been recorded by him on the log books of the schools visited by him ? Will Government kindly place on the table various inspection notes on the log books of the schools visited ?

(d) If no inspection notes have been recorded, will Government kindly state the object of such visits, stating at the same time what are the exact duties of the Assistant Superintendent of Education with regard to these schools ?

MALADMINISTRATION OF THE EDUCATION DEPARTMENT IN AJMER-MERWARA.

256. \*Mr. Abdul Latif Saheb Farookhi : Will Government lay on table all the questions and replies given by Government on the maladministration of the Education Department in Ajmer-Merwara since 1927 ? Will Government kindly state what action has been taken by them on the irregularities and grievances brought to their notice by such questions ?

Sir Frank Noyce : As regards the first part of his question, I must refer the Honourable Member to the proceedings of the Legislative Assembly. I regret that I am unable to accede to the request made in the second part of his question as the collection of the information asked for would involve an expenditure of time and trouble which would hardly seem justified. I may, however, inform him that Government have decided to appoint a whole-time Superintendent of Education for Ajmer-Merwara, Delhi and Central India. They trust that as a result of this appointment, there will be an improvement in the administration of educational affairs in these areas.

RESULTS AND TEACHERS OF THE NORMAL SCHOOL, AJMER.

†257. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government kindly state the results, with percentage, in 1927, 1928, and 1929 of the C. T. examination in the Normal School, Ajmer, as also in the year 1930 ?

(b) Will Government kindly state the results, with percentage, in 1928 and 1929 of V. T. and P. T. certificate examination in the Normal School, Ajmer, as also in the year 1930 ?

(c) Is it a fact that the Muslim Headmaster of the Normal School and the Muslim Head Teacher of the Model School attached to the Normal

† For answer to this question, see answer to question No. 246.

School for practising have been replaced by Hindu Headmasters, and that all the teachers in the Normal School and the Model School, are of Arya Samajist tendencies ? If so, why ?

STRENGTH AND COMMUNITIES OF EMPLOYEES IN THE OFFICE OF THE PUBLIC SERVICE COMMISSION.

258. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government be pleased to lay on the table a statement showing the strength of the assistants, clerks and stenographers employed in the office of the Public Service Commission ; the number of Hindus, Muslims, Anglo-Indians, Sikhs, Christians, etc., in each category on (i) the 1st April, 1929, and (ii) at present ?

(b) How many vacancies occurred since 1st April, 1929, in the different categories and how were they filled ?

The Honourable Mr. H. G. Haig : (a) A statement is laid on the table.

(b) Three permanent vacancies have occurred in the grade of clerk since 1st April, 1929. Two were filled by Hindus and one by an Anglo-Indian.

Office establishment of the Public Service Commission.

Staff on 1st April, 1929.

Staff on 9th July, 1930.

Assistants.

|                |          |          |
|----------------|----------|----------|
| Hindus ..      | 3        | 3        |
| Muhammadans .. | 1        | 1        |
|                | <u>4</u> | <u>4</u> |

Clerks.

|                  |           |           |
|------------------|-----------|-----------|
| Hindus ..        | 9         | 9         |
| Muhammadans ..   | 3         | 3         |
| Anglo-Indians .. | 1         | ..        |
| Sikhs ..         | ..        | 1         |
|                  | <u>12</u> | <u>13</u> |

Stenographers.

|                  |          |          |
|------------------|----------|----------|
| Hindus ..        | 3        | 3        |
| Muhammadans ..   | 1        | 1        |
| Anglo-Indians .. | 1        | 1        |
|                  | <u>5</u> | <u>5</u> |

Grand Total 21.

|                  |    |                  |    |
|------------------|----|------------------|----|
| Hindus ..        | 14 | Hindus ..        | 15 |
| Muhammadans ..   | 5  | Muhammadans ..   | 5  |
| Anglo-Indians .. | 2  | Anglo-Indians .. | 1  |
|                  |    | Sikhs ..         | 1  |

Mr. Abdul Latif Saheb Farookhi : Why were not the claims of the Muslims taken into consideration at the time the vacancies occurred and the appointments were made ?

The Honourable Mr. H. G. Haig : I think the claims of Muslims were considered, but that is a matter which might be further pursued with the Public Service Commission.

## APPOINTMENT OF PROBATIONARY SUPERINTENDENTS OF POST OFFICES.

259. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government please state if it is a fact that the selection of candidates for appointment as Probationary Superintendents of Post Offices is made from amongst those candidates who qualify at the Indian Audit and Accounts Service examination held annually by the Public Service Commission ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the principles according to which the selection is made ?

(c) Is it a fact that, on many occasions in the past, candidates who were down below in the list of the examination were selected for appointment as Probationary Superintendent of Post Offices in preference to the candidates who figured high in the list ? If so, will Government be pleased to state the reasons in each case ?

(d) Did Government ever consider the desirability of giving over the work of recruitment for this service to the Public Service Commission and if so what decision was arrived at ? Was the Public Service Commission consulted on the subject and what were its views ?

(e) How many candidates were selected for appointment as Probationary Superintendent of Post Offices during the last three years, and how many Muslim candidates were selected each year ?

The Honourable Sir Joseph Bhore : (a) Yes. Recruitment for vacancies in any official year is made from among the candidates who had appeared and qualified at the examination held in the preceding year.

(b) The present method of recruitment was introduced from the 1st January, 1929. Recruitment in accordance with it commenced from the examination held in December, 1928, and a selection of the candidates who were considered most suitable was made from those who had appeared and qualified at that examination. It was decided in December, 1929, that in future the selection of recruits both from the majority and minority communities should be made in the order in which the candidates are placed in the list published by the Public Service Commission showing the result of the Indian Audit and Accounts Service Examination, a limited preference being given to sons and relatives of employees or ex-employees of the Posts and Telegraphs Department.

(c) The fact is not as stated. Seeing that the system was only introduced in 1929, there could not have been more than two periods of selection. Of the candidates who appeared at the examination held in December, 1928, five were selected in 1929. One Hindu who was selected was first amongst those who had qualified but did not succeed in getting into the Indian Audit and Accounts Service. The Muhammadan who stood first amongst the Muhammadan candidates was also selected. The other three candidates did not stand high on the list but two of them were selected because they were the sons of employees of the Department and a third, a Muhammadan, was selected in order to adjust communal inequalities.

(d) Yes. It was decided, in consultation with the Public Service Commission, that the system described in my replies to parts (a) and (b) should be introduced experimentally, the question whether the recruitment

should subsequently be entrusted wholly to the Commission being reserved for further examination later on.

(e) 15. Six of these were Muslims, two having been selected in 1927-28, one in 1928-29 and three in 1929-30.

## RECKONING OF DELHI CAMP ALLOWANCE AS PART OF EMOLUMENTS FOR RECOVERY OF RENT.

260. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government please state if it is a fact that the Delhi Camp Allowance admissible to incumbents in the Attached Offices is not reckoned for the purpose of making allotment of clerks' quarters in New and Old Delhi but is considered as part of emoluments for the purpose of recovery of rents ?

(b) Was this anomaly ever brought to the notice of Government by the Attached and Subordinate Offices Association ? If so, what decision was made by the Government ?

(c) Is it a fact that the Delhi Camp Allowance is a compensatory allowance and is free from income-tax and other charges ?

The Honourable Sir Joseph Bhore : (a) Yes.

(b) The matter was brought to the notice of the Government of India on a representation from certain clerks of the office of the Director General, Indian Medical Service, which was rejected.

(c) Yes.

## NUMBERS OF MUSLIMS AND NON-MUSLIMS IN THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL, NEW DELHI.

261. \*Mr. Abdul Latif Saheb Farookhi : (1) Will Government please put on the table of the House a statement showing (a) the number of Muslim students, (b) the number of non-Muslim students in (i) the medical classes, (ii) the F. Sc. classes, of the Lady Hardinge Medical College, New Delhi ?

(2) Will Government please state (a) the total number of Muslim students, (b) the total number of non-Muslim students of the Lady Hardinge Medical College, New Delhi, who have been successful in obtaining the M. B. B. S. degree since the College was established ?

(3) Will Government please state the number of (a) the Muslim, (b) the non-Muslim, members of the staff (including clerks) of the Lady Hardinge Medical College and Hospital, New Delhi ?

(4) Will Government please state the total amount of money paid as salaries to (a) Muslim, (b) non-Muslim, members of the staffs (including clerks and menial servants) of the Lady Hardinge Medical College and Hospital, New Delhi, in 1929-30 ?

(5) What is the total number of (i) Muslims, (ii) non-Muslims, employed as menial servants in the Lady Hardinge Medical College and Hospital, New Delhi ?

Sir Frank Noyce : With your permission, Sir, I shall answer questions Nos. 261 to 264 together and to the same effect as questions Nos. 209 to 211 which I have already answered. I regret that I cannot at the

moment supply the information asked for, but it is being collected and will be supplied to the Honourable Member later. When the information is available, Government will consider what action, if any, is necessary.

#### APPOINTMENT OF MUSLIMS TO THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL, NEW DELHI.

†262. \*Mr. Abdul Latif Saheb Farookhi : (a) Is it a fact that there has never been a Muslim on the teaching staff of the Lady Hardinge Medical College, New Delhi ?

(b) Is it a fact that the proportion of the Muslim students of the Lady Hardinge Medical College to the total number of the students of the said College is exceedingly below what it should be on the population basis ?

(c) Is it a fact that almost all the scholarships from the College or Dufferin Funds are given to the non-Muslim students of the said College and that with a few exceptions Muslim students of the said College are prosecuting their studies without scholarships from the said funds ?

(d) Is it a fact that even on the menial staff of the said College and its Hospital the proportion of Muslim employees to the total number of employees is much below what it should be on the population basis ?

(e) Do Government propose to reserve an adequate number of seats and an adequate number of scholarships for Muslim students in the said College ?

(f) Are Government prepared to appoint non-Muslims to any vacancies that may occur in the said College and Hospital only when suitable Muslims have obtained adequate representation on the staffs of the said College and Hospital (including clerks and menial servants) ?

#### DISCOURAGEMENT OF MUSLIM STUDENTS AT THE LADY HARDINGE MEDICAL COLLEGE, NEW DELHI.

†263. \*Mr. Abdul Latif Saheb Farookhi : (a) Is it a fact that four Muslim students were admitted to the 1st year Science class and one Muslim student to the medical class of the Lady Hardinge Medical College, New Delhi, in 1929 ? If so, what percentage of the total number of students admitted to the said College in the said year did those Muslim students form ?

(b) Is it a fact that none of the Muslim students referred to in part (a) was given a scholarship from the College or Dufferin Fund ? If so, why ?

(c) Is it a fact that one of the Muslim students referred to in part (a) was discharged from the College on the ground of ill-health ? If so, is it a fact that the said student was in good health when she was admitted to the said College, but had her health impaired during her stay in the College ?

† For answer to this question, see answer to question No. 261.

(d) Is it a fact that two of the Muslim students referred to in (a) were discharged from the said College after one academic year's stay at the College on the ground that they were intellectually too weak to prosecute their studies ? If so, why did not the Principal satisfy herself with regard to the ability of the said two students at the time of their admission, or discharge them early in the said academic year ?

(e) Is it a fact that no non-Muslim student of the said College was discharged at the end of the said academic year on the ground of intellectual weakness ?

(f) Is it a fact that one of the Muslim students referred to in part (a) was detained in the 1st year F. Sc. class ? If so, is it a fact that the said student had regularly attended the College lessons ?

(g) If what are stated in parts (a) to (f) above are facts, what steps do Government propose to take in the matter ?

#### ILL-HEALTH OF K. FATIMA, A MUSLIM GIRL STUDENT AT THE LADY HARDINGE MEDICAL COLLEGE, NEW DELHI.

†264. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government please state if it is a fact that a Muslim girl, K. Fatima, admitted to the 1st year Science Class of the Lady Hardinge Medical College, New Delhi, in 1929, was found to be physically and intellectually fit for the College course by the Principal, who personally tested her in all respects at the time of her admission ?

(b) Is it a fact that the Principal compelled K. Fatima to be engaged till late hours, in the preparation for a number of dramatic performances ?

(c) Is it a fact that in spite of being ill, K. Fatima was ordered by the said College authorities to sit for the College examination held just before the spring holidays of 1930, and the strain of the examination aggravated her illness, compelling her to give up participation in the examination before its completion ?

(d) Is it a fact that the said K. Fatima fell ill again in April, 1930, and her illness assumed the form of protracted and serious ill-health, preventing her from participation in the annual examination held in May, 1930 ?

(e) Is it a fact that at least one major surgical operation and a number of minor surgical operations were performed on the said K. Fatima in 1930 ? If so, did the Principal obtain the guardian's permission regarding the operations or inform him of them ?

(f) Is it a fact that the Principal never sent a health report of K. Fatima to her guardian ?

(g) Is it a fact that the principal never attended to K. Fatima during her illness except on the occasion of her discharge from the hospital in June, 1930 ?

(h) Is it a fact that K. Fatima was discharged from the hospital of the Lady Hardinge Medical College in June, 1930, before recovery ?

† For answer to this question, see answer to question No. 261.

(i) If what are stated in parts (a) to (h) above are facts, do Government propose to take any action against the authorities responsible ?

# SYSTEM OF AUDIT IN CLOTHING FACTORIES IN SHAHJAHANPUR AND MADRAS.

265. \*Mr. Abdul Latif Saheb Farookhi : Will Government be pleased to state :

- (i) when the permanent establishments of the two Branches of the Military Accounts Department attached to each of the Clothing Factories in Shahjahanpur and Madras came into existence ;
- (ii) what was the object of Government in creating these Military Accounts Branches and attaching them to the Clothing Factories ;
- (iii) what system of audit did it replace in the Clothing Factories during the pre-war days ;
- (iv) what is the total cost of each of these establishments for the years 1928-29 showing in detail as below :

|                  | No. | Salaries<br>paid to<br>each. | Distribution<br>of work to<br>each. |
|------------------|-----|------------------------------|-------------------------------------|
| (a) Officers     | ..  | ..                           | ..                                  |
| (b) Accountants  | ..  | ..                           | ..                                  |
| (c) Clerks, etc. | ..  | ..                           | ..                                  |

- (v) what is the total cost of the establishments of the two Clothing Factories at Shahjahanpur and Madras, showing separately and in detail as shown in (iv) above, for 1928-29 ;
- (vi) if the expenditure incurred by maintaining the aforesaid two Military Accounts Branches, is charged to these two Clothing Factories ;
- (vii) besides this audit, if there are other periodical audits on the Clothing Factories ;
- (viii) if so, how many such audits take place in a year ;
- (ix) if it is a fact, that besides these two kinds of separate audits, there is also a " Commercial Audit " ;
- (x) if so, what are the total " Travelling Allowances " incurred for such periodical and commercial audits in the year 1928-29 ;
- (xi) whether the expenditure involved in the above two audits, namely, ' periodical ' and ' commercial audits ', is also charged to the two Clothing Factories ; and
- (xii) whether Government are prepared to consider a less expensive system of auditing with a view to reducing thereby the cost of production pertaining to the manufacture of military uniforms ?

The Honourable Sir George Schuster : (i) From the 1st April, 1922.

(ii) The object was to speed up the preparation of accounts and to afford to the Superintendents of the Factories advice on the spot on accounts and audit matters.

(iii) The new system replaced a centralised audit conducted in the Controller's main office.

(iv) The information is being collected and will be furnished to the Honourable Member as soon as possible.

(v) A statement giving the required information is placed on the table.

(vi) The reply is in the affirmative.

(vii) and (viii). Apart from test audit by the Commercial Audit Branch, to which I shall refer again later, there is no other periodical audit. Formerly, a periodical local audit was conducted by the Controller of Army Factory Accounts, but this was discontinued in August, 1929.

(ix) An annual test audit on behalf of the Auditor General is conducted by the staff of the Director of Commercial Audit, but only after one audit by the Military Accounts Department.

(x) The expenditure on travelling allowance incurred by the Commercial Audit Branch during 1928-29 amounted to Rs. 1,300. As regards similar expenditure incurred by the Military Accounts Department, the information is not immediately available ; it will be furnished to the Honourable Member as soon as possible.

(xi) The reply is in the negative. As already stated, the " periodical " audit has been discontinued.

(xii) For the reasons already stated, it is considered essential for the economical administration of the Factories to maintain an accounting system on the present lines. It would, in the opinion of Government, be definitely inadvisable to revert to the pre-war procedure.

Statement showing the total cost of the establishments of the two clothing factories at Shahjahanpur and Madras for 1928-29.

|                                                     | Shahjahanpur. |                |                                                                                          | Madras. |                                    |                                                     |
|-----------------------------------------------------|---------------|----------------|------------------------------------------------------------------------------------------|---------|------------------------------------|-----------------------------------------------------|
|                                                     | No.           | Salaries paid. | Distribution of work.                                                                    | No.     | Salaries paid.                     | Distribution of work.                               |
|                                                     | 1             | 2              | 3                                                                                        | 4       | 5                                  | 6                                                   |
| Officers, Commissioned and Gazetted.                | 4             | Rs. 61,122     | General supervision connected with the running of the Factory.                           | 1       | Rs. 8,334                          | As under column 3.                                  |
| Non-gazetted staff including British soldiers, etc. | 69            | 1,30,180       | Supervision of outturn from shops; performance of clerical duties, etc.                  | 55      | 69,719                             | Do.                                                 |
| Medical establishment                               | 1             | 3,080          | Looking after the health of the Factory employees, and their families, where authorised. | ..      | 60 (Inspection fee of Rs. 5 p.m.). | Do.                                                 |
| Menial establishment ..                             | Nil           | Nil            | ..                                                                                       | 11      | 1,643                              | Duties of Duftry, Peons, Messengers, Sweepers, etc. |
| Total                                               | ..            | 1,94,382       | ..                                                                                       | ..      | 79,756                             |                                                     |

## TRANSIT CHARGES ON MATERIAL DESPATCHED TO THE SHAHJAHANPUR CLOTHING FACTORY.

266. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government be pleased to state why the whole supply of *khaki* garments cannot be entirely made up in the Clothing Factory at Madras instead of at the Shahjahanpur Factory with a view to save expenditure of transit charges to the State ? Is it a fact that the material for *khaki* garments, which form the bulk in the manufacture of military uniforms, is drawn from Messrs. Binny & Co.'s Mills at Madras ?

(b) Will Government be pleased to furnish a statement of transit charges incurred by Government each year from 1925 to 1929 by despatching materials from Messrs. Binny & Co.'s Mills at Madras to the Shahjahanpur Factory, for the purpose of making up *khaki* garments for the army ;

(c) Is it a fact that some correspondence on the working of the Shahjahanpur Factory passed between the D. Q. F. & M., Simla and Colonel Jenkins, who has a knowledge of the working of both the Factories at Shahjahanpur and Madras, or was any report submitted by Colonel Jenkins on the administration of the Shahjahanpur Factory ? Will Government be pleased to lay on the table the complete correspondence on the subject and the Administration Report referred to above ?

Mr. G. M. Young : (a) The first part of the question was answered in my letter No. 90-Y., dated the 16th June, which I sent to the Honourable Member in continuation of my reply to his questions Nos. 170 to 172 and 204 asked on the 29th January and 4th February, 1930. A copy of the letter has been placed in the Library. The answer to the second part is in the affirmative.

Expenditure incurred on despatching cloth from Madras is largely counterbalanced by savings effected in distributing clothing from Shahjahanpur.

(b) Approximately Rs. 500 was spent on this account in 1925, Rs. 1,500 in 1926, Rs. 8,500 in 1927, Rs. 3,000 in 1928 and Rs. 3,000 in 1929.

(c) I have not been able to trace the correspondence referred to by the Honourable Member. Administration Reports submitted annually by factories are confidential documents and are not compiled for publication.

## EXACTION OF MONEY FROM HIS TENANTS BY THE ISTIMRARDAR OF PISANGAN.

267. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government please state if it is a fact that, in a petition, dated the 17th August, 1929, to the Commissioner, Ajmer-Merwara, the public of Pisangan complained that the Istimrardar of Pisangan had exacted about Rs. 2,000 or Rs. 2,500 from the public of Pisangan in about two years by confining their cattle in his private cattle-pound ?

(b) Is it a fact that in the petition referred to in (a) above, it was also complained that the Istimrardar of Pisangan in Ajmer-Merwara has been exacting money from his tenants by tying them to the rear-legs of horses and by pressing their heads under heavy stones, after, and in spite



of, the compromise, dated the 14th July, 1923, with the tenants, signed by the Commissioner, Ajmer-Merwara ?

(c) Did Government make an inquiry into the complaints referred to in parts (a) and (b) above ? If so, will Government please state :

- (i) who conducted the inquiry and when ;
- (ii) were the complaining tenants or their representatives allowed to make statements and produce witnesses before the enquiring officer ;
- (iii) was the Istimrardar or his representative allowed to make statements and produce witnesses before the enquiring officer ;
- (iv) was the inquiry held in the presence of both the parties ; if not, why not ;
- (v) was the enquiry public or in camera ; if in camera, why so ; and
- (vi) will Government please put on the table of the house the report of the enquiring officer and the statements of the witnesses and the parties ?

**Sir Frank Noyce :** With your permission, Sir, I shall reply to questions Nos. 267 to 275 together. Government have no information at present in regard to any of the matters mentioned in them with the exception of question 272 (e), the answer to which is in the affirmative. Inquiries are being made in regard to question No. 270 and a report has been called for from the local authorities on all these questions. The information will be furnished to the Honourable Member when it is received. Government will also then consider what further action, if any, should be taken.

#### COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

†268. \***Mr. Abdul Latif Saheb Farookhi :** (a) Will Government please state if it is a fact that the merchants and peasants of the Pisangan Istimrari area in Ajmer-Merwara submitted a number of petitions to the Local Government officials of Ajmer-Merwara complaining against the forcible removal of their stones by the Istimrardar of Pisangan, the unauthorised confinement of their cattle in the Istimrardar's private cattle-pound, and other unwarranted actions of the Istimrardar of Pisangan ?

(b) If so, what action did Government take on the petitions ?

#### COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

†269. \***Mr. Abdul Latif Saheb Farookhi :** Will Government please place on the table of the House copies of the following petitions against the Istimrardar of Pisangan in Ajmer-Merwara regarding his realising money for permission to repair houses, his removal of stones and other materials from the tenants' buildings, his exaction of money by keeping the tenants' cattle in confinement, the abnormally high rates of land rent, and such other practices of him : (i) the petition, dated the 17th August, 1929, submitted by the public of Pisangan to the Commissioner, Ajmer-Merwara, (ii) the petition, dated the 19th October, 1929, submitted by the

†For answer to this question, see answer to question No. 267.

public of Mauza Pisangan to the Collector, Ajmer-Merwara, (iii) the petitions submitted to the Assistant Commissioner, Ajmer-Merwara, in December, 1929, by the Gujars of Pagara, the Kumhars of Pisangan, the Jats of Rampura, the Jats of Nand and Hanwatpura, and the Gujars of Bakhtawarpur and Barsuri ?

#### COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

†270. \***Mr. Abdul Latif Saheb Farookhi :** (a) Will Government please state if it is a fact that a reply paid telegram complaining against the Istimrardar of Pisangan (Ajmer-Merwara) was wired by Chanda, cultivator of Pisangan, to His Excellency the Viceroy on the 7th March, 1930 ?

(b) Was any reply given by Government to the telegram referred to in part (a) ? If so, what and when ? If not, why not ?

(c) In case no reply was given to the telegram referred to in part (a), how was the paid telegram form for reply utilised ?

#### VISIT OF THE ASSISTANT COMMISSIONER OF AJMER-MERWARA TO PISANGAN.

†271. \***Mr. Abdul Latif Saheb Farookhi :** (a) Will Government please state if it is a fact that on the 17th March, 1930, Captain Galbraith, Assistant Commissioner, Ajmer-Merwara, visited Pisangan to settle the disputes between the Istimrardar of Pisangan and the peasants after the submission of the peasants' memorial, dated the 6th March, 1930, to His Excellency the Viceroy ?

(b) Is it a fact that the said Assistant Commissioner left Pisangan for Ajmer on the morning of the 18th March, 1930, without having any conversation with the peasants ?

(c) Is it a fact that the said Assistant Commissioner spent the 17th of March, 1930, in hunting along with the Istimrardar of Pisangan ?

(d) Is it a fact that nothing was done as regards the settlement of disputes mentioned in part (a) by the Assistant Commissioner from his arrival in Pisangan on the 17th March, 1930, till his return to Ajmer on the 18th March ?

(e) What was the amount of the travelling allowance drawn by the Assistant Commissioner for the journey to and from Pisangan referred to in part (d) ?

#### VISIT OF THE ASSISTANT COMMISSIONER OF AJMER-MERWARA TO PISANGAN.

†272. \***Mr. Abdul Latif Saheb Farookhi :** (a) Will Government please state if it is a fact that Captain Galbraith, Assistant Commissioner, Ajmer-Merwara, paid a second visit to Pisangan to settle the disputes between the peasants and the Istimrardar after his return to Ajmer on the 18th March, 1930 ?

(b) Is it a fact that the said Assistant Commissioner did not succeed in persuading the peasants to accept his award ?

(c) Is it a fact that the said Assistant Commissioner threatened the peasants ?

†For answer to this question, see answer to question No. 267.

(d) Is it a fact that after the Assistant Commissioner's failure to persuade the peasants to accept his award, confidential orders were given to the police to help the Istimrardar against the peasants of Pisangan ?

(e) Is it a fact that Captain Galbraith, permanent Assistant Commissioner, has been officiating as Commissioner, Ajmer-Merwara, since May, 1930 ?

#### COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

†273. \*Mr. Abdul Latif Saheb Farookhi : (a) Is it a fact that in 1929 one Chanda, cultivator of Pisangan, Ajmer-Merwara, wired to the Commissioner, Ajmer-Merwara, that one hundred and fifty tenants were kept in illegal confinement by Chandmal, Kamdar of the Rajah of Pisangan, an Istimrardar of Ajmer-Merwara ?

(b) Is it a fact that a telegram containing the same complaint as is stated in part (a), was sent to the Honourable the Chief Commissioner, Ajmer-Merwara ?

(c) Is it a fact that after the telegrams referred to in parts (a) and (b), a petition containing the same complaint as is stated in parts (a) and (b), was duly submitted to the Assistant Commissioner, Ajmer-Merwara ?

(d) Is it a fact that no reply was communicated by the Commissioner, Assistant Commissioner, or the Honourable the Chief Commissioner to the complainant ?

(e) Was an inquiry made into the petition referred to in part (c) ? If so, by whom and with what result ?

#### COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

†274. \*Mr. Abdul Latif Saheb Farookhi : (a) Is it a fact that on the 1st April, 1930, Gheesa and other peasants of Pagara (Pisangan, Ajmer), presented themselves at the police station Pisangan to lodge a report that the servants of the Istimrardar of Pisangan and the Government girdawar of the circle took away gram and wheat-ears from their fields in their absence and without their permission and let loose their oxen and horses to feed on the standing crops of the said peasants ?

(b) Is it a fact that the said report was not entered by the police ?

(c) Is it also a fact that the sub-inspector of the Pisangan police station abused and kicked Gheesa for his insistence on the entry of the report ?

(d) Is it a fact that on the 2nd April, 1930, the report referred to in part (a), was sent by post under an acknowledgment due registered cover to the sub-inspector of the Pisangan police station ? If so, will Government be pleased to put a copy of the said report on the table of the House ?

(e) If the reply to the first part of the question in part (d) be in the affirmative, will Government please state whether any action was taken on the report ? If so, what ? If not, why not ?

(f) Is it a fact that after the report referred to in part (d), the Sub-Inspector in charge of the police station Pisangan challaned more than

†For answer to this question, see answer to question No. 267.

half-a-dozen inhabitants of Pisangan under section 34 of the Indian Penal Code in the Court of the Honorary Magistrate, Pisangan, on the 3rd April, 1930 ? If so, is it a fact that the Istimrardar of Pisangan is the Honorary Magistrate of Pisangan ?

(g) Is it a fact that the inhabitants referred to in part (f) were signatories to the memorial against the Istimrardar of Pisangan and Mr. P. B. Joshi, the Assistant Superintendent of Education, Ajmer-Merwara, submitted to His Excellency the Viceroy on the 6th March, 1930 ? If so, why was the case against them tried by the said Istimrardar ?

(h) Is it also a fact that the Pisangan inhabitants referred to in part (f), helped Gheesa and others (who were illiterate), in preparing the report referred to in part (d) ?

#### COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

†275. \*Mr. Abdul Latif Saheb Farookhi : (a) Are Government aware that the servants of the Istimrardar of Pisangan in Ajmer-Merwara forcibly took away 20 seers of corn from the wife of Chautha Patel of Pisangan, who was taking the corn from her barn to her home for domestic consumption on the 12th April, 1930 ?

(b) Is it also a fact that the Government police of Pisangan helped the Istimrardar of Pisangan in the forcible seizure of corn referred to in part (a) above ?

(c) If so, what action do Government propose to take in the matter ?

#### NON-ACCEPTANCE OF A TELEGRAM OF COMPLAINT AGAINST THE ISTIMRARDAR OF PISANGAN.

276. \*Mr. Abdul Latif Saheb Farookhi : (a) Will Government please inquire and state whether it is a fact that Dayal Kumhar of Pisangan in Ajmer-Merwara requested Mirsilal, Station Master, Mangliawas, Bombay, Baroda and Central India Railway, metre gauge, on the 22nd April, 1930, to wire, on behalf of the public of Pisangan, telegram to His Excellency the Viceroy, to the Honourable the Chief Commissioner, Ajmer-Merwara, and to the Commissioner, Ajmer-Merwara, complaining against the Istimrardar of Pisangan and Government police stationed in Pisangan ?

(b) Is it also a fact that the Station Master referred to in (a) refused in writing, to accept and transmit the telegrams on the ground that the said telegrams must be signed by at least 20 persons ? If so, will Government please state whether it is a rule of Government or of the Bombay, Baroda and Central India Railway that a telegram on behalf of the public must be signed by at least 20 persons ?

(c) Is it also a fact that the telegrams, signed by the said Dayal Kumhar and 22 other inhabitants of Pisangan, was again presented to the said Station Master for despatch but was again not accepted by the Station Master ?

(d) Is it also a fact that the telegrams referred to in (c) had to be despatched from the Ajmer telegraph office on the same date (the 22nd of April, 1930) ?

†For answer to this question, see answer to question No. 267.

(e) If what are stated in parts (a) to (d), above are facts, are Government prepared to instruct the Bombay, Baroda and Central India Railway administration to take action against the station master referred to ?

**Mr. A. A. L. Parsons :** I am obtaining information regarding this matter from the Agent of the Bombay, Baroda and Central India Railway and on hearing from him I will communicate with the Honourable Member.

#### COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

277. \***Mr. Abdul Latif Saheb Farookhi :** (a) Is it a fact that on the 22nd April, 1930, Dayal and 22 other peasants of Pisangan Istimrari area in Ajmer-Merwara wired to His Excellency the Viceroy, to the Honourable the Chief Commissioner, Ajmer-Merwara, and to the Commissioner, Ajmer-Merwara, that "Rajah Sahib, Pisangan, Ajmer District, confines public, robs grain property, no action by police. Solicit Mercy" ?

(b) If the reply to the question in part (a) be in the affirmative, will Government please state if any action was taken by Government on the Pisangan peasants' telegrams ? If so, what ? If not, why not ?

**Sir Frank Noyce :** A telegram from the persons named was received by His Excellency on the date mentioned, and was forwarded to the Honourable the Chief Commissioner, Ajmer-Merwara, for local investigation.

#### COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

278. \***Mr. Abdul Latif Saheb Farookhi :** (a) Is it a fact that the peasants of Pisangan (Ajmer-Merwara) submitted a second memorial dated the 1st May, 1930, to His Excellency the Viceroy complaining against the Istimrardar of Pisangan, Mr. P. B. Joshi, the Assistant Superintendent of Education, and the Government Officials at the spot ?

(b) Is it a fact that a copy of the memorial mentioned above was submitted to the Honourable the Chief Commissioner, Ajmer-Merwara ?

(c) Will Government please put on the table of the House a copy of the memorial mentioned in part (a) above ?

**Sir Frank Noyce :** (a) Yes.

(b) So far as the Government of India are aware, this fact is as stated.

(c) Government will consider this question when the report which they have called for from the Chief Commissioner has been received.

#### EXTORTION OF ARBITRARY CESSSES FROM TENANTS BY THE ISTIMRARDAR OF PISANGAN.

279. \***Mr. Abdul Latif Saheb Farookhi :** (a) Is it a fact that on the 29th October, 1929, the Honourable the Judicial Commissioner, Ajmer-Merwara, in his judgment of the civil Second Appeal, No. 56 of 1928, pronounced, in regard to the cesses imposed on the tenants, that "I think the learned additional District Judge was perfectly correct in his statement

that the levy of these cesses was very arbitrary and out-of-date and cannot be continued. Times have changed very, very much since the Records of Rights was sanctioned in 1874. It is true that there has been a certain number of decrees for the levy of *Kholri*, but these to my mind are now an anachronism" ?

(b) Is it also a fact that the attention of the Local Government was drawn to the judgment referred to in part (a) in a leading article entitled 'Pisangan's Memorial to the Viceroy' at pages 8 and 10 of the *State's Weekly*, Ajmer, dated the 28th March, 1930 ?

(c) Is it a fact that the Istimrardar of Pisangan compels his tenants to pay the cesses pronounced as arbitrary and out-of-date by the Honourable the Judicial Commissioner, Ajmer-Merwara, in the judgment referred to in part (a) ?

(d) Is it also a fact that the Local Government officials assist the Istimrardar of Pisangan in extorting from the tenants the cesses referred to in part (c) ?

(e) If what are stated in parts (a) to (d) above are facts, what action do Government propose to take against the Istimrardar of Pisangan and the officials referred to in part (d) ?

**Sir Frank Noyce :** With your permission, Sir, I shall also answer questions Nos. 279—281 together. Government have no information on any of the matters referred to in them, but they have called for a report and when it is received will supply the Honourable Member with the information for which he has asked. They will also then consider what further action, if any, should be taken.

#### LAND RENT DEMANDED BY THE ISTIMRARDAR OF PISANGAN.

†280. \***Mr. Abdul Latif Saheb Farookhi :** (a) Is it a fact that the Khalsa circles of Nagelau, Kalesara, Rampura, Lahsua, and Nand in Ajmer-Merwara, where the *ryotwari* system exists, are in the neighbourhood of the Pisangan Istimrari area ?

(b) Will Government please put on the table of the House a statement showing the maximum rate of land-rent per bigha and the minimum rate of land-rent per bigha for (i) Barani lands, (ii) Chahi lands, (iii) Abi lands, and (iv) Talabi lands, in each of the Khalsa circles named in part (a) ?

(c) Will Government please inquire and state what maximum rate of land-rent per bigha and minimum rate of land-rent per bigha for (i) Barani lands, (ii) Chahi lands, (iii) Abi lands, and (iv) Talabi lands does the Istimrardar of Pisangan demand from his tenants ?

#### COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

†281. \***Mr. Abdul Latif Saheb Farookhi :** (a) Is it a fact that there have been bitter disputes of long standing between the Istimrardar of Pisangan in Ajmer-Merwara and the Pisangan peasants and merchants ?

†For answer to this question, see answer to question No. 279.

(b) Is it a fact that the Istimrardar of Pisangan is the Honorary Magistrate and Munsif in his Istimrari area ?

(c) Is it a fact that lots of applications by the peasants and merchants of the Pisangan Istimrari area complaining against the Honorary Magistrate and Munsif referred to in part (b) have been continuously submitted to the Commissioner, Ajmer-Merwara ?

(d) Is it a fact that so far the said Commissioner has not taken any action concerning the unanimous complaints referred to in part (c) ? If so, why ?

(e) Will Government please put on the table of the House copies of two applications dated 5th November, 1928, and 10th October, 1929, submitted to the Commissioner, Ajmer-Merwara, by hundreds of farmers and merchants of Pisangan Istimrari area and containing complaints of many kinds against the present Honorary Magistrate and Munsif of Pisangan ?

#### FEES CHARGED IN THE COURT OF THE HONORARY MUNSIF OF PISANGAN.

282. \*Mr. Abdul Latif Saheb Farookhi : (a) Is it a fact that for comparing Khatabahi a fee of two rupees in cash on a claim of rupees hundred is charged in the court of the Honorary Munsif of Pisangan in Ajmer-Merwara, whereas in Ajmer civil courts a fee of only two annas on a claim of any amount is charged for comparing Khatabahi ?

(b) Is it a fact that unlike the custom in the Ajmer civil courts, the fee for comparing Khatabahi realised by the court of the Honorary Munsif, Pisangan is not included in the plaintiff's cost ?

(c) Will Government please state how the amount of money realised as fees for comparing Khatabahi by the Honorary Munsif, Pisangan, is disposed off ?

Mr. E. B. Howell : With your permission, Sir, I propose to answer questions Nos. 282, 284, 285, 286, 287, 288 and 289 together. The information is being collected and will be communicated to the Honourable Member in due course.

#### FIRE IN THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY CARRIAGE SHOP, AJMER.

283. \*Mr. Abdul Latif Saheb Farookhi : (a) Is it a fact that a fire broke out in 1930 in the Bombay, Baroda and Central India Railway Carriage Shop, Ajmer, causing a damage of several lakhs of rupees ?

(b) Is it also a fact that the police have been unable as yet to trace out any culprits in connection with the fire referred to in part (a) ?

Mr. A. A. L. Parsons : (a) and (b). Inquiries are being made from the Railway Administration and the Honourable Member will be furnished with the information in due course.

12 Noon.

#### MURDER OF A WOMAN IN AJMER.

†284. \*Mr. Abdul Latif Saheb Farookhi : (a) Has the attention of Government been drawn to an article entitled "Ajmer police ki Nadirshahi" published at page 6 of the *Rajasthan Sandesh*, Ajmer, dated the 30th June, 1929 ?

(b) If the reply to the question in part (a) be in the affirmative, will Government please state whether they have inquired into the allegations made in that article regarding the carrying away of sojourners from the Ajmer dharmshalas by the police with a view to extort money from them ? If so, will Government please communicate to the House the result of the inquiry ?

(c) Is it a fact that one Musammat Samiwa, wife of Rupchand a pilgrim to Pushkar, sojourning in Ajmer, was carried away by policemen from an Ajmer Dharmshala to Aghori Karamnath's abode, where she was murdered after the publication of the article referred to in part (a) ?

#### ALLEGATIONS AGAINST THE AJMER POLICE.

†285. \*Mr. Abdul Latif Saheb Farookhi : (a) Has the attention of Government been drawn to an editorial note entitled "Ajmer ki police" published at page 4 of the *Rajasthan Sandesh*, Ajmer, dated the 14th July, 1929 ?

(b) If so, have Government inquired into the allegations against the Ajmer police made in the said article ? If not, why not ?

#### MURDER OF A WOMAN IN AJMER.

†286. \*Mr. Abdul Latif Saheb Farookhi : (a) Has the attention of Government been drawn to an article, entitled "Ajmer men manush bhakshi Sadhu", published at page 6 of the *Rajasthan Sandesh*, Ajmer, dated the 14th July, 1929 ?

(b) Is it a fact that during Mr. Gibson's tenure of office as Commissioner, Ajmer-Merwara, one Musammat Samwa, wife of Rupchand, a pilgrim to Pushkar, was murdered in Ajmer ?

(c) Is it a fact that the wife and husband referred to in part (b) were staying in a Dharmshala, from which they were led by policemen to the abode of a Sadhu who was subsequently convicted and punished for murder ?

(d) Is it a fact that after the murder referred to in part (b), when a jamadar took the murdered woman's husband to the kotwali, the officers on duty there did not enter the report made by him that his wife was missing ?

(e) Is it a fact that for about three days after the murder no report about the missing woman was entered by the police ? If so, why ?

(f) If the replies to the questions in parts (d) and (e) be in the affirmative, did Government take any action against the officer or officers responsible for not entering the report referred to in parts (d) and (e) ? If so, what ? If not, why not ?

†For answer to this question, see answer to question No. 282.

(g) Is it a fact that it was with the assistance of Messrs. Hemchand and Hariram and other residents of Ajmer and the recommendation of Mr. Mangi Lal, Magistrate and Treasury Officer, Ajmer, to the Deputy Superintendent of Police, that the husband of the murdered woman was at last successful in having his report entered by the police?

(h) Is it a fact that police investigation began three days after the murder? If it is not a fact, how many days after the murder did the police investigation begin?

(i) Is it a fact that the police could not discover the dead body of the murdered woman?

#### SEIZURE AND DESTRUCTION OF FOOD BY THE POLICE AT KAIROT.

†287. \*Mr. Abdul Latif Saheb Farookhi: (a) Is it a fact that about a year ago, in the time of Mr. Gibson's Commissionership of Ajmer-Merwara, the police seized and destroyed an immense quantity of food prepared for a funeral feast by an Oswal merchant at Kairot in the Istimrari area of Kairot in Ajmer-Merwara? If so, by whose order did the police seize and destroy the food?

(b) Is it a fact that a complaint was filed in a criminal Court in Ajmer against the police and the Istimrardar of Kairot in respect of the seizure and destruction of food referred to in part (a)?

(c) Is it also a fact that the Istimrardar of Kairot was deprived of his powers as an Honorary Magistrate after the complaint referred to in part (b)?

(d) If the replies to the questions in parts (a) to (c) be in the affirmative, did Government take any action against the police referred to in part (a) and the officer under whose orders the police seized and destroyed the food? If so, what? If not, why not?

#### APPOINTMENT OF TREASURY OFFICER AND MAGISTRATE, AJMER.

†288. \*Mr. Abdul Latif Saheb Farookhi: (a) Is it a fact that Mr. Jawahir Lal has been temporarily appointed as Treasury Officer and Magistrate, Ajmer, during the Commissionership of Mr. Gibson?

(b) Was the appointment referred to in part (a) made by selection through competition? If so, how many candidates took part in the competition?

(c) Were applications for the appointment invited by advertisement and public notification? If so, what were the dates of advertisement and public notification? If not, why not?

(d) Is it a fact that there is no Muslim gazetted officer in the revenue line and no Muslim paid Magistrate in Ajmer-Merwara?

(e) If so, will Government please state why no Muslim was appointed as Treasury Officer and Magistrate, Ajmer?

†For answer to this question, see answer to question No. 282.

#### MAGISTRATES AND REVENUE OFFICERS IN AJMER-MERWARA.

†289. \*Mr. Abdul Latif Saheb Farookhi: Will Government please place on the table of the House a statement showing the paid Magistrates and revenue officers, not below the rank of a Naib Tahsildar, in Ajmer-Merwara, giving for each officer or Magistrate (i) name, (ii) the date of his first appointment as revenue officer or Magistrate, (iii) whether the appointment was made by open competition, selection through advertisement, or by nomination, (iv) whether the appointment was made by direct recruitment or by promotion from the ministerial line, and (v) in case of direct recruitment, whether the officer recruited was or was not the son or other relation of some Government ministerial servant in active service or retired?

#### VOTERS IN THE PISANGAN ISTIMRARI AREA FOR MEMBERS OF THE LEGISLATIVE ASSEMBLY.

290. \*Mr. Abdul Latif Saheb Farookhi: (a) Is it a fact that there is no voter in Pisangan Istimrari area, except the Istimrardar of Pisangan, for electing a member from Ajmer-Merwara for the Legislative Assembly?

(b) Will Government please state whether there are many persons in the Pisangan Istimrari area other than the Istimrardar of Pisangan who possess qualifications for voting in the Legislative Assembly election?

Mr. D. G. Mitchell: (a) and (b). The qualifications for the franchise in the Ajmer-Merwara constituency of the Legislative Assembly are set out in Part XI of Schedule II to the Legislative Assembly Electoral Rules. The Government of India have no information regarding the number of persons in the area to which the Honourable Member refers who possess a franchise qualification.

Mr. President: I have to announce that Mr. Reddi, who was unavoidably absent when his question No. 201 was reached, is now anxious to put that question. As I am anxious to give all facilities to new Members, I will allow him to put the question now.

#### RESTORATION OF STIPENDS TO MEMBERS OF THE CARNATIC FAMILY.

201. \*Mr. T. N. Ramakrishna Reddi: Will Government be pleased to state whether they have given effect to the Resolution passed by the Legislative Assembly and which the Government have themselves accepted on the floor of the Legislative Assembly on the 22nd January, 1930, regarding the restoration of stipends to the members of the Carnatic family who took part in the non-co-operation movement?

Mr. E. B. Howell: I would refer the Honourable Member to the answer given by me in the House on the 14th instant to a question on the same subject by the Honourable Maulvi Mohammad Shafee Daoodi.

†For answer to this question, see answer to question No. 282.

## PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

104. **Mr. N. Natesa Ayyar :** (a) Will Government please state if there has been any prosecution in any of the provinces of India in connection with the Child Marriage Restraint Act of 1929, and if so, how many and with what results ?

(b) Have Government ascertained how many child marriages as defined by the Act have been performed between 1st October, 1929, and 1st of April, 1930, in each of the provinces of India ? If not, are Government prepared to make an inquiry into the matter and lay the information on the table ?

(c) Are Government aware of the intense dissatisfaction and unrest which the Act has created among the persons affected thereby in all the provinces ? Are Government prepared to make an inquiry into the matter ?

**The Honourable Mr. H. G. Haig :** (a) The Government of India have received no information regarding prosecutions under the Act, and it may be presumed that the number is small.

(b) The answer to the first part is in the negative. Government do not propose to make an enquiry. Indeed as marriages are normally not registered, it would be impossible to obtain the information.

(c) Government do not consider it necessary to institute an inquiry into the feeling on this matter. Certain Bills for the amendment of the Act which have been introduced, or of which notices have been given, by Members of this and the other House have been circulated to Local Governments for opinion.

## APPOINTMENT OF BUSINESSMEN TO GAZETTED POSTS AND TO COMMITTEES, COMMISSIONS, ETC.

105. **Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the article under the caption "Why are business men in revolt against the Government" published in the *Tribune*, Lahore, dated the 2nd July, 1930 ?

(b) Will the Government please state the names of Indian businessmen, if any, appointed since 1928 :

(i) direct to Gazetted appointments in the Departments under the Government of India in which their knowledge and experience could prove useful ;

(ii) as members of Committees, Commissions or Delegations of the Government of India or of the Imperial Government ?

(c) Will the Government please state the names of Committees appointed by them since 1925 to inquire into matters of special interest to the business community, e.g., banking, exchange, railway rates, tariff, coal, etc. ?

(d) How many of these Committees, if any, had Indian non-official businessmen as their Presidents ?

( 536 )

**The Honourable Sir George Rainy :** (a) Yes.

(b) to (d). The information desired by the Honourable Member is being collected and will be furnished to him in due course.

## REPUBLICATION OF MOORE'S "FAMILY MEDICINE".

106. **Mr. S. C. Mitra :** (a) Is it a fact that " Moore's Family Medicine " is published under the authority of the Government of India ?

(b) Is it a fact that its last edition was published about ten years ago ?

(c) When do Government propose to publish its next revised edition ?

**Sir Frank Noyce :** (a) and (b). Yes.

(c) Government will consider the question.

## GUM USED ON ENVELOPES MADE BY THE SECURITY PRINTING PRESS, NASIK.

107. **Mr. S. C. Mitra :** (a) Are Government aware that there has been a marked change for the worse in respect of the gum used on envelopes since their printing and preparation has been undertaken by the Security Printing Press, Nasik Road ?

(b) When do Government propose to remedy the defect ?

**Mr. H. A. Sams :** (a) Some complaints about bad gumming have been received.

(b) The Master, Security Printing Press, was addressed on the subject and it is hoped that there will be no ground for further complaints.

## MAXIMUM PENALTY IN RESPECT OF EXCESS LUGGAGE CARRIED BY A RAILWAY PASSENGER.

108. **Mr. S. C. Mitra :** (a) What is the amount of penalty that a railway passenger travelling without a ticket in third class from Calcutta to Simla has to pay ?

(b) What is the amount of penalty for carrying only two seers of luggage in excess of the free allowance, if it is not booked in advance at Calcutta and is found to be in excess at Simla ?

(c) Do Government propose to consider the question of allowing a free allowance even if the luggage of a passenger is found to be in excess at the destination ?

(d) Do Government propose to consider the question of fixing a maximum for penalty chargeable in respect of excess luggage ?

**Mr. A. A. L. Parsons :** (a) The amount of penalty for a third class passenger travelling from Calcutta to Simla without a ticket is two annas, if the passenger, before being detected by a railway servant, notifies to the railway servant on duty with the train that he is without a ticket, otherwise one rupee.

(b) The forfeiture of the free allowance, which for a third class passenger would amount in the case mentioned, to Rs. 6.

(c) and (d). No.



# PROVISIONS OF A WATER PIPE ON THE PLATFORM OF THE SIMLA RAILWAY STATION.

109. **Mr. S. C. Mitra :** (a) Is it a fact that there is no water-pipe on the platform of Simla Railway Station ?

(b) Is it a fact that the nearest water-pipe is near the engine shed beyond the platform and that it is risky to go to that water-pipe as it involves crossing of lines ?

(c) When do the Government propose to provide a drinking water-pipe on the platform for the use of passengers ?

**Mr. A. A. L. Parsons :** (a) and (b). Yes.

(c) I am having the matter referred to the Agent, North Western Railway, and, on receipt of his reply, will communicate with the Honourable Member.

# CONSTRUCTION OF A ROAD BETWEEN NEW DELHI AND RAMJAS AND TIBBIA COLLEGES.

110. **Mr. S. C. Mitra :** (a) Is it a fact that no road has so far been constructed between New Delhi and Ramjas College and Tibbia College and are Government aware that the students, etc., have to pass through almost a jungle when going from New Delhi to the Colleges ?

(b) When do the Government propose to undertake the construction of that road ?

**The Honourable Sir Joseph Bhore :** (a) A road is under construction from the Rohtak road to the Tibbia College, which, when completed, will provide a continuous metalled road from New Delhi to the Ramjas College. The Tibbia College is already connected by a metalled road to New Delhi.

(b) Does not arise.

# LOSS OF REVENUE ON THE KALKA SIMLA RAILWAY DUE TO PRIVATE ROAD MOTOR COMPETITION.

111. **Mr. S. C. Mitra :** (a) How much fall in revenue have the Government suffered during the last two years, as compared with the two years, previous to that, on the Kalka-Simla Railway, on account of competition with private road-motors ?

(b) Is it a fact that the increasing popularity of road-motors is due to absence of smoke and shorter time taken to cover the journey ?

(c) Is it a fact that Government propose to use faster engines on the line ? If so, when ?

(d) What is the present stage of the Government's proposal to electrify the line to remedy the smoke nuisance and to shorten the journey ?

**Mr. A. A. L. Parsons :** (a) The figures for 1929-30 are not at present available, but the earnings from passengers carried on the Kalka-Simla section during the two years ending 31st March 1927, were Rs. 17,41,894, and for the two years ending 31st March, 1929, Rs. 11,63,500. The extent to which road motor competition has contributed to the fall in revenue cannot be ascertained, but a fairly appreciable amount is due to a reduc-

tion of 50 per cent. in the fares which applied during the months of June to September.

(b) Various factors operate to influence intending passengers in exercising their choice between travel by railway and travel by road-motor. The absence of smoke and the duration of the journey are undoubtedly considerations that weigh with passengers.

(c) The answer to the first part of the question is in the negative, and the second part does not therefore arise.

(d) The scheme for electrification has been postponed for the present.

# CASHIERS IN GOVERNMENT OF INDIA OFFICES.

112. **Mr. S. C. Mitra :** (a) Is it a fact that in view of the special nature of the work of cashiers in the Government of India offices, usually *senior* Lower Division men are posted on the duty and are allowed special *allowance* for it in addition to pay ?

(b) What was the rate of pay (*not* scale) of the clerks working as cashiers in the various Departments of the Secretariat and Attached Offices on the 1st June, 1930 ?

(c) Do Government propose to fix a certain minimum of pay below which no one should be posted on this work, which involves special responsibility ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) The information is being collected and will be supplied to the Honourable Member when complete.

(c) No. The matter is one for the Heads of the Departments concerned and Government have no doubt that they are alive to the importance of selecting suitable men.

# MIGRATORY SCHOOL FOR SIMLA AND NEW DELHI.

113. **Mr. S. C. Mitra :** (a) Is it a fact that the Government of India have long had under consideration the question of starting a migratory school for Simla and New Delhi to remove the hardships to which the sons and daughters of the Government of India clerks are put on account of the two places being under different Education Departments and Universities ?

(b) Do Government propose to place Simla in Delhi Province for the purpose of education for the present and to keep the point in view when considering the redistribution of Provinces, as recommended by the Simon Commission ?

**Sir Frank Noyce :** (a) The Honourable Member is referred to the reply given to the unstarred question No. 279, asked by Pandit Nilakantha Das on the 21st March, 1930. It is hoped that an early decision will be reached in the matter.

(b) No such proposal is before Government.

# LACK OF AN UNORTHODOX HINDU TIFFIN ROOM IN THE CIVIL SECRETARIAT BUILDINGS AT SIMLA.

114. **Mr. S. C. Mitra :** (a) Is it a fact that in *each* of the two buildings of the Imperial Secretariat at New Delhi there is one separate unorthodox Hindu tiffin room ?

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(b) Is it a fact that there is no un-orthodox Hindu tiffin room in any of the buildings of the Civil Secretariat at Simla ?

(c) Is it a fact that there is only one Hindu tiffin room in Gorton Castle at Simla, and are Government aware that it is extremely dirty and too small to cater for the hundreds of Hindu clerks in the building ?

(d) When do the Government propose to improve the condition of the present tiffin room and to provide another for un-orthodox Hindus and to relieve the present one of rush ?

**The Honourable Sir Joseph Bhore :** (a) Each of the two Secretariat buildings in New Delhi has two tiffin rooms for Hindus. They are not specifically classed as orthodox or unorthodox.

(b) There are two tiffin rooms for Hindus in the Civil Secretariat buildings at Simla, one at "Gorton Castle" and the other at "Kennedy House". These also are not specifically classed as orthodox or unorthodox.

(c) As stated in part (b) of the reply, there is only one tiffin room for Hindus in "Gorton Castle". It is reported to be suitable for the purpose ; no complaints have been received about its being dirty.

(d) Certain improvements were carried out to this tiffin room in 1928, and Government do not propose to build any other tiffin room.

**LAYING ON THE TABLE OF FULL REPLIES TO QUESTIONS TO WHICH *ad interim* REPLIES ARE GIVEN IN THE FIRST INSTANCE.**

**115. Mr. S. C. Mitra :** (a) Is it a fact that to some of the questions in the Legislative Assembly *ad interim* replies are given and full replies are communicated later only to the Members by whom the questions are put ?

(b) Do Government propose, for the information of the whole House, to lay on the table on the first day of the following Session full replies to all questions to which *ad interim* replies are given in the first instance ? If not, why not ?

**The Honourable Sir George Rainy :** (a) This is so.

(b) The present practice is based on a considered ruling by the President Sir Frederick Whyte, delivered on 1st March, 1921, which runs as follows :

"The point concerns the laying on the table of information supplied to a Member individually in response to a question asked by him. It has been represented to me that inasmuch as any matter which is laid on the table must also be printed in the Assembly's proceedings, the laying on the table of all such information, which may often be of an exceedingly copious nature, will inevitably have the effect of swelling the proceedings to an inconvenient size, and will add greatly to the difficulty of expeditiously securing their publication in print. I have accordingly decided to modify the previous ruling on this point and to direct that such information shall only be laid on the table and printed in the proceedings when, in the opinion of the Member of the Government concerned, it is likely to be of general public interest. Where in pursuance of this direction the Department of the Government concerned decides, not to lay the information on the table, any Member desiring to obtain the same should apply to that Department for a copy of the information supplied to the Member asking the original question."

(*Vide* Legislative Assembly Debates, Vol. I, page 434.)—

This ruling was re-affirmed by Sir Frederick Whyte on 1st February, 1923. It is, therefore, the established practice of this House almost from its

inception, and Government sees no reason to depart from it now. I may add that copies of such answers are placed in the Library, where any other Member who is interested can peruse them.

**NEWSPAPERS, ETC. REQUIRED TO FURNISH SECURITY UNDER THE PRESS ORDINANCE.**

**116. Mr. S. C. Mitra :** Will Government be pleased to lay on the table a statement showing the names of papers, periodicals, monthlies, etc., from whom a security under the newly promulgated Press Ordinance was demanded and how many of them paid off the security and how many have suspended publication as a protest ?

**The Honourable Mr. H. G. Haig :** I place a statement on the table.

The Honourable Member will notice that there are no names shown under Bengal. The position in that province is that no security was demanded in the case of newspapers but nine newspapers ceased publication following the demand of security from the presses at which they were printed.

*Statement showing the action taken by local Governments under the Indian Press Ordinance II of 1930.*

**Newspapers.**

| Serial No. | Name of newspaper from whom security has been demanded. | Amount of security demanded or whether reduced or not on representation. | Whether security was deposited or newspaper ceased publication or did not start in view of demand for security. | Remarks. |
|------------|---------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------|
| 1          | 2                                                       | 3                                                                        | 4                                                                                                               | 5        |
|            |                                                         | <i>Madras.</i>                                                           |                                                                                                                 |          |
|            |                                                         | Rs.                                                                      |                                                                                                                 |          |
| 1          | Kistnapatrika, Kistna ..                                | 1,000 No representation                                                  | Ceased.                                                                                                         |          |
| 2          | Sukhodayam, N. Arcot ..                                 | 1,000 Do. ..                                                             | Do.                                                                                                             |          |
| 3          | Durbar, Guntur ..                                       | 1,000 ..                                                                 | Notice demanding security since withheld on representation.                                                     |          |
| 4          | Simhapari, Nellore ..                                   | 500 No representation                                                    | Ceased.                                                                                                         |          |
| 5          | Desabhaktan, Trichinopoly                               | 1,000 Do. ..                                                             | Do.                                                                                                             |          |
| 6          | Congress, East Godavari ..                              | 2,500 Do. ..                                                             | Do.                                                                                                             |          |
| 7          | Swadesamitran, Madras ..                                | 2,500 Do. ..                                                             | Deposited security.                                                                                             |          |
| 8          | Sudandara Sangu, Madras                                 | 1,000 Do. ..                                                             | Ceased.                                                                                                         |          |
| 9          | Tamil Nadu, Madras ..                                   | 1,000 Do. ..                                                             | Deposited security                                                                                              |          |
| 10         | Ten Nadu, Madras ..                                     | 1,500 Do. ..                                                             | Ceased                                                                                                          |          |
| 11         | Ananda Vahini, Madras ..                                | 1,000 Do. ..                                                             | Do.                                                                                                             |          |
| 12         | Saraswati, Madras ..                                    | 1,000 Do. ..                                                             | Do.                                                                                                             |          |
| 13         | My Magazine, Madras ..                                  | 1,000 Do. ..                                                             | Do.                                                                                                             |          |
| 14         | Andhra Patrika, Madras ..                               | 2,000 Do. ..                                                             | Deposited security.                                                                                             |          |
| 15         | Swarajya, Madras ..                                     | 2,500 Do. ..                                                             | Ceased.                                                                                                         |          |

| Serial No. | Name of newspaper from whom security has been demanded. | Amount of security demanded or whether reduced or not on representation. | Whether security was deposited or newspaper ceased publication or did not start in view of demand for security.                           | Remarks. |
|------------|---------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1          | 2                                                       | 3                                                                        | 4                                                                                                                                         | 5        |
|            |                                                         | <i>Madras—contd.</i>                                                     |                                                                                                                                           |          |
| 16         | Sahakava Patrika ..                                     | Ra. 1,000 No representation                                              | No information.                                                                                                                           |          |
| 17         | Navasakti, Madras ..                                    | 1,000 Do. ..                                                             | Ceased.                                                                                                                                   |          |
| 18         | Satyagrahi, West Godavari                               | Security demanded by District Magistrate. Amount not reported.           | Do.                                                                                                                                       |          |
|            |                                                         | <i>Bombay.</i>                                                           |                                                                                                                                           |          |
| 19         | Free Press Bulletin, Bombay                             | 500 .. ..                                                                | Security deposited.                                                                                                                       |          |
| 20         | Free Press Journal, Bombay                              | 500 .. ..                                                                | Do.                                                                                                                                       |          |
| 21         | Aftab newspaper, Bombay                                 | 1,000 .. ..                                                              | Ceased.                                                                                                                                   |          |
| 22         | Nawjivan newspaper, Bombay.                             | 800 .. ..                                                                | Paper not started.                                                                                                                        |          |
| 23         | Shraddhanand newspaper, Bombay.                         | 2,000 .. ..                                                              | Ceased.                                                                                                                                   |          |
| 24         | Hindu Kartavya newspaper, Bombay.                       | 800 .. ..                                                                | Paper not started.                                                                                                                        |          |
| 25         | Daily Hilal, Bombay ..                                  | 2,000 .. ..                                                              | Security not deposited. Commissioner of Police directed to prosecute the publisher under section 22(2) of Ordinance.                      |          |
| 26         | Sayankal newspaper, Bombay.                             | 800 .. ..                                                                | Paper not started.                                                                                                                        |          |
| 27         | Sindhi newspaper, Sukkur                                | 500 .. ..                                                                | Security deposited.                                                                                                                       |          |
| 28         | Young Liberator newspaper, Bombay.                      | 1,000 .. ..                                                              | Ceased.                                                                                                                                   |          |
| 29         | Sota newspaper, Bombay..                                | 1,000 .. ..                                                              | Paper not started.                                                                                                                        |          |
| 30         | Mahratta newspaper, Poona.                              | 2,000 .. ..                                                              | Security deposited.                                                                                                                       |          |
| 31         | Parsi Patrika newspaper, Bombay.                        | 1,500 .. ..                                                              | Paper not started.                                                                                                                        |          |
| 32         | Kaliyuga newspaper, Bombay                              | 2,000 .. ..                                                              | Ceased.                                                                                                                                   |          |
| 33         | Workers' Weekly newspaper, Bombay.                      | 2,000 No representation received.                                        | Security not deposited. Commissioner of Police requested to prosecute publisher for publishing the paper without depositing the security. |          |
| 34         | Naubat newspaper, Bombay                                | 2,000 Do. ..                                                             | Ceased.                                                                                                                                   |          |
| 35         | Vidyarthi newspaper, Amalner, East Khandesh.            | 1,000 .. ..                                                              | Do.                                                                                                                                       |          |
| 36         | Shri Lokamanya newspaper, Bombay.                       | 1,000 .. ..                                                              | Paper not started.                                                                                                                        |          |
| 37         | Kranti newspaper, Bombay                                | 2,000 No representation received.                                        | Ceased.                                                                                                                                   |          |
| 38         | Rajasthan Hind newspaper, Bombay.                       | 1,000 .. ..                                                              | Do.                                                                                                                                       |          |
| 39         | Aftab newspaper, Bombay                                 | 2,000 .. ..                                                              | Paper not started.                                                                                                                        |          |
| 40         | Praja Bandhu newspaper, Ahmedabad.                      | 1,000 No representation received.                                        | Ceased.                                                                                                                                   |          |

| Serial No. | Name of newspaper from whom security has been demanded. | Amount of security demanded or whether reduced or not on representation. | Whether security was deposited or newspaper ceased publication or did not start in view of demand for security.                                                                                                                | Remarks |
|------------|---------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1          | 2                                                       | 3                                                                        | 4                                                                                                                                                                                                                              | 5       |
|            |                                                         | <i>Bombay—contd.</i>                                                     |                                                                                                                                                                                                                                |         |
|            |                                                         | Ra.                                                                      |                                                                                                                                                                                                                                |         |
| 41         | Dunka newspaper, Bombay                                 | 1,000 No representation received.                                        | Ceased.                                                                                                                                                                                                                        |         |
| 42         | Hindustan and Prajamitra newspaper, Bombay.             | 2,000 Do. ..                                                             | Security deposited.                                                                                                                                                                                                            |         |
| 43         | Shakti newspaper, Ahmedabad.                            | 1,000 Do. ..                                                             | Security not deposited. Notice defied.                                                                                                                                                                                         |         |
| 44         | Messenger of Youth newspaper, Bombay.                   | 2,000 .. ..                                                              | Paper not started.                                                                                                                                                                                                             |         |
| 45         | Navjivan newspaper, Ahmedabad.                          | 2,000 No representation received.                                        | Notice defied. Action under consideration.                                                                                                                                                                                     |         |
| 46         | Young India newspaper, Ahmedabad.                       | 2,000 Do. ..                                                             | Do.                                                                                                                                                                                                                            |         |
| 47         | Hindu Jati newspaper, Karachi.                          | 5,000 No representation.                                                 | Notice served on publisher Sachanand Pherumal in Hyderabad Jail. He has applied for transfer to Karachi Prison to enable him to make arrangements. So far paper continues to be published. Further action under consideration. |         |
| 48         | Kaliyug newspaper, Bombay                               | 2,000 Do. ..                                                             | Ceased.                                                                                                                                                                                                                        |         |
| 49         | Prajamat newspaper, Godhra.                             | 2,000 Do. ..                                                             | Paper ceased publication on being warned by District Magistrate that security was to be taken.                                                                                                                                 |         |
| 50         | Nutan Gujarat newspaper, Ahmedabad.                     | 1,000 Do. ..                                                             | Ceased.                                                                                                                                                                                                                        |         |
| 51         | Bombay Vartaman newspaper, Bombay.                      | 1,500 .. ..                                                              | Paper not started.                                                                                                                                                                                                             |         |
| 52         | Torch Bearer newspaper, Bombay.                         | 1,500 .. ..                                                              | Do.                                                                                                                                                                                                                            |         |
| 53         | Sudershan newspaper, Surat                              | 1,000 No representation                                                  | Ceased.                                                                                                                                                                                                                        |         |
|            |                                                         | <i>United Provinces.</i>                                                 |                                                                                                                                                                                                                                |         |
| 54         | The Sainik, Agra ..                                     | 2,000 .. ..                                                              | Do.                                                                                                                                                                                                                            |         |
| 55         | The Shakti, Almora ..                                   | 1,000 .. ..                                                              | Result not yet known.                                                                                                                                                                                                          |         |
| 56         | The Aj, Benares..                                       | 2,000 .. ..                                                              | Ceased.                                                                                                                                                                                                                        |         |
| 57         | The Pratap, Cawnpore ..                                 | 3,000 .. ..                                                              | Do.                                                                                                                                                                                                                            |         |
| 58         | The Swadhin Praja, Almora                               | 3,000 .. ..                                                              | Do.                                                                                                                                                                                                                            |         |
| 59         | The District Gazette, Azamgarh.                         | 5,000 .. ..                                                              | Do.                                                                                                                                                                                                                            |         |
| 60         | The Sach, Lucknow ..                                    | 1,000 .. ..                                                              | Result not yet known.                                                                                                                                                                                                          |         |

| Serial No. | Name of newspaper from whom security has been demanded. | Amount of security demanded or whether reduced or not on representation. | Whether security was deposited or newspaper ceased publication or did not start in view of demand for security. | Remarks. |
|------------|---------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------|
| 1          | 2                                                       | 3                                                                        | 4                                                                                                               | 5        |
|            |                                                         | <i>United Provinces—contd.</i>                                           |                                                                                                                 |          |
|            |                                                         | Rs.                                                                      |                                                                                                                 |          |
| 61         | The Parivartan, Saharanpur                              | 1,000 .. ..                                                              | Result not yet known.                                                                                           |          |
| 62         | The Vartman, Cawnpore ..                                | 2,000 .. ..                                                              | Security not deposited. The question of taking further action under consideration.                              |          |
| 63         | The Chand, Allahabad ..                                 | 2,000 .. ..                                                              | Result not yet known.                                                                                           |          |
|            | The Deeh Mitra, Balia ..                                | 1,000 .. ..                                                              | Suspended publication.                                                                                          |          |
| 65         | The Kshatriya Yuva, Lucknow.                            | 1,000 .. ..                                                              | Result not yet known.                                                                                           |          |
| 66         | The Swetambar, Jain, Lucknow.                           | 1,000 .. ..                                                              | Do.                                                                                                             |          |
|            |                                                         | <i>Punjab.</i>                                                           |                                                                                                                 |          |
| 67         | Zamindar, Lahore ..                                     | 2,500 No representation                                                  | Security has been deposited.                                                                                    |          |
| 68         | Partap, Lahore ..                                       | 2,500 Do. ..                                                             | Do.                                                                                                             |          |
| 69         | Akali, Amritsar ..                                      | 2,500 Do. ..                                                             | Ceased.                                                                                                         |          |
| 70         | Asli Qaumi Dard, Amritsar                               | 2,500 Do. ..                                                             | Do.                                                                                                             |          |
| 71         | Guru Ghantal, Lahore ..                                 | 2,500 Do. ..                                                             | Do.                                                                                                             |          |
| 72         | Haqiqat, Multan ..                                      | 1,500 Do. ..                                                             | Do.                                                                                                             |          |
| 73         | Tarjuman-i-Sarhad, Rawalpindi.                          | 2,000 Do. ..                                                             | Do.                                                                                                             |          |
| 74         | Shihab, Rawalpindi ..                                   | 2,000 Do. ..                                                             | Do.                                                                                                             |          |
| 75         | Kirti Urdu, Amritsar ..                                 | 5,000 Do. ..                                                             | Do.                                                                                                             |          |
| 76         | Kirti Gurmukhi, Amritsar                                | 5,000 Do. ..                                                             | Do.                                                                                                             |          |
| 77         | Deeh Sewak, Jullundur ..                                | 5,000 Do. ..                                                             | Do.                                                                                                             |          |
| 78         | Bande Matram, Lahore ..                                 | 3,000 Do. ..                                                             | Security has been deposited.                                                                                    |          |
| 79         | Kirpan Bahadur, Amritsar                                | 2,500 Do. ..                                                             | Ceased                                                                                                          |          |
| 80         | Jhang Sial, Gujranwala ..                               | 2,500 Do. ..                                                             | Do.                                                                                                             |          |
| 81         | Nadharak, Gujranwala ..                                 | 2,500 Do. ..                                                             | Do.                                                                                                             |          |
| 82         | Islah, Lyallpur ..                                      | 2,000 Do. ..                                                             | Do.                                                                                                             |          |
| 83         | Hariana Tilak, Jhajjar, District Rohtak.                | 1,500 Do. ..                                                             | Do.                                                                                                             |          |
| 84         | Naujiwan, Multan ..                                     | 1,000 Do. ..                                                             | Do.                                                                                                             |          |
| 85         | Akali-te-Pardesi, Amritsar                              | 2,000 Do. ..                                                             | Do.                                                                                                             |          |
| 86         | Naujawan Hindustan, Amritsar.                           | 2,000 Do. ..                                                             | Do.                                                                                                             |          |

| Serial No. | Name of newspaper from whom security has been demanded. | Amount of security demanded or whether reduced or not on representation. | Whether security was deposited or newspaper ceased publication or did not start in view of demand for security. | Remarks. |
|------------|---------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------|
| 1          | 2                                                       | 3                                                                        | 4                                                                                                               | 5        |
|            |                                                         | <i>Punjab—contd.</i>                                                     |                                                                                                                 |          |
|            |                                                         | Rs.                                                                      |                                                                                                                 |          |
| 87         | People, Lahore ..                                       | 1,000 No representation ..                                               | Ceased.                                                                                                         |          |
| 88         | Vir Bharat Lahore ..                                    | 2,000 Do. ..                                                             | Security has been deposited.                                                                                    |          |
| 89         | Milap, Lahore ..                                        | 1,000 (No representation made.)                                          | Security deposited.                                                                                             |          |
| 90         | Dharamvir, Amritsar ..                                  | 1,500 Do. ..                                                             | Ceased.                                                                                                         |          |
| 91         | Hamdard, Lahore ..                                      | 1,000 Do. ..                                                             | Do.                                                                                                             |          |
|            |                                                         | <i>Burma.</i>                                                            |                                                                                                                 |          |
| 92         | Rangoon Mail English Newspaper.                         | 2,000 .. ..                                                              | Ceased.                                                                                                         |          |
| 93         | Swatantram Tamil Newspaper, Rangoon.                    | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 94         | Wunthanu Thadinsa Burmese Newspaper, Rangoon.           | 1,000 .. ..                                                              | Do.                                                                                                             |          |
| 95         | Prachi Prakash Hindi Newspaper, Rangoon.                | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 96         | Desopakari Tamil Newspaper, Rangoon.                    | 2,000 .. ..                                                              | Do.                                                                                                             |          |
|            |                                                         | <i>Bihar and Orissa.</i>                                                 |                                                                                                                 |          |
| 97         | Searchlight Newspaper, Patna.                           | 3,000 .. ..                                                              | Ceased.                                                                                                         |          |
|            |                                                         | <i>Central Provinces.</i>                                                |                                                                                                                 |          |
| 98         | Lokmat, Jabulpore ..                                    | 1,000 No representation                                                  | No.                                                                                                             |          |
| 99         | Karmavir, Khandwa ..                                    | 500 .. ..                                                                | No.                                                                                                             |          |
|            |                                                         | <i>Assam.</i>                                                            |                                                                                                                 |          |
| 100        | The Assamiya, Gauhati ..                                | 2,000 .. ..                                                              | Ceased.                                                                                                         |          |
| 101        | The Janasakti, Sylhet ..                                | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 102        | The Sylhet Chronicle, Sylhet                            | 1,000 .. ..                                                              | Do.                                                                                                             |          |
| 103        | The Panchajanya, Karimganj.                             | 500 .. ..                                                                | No information.                                                                                                 |          |
|            |                                                         | <i>N. W. F. Province.</i>                                                |                                                                                                                 |          |
| 104        | Sarhad Newspaper, Peshawar.                             | 2,000 .. ..                                                              | Ceased.                                                                                                         |          |
| 105        | Pakhtun Newspaper, (Monthly) Peshawar.                  | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 106        | Kesari Newspaper, Peshawar.                             | 2,000 .. ..                                                              | Do.                                                                                                             |          |

| Serial No. | Name of newspapers from whom security has been demanded. | Amount of security demanded or whether reduced or not on representation. | Whether security was deposited or newspaper ceased publication or did not start in view of demand for security. | Remarks. |
|------------|----------------------------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------|
| 1          | 2                                                        | 3                                                                        | 4                                                                                                               | 5        |
|            |                                                          | Rs. Delhi.                                                               |                                                                                                                 |          |
| 107        | Daily Tej .. ..                                          | 5,000 .. ..                                                              | Ceased.                                                                                                         |          |
| 108        | Hindustan Times ..                                       | 5,000 .. ..                                                              | Do.                                                                                                             |          |
| 109        | Arjun .. ..                                              | 5,000 .. ..                                                              | Do.                                                                                                             |          |
| 110        | Hindu Sansar .. ..                                       | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 111        | Shuddhi Samachar ..                                      | 500 .. ..                                                                | Security deposited.                                                                                             |          |
| 112        | Riyasat .. ..                                            | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 113        | Millat .. ..                                             | 2,000 .. ..                                                              | Security waived on representation.                                                                              |          |
| 114        | Aljamiat .. ..                                           | 500 .. ..                                                                | Security deposited.                                                                                             |          |
| 115        | Tej .. ..                                                | 2,000 .. ..                                                              | Declaration and security not yet filed. New publication for which it was desired to make declaration.           |          |
| 116        | Paigam-i-Jang .. ..                                      | 1,000 .. ..                                                              | Do.                                                                                                             |          |
| 117        | Qaumi Gazette .. ..                                      | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 118        | Tijarat .. ..                                            | 2,000 .. ..                                                              | Security waived, but declaration not yet made. New publication for which it was desired to make declaration.    |          |
| 119        | Shakti .. ..                                             | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 120        | India .. ..                                              | 2,000 .. ..                                                              | Security waived, but declaration not yet made.                                                                  |          |
| 121        | Hukumat .. ..                                            | 2,000 .. ..                                                              | Security waived.                                                                                                |          |
| 122        | Peshwa .. ..                                             | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 123        | Khawja School Gazette ..                                 | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 124        | Mahabir .. ..                                            | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 125        | New Capital .. ..                                        | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 126        | Khabardar .. ..                                          | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 127        | Sarvadeshik .. ..                                        | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 128        | Mashir-i-Saltanat .. ..                                  | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 129        | Indian Post .. ..                                        | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 130        | Hindustan .. ..                                          | 2,000 .. ..                                                              | Do.                                                                                                             |          |
| 131        | Fauji Magazine .. ..                                     | 2,000 .. ..                                                              | Do.                                                                                                             |          |

**ALLEGED ASSAULT BY POLICE OF WOMEN AND CHILDREN IN CALCUTTA, BOMBAY, LUCKNOW, ETC., IN DEALING WITH THE CONGRESS MOVEMENT.**

117. Mr. S. C. Mitra : Will Government be pleased to state whether it has come to their notice that the police in dealing with the

Congress movement freely assaulted and wounded several peaceful women and children with a *lathi* charge in Calcutta, Bombay, Lucknow and other places of India ?

The Honourable Mr. H. G. Haig : The Government of India understand that in some places women have received injury in the course of the dispersal of crowds. They regret that any injury should have been so caused.

**ANTICIPATED EXTRA EXPENDITURE AND FALL IN REVENUE AS A RESULT OF THE CONGRESS MOVEMENT.**

118. Mr. S. C. Mitra : Will Government be pleased to state what extra expenditure and what extent of fall in revenue the Government anticipate as a direct result of the Congress movement, and how do they propose to meet the deficit ?

The Honourable Mr. H. G. Haig : No attempt has yet been made to estimate the effect of the civil disobedience movement on Central and Provincial finances.

**AIR CRAFT TRAINING INSTITUTION IN INDIA.**

119. Mr. S. C. Mitra : Will Government be pleased to state the number of institutions, if any, in India for the training of students in air-craft ? If none, do Government propose to open any in the near future ?

The Honourable Sir Joseph Bhore : The reply to the first part of the question is " Nil ".

The reply to the second part is in the negative.

**DISTRIBUTION OF THE MONEY PAID BY THE INDIAN RAILWAY CONFERENCE ASSOCIATION TO EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.**

120. Mr. S. C. Mitra : (a) Are Government aware that the Indian Railway-Conference which get their work done in the Government of India Press, Simla, every year, on payment, send an amount of Rs. 250 as donation for distribution among the employees of the Press ?

(b) Is it also a fact that this money is not distributed to all the employees but confined simply to certain special favourite hands ?

(c) Are Government prepared to issue instructions to the Controller that in future this amount is equally distributed among all the employees who all, more or less, perform a certain amount of work in one way or the other ?

(d) Is it a fact that if at the time of disbursement of this donation any employees are on leave, the payment is withheld by the Cashier and not paid to them even on their resuming their duty ?

(e) Will Government be pleased to :

(i) place on the table the disbursement list for the last five years and state what amount was left undistributed every year :

(ii) whether it was ever refunded to the Association or to the Government and if not, why not, and how the amount has been accounted for ; and

(iii) has any information ever been asked for from the Manager by the Controller of Printing in this connection? If not, why not?

**The Honourable Sir Joseph Bhore :** (a) Yes.

(b) No.

(c) Does not arise.

(d) Men are paid their shares on their claiming them within a period of two months. Men on leave have been paid their shares on return to duty even after the expiry of the period. There is, however, generally a small balance which remains undistributed.

(e) (i) Government do not propose to place the disbursement lists on the table. The amounts left undistributed for the last five years are as follows :

|      | Rs. | A. | P. |
|------|-----|----|----|
| 1925 | 12  | 8  | 0  |
| 1926 | 8   | 4  | 0  |
| 1927 | 12  | 8  | 0  |
| 1928 | 9   | 4  | 0  |
| 1929 | 13  | 10 | 0  |

(ii) and (iii). The Controller, who has not hitherto been aware of the donation or of the method of its distribution, is being instructed to make an enquiry in regard to it and to submit a report.

#### QUARTERS AND HOUSE RENT FOR THE PEONS OF THE GOVERNMENT OF INDIA OFFICES.

**121. Mr. S. C. Mitra :** Is it a fact that several peons of the Government of India offices are forced to live in one small room, and if so, are Government prepared to consider the question of providing more quarters or allowing them house rent to enable them to get quarters elsewhere?

**The Honourable Sir Joseph Bhore :** One room is allotted to more than one peon only when it is considered that it can suitably accommodate more than one man. Government do not propose to build more quarters for peons at present. Those peons who are not provided with Government quarters are given house rent allowance instead.

#### LEAVE APPLIED FOR BY THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

**122. Mr. S. C. Mitra :** (a) Will Government be pleased to place on table a list of the employees of the Government of India Press, Simla, who during the last three years applied for leave for less than ten days on account of illness and who were asked to submit medical certificates although the leave applied for by them was earned and was due to them?

(b) Is it also a fact that no such certificates have ever been asked for to be produced by the men in the clerical and accounts section and, if so, why distinctions exist in various sections in the same Press?

**The Honourable Sir Joseph Bhore :** I propose to deal with questions Nos. 122, 123, 124 and 130 together. The Controller of Printing

and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information regarding these administrative details which are matters for his discretion.

#### CARRYING OF HEAVY BUNDLES BY THE PEONS OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

**†123. Mr. S. C. Mitra :** Is it a fact that the peons in the Government of India Press, Simla, are forced to carry very heavy bundles weighing over 25 or 30 seers every day to the various offices located in different and distant places for which purpose the coolie rate is 4 to 8 annas per trip, and if so, are Government prepared to consider the question of issuing instructions to engage coolies in all such cases in future?

#### GRADATION LISTS FOR THE PRINTING AND CLERICAL SECTION OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

**†124. Mr. S. C. Mitra :** (a) Is it a fact that in the printing and clerical sections of the Government of India Press, Simla, no gradation list has yet been maintained, and if so, why?

(b) Are Government prepared to instruct the Controller of Printing to see that this is done at the earliest possible moment?

#### HOLDING OF ALL HIGHER APPOINTMENTS IN THE GOVERNMENT OF INDIA PRESS, SIMLA, BY MUHAMMADANS.

**125. Mr. S. C. Mitra :** Are Government aware that the majority of almost all the higher appointments in the Government of India Press, Simla, are held purely by Muhammadans, and of the consequent discontent felt by Sikhs, Christian and Hindu employees which has been prevailing for a long time? Are Government prepared to inquire into the matter?

**The Honourable Sir Joseph Bhore :** Government have no information of the alleged discontent. The supervisory staff of the Government of India Press, Simla, of and below the grade of Assistant Manager, are filled by nine Hindus, five Muhammadans and one Christian. The last part of the question does not arise.

#### ADDITIONAL DUTIES DONE BY THE PEONS OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

**126. Mr. S. C. Mitra :** Is it a fact that the peons in the Government of India Press, Simla, besides their official duties are also forced to perform, in addition, the work of firemen and for which purpose they are required to attend drills, etc.? If the answer to this is in the affirmative, will the Government be pleased to state what additional remuneration is given to them for this extra work required of them, and if not, do Government propose to see their way of appointing a proper fire station staff for the purpose?

**The Honourable Sir Joseph Bhore :** The peons in accordance with a long standing practice attend fire parade for about half an hour once a month. No extra remuneration is paid to them. Government do not propose to appoint a separate fire station staff for the purpose.

†For answer to this question, see answer to question No. 122.



## DISCREPANCIES FOUND IN HIS EXCELLENCY THE VICEROY'S PRESS.

127. **Mr. S. C. Mitra :** Are Government aware that the Examiner, Government Press Accounts in the course of audit of accounts of the Press of His Excellency the Viceroy, came across some serious discrepancies found in the cash and other accounts of the Press, which have already been brought to the notice of the Private Secretary to His Excellency the Viceroy ? Will Government be pleased to lay on the table a copy of the correspondence between the Examiner, Government Press Accounts and the Private Secretary to His Excellency the Viceroy and state what action has been taken against the persons responsible for keeping wrong accounts, and if not, why not ?

**The Honourable Sir Joseph Bhole :** Government are aware that certain irregularities were discovered in the course of auditing the accounts of the Press of the Private Secretary to His Excellency the Viceroy. A thorough enquiry is being made into these irregularities, and until this is completed it is impossible to say what action will be taken. The enquiry has so far gone to show that there was no embezzlement of Government money and that the defects referred to were at the most serious irregularities in procedure. Steps have already been taken to prevent the recurrence of these.

## INTRODUCTION OF A PROVIDENT FUND FOR PRESS EMPLOYEES AND AMALGAMATION OF CERTAIN OF GOVERNMENT PRESSES.

128. **Mr. S. C. Mitra :** Will Government be pleased to state if they are yet in a position to give their decision regarding the Provident Fund, the rules of which have long been under consideration by the Secretary of State for India ? If not, do Government propose to expedite the matter ? Will Government be pleased to state if they intend amalgamating wholly or partially the presses of the Government of India at Calcutta and Simla with the Government of India Press, Delhi, and if so, when ?

**The Honourable Sir Joseph Bhole :** The question of framing rules for the provident fund is still under consideration and the matter is being expedited.

The answer to the concluding portion of the question is in the negative.

## NUMBER OF EMPLOYEES OF DIFFERENT COMMUNITIES IN THE GOVERNMENT OF INDIA PRESS, SIMLA, RECRUITED DURING THE TIME OF BABU JAWAHAR KHAN, OFFICIATING ASSISTANT MANAGER.

129. **Mr. S. C. Mitra :** Will Government please lay on the table a statement showing the number of Hindus, Muhammadans, Christians and Sikhs recruited in all the Industrial Branches of the Government of India Press, Simla, since B. Jawahar Khan's appointment as Officiating Assistant Manager ?

**The Honourable Sir Joseph Bhole :** Mr. Jawahar Khan is not responsible for the recruitment of the industrial staff of the Government of India Press, Simla. Government regret that they cannot undertake to collect the information desired by the Honourable Member as it would entail an amount of time and labour disproportionate to the result.

## PROMOTIONS IN THE GOVERNMENT OF INDIA PRESS, SIMLA.

130. **Mr. S. C. Mitra :** Are Government aware that the claims of the senior men of all the branches of the Government of India Press, Simla, are neglected and that generally promotions to higher grade are given to those men who work in B. Jawahar Khan's Press after office hours ?

## ALLEGATIONS AGAINST BABU JAWAHAR KHAN, OFFICIATING ASSISTANT MANAGER, GOVERNMENT OF INDIA PRESS, SIMLA.

131. **Mr. S. C. Mitra :** (a) Is it a fact that Messrs. Jugdish and Abdul Rahim are the seniormost compositors in their branch, but that whenever an opportunity arises to officiate in the post of section-holder or assistant section-holder the chance is given to a junior compositor ?

(b) Is it a fact that the real owner of the Press known as King George Press is B. Jawahar Khan, the Assistant Manager of the Government Press, Simla ? If so, was any sanction obtained by the above man ?

(c) Is it a fact that Nathu Ram, Mechanic and Mistri Nazir of the Government Press, Simla, generally repair the machines of George Printing Works on Sundays and other holidays ?

(d) Is it a fact that members of all branches of Government of India Press, particularly compositors are compelled to work in the press owned by B. Jawahar Khan, after office hours ?

(e) Is it a fact that if any employee of the Government Press, Simla, refuses to work in the above Press, his time is generally deducted by B. Niaz Mohamed, time-checker, who is brother-in-law of B. Jawahar Khan ?

(f) If the replies to the above questions are in the affirmative, are Government prepared to inquire into the matter and take necessary action ?

**The Honourable Sir Joseph Bhole :** (a) The Controller of Printing and Stationery is responsible to Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for information regarding these administrative details which are matters for his discretion.

(b) to (f). Government have no information, but they are asking the Controller of Printing and Stationery to enquire into the allegations contained in parts (d) and (e) of the question.

## EMPLOYEES OF DIFFERENT COMMUNITIES IN LINO AND MONO SECTIONS OF THE GOVERNMENT OF INDIA PRESS, SIMLA.

132. **Mr. S. C. Mitra :** (a) How many permanent Mono and Lino Operators are there in Government of India Press, Simla, and what is the number of Hindus, Muhammadans, Christians and Sikhs ?

(b) How many apprentices (learners) are there in Mono and Lino Branches and what is the number of Hindus, Muhammadans, Christians and Sikhs ?

(c) How many Mono and Lino permanent operators and learners are recruited since Mr. Jawahar Khan's appointment as Officiating Assistant Manager and what is the number of Hindus, Muhammadans, and Christians and Sikhs ?

†For answer to this question, see answer to question No. 122.

**The Honourable Sir Joseph Bhore :**

(a) *Hindus. Muhammadans. Christians. Sikhs.*  
           7               12               2               1

(b) and (c). There are no regular apprentices (learners) attached to the Lino and Mono Sections. There are a number of employees already in the press who have been allowed at various times to learn the operation of these machines. When a permanent incumbent is absent the most suitable of these learners is deputed to work on the machine so that when permanent vacancies occur the Manager may have a nucleus from which permanent appointments can be made. Since 1925, the following press employees, according to communities, have had an opportunity of learning to work on the machine :

|             |    |    |    |    |
|-------------|----|----|----|----|
| Muhammadans | .. | .. | .. | 11 |
| Hindus      | .. | .. | .. | 4  |
| Christians  | .. | .. | .. | 2  |

Out of these two Hindus, one Muhammadan and one Christian have been appointed either to the Lino or Mono Departments. Of the remaining 13 learners, one Hindu and one Muhammadan are dead. One Christian left the press, and one Hindu was at his own request removed from the Lino department.

#### EXCESSIVE WORK AT THE GOVERNMENT OF INDIA PRESS ON EMPIRE DAY.

133. **Mr. S. C. Mitra :** (a) Is it not a fact that under the Factories Act after four or five hours, half an hour rest is compulsory ?

(b) Is it not a fact that on 24th May on account of the Empire Day, the Government of India Press was entirely closed ?

(c) Is it not a fact that some employees of the Press were called upon by Mr. Jawahar Khan, Officiating Assistant Manager, to attend the Press for an urgent work ?

(d) Is it not a fact that the members concerned worked from about one P.M. to twelve in the night and they were not allowed a single minute's rest during the time quite contrary to the Factories Act ?

(e) Do Government propose to make an inquiry and take action in the matter ?

**The Honourable Sir Joseph Bhore :** (a) The Act prescribes periods of rest of not less than one hour at intervals not exceeding six hours but the arrangement may be varied at the request of the employees concerned.

(b) It was a closed holiday.

(c) Yes, under the orders of the Government of India.

(d) The answer to the first part is in the affirmative and to the second part in the negative.

(e) Does not arise.

#### APPOINTMENT OF INDIANS AS LOCO-FOREMEN, YARD CONTROLLERS AND STATION SUPERINTENDENTS ON THE GREAT INDIAN PENINSULA RAILWAY.

134. **Mr. S. C. Mitra :** With reference to the reply given to Kumar Ganga Nand Sinha to his starred question No. 770 in the Legislative

Assembly of the 23rd September, 1929, will Government be pleased to state why, so far, it has not been found possible to employ on the Great Indian Peninsula Railway more than one Indian as Loco-Foreman, Yard-Controller, and no Indian as Station Superintendent ?

**Mr. A. A. L. Parsons :** I have called for information from the Agent, Great Indian Peninsula Railway, and will communicate with the Honourable Member on its receipt.

#### APPOINTMENT OF APPRENTICES ON THE GREAT INDIAN PENINSULA RAILWAY.

135. **Mr. S. C. Mitra :** With reference to the replies to my starred questions Nos. 538 and 539 put in the Legislative Assembly on the 16th September last in regard to the transportation apprentices on the Great Indian Peninsula Railway, will Government be pleased to state if the apprentices have completed their training ? If so, what appointments have they been posted to and do Government propose to appoint immediately these qualified recruits as Loco Inspectors, Assistant Loco Foremen ? If not, why not ?

**Mr. A. A. L. Parsons :** I am making enquiries from the Agent, Great Indian Peninsula Railway, and will communicate with the Honourable Member on receipt of the reply.

#### QUALIFICATIONS FOR POSTS OF HEALTH OFFICERS OF IMPORTANT PORTS AND MUNICIPALITIES IN INDIA.

136. **Mr. Fazal Ibrahim Rahimtulla and Mian Mohammad Shah Nawaz :** Will Government please state if it is a fact that in accordance with orders issued by the Government of India, persons applying for appointment as Health Officer of important ports and municipalities in India are required to possess a diploma in Public Health granted in the United Kingdom and that persons who hold a Public Health Diploma of an Indian University are not eligible to hold such appointments ?

**Sir Frank Noyce :** No, Sir. Local Governments now possess full power to make appointments on such terms as they think fit to posts of the kind referred to by the Honourable Member except to the Port Health Officerships of Bombay and Aden, which are reserved for officers of the Indian Medical Service. In the case of these two posts it is the practice to select officers who have specialised in Public Health, but no rules have been laid down prescribing the qualifications they should possess.

#### DISCONTINUANCE OF SUMMER CONCESSION TICKETS FROM LAHORE TO SIMLA.

137. **Dr. Nand Lal :** (a) Is it a fact that first and second class Railway concession tickets, which used to be issued in the Summer from Lahore to Simla in some previous years have been discontinued this Summer ? If so, why ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether there has been a decrease so far in the number of passengers this Summer up to the end of June, 1930, when compared with the number of passengers who travelled from Lahore to Simla in the same period of the last summer ?

**Mr. A. A. L. Parsons :** (a) Concession return tickets are being issued from all North Western Railway stations to Simla—and not only from Lahore—as in previous years, but this year the fares charged over the Kalka-Simla section during the months of June to September have not been reduced by about 50 per cent. as in the last three years. The latter reduction was purely experimental, and the results have not justified its continuance.

(b) The number of passengers travelling from Lahore to Simla during June, 1929, compare with the number in June, 1930, as follows :

|              | June, 1929. | June, 1930. |
|--------------|-------------|-------------|
| First class  | 71          | 70          |
| Second class | 106         | 75          |
| Inter class  | 91          | 60          |
| Third class  | 489         | 540         |

#### MOTIONS FOR ADJOURNMENT.

##### TREATMENT RECEIVED BY TWO CONGRESS VOLUNTEERS FROM THE POLICE IN SIMLA.

**Mr. President :** Last evening I received the following notice for a motion of adjournment from Mr. Nehal Singh, M.L.A. The notice runs as follows :

*“Written Statement of the definite matter of urgent public importance left with the Secretary under Standing Order 22 which the undersigned proposes to discuss.*

To

The Secretary, Legislative Assembly, Simla.

1. That on 13th July afternoon two European Police Officers at Simla Mall asked two Congress volunteers who were in Congress volunteers' uniform, and who were informing the public of meeting to be held, to leave the Mall.

2. That volunteers responded that they were doing their duty in a peaceful manner, and that as peaceful citizens of Simla they had every right to walk in the Mall.

3. That therefore the police officers mentioned above in paragraph 1 pushed the aforesaid volunteers and beat them.

4. That in consequence of the unlawful and merciless beating, one of the volunteers is in precarious and dangerous condition.

5. That the above-mentioned unlawful conduct of the above-mentioned police officers agitated the public mind. People in hundreds collected.

6. That the aforesaid sad and unlawful occurrence has given birth to a serious political agitation in Simla. The present very dangerous condition of the seriously injured volunteer has today caused a great sensation and has inflamed the public. This present condition constitutes a definite matter of urgent public importance within the purview of section 45 of the Manual of Business and Procedure, and the undersigned hereby gives notice to the Secretary, Legislative Assembly, that he wants to ask for leave to move the Adjournment of the business of the day for the purposes of discussing the same, namely, above described definite matter of urgent public importance.

(Sd.) NEHAL SINGH, M.L.A.”

I would like to know what the Government have got to say on this motion.

**The Honourable Mr. H. G. Haig** (Home Member) : Sir, I should like to submit for your consideration whether these events constitute a matter of public importance within the meaning of the rules. I can well understand that Honourable Members take a special interest in events that happen in Simla, of which accounts, possibly somewhat exaggerated, are likely to reach them. On that particular point as to whether the account has been exaggerated or not, I would like to say that I received some papers only while I was actually in the House this morning and that I have not had time yet to read through them. But one point which I think is quite clear from those papers is that neither of the volunteers in question can be described in any way as being in a dangerous or precarious condition.

**An Honourable Member :** What is your evidence ?

**The Honourable Mr. H. G. Haig :** It is the report of the Deputy Commissioner.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhamadan) : Did he examine the volunteers ?

**The Honourable Mr. H. G. Haig :** I have not been through all the papers, but I think it is clear that he sent a Magistrate to examine them, and that the volunteers refused to go, or the Congress Committee refused to send them to the hospital, and in the opinion of the Magistrate they were not at all in a serious condition, and they would not agree to be examined by an Assistant Surgeon.

Well, Sir, I would submit that, though one fully realises the interest which the House is bound to take in any incident of this nature happening in the place in which they are actually sitting, we should not, on that account, lose sight of the true perspective of events. Had this happened anywhere else I would submit that it would not be the kind of thing which would be regarded as justifying the House in adjourning its business. I would suggest that the matter might perhaps be more conveniently dealt with by the process of question and answer ; and if the Honourable Member wishes to put a short notice question on the subject, so far as I am concerned, I shall have no objection to answering him.

**Mr. Gaya Prasad Singh :** Sir, I am very much surprised to see that my Honourable friend the Home Member should have been arguing his case as a pettifogging lawyer in a third class Deputy Magistrate's Court. He takes shelter under the plea that this is not a matter of public importance. Sir, it is in pursuance of a policy which has been inaugurated by the Government of India that these arrests and these merciless beatings are taking place all over the country ; and here under the very nose of the Government of India, and under the very shadow of the Viceregal Lodge and this House people are being molested from doing things which they have every right as citizens of this country to do. Sir, the other day I myself saw how the volunteers were prevented from going to the upper Mall, and shall have something to say if you rule this matter in order.

My Honourable friend the Home Member says that the wound is not a serious one ; the other day, I myself saw the injured volunteers in the Congress office.

SCP(B.I.A)

**Mr. President :** The question of the seriousness of the wound has nothing to do with the constitutional question before the House now.

**Mr. Gaya Prasad Singh :** Since the Home Member raised the point that it is not a serious wound, and has quoted the opinion of a very eminent doctor, the Deputy Commissioner, who himself had not seen the patients, I am entitled to refute it by saying that I have got in my hand, in original, the certificates of Dr. Mukand Lal, M.B., B.S., who describes the condition of one as grave, and I showed the certificates to the Home Member yesterday, and if I may be permitted to read the certificate it will be clear how the condition is.

**Mr. President :** I do not think it is necessary at this stage.

**Mr. Gaya Prasad Singh :** All right, Sir, then my Honourable friend went on to say that the volunteers had declined to go, or the Congress people had refused to send them to hospital. I say they believed they had ample justification to do so. They have absolutely lost all confidence in Government, and Government officers ; and if they had been sent to the hospital, they thought the doctor in charge might have given a certificate that the volunteers were not suffering from serious injuries.....

**Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) :** Question. Do not talk about doctors like that.

**Mr. Gaya Prasad Singh :** You are a nominated Member of the House and you have no right to question. Please find out your constituency before you can question an elected Member of the House. I am merely saying what the Congress people told me.

**Lieut.-Colonel H. A. J. Gidney :** That is crass impertinence on your part. How dare you insult the medical profession in this House ? I shall not tolerate it. Though a nominated Member, my constituency is longer than yours and covers all India and Burma.

**Mr. President :** Please address the Chair.

**Mr. Gaya Prasad Singh :** Under rule 11 a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President. I submit this is a definite matter in so far as the terms of the motion refer to a definite incident. I am surprised to hear that it is not a matter of public importance. The right of the meanest citizen to walk on a public road is a matter of public importance and under what law can he be prevented and assaulted ? I never expected that the Home Member would take such a light-hearted view of this matter. Under rule 12, it must be a specific matter of recent occurrence. This is a specific matter of recent occurrence, and I therefore submit that this is a definite matter of urgent public importance in terms of the rule. And not only that, some time back Dr. Varma, the Secretary of the local Congress Committee, was unlawfully arrested and assaulted on the Mall. Sir, the whole thing takes place in pursuance of a policy which has been deliberately adopted by the Government of India in order to crush the present Nationalist movement, which I think they will never be able to crush by their present methods, as the feeling is permeating the masses.

**Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) :** Sir, without importing heat into the debate, I may say that I do not think that the Honourable the Home Member was really serious when he said that this was not a matter which fell under the Standing Orders as raising a case for a motion for adjournment. The Standing Order lays down, Sir, two or three tests ; first, the matter must be of recent occurrence ; secondly, it must be of definite public importance ; and thirdly, it must be urgent. I submit, Sir, all these tests are satisfied by the facts which have been put before us. They have been testified to by two Members of this House. I may mention, Sir, that since the House began its sittings, nearly every evening complaints have been made to me about the unlawful behaviour of the police—it is nothing but unlawful—but I have said to my friends, “let us get a statement from people who have witnessed the unlawful behaviour”. Today, Sir, these facts have been placed before the House by two Honourable Members who belong to the House, and they have definitely stated, in four or five paragraphs, what they themselves have witnessed and then they wind up by saying that :

“This unlawful occurrence has given birth to a serious political agitation in Simla. The present very dangerous condition of the seriously injured volunteer has caused a great sensation and has inflamed the public. This present condition constitutes a definite matter of urgent public importance within the purview of section 45 of the Manual of Business and Procedure.”

I am surprised, Sir, that in a place where the Viceroy resides and when this House is sitting, under our very nose if I may say so, these breaches of the law are committed by the custodians of law and order, and yet my friend the Honourable the Home Member says that this is not a proper matter of which this House can take cognisance. I know the Honourable the Home Member, and I have too great a respect for his intelligence to believe that he could have been serious when he argued that this was not a matter which the rules made it possible for us to take notice of.

**Dr. Nand Lal (West Punjab : Non-Muhammadan) :** Sir, at this stage we have to discuss the constitutional question. We have nothing to do with the merits. If this motion is in order, then it deserves to be moved. Now, the best test to examine whether the motion is in order or not is to look into the provisions of paragraph 44 of the Manual of Business and Procedure, which appears to be the only preventive provision. When we examine the provisions of paragraph 44, we find that this motion, which is now before the House is in order. The point raised by the Honourable the Home Member is this, that the point involved in the motion could be raised by means of a short notice question, and an answer could be given. Now, Sir, I do not think this is a proper answer which will satisfy this side of the House. He has not made out a case to prove that this motion does come within any of the clauses of paragraph 44. It does not fall under clause (i), which says that not more than one such motion shall be made at the same sitting ; so this clause is not applicable. Clause (ii) says that not more than one matter can be discussed on the same motion ; this is not also applicable. Then clause (iii) says that the motion must not revive discussion on a matter which has been discussed in the same Session ; this clause also is not applicable. Then comes clause (iv), which says that a motion must not anticipate a matter which has been previously appointed ; this is also

[Dr. Nand Lal.]

not applicable. And lastly clause (v) which says that the motion must not deal with a matter on which a Resolution could not be moved. It does not fall within the purview of this clause either, because a Resolution could be moved. This event occurred only on the 13th of this month, about three days ago. It is most recent ; it is not a belated thing.

Then on the question of public importance. Volunteer or no volunteer, "A" or "B" has got a legitimate right to walk on the Mall. If he is a volunteer, he is still a subject of His Majesty ; he is a citizen of this town, and he has every right to walk on the Mall. Why was he pushed ? Therefore, Sir, this is an infringement of a public right, the right of every citizen of this town, and in so far as to whether this is a matter of public importance. I say there can be no two opinions about it, that this is a matter of public importance. The matter is urgent, because the occurrence took place only three days ago. No wonder, a number of occurrences of a similar type may take place and the public may be agitated. No wonder it may strengthen the present civil disobedience movement. Consequently, there is no doubt that it is of the highest importance. The matter is urgent also, because if it is not discussed in the House, then it may result in evil consequences. Urgent it is, so far as urgency is concerned, and there can be no two opinions about it. I do not think any Member of this House will challenge the question of urgency so far as this point is concerned. Therefore, the matter being one of public importance and it being urgent, because it is recent, I submit the motion is perfectly in order according to the provisions of paragraph 45 of the Manual. The statement of facts has been left with the Secretary ; a proper motion has been moved ; and it is, thus, in keeping with Standing Order 22, and paragraph 46 of the Manual of Business and Procedure, and, therefore, it must be accepted. I am not going into the merits, but, in passing, I may submit that there is no open challenge to the whole service, I mean the police. Some of the police officers are very honest ; nobody can deny that. The present motion relates to only those two sergeants or two policemen who have infringed the law. The public have got to respect the law ; so the Government officials too have got to respect it, namely, the law. Maintenance of law and order leads to happiness, and disobedience to law leads to misery. (Opposition Cheers.) Sir, since this law has been infringed by two police officers or two policemen, I submit this motion must be allowed to be discussed in this House.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : The Honourable the Home Member made a very unsatisfactory statement. He did not seriously question that this was not a matter of urgent public importance. But he said that this matter could be raised by means of a private question.....

**The Honourable Mr. H. G. Haig** : I said public question, Sir, in this House.

**Mr. C. S. Ranga Iyer** : Sir, the Honourable the Home Member also stated that he was in possession of certain reports. It is impossible for this House to know all that he has got in his possession, and he said that he had so much in his possession that he did not find time to read through it. Sir, the House is entitled to know what is in his possession

and to pass its own opinion. If he satisfies the House, the censure motion will be withdrawn. He made out a case not in reference to the motion, before the House, but for a motion as to why he did not disclose the facts. Now, Sir, the question has become even more urgent, because the Home Member has conducted an inquiry into it, and the House is perfectly entitled to know what the result of that inquiry is in order to offer its opinion. If the result of the inquiry is satisfactory, then the House will be inclined to withdraw the censure motion, but I think, Sir, the present motion is quite in order.

**Mr. President** : I quite agree with my Honourable friend, Dr. Nand Lal, that at this stage we need not go into the details of the case but should confine ourselves only to the constitutional issue of the motion before the House.

The matter to which this Motion relates is, no doubt, a definite one, and also a matter of recent occurrence. But the mere fact of its being definite and of recent occurrence is not sufficient for allowing a discussion on the motion. It must also be shown that it is "urgent" and of "public importance".

The action of "pushing" and "beating" by "two European Police Officers at Simla" of "two Congress volunteers", howsoever objectionable, unwarranted and undesirable it may be, cannot by any stretch of imagination be called "urgent" and of "public importance".

Motions for adjournment are meant for obtaining an immediate debate on grave and serious matters, which cannot otherwise be immediately and effectively dealt with, and the very object of such motions will be lost if they are permitted to assume the character of an ordinary course of action of every day occurrence. "The formal moving of the adjournment of the House as a tactical method of introducing new matter into the day's work has during the nineteenth century been gradually but steadily discouraged by the rules of the House", says Josep Redlich in his Procedure of the House of Commons. Further on, the same author says, "By the present rules such a motion for adjournment can only be permitted in case of special urgency"; and I am anxious that the same principle should be established in this House. "The Speaker has repeatedly refused to allow a Member to move the adjournment of the House", says Josep Redlich, "on the ground that the matter proposed to be brought up by him was obviously not important or not urgent".

Moreover, distinction should also be drawn between matters to be discussed in this House and the matters to be discussed in the Provincial Councils, and to my mind, it would be too much interference on the part of this House as regards provincial affairs if matters for which Provincial Governments are responsible are debated in this House by means of the extraordinary method of motions for adjournment. It would not be right and proper to condemn the provincial executive behind their backs in a place where they cannot defend, explain or justify their conduct. The matter referred to in this motion is certainly a provincial matter, which is not primarily the concern of the Governor General in Council.

It is stated in May's "Parliamentary Practice", page 248, that, "Motions have also been ruled out of order when it appeared that the administrative responsibility of the Government was not involved".

[Mr. President.]

It may also be remarked that according to Josep Redlich,

"The application must exactly fit the formula: to ask leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance, upon which must follow the statement of the matter referred".

The application which has been presented by the Honourable Mr. Nehal Singh—because of the other Honourable Member, Mr. Panna Lal (Mr. Gaya Prasad Singh: "Rai Bahadur Lala Panna Lal.") Rai Bahadur Lala Panna Lal, having withdrawn his notice—has also been drafted in such a form that it does not exactly fit the formula in the proper form.

For the above reasons, I am afraid, I must rule the motion out of order.

#### FIRING INTO AND VIOLATION OF THE SANCTITY OF THE SIS-GANJ GURDWARA AT DELHI.

**Mr. President:** Notice of another motion for adjournment was handed to me when I was coming to this House, on behalf of the Honourable Sardar Kartar Singh. I do not know if the Honourable Member in charge has got notice, and if so, whether he is ready to deal with the question.

**The Honourable Mr. H. G. Haig:** Notice was only handed to me in the middle of question time, and I naturally have not been able to give such attention to it as I should have liked, but if you are prepared to consider the matter now, I would submit certain considerations.

**Mr. President:** I have no objection to consider it now. I will read the motion:

"I beg leave to move an adjournment of the House in order to discuss a very urgent and definite matter of public importance, viz., the very serious and critical situation arising out of the most unsatisfactory response of the Government to meet the Sikh demands and the failure of the Government to redress the legitimate grievances of the Sikhs re the firing into the Sis-ganj Gurdwara by the police and wounding its inmates and causing damage to the Gurdwara and violating its sanctity by entering therein without taking off their shoes on the 6th May, 1930."

I would like to know if the Government have any objection to this motion.

**The Honourable Mr. H. G. Haig:** Sir, I rise with some diffidence to suggest for consideration certain points in connection with the admissibility of this motion, for my Honourable friend, Mr. Jayakar, has just accused me of not taking a serious view of these matters and has suggested that I put forward objections of a frivolous character. I need hardly assure you, Sir, nor, I think, the House, that it is very far from my intention to raise any objections of a frivolous character, and if I put before you certain considerations, it is not with any desire to avoid discussion, but in order that the procedure of the House should not depart from recognised and sound lines.

Now, Sir, this motion relates to the sequence of events following on the unfortunate firing which took place in Delhi on the 6th May, and I wish to submit that the events to which the Honourable Member seeks to draw attention cannot reasonably be considered to be matters of urgent importance within the meaning of the rules. I have not with me

at the moment the ruling bearing on the point, but I referred to them two days ago in connection with another motion, and I have no doubt that they are very well within your recollection. The firing at Delhi took place on the 6th May. Subsequent to that, a magisterial enquiry into all the events of that day took place, and the results of that magisterial enquiry were published, I should say, some three weeks or a month ago. Further, the matter has engaged the most serious and sympathetic attention of the Government of India and of His Excellency the Viceroy himself. Again, some time ago—I regret I have not got the dates with me, but certainly it must have been before the commencement of this Session—His Excellency the Viceroy received a deputation, a very representative deputation, of Sikh gentlemen to discuss this very matter with them. Now, I understand that it is sought to bring forward this motion in order to express an opinion on the reply which was then given by His Excellency the Viceroy on behalf of his Government. I submit, Sir, that if the Honourable Member wished to raise this question he had ample opportunity to put down a Resolution at the beginning of this Session and that it would not be in accordance with the established practice of this House that the matter should now be raised after this length of time.

**Dr. Nand Lal:** Before I may have the honour of availing myself of your kind permission to address you on this constitutional question, may I respectfully ask whether any other statement has been annexed to this motion or not? My information is that another statement containing the most recent occurrences and the most recent unhappy incidents, which occurred only a few days ago, and which are expected to occur on the 17th. (Laughter.) have been embodied. Lawyers will not misconstrue this. Only those who are laymen will not appreciate this. May I most respectfully ask whether any statement has been annexed to this motion in addition to what has been read out by the learned Chair?

**Mr. President:** If the Honourable Member will resume his seat, I will answer his question. The only statement which I have received along with the motion which I have just read to the House is the following covering letter from the Honourable Member:

"To the Secretary, Legislative Assembly:

Dear Sir,

I give notice that I will move an adjournment of the House in order to discuss the attached motion which concerns a very urgent and definite matter of public importance.

I remain,

Yours faithfully,

KARTAR SINGH, M.L.A."

Besides this statement, I have received no other statement on any fact about this matter.

**Dr. Nand Lal:** Now, I shall avail myself of your kind permission and I must obey the Chair.

**Mr. President:** The Chair would not compel you to speak. (Laughter.)

**Dr. Nand Lal:** This being a gift from the Chair to me, I would like to avail myself of it. Now, Sir, the Honourable the Home Member, in his usual eloquent manner and usual intelligent method, has stated his



[Dr. Nand Lal.]

case. He has dilated upon one point, namely, that the occurrences took place on the 6th May, 1930, and that consequently this motion can never be characterised as one of urgency. In addition to that, he has made a reference to a subsidiary and collateral point, namely, that there was a judicial inquiry by a Magistrate. The third subsidiary point that he has referred to is that the matter was referred to His Excellency the Viceroy and that His Excellency was pleased to express his views thereon. My humble reply to these is this. If my knowledge of law is not limited and if my grammatical construction of the word "urgency" is not inaccurate, then I submit that the occurrence of the 6th May is not to be construed as a belated occurrence, because in law and in procedure we do not find it mentioned that a certain specific period should not pass between the date of the occurrence and the date of the motion. I cannot deny that the delay should be of a reasonable character. Two months, three months or eight months or ten months are a delay which can be construed as being unavoidable. We should take the law and the letter of the provision in a reasonable manner. My submission is that, if my construction and my view of the word "urgent" is not inaccurate—and I believe it is accurate—then this date may be construed as such that it does not violate the idea of urgency. Urgency consists of what it will lead to if this motion is not discussed. Urgency has nothing to do with the question of time or delay. It has to be compared with the consequences which it will lead to. I very respectfully differ from those gentlemen who take a contrary view. Then I say that this motion is of a public character. The Sis-gunj is a sacred *dharamsala* belonging to the Sikhs. It is not the property of "A", "B", "C" or "D". It is a public institution which is considered sacred.

**Mr. C. S. Ranga Iyer** (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I should like to know if this speech is in order ?

**Mr. President** : Most certainly.

**Dr. Nand Lal** : The Sikhs are a very loyal community. They have produced great soldiers whose loyalty is an established fact. Therefore this question is of a public character. The Sikhs have taken this incident to their hearts. Their sacred place has been ruthlessly violated. I know non-Sikhs may not look upon this motion as one of public importance. We have to deal with this question with reference to the people to whom it relates. A rule of law may be applicable to community "A" and community "A" will be in a position to say whether it is of public importance or not.

**Rai Bahadur S. C. Dutta** (Surma Valley *cum* Shillong : Non-Muhammadan) : Will the Honourable gentleman say whether the incident is of recent occurrence ?

**Dr. Nand Lal** : A question has been put to me whether the occurrence is recent. You may take any dictionary and see the meaning of the word "recent". The incident may have occurred in April or January. No date is given nor a specific period is mentioned in order to make an event a recent event. If you turn to any important law book or journal, you will find therefrom that the phrase "recent occurrence" does not mean that it relates to only an event which occurred two days back or two or three weeks back. (*An Honourable Member* : "A century back.") Therefore, it is recent ; it is not belated ; it did not occur two years back or ten years back, and therefore it is recent. The word "recent"

should be taken in its proper grammatical sense. "Recent" is different from "present". (Laughter.) Well, if any Honourable Member of this House wishes to enter into a debate with me on the grammatical construction of the words "recent" and "present", I am quite prepared to do it. (Hear, hear.)

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : May I inquire, Sir, if there is any time-limit at this stage ?

**Mr. President** : It is such an important question I think that Dr. Nand Lal's speech should not be restricted by any time-limit.

**Mr. D. K. Lahiri Chaudhury** (Bengal : Landholders) : On a point of information, Sir, is the Honourable Member making a speech, or making observations on the adjournment motion ?

**Mr. President** : Dr. Nand Lal.

**Dr. Nand Lal** : Now, Sir, this House....

**Mr. C. S. Ranga Iyer** : Sir, in connection with this adjournment motion (*Several Honourable Members* : "Louder please.") I want a definite ruling from you whether the Honourable Member can, at this stage, bring in matters which are not connected with the motion.....

**Mr. President** : I think the speech of the Honourable Member is quite in order.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : The Honourable Member should know that Dr. Nand Lal is a Doctor of Laws.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : I rise to a point of order. Is it permitted for one Honourable Member to whisper to the President his point of order unlike my Honourable friend, Dr. Nand Lal ? We have not heard his point of order.

**Dr. Nand Lal** : As, Sir, you are better aware than my humble self, when any political question relating to the constitution or rule of law arises in any legislative body, primarily it ought to be discussed and determined with reference to the procedure of business, or what is called the Manual of Business. Is it laid down anywhere in this little book (which can be got by heart within two hours) as to what is the meaning of the word "recent" ? What right have you got, then, to go beyond the author of this Manual ? I am justified, then, in submitting before you, Sir, that no definition of the word "recent" is given in this book, and therefore the general, and a common sense, definition is applicable. When any statute is silent with reference to the definition of a specific phrase, then we can take assistance from general applicability and general use. So far as the general use and the popular view of the word "recent" is concerned, this occurrence, which took place on the 6th of May, 1930, was a recent one ; and if there is any Honourable Member of this House who challenges the correctness of my interpretation, he ought to cite some authority and not merely make some unsupported assertion. Consequently, I submit that the most faithful guide, which has been provided in this Manual, is section 44. Now since that section does not debar this motion, it, thus, deserves to be discussed. Well, if there is any flaw in this Manual regulating the procedure, then the Honourable Member, who has moved this motion, is not to blame. He cannot conceive

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anything beyond the scope of this Manual. (*An Honourable Member* : "No.") If you, Sir, restrict the meaning of the word "recent" to occurrences which took place yesterday or the day before yesterday or a week back, then I would submit to the Honourable and learned Chair that you would then infuse some provision into the Manual which is not embodied in it, and I would submit to you then, Sir, that you should not introduce anything new into this Manual of Procedure. Therefore I submit, Sir,—and I will now thank you, Sir, for your kind permission to me, and will also thank this House, though they interrupted me, for the indulgence they gave to me (Cheers.)—that this motion is in order. I am not going into the merits—as the Honourable the Home Member has made some allusion to these things—I am not entitled to go into the merits. I am simply discussing the constitutional point whether this motion is in order or not. It deserves to be in order; it is of a definite character, since the Sis-ganj Gurdwara was the only subject of firing from machine guns by way of assertion of strength. This, as the Honourable the Mover of this motion says, was quite uncalled for, and has violated the sanctity of that temple. Therefore, it is of public importance, and of a definite character. There is no ambiguity about it. It was also a recent occurrence, the incident having taken place on the 30th May 1930.

**The Honourable Mr. H. G. Haig** : On the 6th May.

**Dr. Nand Lal** : Thank you very much—there the Honourable the Home Member is quite right. And it is urgent, because it may lead to very undesirable consequences. I had allowed myself to give vent to one expectation, though I am sorry that it could be expected, which was this, that if some *jathas* have started and those *jathas* go on to Delhi on the 17th, then some undesirable incidents may occur. Some gentlemen associated themselves with the exhibition of laughter when I hinted at this. However, the word "urgency" is applicable to the present occurrence, to the recent occurrence and to the occurrences which may crop up immediately after. If my learned friends will look into the definition, they will certainly agree with me. Of course nobody can prevent them from not understanding the reality of the argument. Nobody can prevent them from thinking aright or not thinking aright. While thanking the Chair again, I may submit that, so far as the constitutional point is concerned, it is not violated by the fact that there was some sort of inquiry or investigation by a Magistrate, who might or might not have erred. Thereby this constitutional point is not minimised, because some communication was made to the highest authority. I may mention again that the force of this constitutional point is not infringed if there was some inquiry by a Magistrate. We have nothing to do with the details. We should examine and discuss the matter within the four corners of article 45 of the Manual. I submit, Sir, that the present motion, which has been so ably read out by the learned Chair, is in order. I submit it is urgent.

**Sardar Kartar Singh** (East Punjab : Sikh) : Sir, the matter is very serious, urgent and important and yet I am sorry to find my Honourable friend, the Home Member, speaking in a light-hearted manner and saying that the events of 6th May are not urgent, nor important. I submit, Sir, that my motion deals with the present serious and difficult situation. I want to discuss the present serious and critical

situation arising out of the most unsatisfactory reply of the Government to meet the Sikh demand and the failure of the Government to redress the legitimate grievances of the Sikh regarding the firing into the Sis-ganj Gurdwara by the police and wounding its inmates and causing damage to the Gurdwara and violating its sanctity by entering therein without taking off their shoes on 6th May, 1930. As regards the importance of the events of 6th May, I submit, Sir, that everybody in this House is convinced that the events of that day were tragic and of utmost urgent importance. Nobody can deny that fact. My Honourable friend the Home Member may deny it, but even he, in his heart of hearts, must feel that the matter is a very urgent one and the event extremely deplorable. Even His Excellency the Viceroy, in his speech, admitted that the incidents were extremely deplorable and regrettable. I submit, Sir, that the occurrence of the 6th May caused deep resentment amongst the Sikhs and this resentment, Sir, might perhaps be unknown to my other friends. But the Sikhs feel great resentment on that account. For that reason they appointed an impartial Committee of Inquiry.

**Mr. President** : The Honourable Member is now going into details of the motion.

**Sardar Kartar Singh** : I do not want to go into details. I want to submit that a difficult situation had arisen and there was a recent Committee of Inquiry which recorded its findings. Then, we submitted a Resolution to His Excellency the Viceroy and the Government gave us a reply which does not respond to our demands. In fact it is no reply at all.

**Mr. President** : When was this reply given ?

**Sardar Kartar Singh** : The reply was written on the 2nd July and it reached the S. G. P. C. on the 4th July this year. My Honourable friend cannot say that it is not recent, because the reply reached the S. G. P. C. only on 4th July. Then they met on 7th July and passed a Resolution to send a *jatha* of 100 people to Delhi. That *jatha* is now on its way to Delhi. They will reach there tomorrow and then start an Akhand Path there. After the recitation is over, they will hold a meeting on 20th July, and then take their decision as to the course of action they should take. I submit, Sir, that a very serious situation is going to arise, and let the Government take note of it. A very serious agitation will take place unless the Government are agreed to concede the Sikh demands. The Government should not think that they can turn a deaf ear to the legitimate demands of the Sikhs. Everybody knows that, from the point of view of religion, we feel the most, and I think my Hindu and Muslim friends also feel the same on this point. The Honourable the Home Member might think it a very ordinary thing going to a place of worship with shoes on, but we resent it the most. The police entered the Gurdwara with shoes on.

**Mr. President** : That is not a point of constitution, that is, going with shoes on. It is going into details of the motion.

**Sardar Kartar Singh** : My submission is this, that the demands which we made are quite reasonable, and the Government have failed to meet those demands, and on account of the failure of the Government to meet those demands, which were very legitimate and which were supported by the findings of a very impartial Committee of Inquiry, and which every

[Sardar Kartar Singh.]

reasonable man would think proper, and on account of the failure of the Government to appreciate the point of view of the Sikhs, a very serious situation, which everybody wants to avoid, has arisen, and it is for the Government to ease the situation by taking suitable measures. I have brought forward this motion in order to give a chance to the Government to make amends. We have been bringing it to the notice of the Government for the last several days, but the Government did not pay any heed to it. They thought the matter was not urgent, that the matter was not important and that it was not recent. The matter is even now taking place. Even now people are on their way to that place and they are going to hold a meeting. There is going to be a big agitation. If you think it is not urgent and it is not recent, it will be your duty to face the situation. My duty is simply to bring it to your notice. I think the matter is very serious and urgent and it should be discussed on the floor of this House so that the Government might say what their policy is as regards places of worship. Would they avoid a recurrence of such an event in future? Or would they not like to punish the wrong doers? Or would they hold a committee of inquiry, consisting of impartial people who would command public confidence? These are our demands, and if the Government are willing to meet those demands, the situation will be eased. Otherwise the situation will become very grave, and will grow graver and graver every day.

This, Sir, is my submission. If still the Government think of the matter in a light-hearted manner, let them do so at their own risk. Let them have their own way. But it is for you, Sir, to decide, you being an Indian, you can well imagine the religious feeling of the people of India. We feel most on the point of religion, and perhaps the Government do not realise the feelings of the people. The situation is really very serious and I cannot find enough words to convey to the Government the seriousness of the situation, the urgency of the matter and its importance. It is a matter of utmost public importance, and I think the Government should take note of the fact that the matter is very serious, urgent and important and they should not simply brush it aside by saying that the events took place on the 6th May and so it is not of recent occurrence. The events no doubt did take place on 6th May. It was in the hands of the Government to redress those grievances. They, by their inaction to move in the matter, have brought about a situation which is much more serious than the events of the 6th May. Therefore I submit, Sir, that the matter being urgent and important, the motion should be allowed.

**Mr. President :** Does the Honourable Member, Captain Hira Singh, want to say anything on the motion?

(No reply was given by the Honourable Member.)

I am really very conscious of the religious susceptibilities of the Sikhs on this matter. I know that our Sikh friends are strictly a religiously inclined people, and like the Mussalmans, anything that touches their religion goes to their hearts. I am also convinced, by the eloquent and learned advocacy of my Honourable friend, Dr. Nand Lal, that it is a matter of importance and that it is a definite matter, but I am very sorry to find that even his eloquence could not convince me of the fact that it is a matter of "recent occurrence". I am also sorry to say that I am not convinced that this matter could not have been brought before the House earlier than it has been done

today. This question, I think, is fully covered by the ruling which the Chair gave the other day on the motion of Maulvi Mohammad Shafee Daoodi. Whatever may be my religious feelings on this question, as I am a creature of the constitution, I do not think I will be justified in allowing a debate on this motion for adjournment.

#### RESOLUTION RE OUTBREAK OF LAWLESSNESS AT DACCA.

**Mr. President :** The first Resolution on the agenda was ballotted in the name of Mr. B. Das, but I think he has authorized Mr. Neogy to move that Resolution. So I call upon him

to move it.

**Mr. K. C. Neogy** (Dacca Division : Non-Muhammadan Rural) : Sir, I beg to move the following Resolution :

"This Assembly recommends to the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the City of Dacca and its neighbourhood."

I must, first of all, thank my Honourable friend, Mr. Das for permitting me to move this Resolution, which affects me and my constituency very vitally. I think I should also thank the ballot box, inanimate as it is, for having displayed a lively appreciation of the importance of this question and for having placed it at the top of the ballot list on two successive days. Sir, since I came to Simla this time, if there is one slogan with which the roof of this House, if not the sky of Simla, has been reverberating, it is this : "Govern or abdicate". I quite agree that the Government must govern and, indeed, Sir, if I am here to-day and if all of us are here to-day, it is for the purpose of helping the King's Government to be carried on according to the constitution. (Hear, hear.) But I must ask in all humility whether it is not a fact that the King's Government abdicated in favour of the hooligans for several days and several nights in the unhappy city of my birth. Sir, before proceeding further, I should like to produce before this House the testimony of an octogenarian citizen of Dacca. He is a leading gentleman of the city and his name is familiar to every Bengalee—I mean Babu Ananda Chandra Roy, a leader of the old generation. From his sick-bed this gentleman addressed the following letter to one of the Members of the Executive Council of the Government of Bengal. He says :

"For an old man who saw the Sepoy Mutiny of 1857 it is unbelievable that under British rule there could be such horrors as looting and burning of houses and killing of men in broad day light in the town of Dacca, some times before the very eyes of Government officials and the Police, who did not care to stop them. I pray to you to place before His Excellency the case of Dacca, which was in the hands of the rowdies for several days and nights just as we read in history about the sack of Delhi by Nadirshah. Kindly move to appoint a Committee to make a sifting inquiry into the matter, as the popular belief is that Government has apparently allowed these things to be done for the sake of policy and one is helpless and cannot blame the people if they are driven to these conclusions by the force of circumstances."

What follows is pathetic :

"Being a moderate of the old school, I have still faith in British justice ; so please let me die with the same faith. Let the Government take prompt action in this Dacca matter at an early date, and for God's sake do not drive these people who are yet loyal into the folds of the extremist agitators."

[Mr. K. C. Neogy.]

Then he continues :

"Only the other day I sent a letter to His Excellency the Viceroy along with Maharaja Tagore giving my whole-hearted support for law and order, but I did not for a moment think at that time that I should be rudely shaken by the local authorities' behaviour in the present riot here at Dacca."

Sir, shortly after the news of the disturbances at Dacca percolated through the muffled wires, through the censored telegrams, to Calcutta, some leading citizens of Calcutta issued a long statement in which they summed up the situation. They pointed out that for one week, if not for more, all the courts of law were closed, and responsible judicial officers could not stir out of their houses. Most of the post offices in the city were closed and those that were open could only conduct their work with the help of a very small proportion of the staff. There was no regular delivery of the mails for all this time.

**Mr. H. A. Sams** (Director-General of Posts and Telegraphs) : The delivery of mails was discontinued for three days only.

**Mr. K. C. Neogy** : I am very much obliged to my Honourable friend for pointing out this to me, but even that ought to suffice for the purpose of establishing the seriousness of the situation. If for three days the mails could not be delivered, is not that fact serious enough ? But I maintain that, so far as the smaller post offices are concerned, they did not transact any business for very many days after that. My Honourable friend must be talking of the Head Post Office of Dacca, which delivered letters only through the window to people who could reach the post office by braving the murderers on the way. But what were the authorities doing ? I may here pause and say that I am going to disappoint my Honourable friend the Home Member if he expected that I was going to raise a communal issue on this occasion.

**The Honourable Mr. H. G. Haig** (Home Member) : I am very glad indeed to hear that assurance.

**Mr. K. C. Neogy** : Sir, about 60 Indian lives are believed to have been lost at Dacca. I am not going to say how many of them were Hindus and how many Muhammadans. That does not matter at all. Property worth half a crore has either been looted, burnt down, or otherwise destroyed. And yet what were the authorities doing ? The leaders in Calcutta, to whom I have already referred, point out in their manifesto the amazing failure of the executive authorities to take adequate measures to cope with the situation.

"This seems", say they, "to present a strange contrast to the promptitude, vigour and display of force with which the movement of civil disobedience is being met by the authorities all over the country."

Sir, I will now quote from another distinguished authority. I do not know whether my Honourable friend cares to read the Bengal newspapers. But I do hope that he does read the *Bengalee*, which is edited by my esteemed friend, Mr. Sarma. Now, what did Mr. Sarma himself in his editorial article say about the situation ? I am quoting from my memory, but I hope my Honourable friend will correct me if I am wrong. He said that the situation at Dacca had discredited the Government more than all the salt law breakers taken together. This is the testimony of a gentleman who considers the prestige of Government to be no less dear to him than his own.

Sir, may I now, in order to give the House an idea of the seriousness of the situation, give a few extracts from signed statements which I have got with me and which were made by witnesses who appeared before the official Committee of Inquiry. These statements cannot be discredited by my Honourable friend, the Home Member, as not having stood the test of cross-examination. I have got with me many signed statements of witnesses who have come forward and given evidence before the official Committee of Inquiry which is sitting at the present moment at Dacca. I am going to cull just a few samples of the evidence which they gave before the Committee of Inquiry in connection with the Dacca inquiry. I have taken these statements at random. I will begin with one person, who lost about Rs. 10,000 worth of goods by reason of his shop being looted. He says :

"My shop is visible from the Nawabganj Police Station, and is very close to the Pilkhana Fattahon, the headquarters of the Eastern Bengal Frontier Rifles. At the time of the incident, I ran to the Nawabganj Police Station and caught hold of the feet of the Havildar and entreated him to save my shop. The Havildar said : 'Go to the Congress and Gokul Babu and take Swaraj.' (Cries of 'Shame, Shame.') My shop was looted for eight hours, and in spite of entreaties, the Police did not come forward to save the shop. We know the names of many of these goondas, and know many by face, and we lodged information at the Thana. About a week after the Police came, but has not arrested anybody up to now."

(That is, during one month from incident.)

Sir, I will trouble the House with a few more extracts, and for this reason, that thanks to the policy which the Honourable Member has initiated, the Press has been so thoroughly gagged, so thoroughly demoralised that the most important points are not being published in the newspapers today, although they make a pretence of reporting the proceedings of this Committee.

The next witness is another shopkeeper who lost goods worth Rs. 4,500 :

"Four or five policemen were standing near the shop while it was being looted. I can identify the goondas. Police came 7 or 8 days after information. No arrests or house searches made."

—although one month has elapsed.

Then the owner of a medical stores says :

"Noticed from a distance 5 or 6 police constables sitting in a verandah on the public road opposite my shop. The shop was being looted. Police did not permit me to enter my shop, nor did they prevent goondas from looting and destroying property. Lodged information. No search, no arrest."

Then I come to another shopkeeper who lost goods worth Rs. 4,000 :

"The shop was in flames. Seeing 5 or 7 policemen standing there, I attempted to bring out whatever articles remained in my shop, but the police prevented me by saying, 'Go to Gokul Babu and take Swaraj.'"

The next man is another shopkeeper who says :

"Two policemen passed by while shop was being looted. I asked them to save our property, but they went away. The police station is two minutes' walk from my shop."

Another man says the following :

"The police station is only 5 or 7 minutes' walk from my shop. When my shop was attacked, I sent my brother through the back door for giving information to the police. The Havildar said to my brother, 'Why have you come to inform the police ? Go to the Congressmen.' After much entreaties by my brother, the Havildar phoned to Lalbagh thana (possibly to a superior authority) and then told my brother, 'We have got no orders to go. You won't get any police.'"

Here also there has been no investigation, no searches, no arrests, though the names of goondas were given in the first information.

[Mr. K. C. Neogy.]

These are the two replies which she got, and remember this was the case of a lady official living with some other ladies who were in her charge in that isolated place :

"In the evening I again phoned to the police officer ; I told him that being the Principal of a Government institution for women, I could naturally claim protection, but nothing was done for me. Things reached their climax on the 26th on which day about 1 P.M. a huge mob of ruffians rushed towards us from the Buckland bund. (This is a promenade running right along the river.) They all carried with them deadly weapons—daggers, big lathis and a few guns. In the crowd there were some dressed in khaki European uniform. The mob returned from the direction of Sadar-ghat. All the time they were hurling their daggers and lathis and shouting. I noticed a man among them over whose head an umbrella was held by another, and I was told by one of my servants that he was—"

(I do not propose to give the name here, but he was a prominent man at Dacca.)

With great difficulty she managed to get a ear from a friend of hers for going to some friends. Then she says :

"As I was getting into the car I found a number of policemen, police constables, standing near the car ; when asked as to why the hooligans were not restrained from the atrocities they were committing in the town, they said '*Mussalman ko rukhneka hukum nahi hai, hamlok ka karenge*' (That is, they are not permitted to oppose the Mussalmans ; what could they do ?) "

(Cries of "Shame, shame.") This is the testimony of a Government servant, a lady holding a very responsible position, and this has stood the test of cross-examination by the official Committee of Inquiry.

Now, I come to a police officer—a retired Inspector of Police : he lives with his elder brother who is a retired additional Superintendent of Police. The whole family seems to have served the Police Department very loyally, because there is also reference to a nephew of his who was personally concerned in these riots and was hurt. He says :

"I saw hooligans and females and children carrying looted articles through lanes running along the north as well as the south of my house. I also saw two or three constables in that locality, but apparently they were doing nothing."

This is the statement of a retired Inspector of Police and he was making the statement, I dare say, with a sufficient sense of responsibility. He goes on :

"In the afternoon my nephew, a Sub-Inspector of Police, returned from the police office and stated that he was attacked although he was going with two armed orderlies in plain dress and with the head clerk of the police office. When they were attacked, they gave out that they were police officers and that they had revolvers with them. One of the hooligans gave a severe blow on the neck of Mohendra and snatched away the revolver from his waist. The Head Clerk somehow or other got back the revolver but was himself wounded in the back."

Then he gives his own opinion as to how far the police arrangements were sufficient and he is perfectly entitled to give his opinion, a retired Police Inspector as he is. He says :

"I personally think that the police arrangement was not sufficient and that if the goondas, of whom there is a list in the police office, had been arrested at the inception and proper police precautions taken, the disturbances would not have continued so long."

His nephew also has been examined before this official Committee of Inquiry. He says—I do not go over the incidents once again :

"We informed the Superintendent of Police about the occurrence and showed him the wounds received by us. I do not know whether an investigation has been started

over this and whether any arrest has been made in this connection. I know by face the man who snatched away the revolver from me."

When he says that he does not know whether an investigation has been started, it clearly shows that he was not even given the opportunity to identify the assailant when he said he could do so, and this is a police officer still in service ! This is the way the police authorities at Dacca have been discharging their responsibility.

I am afraid I have exhausted all my time. These sickening details are too numerous to be dealt with in five or six hours even if I were to get that much indulgence from you on this occasion.

While this was the situation in Dacca itself, what was happening in the neighbourhood ? The poison spread to the interior. A village, a very flourishing village, not more than seven miles from the district headquarters, I mean Rohitpur, was the scene of unheard of *goondaism*. About 118 houses belonging to wealthy business men were looted completely, even the broomsticks in the houses were not left behind by the looters ; and what did the authorities do ? The news of this occurrence did not reach the authorities within three days. Talk of law and order ! Is this the way to maintain law and order in the country ? After three days, when the information somehow reached the police authorities, a constable was sent from the nearest thana to make inquiries. Then the people of Dacca got to know about it and they sent some responsible persons to inspect the locality. I have got a detailed report of what they saw—I am not going to place it on record before the House at the present moment ; it may be too tiresome. The most astounding feature of this incident at Rohitpur is that the rioters were incited by *chaukidars* in uniform ; they incited them, in the name of Government, to loot the houses of Hindus and several lakhs worth of property were removed and destroyed at leisure for two days together. And when at last the superior administrative authorities reached that place, the Deputy Inspector General of Police, Mr. Craig, accompanied by the Nawab of Dacca and his brother Khajeh Nasirullah and the Superintendent of Police, they called together the famished and oppressed people and convened a meeting and delivered a speech, and this was the purport of the speech. The Deputy Inspector General of Police said : "This is the result of your hartal. Don't do it again. Ask the Congress people to protect you." Then he asked the people if they wanted Gandhi Raj or British Raj. Some of the people left the meeting in disgust. But others being afraid of more oppression, specially finding a particular person there in whose name these oppressions were being committed, said they wanted British Raj. On this Mr. Craig asked them to cry out "British-Raj-ki-Jai" and "Nawab-Bahadur-ki-Jai". The people finding that it was really the victory of Nawab Bahadur and British Raj cried out in agony "British-Raj-ki-Jai" and "Nawab-Bahadur-ki-Jai". The company left the place, after arresting some Muhammadans including three Mussalman *chowkidars*, and triumphantly entered the city of Dacca, shouting from the launch in the river Buriganga, "British Raj-ki-Jai" and "Nawab-Bahadur-ki-Jai". Some Hindus of Dacca living by the side of the river, hearing the shouts were first terrified, but subsequently on inquiry they learnt that Nawab Bahadur & Co. had returned from Rohitpur and that there was a serious occurrence there.

Sir, I do not think that I will be justified in taking up any more time of this House. I hope I have placed sufficient materials before Honourable



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Members to enable them to judge of the seriousness of the situation. I daresay the Government of India owe to this House a full and frank statement of what they have been doing while this state of things was taking place in Dacca and its neighbourhood. It won't do for my Honourable friend, the Home Member, to say that the Government of India are not primarily responsible. If he accedes to my Resolution by publishing the correspondence that passed between this Government and the Bengal Government, we should be in a position to judge as to how far the Government of India were discharging their obligations, which have been imposed upon them by the Government of India Act for the direction, supervision and control over the Provincial Governments, particularly in respect of the Reserved subjects, of which law and order happens to be one.

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.

#### ELECTION OF MEMBERS TO THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

**Mr. President :** I have to inform the House that Dr. Ziauddin Ahmad and Lieut.-Colonel H. A. J. Gidney have been elected to sit on the Governing Body of the Indian Research Fund Association.

#### RESOLUTION RE OUTBREAK OF LAWLESSNESS AT DACCA— contd.

**Mr. A. H. Ghuznavi** (Dacca Division : Muhammadan Rural) : Sir, I had not the least inclination to make a speech on this Resolution of my Honourable friend Mr. Neogy if only he had restricted himself to the terms of the Resolution. In the Resolution he asks the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the City of Dacca and its neighbourhood. In moving the Resolution, I am very sorry that he has brought in a certain amount of communal feeling. (*An Honourable Member* : "Has he?") (*Another Honourable Member* : "No, not at all.") At any rate, that is what I have understood from his speech. (*Mr. Gaya Prasad Singh* : "Your understanding is very defective.") From his speech, as far as I am able to follow, I find that his grievance is that the police in Dacca deliberately did not give my friend's community the protection that they needed. Furthermore, so far as I have been able to understand his speech, he went on to say that the lootings continued and that in broad daylight, and that when the police protection was asked, the men concerned were referred to the Congress. He said, that the lootings continued from day to day and that the police did not give them any protection at all. There was a certain amount of insinuation that the police were conniving at the looting and murder of my Honourable friend's community by the Muslims. (*An Honourable Member* : "No.") That charge is absolutely unfounded. It may be that the police did not give them the protection that was needed, but who is responsible for that? How was the

police going to give my friend's community the protection that they needed when the whole city of Dacca was up in arms by continuing the civil disobedience movement? (*An Honourable Member* : "The cat is out of the bag.") (*Mr. Amar Nath Dutt* : "Therefore?") Will the Honourable Member let me proceed? With the small number of police available in Dacca, it was impossible for them to give the protection. Have the police been able to give the protection needed by my community? They failed to do that in the case of my community also, but not, as my Honourable friend would say, deliberately; but they were unable, they were helpless, and the situation was out of hand.

Sir, when I got notice of this Resolution, I telegraphed to my constituency and to the leading men of Dacca to send me a full report of the incidents that had taken place during those days. Here I shall read from the testimony of an esteemed Hindu friend of mine. He writes to me to say :

"Whatever reports have appeared in the press, the impression is abroad that in Dacca the Muslims have done all the mischief and the Hindus have done nothing .....

Mind you, this is a Hindu gentleman. (*Mr. Gaya Prasad Singh* : "What is his name?") I will tell you presently. He goes on to say :

"This is not correct. Whatever may have been the unfortunate cause of the outbreak, the Hindus and the Muslims have both suffered; and according to the reports of very reliable Hindus, there has been more loss of life on the Muslim side than on the Hindu side."

If the Hindus have suffered more loss in property, according to his information there were 13 deaths among Muslims and 11 deaths among the Hindus.

Sir, there is another Report which has been sent to me with the concurrence of the Nawab of Dacca, Khan Bahadur Alauddin, Mr. Srish Chandra Chatterjee, Mr. P. K. Basu, Khan Bahadur Zahirul-Huq, Mr. Kalimuddin Ahmad, Mr. Niamuddin Ahmad, and Khaja Shahabuddin. Let us see what that Report says. With your permission I will read only a few lines from the various pages of the Report.

"Of late it has been apparently a disease with those who fancy the re-establishment of a Hindu India that the loud lie becomes the truth and the inarticulate truth becomes the lie. After reading the accounts published in the *Amrita Bazar Patrika*, *East Bengal Times*, and some other correspondence and essays published in those journals we could not help feeling that verily we are living in an age of loud lies. Unfortunately or fortunately, the Muslim Press has not yet learnt how to be loud over the lie. Thanks to the Hindu brains, wealth and influence.

The loud Hindu Press has marvellously succeeded in surcharging the atmosphere with the impression that the city of Hindu brains, wealth and influence of which the Hindu community are so proud, was in the grip of lawlessness perpetrated by the Muslim hooligans at the connivance of the police and the leaders of the Muslim community which is composed mostly of masons and garriwalas."

Then, it goes on to say :

"The whole object of the Hindu Press was to convey to the world at large that the present riots of Dacca have been exclusively an one-sided affair and the innocent Hindus did not contribute, Bhadrals as they are, anything to the acts of arson, pillage, stabbing and murder of which harrowing tales have been told. The Hindus had not the fairness to notice a single case of similar and in some cases of more heinous, mean and cowardly atrocities perpetrated by the Hindu Bhadrals."

Then it goes on to say :

"It is not our interest to minimise or maximise the share of contributions to the output of lawlessness that either party must have to be credited with. We are



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the last persons to justify the Muslim hooligans, or to minimise the losses the Hindus have suffered. Our account will be proved by the case records and the hospital records. It will be conclusively proved that the harvest of Dacca hooligans has been due to the hooligans of both the communities, but not due to the Muslim hooligans alone as falsely represented in the Press."

Then, Sir, it further says :

"Now, we are to trace the origin of the present disturbances before we give the details of the nefarious acts of the hooligans. The origin should be traced to the year 1926."

Sir, nobody regrets more than I do this estrangement of feelings between the two communities. Up to 1926, the feelings were one of the utmost friendliness. We who come from the districts of Dacca and Mymensingh have been very friendly with the Hindus there. What has happened since then, God alone knows. The Report of the Committee now sitting will shortly tell us what the origin of the trouble is.

This Report says :

"The attack on Narandia Mosque was the act of provocation that the Hindu volunteers had been found guilty of in having stirred up 1926 riots. Since then the concord that had existed before 1926 between the two communities has been shaken and has since been declining very rapidly and this time it appears to have been altogether lost. The disturbances that followed the independence day procession were also traced to the brickbats pelted at the Narinda Mosque and other acts of insult to the Koran found therein, that had been perpetrated by the Hindu volunteers. During those disturbances the Hindus for the first time showed the example by having set fire to one cycle shop and three tea shops belonging to Muslims at Armanitola. No arson was committed by the Muslims then or before. The origin of the present troubles can be traced to differences caused between the Shankharies and Muslim Gharriwalas over a Shankari girl run over by a Muslim Gharriwala. The grievance of the Shankharies over the girl incident led to the desecration of the Kachary mosque."

The Report then goes on to say :

"On the 22nd May, on the road between Bangsal and Nawabpur, a Hindu boy while playing with tops accidentally hurt a Muslim boy of the locality. The father of the Muslim boy chastised the Hindu boy, who reported the matter to his father. He (father of the Hindu boy) with some of his men proceeded to the place of occurrence and seriously rebuked the Muslim boy's father who also then became serious and the altercation led to a communal skirmish. The Hindus of Nawabpur gathered on the one hand and the Muslims of Bangsal on the other. Hindu Bhadrals of the locality at once got up on the roof of a neighbouring two storeyed building with brickbats, coal pieces and chela (chopped wooden fuel). The Bangsal riff-raffs who joined, proceeded towards Nawabpur and the brickbats were pelted at them. This infuriated the mob and the skirmish had ended in some mischief perpetrated on the neighbouring Hindu houses, before the Police and the Nawab arrived there to make up the situation. It is reported by the Hindu Mahasabha inquiry committee that the house of one Ram Kamal Chakravarty, pleader, was looted and burnt and his cow was slaughtered in his house. This, on inquiry, from Ram Kamal Babu himself, we find to be concocted exaggeration."

Then it says :

"The 23rd May passed without any incident except that at night a Muslim who was the *gemastha* of one Mian's tobacco shop, a shop at Nawabpur, was stabbed at Purana Paltan and on the 24th morning he was found dead. Naturally it was suspected to have been caused by some Hindu and they proposed to make a demonstration of the dead body and wanted the approval of the Nawab in the presence of Babu Shrish Chandra Chatterjee, pleader, but the Nawab disapproved of the idea and asked them to take the corpse out of the morgue and bury it without making any kind of demonstration. Upon this, Shrish Babu asked the Nawab to take the corpse home so that the relations of the victim might have a last sight of him. The Nawab agreed, and they took the corpse to Fakirpool, the residence of the victim, with some police guards who left the place thinking that the corpse would be buried there. But the relations

wanted to have the *janaza* (funeral prayer) at the Chawk Mosque with the object of getting more people to pray for the deceased behind the Imam of the Mosque which is regarded by the Muslims to be more meritorious in the system of religion which they profess. So they proceeded to Chawk through Nawabpur, Islampur and Baboo Bazar, not in a programmed or deliberately pre-arranged procession, but in an ordinary funeral which does not require any license or police guards to protect. This party of not more than 20 or 30 men was not authorised to the knowledge of any Muslim leader or any of the authorities of the city. It is therefore misrepresented by the Mahasabha reporters. That was a burial party and as such it did not take any license nor was there any police order to stop it. This burial party deliberately misrepresented as a pre-arranged procession reached Baboo Bazar in front of the Mitford Hospital, when a brickbat was pelted at the corpse, from the rooms of one of the two storeyed buildings there, belonging to and inhabited by the Hindus. Just at that time the news of two more Muslims having been stabbed, one at Mokbara and another near Victoria Park, spread throughout the town. When the dead body of the unfortunate victim reached the place where the skirmish over the top had taken place, the Hindu community of Nawabpur who had already been in temper since the top-skirmish began to attack the burial party and pelted at the dead body whereupon a disastrous fight ensued between the aggressors of Nawabpur and the burial party which was subsequently strengthened by a detachment from Bangsal on the rumour that the Hindus had seized the corpse and set fire to it. By this time the information that the two Muslim tea shops and some rice godowns of Naya Bazar had been set fire to by the Bashabari Hindus further exasperated them. The Nawabpur volleys of brickbats, pelted both vertically from the roofs and horizontally against the Muslim mob, so deliberately provoked, were replied to by arson committed on five or six Hindu houses on the spot. The dead body over which the Nawabpur trouble arose was removed by the police and the conflagration began practically all over the city almost simultaneously. The field was prepared by the Hindu Mahasabha leaders. Some time before the present disturbances promoters of the civil disobedience movement delivered speeches threatening the Muslims for their indifference towards the movement."

Mr. President : The Honourable Member will realize that he has already exceeded his time, and I hope he will try to finish soon.

Mr. A. H. Ghuznavi : Thank you Sir, I will finish very soon. Then, Sir, it goes on giving a description of the various incidents that had taken place involving looting and arson and it is pointed out that everywhere the Muslims have been attacked first. Although in property the Muslims have not lost much, because they are poor and have not got much property to lose, yet in lives, as I have shown, they have lost more than the Hindus. I will not go into the harrowing details, but all that I can say is that, so far as I have been able to find out, the police were absolutely helpless, having regard to the situation created, as the Report says, by the Hindu Mahasabha and also by the civil disobedience movement. It was not that the police deliberately did not render the assistance that they should have done. I have been able, I hope, to demonstrate this fact clearly that not only the Hindus, but the Mussalmans also have suffered, and if my friend's view was to be taken as correct, then the Mussalmans would not have suffered either in loss of life or loss of property. With these words, Sir, I oppose the Resolution.

Mr. S. C. Sen (Calcutta : Non-Muhammadan Urban) : Sir, I do not think that Mr. Neogy had either raised any question of communal feeling or even hinted at or made any insinuation against any community whatever. His motion is for the production of certain papers, *viz.*, the correspondence between the Government of Bengal and the Government of India so that the people might know what steps the Government of India took in connection with this matter. There was no question of communal feeling in the matter and I deplore that Mr. Ghuznavi, in his speech, has referred to and brought out communal feeling. Hooligans are hooligans all over the world, whether Muhammadans, Hindus or even Government

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servants (Hear, hear) wearing the King's uniform (*An Honourable Member* : "Quite so"), and we all deplore that in this matter, although the hooligans had their innings for over a week, nothing was done by the Government or by their responsible officers, whose duty it is to keep law and order. That is the point, Sir. I do not blame the Muhammadans, nor do I blame the Hindus, but I blame the Government officials there for utter failure to take any proper steps. (Hear, hear.) They boast, Sir, that they are here to keep peace and order. They boast that India had not had law and order for a considerable time and it is British rule which has enabled the people to live in peace. But the incidents at Dacca show clearly what we can expect from these men when their turn comes to molest other people.

**Mr. A. H. Ghuznavi** : But my community had already been molested first.

**Mr. S. C. Sen** : I am coming to that. Government are quite able to take care of themselves and they do not want your help. But they do sometimes want help, and on the present occasion it has been said that the Government were helpless ; there were no police, no adequate means to check the lawlessness at Dacca, and it is admitted that lawlessness continued for several days. It would therefore be interesting to know what steps the Government took to stop the disturbances. Dacca is not a small city, it is second in importance in Bengal. The Governor goes there every year and stays there for a month. It is the headquarters of the Divisional Commissioner, and also of the Eastern Frontier Rifles—a regiment on whom rests at present the task of keeping peace and order throughout Bengal. Their services are requisitioned wherever there are disturbances in Bengal ; and with all these things, it is idle for Government to pretend that they had not a sufficient police force at their disposal during the time of the disturbances or that they had no means to get together any adequate force at that time.

**Dr. A. Suhrawardy** (Burdwan and Presidency Divisions : Muhammadan Rural) : They were busy in Chittagong.

**Mr. S. C. Sen** : I will read for my friend's guidance a Press communiqué published by the Government in the last portion of which it says :

"The police force now in Dacca are reported to be adequate and every attempt is being made by the local officers to restore confidence."

**The Honourable Mr. H. G. Haig** : Would the Honourable Member kindly give the date of that communiqué ?

**Mr. S. C. Sen** : It is dated May the 29th. The visit of the Inspector General of Police was made there on the 26th with 100 armed police and 100 armed men of the Eastern Frontier Rifles. Now, Sir, it is interesting to note what steps the Government usually take and took on similar occasions before. This is not the first occasion when there was communal trouble. There have been many before. Sir, just a month before this—the Dacca riots took place, on the 23rd May—the carters' riot in Calcutta took place, some time about the 15th or 16th of April. As soon as that rioting took place, His Excellency, Sir Stanley Jackson, came down from Darjeeling with his Executive Council to look after the matter and he succeeded in putting down the rioting. What, by contrast, was done in this case, Sir ?

**Mr. A. H. Ghuznavi** : The police force is a body of great strength in Calcutta.

**Mr. S. C. Sen** : I was referring to the steps which Government did take before. In 1926, when there was great communal trouble in Calcutta, Lord Lytton, the then Governor of Bengal, did not go to Calcutta but sent the Member in charge of the Law and Order Department to look after it, but all the same he was abused, if I may use the expression, by all the local newspapers in Calcutta, including I believe, our professing friend, the *Statesman and Friend of India*. (Laughter.) I may mention that from a letter which I saw and which was received by a friend of mine from one of the Councillors of the Secretary of State's Council, I came to know that His Majesty the King-Emperor, when this gentleman was given an audience by His Majesty, himself inquired why Lord Lytton was not then in Calcutta when all these troubles took place. This shows that when a trouble of such magnitude takes place, it is the duty of the Governor and of the Government and other Government officials to go to the place to look after the matter. A few days before this occurrence, the Inspector General of Police was sent to Chittagong and the Member in charge of the Law and Order Department in the Government of Bengal was also sent there. Although at this time he was at Chittagong from where he could have come to Dacca within five hours, he did not do so, nor was any step taken to pacify the people or quell the disturbance. The rioters went on merrily without let or hindrance and, as my friend has said, the Hindus suffered the most. I do not know whether his case is that they looted themselves. Rohitpur village, which is about six miles from Dacca, was looted. In this case, the official communiqué says that hundreds of houses belonging to Hindus were sacked and burnt, and everything that they contained was looted, and that women and children took part in the matter.

**Mr. A. H. Ghuznavi** : Similarly, the Mussalmans were also wiped off in certain parts of Dacca.

**Mr. K. C. Neogy** : Did the Honourable Member go down to Dacca to satisfy himself ?

**Mr. S. C. Sen** : My point is that in this case the Government of Bengal did not take adequate steps to protect the lives and properties of the people. Not only did they not do that, but they also arrested men of respectability who were then at Dacca so as to prevent them from defending themselves. Some of the guns were taken away illegally. Although their case is that the police force was insufficient and although the Government communiqué says that, on the arrival of the Inspector General of Police, which was on the 25th of May, the authorities considered that the police force was adequate, they did not do anything. The courts were closed and did not open for eight days. The Telegraph and Post Offices did not function for that time. Even the steamer companies, belonging to Europeans, could not ply, and we are entitled to ask why this state of things was allowed to be continued at Dacca for such a length of time. I do not blame the Mussalmans at all nor do I blame the Hindus, but I do blame the persons whose professed duty it is to protect the lives and property of the people of this country, seeing that the people of this country are disarmed and therefore they must rely on the Government to protect their lives and property. In these circumstances, I support the Resolution which has been moved by my friend, Mr. Neogy. It is necessary in the

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interests of justice and the good name of the Government of India to publish the correspondence to show what steps they took in this matter. The Government of Bengal are on their trial; they have failed to do their duty; and it is for the Government of India to show that they have done their duty in this matter. With these words, Sir, I support the Resolution.

**Dr. Nand Lal** (West Punjab : Non-Muhammadian) : Sir, the Government of India may kindly keep a special note of the fact that all of us here are in favour of the maintenance of law and order and all of us are averse to any act which amounts to the infringement of law. At the same time, none of us will be willing to tolerate any kind of injustice which is done to any of the Indians in this country. I am not in favour of offering any general comment or random remarks. I do concede that some of the Government officials do their duty very honestly and conscientiously. Our complaint is against those who do not realise the weight of their responsibility. Sir, you will agree with me when I submit on the floor of this House that an entry into the Government service is identical to high privileges. When Government servants are entitled to these high privileges, they must bear in mind that they should have greater toleration, greater patience and a greater sense of duty. I have already said that some of them perform their duty honestly and properly. Our complaint here is against those Government servants who have failed to do what they ought to have done. To my mind, it is incumbent on every police officer to maintain peace and order; to extend sympathy to those who are wronged; to help those who are really feeling aggrieved and those who have fallen victims to the atrocious conduct of any person, be he a Muhammadan, or a Hindu or a member of any other nationality. I am not one of those who will allow any communal question or a communal idea to have its place in this Central Legislature. The Central Legislature ought to be above these things. The Central Legislature has to deal with those points which create harmony, affection and love amongst the various sections of the people of this country. But if, as I have already submitted, a wrong is done to any person in any corner of this country or in any province, in any district, in any village, then it is incumbent upon us to bring it to the notice of the Government of India so that they may take proper action and may try to see that the grievances are redressed and the confidence of this Government is maintained. When confidence is maintained, the natural result would be happiness, peace and order. Thus, all of us here and those who are outside this Assembly Chamber will enjoy life under the protection of law.

Now, the sad accounts, which have been narrated by my Honourable friend Mr. Neogy, are very heart-rending and if all of them are true, then I must say that a blunder has been committed by those Government servants who, instead of extending their sympathy towards those people who were injured, laughed at them. They cracked jokes at them. People were deprived of their property, which is the sinews of life. They were crying, lamenting and seeking for sympathy and help. And what did the Government servants do? They simply told them "Go to this man or that man." My Honourable and learned friend Mr. Neogy mentioned those names, and I am not going to mention them again. Is it not sad if it is true? It is the saddest thing. I submit, Sir, the Government of India will kindly keep a note of it that they will be respected when they see that

every person, every subject here in this country is treated in such a way that he may have no grievance against any Government servant. As I said, Sir, there are special privileges attached to those who enter Government service. On the other hand, there are also some responsibilities which are thrown on their shoulders. One of the responsibilities is this, that they will maintain a balance of mind, they will be impartial, they will be just, and they will try to see that a good name is given to Government who are their employers. If I were to be one of the servants of "A", I should try to see that every act of mine might reflect credit on my employer and might not bring any kind of discredit so far as my employer is concerned. In that case alone I am a good servant, otherwise not. Practically my Honourable friend Mr. Neogy's complaint is against those Government servants who really did not realise the weight of their responsibility as such. Therefore, my submission is that these accounts, which have been placed before this House, deserve full investigation, and an impartial enquiry must be made and if there is any truth in these allegations, the wrongdoers must be punished. I believe my Honourable and learned friend was one of the Members of the Enquiry Committee. Therefore there must be great truth in the evidence and statements which he has read out before this House. It is quite probable that some of the allegations might be considered as exaggeration; as unfortunately, exaggeration is, sometimes, resorted to in such cases. But, apart from that, if there is some truth, if there is some accuracy, some correctness in these accounts, then I submit that the Government of India will be pleased to take effective measures so that an end may be put to such things and these things may not recur. It is unfortunate that a communal question has been introduced. I am averse to it, otherwise, I would have been able to give an answer to my Honourable friend who has associated himself with this communal question. But since I am averse to it, I cannot go against my creed. My creed is to be a Nationalist, always to see that the rights of Hindus and Muhammadans are safeguarded. Since in this affair, since in this occurrence, the rights of the public have been ruthlessly violated, they are entitled to protection, they are entitled to be in such a predicament and condition that their property and lives are safe and that they are not injured. Since everything that has been narrated is contrary to what ought to be, I repeat, and you, Sir, will kindly permit my repetition, that the Government will be pleased to see that these grievances are properly redressed and that proper enquiry is made. If some of the Government servants have behaved in the manner in which they have been depicted to have behaved, then punishment may be given to them and that punishment may be notified so that it might constitute an object lesson to others so that they may come to know that certain Government servants had not behaved properly and so they were punished. Thereby the honesty, the impartiality and sanctity of the administration of the Government will be maintained before every person in the country. With these remarks I submit that I support this Resolution, which has been moved by my Honourable friend, Mr. Neogy.

**Mr. Saradindu Mukerjee** (Calcutta Suburbs : Non-Muhammadian Urban) : In rising to support the Resolution, I would like to draw the attention of the Honourable the Mover of this Resolution to the fact that the Honourable Member has come to the wrong place to redress his grievances. He is quite wrong if he thinks he can get any redress from Government for the wrongs that have been perpetrated in Dacca. Sir, we saw that in 1905-06 also the Government tried this method, and

[Mr. Saradindu Mukerjee.]

there was a good deal of repression by one community, I will not mention who, over the other. The only remedy that was found was the establishment of the *Anushilan Samiti* and if Government would permit us to establish such societies in these times, my advice to my Honourable friend would be to try for the same. However, Sir, we are not concerned with 1905-06. We are now concerned with 1930.

**Dr. A. Suhrawardy :** Was that not an anarchist organisation ?

**Mr. Saradindu Mukerjee :** I do not think that the *Anushilan Samiti* was an anarchist organisation. That society was devoted to physical culture and other similar things and my Honourable friend knows perfectly well that whenever and wherever a society is founded for the purpose of physical culture or similar of the motive, it is bound to be declared an anarchist organisation. In Dacca what happened was that, first of all, the male members of the families were arrested and then their houses were looted. That shows the hand of Government in it.

**Mr. A. H. Ghuznavi :** In what place did you find that ?

**Mr. President :** Order, order.

**Mr. Saradindu Mukerjee :** Sir, my Honourable friend Mr. Ghuznavi has introduced a communal tone in our discussion, which I want to avoid.

**Mr. A. H. Ghuznavi :** You have never been to Dacca ?

**Mr. Saradindu Mukerjee :** Yes, I have been.

**Mr. A. H. Ghuznavi :** When ?

**Mr. Saradindu Mukerjee :** Some months before the occurrence of the Dacca riots.

**Mr. A. H. Ghuznavi :** Had you been there after the occurrence ?

**Mr. President :** Order, order. This sort of conversation cannot be allowed.

**Mr. Gaya Prasad Singh :** The Honourable Member, Mr. Ghuznavi himself, had never been to Dacca after the riots.

**Mr. Saradindu Mukerjee :** I want to place before the House the condition of Dacca, as described by Dr. Taylor. He says :

“ Religious quarrels between the Hindus and Muhammadans are of rare occurrence. These two classes live in perfect peace and concord, and a majority of the individuals belonging to them have even overcome their prejudices so far as to smoke from the same *hookah* ”.

**Mr. A. H. Ghuznavi :** What year was it ?

**Mr. Saradindu Mukerjee :** That was in 1839. The communities were living quite in peace in those days. What is the new cause that has created this ill feeling and this sort of enmity between these two communities ? My own submission is that it is only the hand of Government that is responsible and no one else. I should like to draw your attention, Sir, to the Report of the Committee of the Dacca Bar Association consisting of Hindus and Moslems giving in detail the state of communal feeling immediately before this disturbance. The Report says :

“ Before the recent disturbances the Dacca Muhammadan public was not anti-Congress, as will appear from the following facts. Muhammadan students hoisted the

National flag on the Independence Day, 26th January, 1930. The Hall was also brilliantly illuminated on that day. Muhammadan youths joined the procession which came out on that day to celebrate the Independence Day. There were also processions consisting exclusively of Muhammadan boys who paraded the streets with the cries ‘ Mahatma Gandhiji-Ki-Jai ’, ‘ Bande Mataram ’, ‘ Alla-Ho-Akbar ’. Although there was a fracas on the 26th January and a communal turn was sought to be given to the rioting which followed, it soon subsided chiefly through joint Hindu-Muhammadan intervention. Mixed batches of Hindu and Muslim University volunteers patrolled the streets at night. Good feeling was soon restored between the two communities by the wise and patriotic actions of the two sections, Hindu and Muhammadan, of the Dacca public.

Then the Mahatma inaugurated his civil disobedience movement on the 6th of April and launched his crusade against the Salt Law. The movement caught the imagination of the masses. It appealed to the Dacca masses as it did to the masses of the rest of India. The Muhammadan masses at Dacca did not keep themselves aloof from the movement. Daily meetings were held in the Coronation Park. These meetings were attended and addressed by Muhammadans. There was a very large attendance of the Muhammadan youths at a meeting held to read proscribed literature. Muhammadan volunteers went to Contai to break the Salt Law. Muhammadan volunteers along with the Hindus picketed the liquor shops. The Muhammadan public helped the picketers whenever they were in trouble due to the ruffianism of the goondas and drunkards. Indeed at the predominantly Muhammadan quarters such as Kumartuli, Islampur, Sachibandar, Moulavi Bazar and Nawabganj, picketing would have been impossible without the assistance of the Muhammadans of the locality. Cigarettes were boycotted by both Hindus and Muhammadans spontaneously without much propaganda. *Biris* replaced the cigarettes, by which the Muhammadans profited very much, as the *biri* manufacturers are mostly Muhammadans.

“ At a meeting of the cloth dealers and tailors and outfitters held at the Dacca Bar Association at the instance of the Congress, the Muhammadan dealers and shopkeepers mustered strong and a resolution boycotting foreign cloth was unanimously carried, two Muhammadans and two Hindus proposing, seconding and supporting the resolution.”

(At this stage Mr. President vacated the Chair which was taken by Nawab Sir Sahibzada Abdul Qaiyum.)

“ Since a long time there had been two parties amongst the Dacca Muhammadans, one led by Khwaja Atikulla, President of the 22 Panchayets of Dacca and the other by Syed Abdul Hafeez, President of the Islamia Anjuman. These two parties held separate demonstrations during the Civil Disobedience movement. Atikulla's party held two meetings at Paltan. The other party also held two such demonstrations one at the Coronation Park and the other at Ashan Manzil. It will, therefore, be seen that the cleavage between the two parties was sharp. Demonstrations and counter-demonstrations were held to increase the adherents of each party. The supporters of the Panchayet party consisted mostly of the town people, while those of the Anjuman were Muhammadans from the outlying villages.

On 15th April, 1930, a hartal was held at Dacca on account of the arrest of Pandit Jawaharlal Nehru, President of the Indian National Congress. No other hartal at Dacca had been so much successful. Both Muhammadans and Hindus enthusiastically joined the hartal. Both Hindu and Muhammadan shops were closed. Hackney coach drivers, who are all Muhammadans, ceased to ply their carriages on that day. Then there was an incident at Sankhari Bazar mentioned hereafter. On 5th May, 1930, there was a notice signed by both parties that a mosque had been desecrated by the Sankharis and declaring hartal on 6th May, 1930. The Congress also notified that hartal would be held on 6th May, 1930, on account of the arrest of Dr. Kitchlew.

Syed Abdul Hafeez, President of the Anjuman, thereupon issued a notice prohibiting the hartal on 6th May, 1930. In that notice he denied that he had ever signed any notice declaring hartal. In the meantime Mahatma Gandhi was arrested and hartal was spontaneously observed at Dacca on that day. Syed Hafeez tried his utmost to open the shops, but failed.”

From this, Sir, we find that there was no sort of communal bitterness, so far as Dacca was concerned, immediately before these disturbances. And then we suddenly find that a trivial cause was held to be the root cause of these disturbances. We need not dilate upon that. It

[Mr. Saradindu Mukerjee.]

is very easy to see that the whole object was that the stronger party, i.e., the Government, was trying to create a disturbance in the feelings between the two communities, so that the sins of the outrages might be placed on the heads of one of these communities. Sir, big houses were burnt down, and there is a House called "Sushila Nibash", a very big house, which was absolutely burnt down. There was a furniture shop, which was only 200 yards from the police station, and that was looted and completely burnt down. That shows that the police were not doing their duty. My idea is that if there had been an able officer like my Honourable friend, Mr. G. S. Dutt, at the helm of public affairs there, instead of at Mymensingh, where he kept matters calm by his tact and judgment, this trouble would have been stopped in no time. We have seen that when there was a communal disturbance in Calcutta in 1926, the place just opposite to Calcutta, i.e., Howrah, was absolutely quiet, and only because there was a judicious Indian officer at the helm of affairs. So my idea is that, if there had been an able Indian officer there in charge, this trouble would have ceased in a very short time. So my submission to Government is that in places where such disturbances occur frequently, they will try to place officers who enjoy public confidence.

**Mr. N. G. Ranga** (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, my Honourable friend Mr. Ghuznavi gives the impression, which I think he really does not wish to give, that he is very anxious that there should be disharmony and discord between the Hindus and Muhammadans. Otherwise, where is the necessity for him to protest against a harmless quotation from Mr. Taylor's book stating that a long time ago, in 1839, there was no trouble at all between the Hindus and Muhammadans of Dacca? Secondly, he was mentioning that the Hindus as well as the Muhammadans had to suffer in that unfortunate affair that took place in Dacca, and he was particularly careful to mention the fact that 13 Muhammadans were murdered as against 11 Hindus. What does it matter whether there were 13 Muhammadans or 13 Hindus who were murdered, provided they were Indians? Does he mean to say that, just because a man happens to be a Muhammadan, he ceases to be an Indian? Does he mean to say that just because a mischievous Hindu boy in a moment of aberration attacked a Muhammadan boy, all the Hindus should be attacked as they were in Dacca merely on account of the fact that they were born Hindus? If to-day in Simla one Muhammadan gentleman were to be so very imprudent as to attack a Hindu gentleman, is that any reason why all the Hindus in Simla should go and attack the Muhammadans at once? Sir, this is a very curious mentality. It is the sort of mentality which is really standing in the way of our attaining Swaraj, and the sooner we get rid of this mentality the better; and I am sure that in his more responsible moments my Honourable friend, Mr. Ghuznavi, himself will feel that he has committed a mistake in giving this unfortunate impression to the House that he is anxious that there should be trouble and discord between these two great communities who ought to live in peace, harmony and fraternity.

Sir, the Honourable Members on the other side of the House may be doubtful about the accuracy of the facts that were placed before them by my Honourable friend, Mr. Neogy. I can assure them

that my Honourable friend is as responsible a person as any highly placed official on the other side of the House. But, at the same time, even supposing that they are incredulous about the facts that were stated here by Mr. Neogy, they will certainly not be prepared to dispute the facts placed before them by my Honourable friend Mr. Ghuznavi. He himself has stated that the police force was not enough. Why should it be inadequate and insufficient? Dacca is an important city, second in importance to Calcutta, so far as Bengal is concerned, and why was the police force there not enough? This widespread trouble was going on between these two great communities for well over a week. The Government of India and the Government of Bengal have not taken care to see that there was adequate police protection provided for these people who asked for it. We have seen from the quotation that was given by Mr. Neogy that a lady Principal, whose nights were disturbed and who was anxious to get this protection for herself and the children in her custody, was not given that protection. The police were not willing and were not prepared to go to her rescue. Is that the way in which Government should be carried on in this country? Only the other day, we saw the empty boast in the Simon Report that the British Army should be kept in this country in order to maintain peace and in order to see that no disturbances occur between these two great communities. Sir, if that is so, if the British are kept on here as an army of occupation, where was that Army in that unfortunate place, Dacca, for one week and more? What happened to this Government? It is clear from the facts that have been placed before this House that there was no government at all for that one week. Everybody was asking for protection, whether Muhammadan or Hindu; and Mr. Ghuznavi himself has borne testimony to the fact that Muhammadans have suffered considerably in this unhappy episode; and yet were they given protection? Were the Hindus given protection? Were ladies given protection? What happened to this Government and where was it? Was it drowned in the Bay of Bengal? Or was it consecrated at the altar of the Goddess of Sin and all that goes with it? The Government was not there. It only shows that, whenever there is serious trouble between these two great communities in this country, this Government does not exist; it does not want to exist or to function. If on the other hand it were to be a matter of trouble between those peaceful Satyagrahis--and I tell you they are harmless on the one side and the mischievous and hooliganistic and well-armed Government on the other, then I can assure you there will be too much exhibition of the strength of this Government. Go to any place,--Cocanada, Rajahmundry, Ramachandrapur, Chirala, Guntur, Bezwada, Gudivada, Masulipatam or Nellore--and what do you find there? You find that there are three times as many policemen today as were to be found in those places before. Why is it so? Was there any firing incident or any riot or any evidence to show that the people were mad enough to quarrel among themselves? There was absolutely no such evidence. Yet this Government shows itself in all its vileness, in all its fierceness and displays all its bestial claws only in those places, whereas in places where there was great necessity for the exhibition of its powers, it is not to be found, it is not to be discovered. Is that not evidence enough to condemn this Government and to damage its reputation in the eyes of this world?



[Mr. N. G. Ranga.]

I am very glad really that Mr. Neogy has given this opportunity to this House to see this Government in its real and true colours. In this quarrel at Dacca, many houses were burned down and many people were killed and many injured : we need not bother very much about this ; but some people—I am told their number was large—were reduced to such a state of impotency and necessity, that they had to bury or burn the bodies of their beloved relatives, who were murdered in that unfortunate episode, in the yards of their own houses : and why ? Because they were afraid to go to the cremation or burial grounds to perform the last necessary religious rites. Sir, a Government which does not enable its people to give the very last religious rites to the people who die under its very nose, that Government stands condemned and negatived ; it does not deserve the name of Government. It may be a sort of organization of people in the services if you like, of people with vested interests if you like and may be it is a conglomeration of such people who are here to scratch one another's backs in order to support one another and in order to keep their domination over other people, not in the interests of those people who are suppressed by it, but in the interests of itself. But anyhow it is not a civilised government ; nor is it an efficient government ; it is an inefficient, barbaric and useless form of government, which is too costly for this country and which at the same time fails to discharge its primary functions. On the other hand, where it finds it easy :....

**The Chairman** (Nawab Sir Sahibzada Abdul Qaiyum) : There are several other Members who want to speak on this subject and the Honourable Member might therefore conclude his remarks.

**Mr. N. G. Ranga** : I shall close in five minutes, Sir. In other places where it finds it easy to put down its enemies, it does not find it necessary even to show the necessary amount of patience which it has shown in Dacca in abundance, or sufficient consideration which it claims to have shown in the affairs of Dacca. In all those places in the Andhra country and in other parts of India where it found its enemies—I call them enemies constitutionally, who are indeed peaceful, harmless and useful—it has shown its fangs unnecessarily and prematurely and created so much trouble and caused so much unhappiness and damage and hurt to the feelings and the bodies and properties of so many people that it will not be possible even for the best friend of this Government to say to its credit that it really deserves the name of Government. Therefore I heartily commend the Resolution to this House and request each and every Member, at least the elected Members of this House, to vote for it, in the hope that hereafter at least the Government will try to become an efficient Government and will try to discharge the elementary functions for which a Government is established, to enable individuals to enjoy freedom of speech, freedom of meeting, freedom of movement and freedom of social functions, so that it may be possible for the future historian to say that this Government has, at the last moment at least, tried to justify its own existence by realising its own mistakes and its blunders and has come to the conclusion that it should not commit any of those blunders any longer.

**Mr. Gaya Prasad Singh** (Muzaffarpur cum Champaran : Non-Muhammadan) : Sir, I am surprised that my Honourable friend Mr. Ghuznavi

should have taken exception to such a harmless Resolution as the one which is now before the House. What is the Resolution before the House ? It is no more than this, that the Government of India may be pleased to publish the correspondence that has passed between them and the Government of Bengal with regard to the Dacca disturbances. I do not understand, how any Member of this House could take exception to this.

**Dr. A. Suhrawardy** : What is the object underlying the Resolution ?

**Mr. Gaya Prasad Singh** : Sir, there are two versions with regard to the Dacca affair. One version has been put before the House by my Honourable friend Mr. Neogy. Mr. Ghuznavi takes exception to some of the remarks made by Mr. Neogy, and says that Hindus at some places are aggressive, and he has most unfortunately given a communal turn to the whole debate, although the Mover scrupulously refrained from doing so. Why were my friends of the Moslem Group anxious to see the Report of the Sulaiman Committee published with regard to the happenings that took place in Peshawar ? In the same way, I do not understand how any Member, whether he belongs to the European Group or to the Central Moslem Group or to any Group for the matter of that, can rightly take exception to the course which is advocated by my friend Mr. Neogy. My friend Mr. Ghuznavi seems to have put himself in the shoes of the Honourable the Home Member, with all his responsibility. Let the Honourable the Home Member say that the correspondence in question is a confidential document and that it cannot be laid before the public. One can understand his position. Those documents will bring out in true colours the nature of the instructions which might have emanated from the Government of India, or the nature of the suggestions which might have come from the Government of Bengal. That is entirely a matter for the Treasury Benches, but I cannot understand how a non-official Member can constitute himself as the custodian of the conscience of the Treasury Benches, and say that the correspondence that passed between the two Governments should not be published. That creates a suspicion.

**Mr. A. H. Ghuznavi** : I never said that.

**Mr. Gaya Prasad Singh** : Then why oppose it ? The Resolution is that this Assembly recommends to the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the city of Dacca and its neighbourhood, and my friend has thought it proper to oppose it. I should like to know on what grounds he has opposed it.

**Dr. A. Suhrawardy** : Mr. Neogy's object was to raise a debate on the Dacca disturbances, and he has already done it.

**Mr. Gaya Prasad Singh** : Sir, before proceeding further, I should like to draw the attention of this House to the statement made by Mr. Hotson, the Superintendent of Police of Dacca. This statement was made before the Government Inquiry Committee at Dacca. In the course of his evidence in connection with the disturbances at Bangshal he says this :

"While the police were busy, looting and arson were started in the presence of the witness and Hindu houses were burnt."

SCP(B)(LA)

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[Mr. Gaya Prasad Singh.]

Sir, there are some incidents of Dacca which I should like to place before this House. A man was riding a bicycle without a light. There was trouble between the police and the bystanders over this affair. Soon the police mustered strong, and began to belabour the passers-by mercilessly. Can Mr. Ghuznavi justify this? This is an incident on which I hope the Honourable the Home Member will throw some light, if he can. I do not understand why my Honourable friend Mr. Ghuznavi should take exception to a harmless course which is suggested by the Mover of this Resolution, and by other Members on this side of the House.

Then, Sir, when the mob set fire to Hindu houses, the police formed a cordon at the entrance of Bangshal Street, which resulted in preventing the Hindus from going to the rescue of their co-religionists and putting out the fire. On the night of the 23rd May, a dead body of a Muhammadan was found in Paltan. Nobody knows how he was murdered. Some people doubt if he was murdered at all. But this mysterious murder was utilised by designing persons to excite the Muhammadan mob. It was resolved to carry the dead body in a procession on Saturday the 24th May. And strange to say the authorities allowed such a procession at a time of acute tension. The processionists incessantly cried that a Muhammadan had been murdered by the Hindus. The motive is obvious. It was done to excite the passion of the Muhammadans. Now, I should like the Honourable the Home Member to explain why a public procession was allowed to accompany a dead body, which was not even proved to have been a case of murder by any one.....

**Dr. A. Suhrawardy :** Was it a funeral or a procession? Are you referring to the funeral of the Muhammadan who was murdered or to the procession?

**Mr. Gaya Prasad Singh :** The Honourable Member understands very well to what I am referring.

**Dr. A. Suhrawardy :** I am trying my best to do so.

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

**Mr. Gaya Prasad Singh :** Now, Sir, as this procession was passing, looting started, and Hindu shopkeepers began to close their shops. But unfortunately the door of Star Medical Hall at Babur Bazar was partially kept open. And some of the hooligans at once entered the Hall and fatally stabbed the proprietor of the Hall. He recognised his assailants and mentioned the name of one of them. The man was arrested, but it is reported that he was subsequently released. Can this be justified?

Sir, in making these observations, I want to steer clear of all communal feelings. As has been pointed out by previous speakers, hooligans are hooligans, whether they are Hindus or Muhammadans, and, to apportion blame to any one community is far from my intention. The important thing is the attitude of the local authorities. Sir, I am going to place a few more specific instances before the House, and I should like the Home Member to clear up the incidents if he can. I do not understand why any Honourable Member of this House should take exception to these incidents, which bring discredit on the officials, being brought to the notice of this House, and get the whole position cleared up.

Then, Sir, at Chawkbazar the shops of Meghu Shaha and Upendra Shaha were looted, and these shops were within the sight of the police section. I should like to know why the police were inactive all the time, and what steps they took to prevent this mischief from spreading. Babu Rohini Kumar Chakraborti was killed and Babu Surjya Kumar Bose, one of the Managing Directors of a Cotton Mill, and three others were seriously injured. The police, headed by the white civil guards, arrived on the scene. Not a single Muhammadan was arrested, but the guns of the Hindus were taken away by the police. The tragedy of the situation is that not only did the police not afford any effective protection to the Hindus, but the Hindus were hindered by their presence from defending themselves when attacked by the hooligans. Several policemen are reported to have been standing near by, but they did not interfere. No member of the mob was arrested, but 13 Hindus were arrested at Bashabari Lane on Wednesday the 28th May, although no Muhammadan was molested in that Lane on that day or on any other day.

Sir, it has been pointed out that there was not enough police. From the evidence which my Honourable friend Mr. Neogy has placed before the House this morning, and from what I have gathered, it will be clear to any impartial observer that there was no serious dearth of police, but it is suspected that the local authorities were given a particular kind of instructions not to interfere with a particular course of action, with the result that matters have ended in this most unfortunate manner.

Now, Sir, there is another incident which I should like to place before the House. At about 8.45 A.M., the raid at Kayettully began; and the house of Babu Prosonna Kumar Nandy was attacked. The police were telephoned to by Mr. Abdul Kadiri, Deputy Superintendent of Police, but did not come. Two daughters of Prasanna Babu, Anindya Bala and Amiya Bala, who are students of Class IX of Kamarunnessa High School, repulsed the attack for about half an hour, but had ultimately to give way after Anindya Bala had been wounded on the forehead. The Kayettuli loot commenced at a quarter to nine, and the police did not appear before 11 A.M. This indicates, Sir, that the plea that there was not enough police is unfounded. The Superintendent of Police was phoned to at about 9 A.M. by Mr. Abdul Kadiri, Deputy Superintendent of Police, from Babupura Police Station. The S. P.'s reply was that no police were available, but it happened that, at that very time Babus Jogendra Nath Sen, Lalit Mohan Roy, pleaders, and Mr. P. K. Bose, Bar-at-Law, were present at the Police Office. They saw there at least 15 Gurkha or arhwali armed police and an equal number of ordinary constables, with four or five European police officers and three motor buses. The District Magistrate was also present there.

The District Magistrate of Dacca held a peace conference, and when the peace conference was being held in the police buildings, the members of that conference saw an incident which was this :

The members of the Peace Committee noticed from the verandah of the Police Office a fire in the direction of Kayettuli. In the midst of the discussion the Magistrate rose and abruptly left the meeting. That was at about 10 o'clock. It will be seen that at that moment Kayettuli was being raided and burnt, but strange to say the Magistrate did not go to Kayettuli, from where repeated calls for police help had come.

[Mr. Gaya Prasad Singh.]

The raiders, who were concerned in the pillage and burning of Kayettuli had thus a free hand for over two hours and a half. They came in batches in motor buses. One bus was relieved by another. It was noticed that one such bus was named "Momin". One private car was seen carrying *lathis* and other weapons and petrol.

**Mr. President :** The Honourable Member has exhausted his time. I hope he will try to bring his remarks to a close now.

**Mr. Gaya Prasad Singh :** All right, Sir. I will give no more incidents. I support the Resolution, and resume my seat.

**The Honourable Mr. H. G. Haig :** Sir, I am sorry to have to dis-appoint my Honourable friend Mr. Neogy.....

**Mr. K. C. Neogy :** Nothing will disappoint me. I did not expect anything.

**The Honourable Mr. H. G. Haig :** .....for I do not wish to make any complaint that this subject has been raised today in this House. My Honourable friend, Mr. Neogy, endeavoured, I think, to keep the discussion to an issue which I am perfectly prepared to answer as far as I can—the issue, briefly, between the Government and the people. In a case of this kind, where the origin of the disturbances is communal, it is unfortunately not possible to keep out altogether certain references to what are obviously the different versions of the story that are believed by the different communities. But I shall endeavour to restrict my answer to the question of the responsibility of Government.

Now, Sir, before I leave this question of 'communal trouble, I should like to say one word with reference to what fell from the Honourable Member, Mr. Mukerjee. I understood that he was accusing Government of promoting these communal riots. That, Sir, is a charge which I am sorry should be made by any Member of this House. The Honourable Member, I should have supposed, would remember the efforts made by the Government of India, and, in particular, by His Excellency the Viceroy, a few years ago, when we were passing through a period of very lamentable and acute communal trouble. His Excellency the Viceroy made two great and powerful appeals to the country which were circulated widely all over India, and which, in my judgment, had a very considerable effect in producing a far better and calmer atmosphere, and I think that the Government might be spared accusations of that character.

The case of my Honourable friend, Mr. Neogy, was a different one. I do not wish to deny that the situation which arose in Dacca was serious and most deplorable. We have heard a number of details to-day. I cannot vouch for their accuracy, but the broad picture, no doubt, is true that for some days there were very serious disturbances in Dacca, that a number of persons were killed and a number of persons were injured, and that houses and shops were burnt and looted. I do not, for a moment, wish to deny that general picture. Nothing could be a matter of greater regret to Government, for Government are responsible for preserving the peace, and in this case, undoubtedly, the peace was seriously broken. I do not, therefore, for a moment, deny that there is a case for Government to meet.

Now, Sir, the case of Mr. Neogy, if I understood him aright, taking it broadly, was that the police deliberately refrained from giving such assistance as was in their power, and that Government allowed this state of affairs to continue, I might almost say, as a matter of policy. Well, Sir, those are very serious accusations. I do not propose to enter into the justification for such accusations or into a refutation of them. That is a matter which will come up later when the Committee of Enquiry, which is now sitting, has reported. But, as one side of the case has been presented to the House, let us, at any rate, see whether there is not some other and possibly more probable explanation of the unfortunate developments that took place in Dacca. It is, I think, common ground that these riots broke out very suddenly, and, as far as I know, quite unexpectedly, and spread with the most remarkable rapidity. I understand that it was on the 24th May that the riots really broke out seriously, and that the two days when most of the damage was caused were the 24th and 25th. Now, Sir, a good deal of reference has been made during the debate to the strength of the police force and whether the police were not in a position to restore order at once by vigorous action. We have not got very full details of the position, but there is no doubt from the reports I have received that the police force in Dacca at the time these riots broke out was exceptionally weak.

**Mr. Gaya Prasad Singh :** May I know what was the strength of the police force then ?

**The Honourable Mr. H. G. Haig :** I am afraid I cannot say.

**Mr. Gaya Prasad Singh :** Then how does the Honourable Member say that it was inadequate ?

**The Honourable Mr. H. G. Haig :** I am giving the report which we received from the local officers. It was mentioned that, though every assistance was given by the Eastern Frontier Rifles with its very limited forces, the police force was quite inadequate to deal with the situation, and I also have a report here which says that it was very unfortunate that this serious outbreak should have occurred at a time when the greater part of the military police force was absent from Dacca. A point has been made of the fact that Dacca is the headquarters of the Eastern Frontier Rifles. Well, it is quite clear that the greater part of that Force was absent from Dacca. Honourable Members, I think, can themselves conjecture what were the reasons which led to the depletion of the police forces in Dacca. They are well aware of the outbreak at Chittagong, which required a very large force for its suppression and for the subsequent operations. I do not know whether other portions of the force had had to be drafted into Calcutta, but broadly speaking when you have a province like the province of Bengal in its present deplorably disturbed condition, the strain on the police and the demand for the limited force available to Government is very great, and it was undoubtedly due to the disturbed conditions throughout the Presidency of Bengal that when these riots broke out in Dacca the police force there was under its normal strength. That is an important point which I would ask the House to bear in mind. Now, Sir, I think some of the statements we have heard today bear out that view—that really the police force was not adequate for the work they were suddenly confronted with. My Honourable friend, Mr. Neogy, mentioned the case of a lady who repeatedly appealed for

[Mr. H. G. Haig.]

assistance, and I was struck by the reply which, I understood, she repeatedly received—"None available." That, Sir, I think probably represents the facts. There really was not a sufficient police force to deal with the situation that arose. Well, did the Government of Bengal do nothing on this? I do not quite know how long it takes to get from Calcutta to Dacca, but at any rate I have here information that, on the 26th, the Inspector General of Police arrived at Dacca with 215 men, and I should judge—I do not want to be dogmatic on the subject—that after the arrival of the Inspector General of Police with his 215 men on the 26th May, most of the serious trouble was stopped. I do not think that, after that date, though no doubt isolated incidents continued, there was anything of a serious and widespread nature.

There is one other point that I should like the House to bear in mind, and that is that a very great difficulty always confronts the police when dealing with these communal disturbances. It is not as a rule the case of a single crowd or mob which has to be dealt with, but experience not only in Dacca but in many places, in many large cities throughout India, has been that when these communal disturbances start, there are isolated assaults in all quarters of the town and when there is any question of looting and burning, the looting and burning take place sporadically all over the town. It is exceedingly difficult to deal with those conditions unless you have a really considerable force, and the only effective way in which they can be stopped is by picketing the whole area concerned—I mean picketing in the official sense. (Laughter.)

Well, Sir, I do not wish to be thought to be giving a complete answer to the charges that have been made today, for I do not profess to have in my possession anything like complete information.

**Mr. N. G. Ranga :** When will the Government of India have complete information?

**The Honourable Mr. H. G. Haig :** I will deal with that in one moment. As I have already said, the Government of Bengal realised that there was a case for the Government to meet, and consequently they appointed a committee on the 12th June, consisting of a High Court Judge from Patna and a member of the Board of Revenue, and I would invite the attention of the House to the terms of reference to that Committee, in order to show that Government are quite aware of their position and of their responsibility. The terms of reference to the Committee were to inquire into the causes of the disturbances, to inquire into the incidents of the disturbances, and to inquire into the measures taken to deal with them—the causes, the facts and the measures taken by Government. Therefore, the question which has been raised by my Honourable friend today is one of the definite points, which has been referred to that Committee which will report in a short time. That, Sir, is my answer to any suggestions that I should give a reply at once on the various points of detail, that I should give an explanation and that I should say whether the action taken was adequate or inadequate. That is a matter which is now under the consideration of the Committee.

Now, Sir, I come, in conclusion, to the actual form of the Resolution which has been moved by my Honourable friend. He has asked for the

publication of certain correspondence. Our correspondence with the Government of Bengal has been comparatively limited.

**Mr. President :** The Honourable Member has not pressed that point. In his speech he did not press that point at all.

**The Honourable Mr. H. G. Haig :** Perhaps I should make a brief answer on that point, because that forms actually the terms of the Resolution. To a large extent the correspondence which we have had with the Government of Bengal represents facts which have already been published and the republication of which would do no good. To the extent to which any views may have either been expressed or suggested in that correspondence, I do feel quite definitely that it would be undesirable now to publish them. All these matters are coming under the review of the Committee, and it is undesirable that we should break in upon their labours by the publication of any tentative or incomplete views. Any views that Government may have on this subject will have been placed before the Committee, and until the latter has reported, I do not think it would be wise to publish anything which would suggest definite conclusions by Government. I would go further, Sir, and urge that, at a time like this, Honourable Members should refrain from making any allegations, as I gladly recognise that for the most part they have, either on one side or on the other, which might be likely to embitter the situation and to embarrass the inquiry. Though the Committee is not a court of law, still it is engaged in the same functions as a court of law. It is endeavouring to ascertain facts and to come to conclusions, and it can only be a handicap to its work that the matters into which it is inquiring should form the subject of public controversy. I would therefore, Sir, oppose the motion.

**Several Honourable Members :** I move that the question be now put.

**Mr. President :** Mr. Neogy.

**Mr. K. C. Neogy :** Sir, I promise to be very brief in my reply, and I am going to disappoint my Honourable friend, Mr. Ghuznavi, by refusing to walk into his parlour. I am not going to raise a communal issue in my reply, just as I did not in my first speech. My Honourable friend, Sir, mostly depended upon second-hand information. While the Dacca riots were going on he was for most of the time oscillating between Simla, Darjeeling and Calcutta.

**Mr. A. H. Ghuznavi :** I had never been to Darjeeling then.

**Mr. K. C. Neogy :** He found no time to go down to his constituency, although the most important spot in his constituency had been ablaze. The Honourable Member had very responsible duties to shoulder at that moment because the Simon Report was about to be published, and the proper atmosphere had to be created for its reception, and I am not surprised at the tone of official responsibility which he adopted in opposing this Resolution. It seems he already feels the weight of the responsibility of Government resting on his shoulders.

**An Honourable Member :** Or he might have been thinking of the Round Table Conference.

**Mr. K. C. Neogy :** Sir, my Honourable friend relied on a particular version of certain incidents. I possess complete papers on each and every

[Mr. K. C. Neogy.]

incident dealt with by him, but I do not propose to go into them at all. My Honourable friend complained about the Hindu papers, but what about the Anglo-Indian papers, what about the *Statesman* itself?

**Lieut.-Colonel H. A. J. Gidney** (Nominated : Anglo-Indians) : What has the Anglo-Indian got to do in this matter?

**Mr. K. C. Neogy** : Sir, so far as the incidents at Rohitpur are concerned, one may depend certainly upon the version published in the *Statesman*. My Honourable friend will see.....

**Dr. A. Suhrawardy** : Who was the reporter?

**Mr. K. C. Neogy** : .....that even a paper like the *Statesman* does not bear out his version in this particular instance. Fortunately for us, all the Muhammadans of Dacca are not like my Honourable friend, Mr. Ghuznavi (Hear, hear), and I am here to acknowledge that individual Muhammadan gentlemen have afforded protection to Hindus in distress during these troublous days; and I propose to read out a certain statement made by a Muhammadan pleader of Dacca which will have some interest for my Honourable friend, Mr. Haig. The statement is a signed one, and I have seen the original in the Bar Library at Dacca. This statement has reference to the point as to whether the police force at the time was adequate.

"On Saturday", says this statement, "returning from Court at about 5 p.m., hearing a great noise coming from the direction of Naya Bazar municipal market, I proceeded towards the market. I met some passers-by who told me that a shop in the market had been set fire to. I went near the market where butchers' shops are situated. I found a crowd before the burning shop, and I saw several men going with articles of the shops. They were all Muhammadans. I found that a few policemen with a European officer coming out of the crowd moving leisurely towards the west.

(Sd.) A. F. NURAN-NABI, B.L.,  
Pleader, Dacca."

It is not a question of the insufficiency of the police, it is indifference, it is criminal callousness.....

**The Honourable Mr. H. G. Haig** : These, Sir, are matters which will come under inquiry by the Committee.

**Mr. K. C. Neogy** : I quite realize that. My Honourable friend has done a very good service to me by reminding me of the point. What, Sir, is the constitution of that Committee? Two members of the Indian Civil Service, may be, one is a Judge of the Patna High Court, and the other a Member of the Board of Revenue in Bengal. The Honourable gentleman knows the nature of the allegations brought forward in this matter. The Honourable Member knows who are suspected to be at the bottom of the whole thing. The Honourable Member knows that the *bonâ fides*, at least of the local authorities, including some I. C. S. gentlemen, are being questioned.....

**The Honourable Mr. H. G. Haig** : Does the Honourable Member mean to question the *bonâ fides* of the members of the Committee?

**Mr. K. C. Neogy** : I have nothing to say personally against either of these gentlemen, but the fact that Government could not find members for this Committee from outside the I. C. S. shows that Government

perhaps are not very sincere in their desire to get an unbiased report. (Hear, hear.) The popular impression is that the Committee has gone down to Dacca with a lot of whitewash, and I am certainly entitled to give vent to the popular apprehensions in this matter. They do not feel that the Committee, which is inquiring into the matter, is doing so with an open mind. The action of the authorities, that of the Commissioner of the Division who was present at Dacca at the time, that of the District Magistrate, and all the rest of them belonging to the I. C. S., the conduct of all these gentlemen will have to be inquired into, and the Government could not make a better choice than selecting two members of that very service to constitute the Committee! And what did the people want? The people wanted a mixed committee composed of officials and non-officials. The Honourable Member might say, "There is a dispute between Hindus and Muhammadans, and if Government had appointed a committee composed of Hindus, the Muhammadans might object, and *vice versa*". But they could, if they wanted to avoid non-officials, appoint to the Committee a Hindu Judge of a High Court and a Muhammadan Judge of a High Court, with the addition of a European Judge if they so liked. Now my Honourable friend stated that the points raised here are really in issue before that Committee. But he surely missed the point of my Resolution. The Committee is concerned with an inquiry into the responsibility or otherwise of the local officials for the situation created. What I want to know from the Government is, what attitude did the Government of India take in this matter? Is the attitude of the Government of India also being investigated by this Committee? Nothing that the Honourable Member read out from the terms of reference of this Committee bear him out there. What I want to know is, what was the attitude of the Government of India all this time? That is certainly quite different from the subject-matter of the inquiry, which is to find out the responsibility of the local officials, unless of course the Government of India identify themselves thoroughly with the local authorities.....

**The Honourable Mr. H. G. Haig** : I do not quite understand what the Honourable Member means. If the Local Government were handling the matter adequately, there was no occasion for the Government of India to intervene. The view of the Government of India was that the Local Government were handling the matter adequately. By appointing this Committee of Inquiry, they were doing what was right.

**Mr. K. C. Neogy** : Is that what the Honourable Member wrote down to the Government of Bengal, namely, that, "You are doing all that is needed for the situation?" That is exactly what I want to know. I should like to have an answer, Sir.

**The Honourable Mr. H. G. Haig** : An answer to what?

**Mr. K. C. Neogy** : Did the Government of India simply write to the Government of Bengal that they were perfectly satisfied about what they had done in the matter? Do I take it that the Honourable Member and his Government were keeping their eyes and ears shut to the situation in Dacca? It is necessary for the purpose of establishing the Honourable Member's *bonâ fides* that the correspondence should be published. I hope the Honourable Member realises the seriousness of the allegations that have been levelled against Government. Does the Honourable Member know.....

**Mr. Jehangir K. Munshi** (Burma : Non-European) : Will you permit me, Sir, to intervene on a point of information ? Will the Honourable Member give an assurance to the House that, after the report of this Inquiry Committee, he will publish the correspondence with the Government of Bengal on this subject ?

**The Honourable Mr. H. G. Haig** : I am not prepared to give any such assurance.

**An Honourable Member** : It will be published after the Round Table Conference has finished its labours.

**Mr. K. C. Neogy** : Do I take it, then, that the Government of India have fully approved of what the Government of Bengal have done by not sending down any responsible officer to the locality ? I may inform the House that not one single soul stirred out from Darjeeling, neither the Chief Secretary nor Mr. Prentice who is in charge of this portfolio, not to speak of the Governor himself.

Sir, reference was made to a funeral procession. I have the statement of the officer in charge of the cremation ground at Dacca. The House will remember that whereas a funeral procession, which started the rioting, was allowed to be taken through the leading streets of the city without any let or hindrance, the Hindus could not take their dead bodies for cremation to the cremation ground. And when this officer approached the Chairman of the Municipality, the Chairman sent him with a letter to the Thana (the Police Station). He says :

"A Muhammadan Sub-Inspector was at the thana then. I delivered the letter to him, and on perusing the same, he told me : ' You indulge in Swadeshi and shout *Bande Mataram* ; why then do you come to us with a letter from Swadeshiwallah Satis Sarkar (Chairman). '

The Sub-Inspector then handed over the letter to the officer in charge of the thana, who ordered it to be filed and said : " You won't get any police for guarding the burning ghat." Several people who had gone there carrying their dead bodies for cremation were murderously assaulted and one of them actually lost his life. Since that incident took place, no Hindu had any protection in the matter of carrying the dead bodies to the cremation ground and the dead bodies had to be cremated inside their own houses. Look at this picture and the other one ! A huge procession carrying a dead body was allowed to be proceeded with throughout the streets. It consisted of several thousands of people by the time it had reached the mosque.

Then, again, with regard to the question of inadequacy of the police force. Mention has already been made by my Honourable friend, Mr. Sen, about the action of the police in snatching away the guns from people who were attempting to defend themselves with their help. Here is the statement of a Government officer, a Lecturer of a Government College :

"I then met the hooligans with my gun and after a few shots were fired the rowdies fell back. I was waiting with the gun in hand when to the relief I found a short Anglo-Indian officer on the roof of my house accosting me, even though he was pointing his revolver to me. He asked me to put down the gun which I did ; and without entering into any reasoning or arguments with me, told me that the Deputy Inspector General of Police was coming up and that I might tell him anything I liked. The latter came up soon after and to my surprise he wanted me to deliver up

my gun which he would seize, although I pointed out that I was a Government servant and fired in self-defence. There was another gun in the adjacent house which he also seized."

Does the Honourable Member mean to say that, whatever the Committee of Inquiry may have to say with regard to these incidents, the effect of the statements of responsible people like those whom I have quoted can be taken away ? What is the use of waiting for the Report of this white-washing Committee ?

Then, Sir, another point has not been investigated. All the burning that has been done has been done with the help of petrol. Petrol was smeared on the doors, the beams and the rafters of brick-built houses. A large quantity of petrol was required for the purpose. Will the Honourable Member make an inquiry and find out as to whether the police have as yet tried to discover the source from which this petrol came ? It has been openly alleged that the petrol was carried in private cars belonging to certain particular persons, and yet no action has been taken in this direction. Even if I were to concede, for the sake of argument, that the police force was inadequate at the time, what have the police done since to arrest the people who were named by the aggrieved persons as having been their assailants and having looted their property ? What action has been taken to try and discover and seize the looted property ? The Honourable Member's case, I take it, is this, that, although the strength of the police was not sufficient when the riots actually took place, it is quite sufficient now. Will the Honourable Member find out as to why it is that no serious attempt has been made to recover the looted property worth at least 20 to 30 lakhs ? I know that in a few instances make-believe searches were made. And would it be believed by this House that, before the searches were made, people were cautioned by beat of drum in the City of Dacca that searches might take place ? This statement has been made by responsible people. The House can easily imagine what came out of these searches.

Sir, I am about to close my career in this House. ....

**An Honourable Member** : And so say all !

**Mr. K. C. Neogy** : I may be permitted to say that when I came into this Assembly ten years ago I had great confidence, if not in the Government, at least in the Constitution. God knows that I did not come here to advance my personal interests in any way. And when I go back today, may I tell this House that that faith has been rudely shaken by the recent incidents that I have myself witnessed with my own eyes and about which I have made personal inquiries. I feel that it is extremely difficult for any one to do any real service to his country as a Member of this House. If I have said anything which might have irritated the Honourable Members opposite, it is because I expected a very high standard of conduct from the Government which they have failed to attain.

**Mr. President** : Resolution moved :

"This Assembly recommends to the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the City of Dacca and its neighbourhood."

The question is that that Resolution be adopted.

The Assembly divided :

AYES 29.

Ayyangar, Mr. K. V. Rangaswami.  
Ayyar, Mr. N. Natesa.  
Chettiyar, Rao Bahadur P. T. Kuma-  
raswami.  
Chetty, Mr. R. K. Shanmukham.  
Dae, Mr. B.  
Dutt, Mr. Amar Nath.  
Dutta, Rai Bahadur S. C.  
Dwe, U.  
Jayakar, Mr. M. R.  
Lahiri Chaudhury, Mr. D. K.  
Maheshpuri, Mr. G.  
Mukerjee, Mr. Saradindu.  
Munshi, Mr. Jehangir K.  
Nand Lal, Dr.

Nehal Singh, Mr.  
Neogy, Mr. K. C.  
Patil, Rao Bahadur, B. L.  
Patil, Rao Bahadur, D. R.  
Ramji, Rao Sahib B.  
Ranga Iyer, Mr. C. S.  
Ranga, Mr. N. G.  
Rao, Mr. G. Sarvotham.  
Reddi, Mr. T. N. Ramakrishna.  
Sahi, Mr. Lal Narendra Pratap.  
Sarda, Rai Sahib Harbilas.  
Sen, Mr. S. C.  
Singh, Mr. Gaya Prasad.  
Sitaramaraju, Mr. B.  
Venkatakrishnayya Chowdry, Mr. P.

NOES 49.

Abdul Qaiyum, Nawab Sir Sahibzada.  
Alexander, Mr. W.  
Anwar-ul-Azim, Mr.  
Bajpai, Mr. G. S.  
Bajpai, Mr. R. S.  
Banerji, Mr. Rajnarayan.  
Baum, Mr. E. F.  
Bhore, The Honourable Sir Joseph.  
Buss, Mr. L. C.  
Chatterjee, The Revd. J. C.  
Cocke, Sir Hugh.  
Dalal, Dr. R. D.  
Dutt, Mr. G. S.  
Ghuznavi, Mr. A. H.  
Gidney, Lieut.-Colonel H. A. J.  
Gwynne, Mr. C. W.  
Haig, The Honourable Mr. H. G.  
Hamilton, Mr. K. L. B.  
Heathcote, Mr. L. V.  
Hira Singh Brar, Sardar Bahadur Hono-  
rary Captain.  
Howell, Mr. E. B.  
Jawahar Singh, Sardar Bahadur Sardar.  
Koreishi, Mr. A. O.  
Lamb, Mr. W. S.

Mitchell, Mr. D. G.  
Moore, Mr. Arthur.  
Mukherjee, Rai Bahadur S. C.  
Noyce, Sir Frank.  
Parsons, Mr. A. A. L.  
Pillai, Mr. A. A.  
Rainy, The Honourable Sir George.  
Rajah, Rao Bahadur M. C.  
Ramalsinhji, Sardar J.  
Rau, Mr. H. Shankar.  
Sahi, Mr. Ram. Prashad Narayan.  
Sams, Mr. H. A.  
Sarma, Mr. R. S.  
Schuster, The Honourable Sir George.  
Scott, Mr. J. Ramsay.  
Sen, Mr. U. N.  
Sorley, Mr. H. T.  
Stodart, Mr. J. C.  
Studd, Mr. E.  
Suhrawardy, Dr. A.  
Sykes, Mr. E. F.  
Tin Tüt, Mr.  
Turner, Mr. A. C.  
Yamin Khan, Mr. Muhammad.  
Young, Mr. G. M.

The motion was negated.

RESOLUTION RE RAILWAY ACCIDENTS.

**Mr. A. H. Ghuznavi** (Dacca Division : Muhammadan Rural) : Sir,  
I beg to move the following Resolution which stands in my name :

“ This Assembly recommends to the Governor General in Council that steps be taken in all cases of Railway accidents entailing loss of human lives (1) to institute a Coroner's enquiry, (2) to deliver the bodies of the deceased to the relatives concerned as far as practicable, failing that to different social service organisations, and (3) to institute a judicial enquiry by a Committee to be composed of officials and non-officials.”

**Mr. President :** Resolution moved :

“ This Assembly recommends to the Governor General in Council that steps be taken in all cases of Railway accidents entailing loss of human lives (1) to institute a Coroner's enquiry, (2) to deliver the bodies of the deceased to the relatives concerned as far as practicable, failing that to different social service organisations, and (3) to institute a judicial enquiry by a Committee to be composed of officials and non-officials.”

The Assembly then adjourned till Eleven of the Clock on Thursday,  
the 17th July, 1930.

( 599 )



600.

LEGISLATIVE ASSEMBLY.

Thursday, 17th July, 1930.

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

SHORT NOTICE QUESTIONS AND ANSWERS.

TREATMENT RECEIVED BY TWO CONGRESS VOLUNTEERS FROM THE POLICE IN SIMLA.

Rai Bahadur Lala Panna Lal : (1) Are Government aware :

- (a) that on the 13th July, in the afternoon, two European police officers on duty on the Simla Mall accosted two Congress Volunteers, who were dressed in Congress volunteers' clean dress, and who were informing the public about a lecture to be held in the evening by Lala Duni Chand of Ambala in the Ganj ;
- (b) that the said volunteers replied that they were doing their duty in quite a peaceful manner and that as peaceful citizens of Simla they had every right to walk on the Mall ;
- (c) that thereupon the said European police officers, one of them named Mr. Webber, pushed violently or rather threw one volunteer over the other, and that, as a result both of these volunteers were thrown off into Alley No. 6 causing serious injuries to both ;
- (d) that as a result of this one of the volunteers is in a precarious condition ;
- (e) that the above-mentioned conduct of the said police officers has agitated the public mind to a great extent and people in hundreds had gathered at the scene of occurrence ; and
- (f) that the aforesaid event has given birth to a serious political agitation in Simla ?

(2) Will Government please state under what and whose orders the said European police officers stopped the above-mentioned two volunteers from peacefully walking on the Mall ?

(3) In case the said police officers had no such orders, will Government state what legal power they had to stop these volunteers from walking on the Mall ?

(4) Will Government state what empowered the said police officers to beat the said volunteers ?

(5) Are Government prepared to institute a sifting inquiry into this accident and the action on the part of the said police officers ?

(6) (a) Have Government inquired about the condition of the said two volunteers ;

(b) Will Government state what compensation they are prepared to make to the said volunteers ; and

(c) Are Government aware that Mr. Nand Lal, Dictator of the Simla Congress, who came and helped to take away the injured volunteers, was also beaten by the police ?

**The Honourable Mr. H. G. Haig :** (1) I am informed that the two volunteers, accompanied by about 25 or 30 other persons, were making a noise and collecting a crowd on the Mall, when a Police Sergeant asked them to desist or to leave the Mall. They refused to do so and the police removed them first to the Middle and later, owing to further obstruction, to the Lower Bazaar. The volunteers resisted and it was necessary to use some force. It is denied that unnecessary force was used or that more than trivial injury was caused to them. The District Magistrate had inquiries made on the evening of the 15th instant by a Magistrate, who saw the volunteers in company with the doctor who had attended them. The pulse of both was normal and the doctor stated that neither of them was in a precarious or dangerous state. They both refused to be examined by the Assistant Surgeon and they have not gone to hospital for treatment.

(2) and (3). Under the Police Act of 1861, it is the duty of the police to keep order in the public streets.

(4) It is denied that the volunteers were beaten.

(5) and (6). The matter is one for the Local Government, to whom the questions of the Honourable Member and the replies given thereto will be communicated. I am informed that Mr. Nand Lal was not beaten.

**Mr. Gaya Prasad Singh :** Sir, are Government aware that this assault was seen by the gentleman who has put the question, and also by another Honourable Member of this House ? On what authority do Government state that the assault is denied ?

**The Honourable Mr. H. G. Haig :** My information is derived from the district authorities.

**Mr. K. C. Neogy :** Were the district authorities present on the spot and were they eye-witnesses ?

**The Honourable Mr. H. G. Haig :** I really cannot say.

**Mr. Gaya Prasad Singh :** May I know who was the doctor who accompanied the gentleman and who examined the volunteers ?

**The Honourable Mr. H. G. Haig :** I think his name was Dr. Mukand Lal.

**Mr. Gaya Prasad Singh :** Are Government aware that I hold in my hand in original a certificate which was given by Dr. Mukand Lal, M.B., B.S., dated the 14th July, 1930, with regard to the condition of one of the volunteers to whom reference has been made in the reply. He states as follows :

" I examined.....

**The Honourable Mr. H. G. Haig :** Which volunteer ?

**Mr. Gaya Prasad Singh :** I am telling you :

" I examined Mr. Sukhu Ram at 8.45 P.M. in the Congress Office, and found him lying unconscious ; his pulse was very rapid and thready which could not be counted ; all his body was cold, pupils dilated, and condition was grave. He was suffering from breathlessness too, and symptoms of heart failure were evident."

Is he not the same gentleman ?

**The Honourable Mr. H. G. Haig :** The inquiry by the Magistrate was on the 15th July, by which time apparently Mr. Sukhu Ram had recovered.

**Mr. President :** Rai Bahadur Panna Lal.

**Mr. Gaya Prasad Singh :** I wanted to ask another supplementary question on such an important matter.

**Mr. President :** You never got up ; I never stop any supplementary questions.

**Mr. Gaya Prasad Singh :** Will Government kindly state whether the District Magistrate of Simla visited the two volunteers ?

**The Honourable Mr. H. G. Haig :** Not the District Magistrate ; he deputed another Magistrate.

**Mr. Gaya Prasad Singh :** What is his name ?

**The Honourable Mr. H. G. Haig :** That I cannot say.

**Mr. Gaya Prasad Singh :** Will Government kindly state as to whether any Magistrate or any other responsible officer of the Government was present at the time when these assaults took place ?

**The Honourable Mr. H. G. Haig :** I believe not, Sir.

**Mr. D. K. Lahiri Chaudhury :** Is not the statement of Honourable Members of this House, who were eye witnesses of the occurrence, sufficient ?

**An Honourable Member :** Who were they ?

**The Honourable Mr. H. G. Haig :** I am not aware that any statement has been made by Members of this House.

**Mr. Gaya Prasad Singh :** The Honourable Member putting this question was present on the spot and he himself witnessed the occurrence, and also another Honourable Member.

**An Honourable Member :** What is his name ?

**Mr. Gaya Prasad Singh :** Mr. Nehal Singh.

**Mr. D. K. Lahiri Chaudhury :** May I ask again whether Government have any reason to disbelieve the statement of Honourable Members of this House, who were eye-witnesses of the occurrence and who put these questions ?

**The Honourable Mr. H. G. Haig :** No statement, as far as I am aware, has been made by any Member of the House. Certain questions have been put and they have been answered.

**Mr. Gaya Prasad Singh :** Is it not a fact that these two Honourable Members of this House, Mr. Nehal Singh and Rai Bahadur Panna Lal, have stated that they themselves saw these volunteers being beaten and thrown down ?

**The Honourable Mr. H. G. Haig :** I am unaware of any such statement, Sir.

**Mr. K. C. Neogy :** May I request you, Sir, to ask the Honourable Member who has put these questions to state as to whether these questions are framed on the basis of anything that he saw personally ?

**Rai Bahadur Lala Panna Lal :** We saw these incidents ourselves personally. There were also some other Members of this House present with us, and these questions have been framed on the basis of what we witnessed ourselves. We saw all the incidents with our own eyes and then framed these questions.

**Mr. Nehal Singh :** I also saw it with my own eyes.

**The Honourable Mr. H. G. Haig :** I hope, Sir, the Honourable Member will bring his information to the knowledge of the district authorities.

**Mr. K. C. Neogy :** He has done so in his questions.

**Mr. President :** That is not a question.

#### ACTION AGAINST CONGRESS VOLUNTEERS WALKING ON THE MALL, SIMLA.

**Rai Bahadur Lala Panna Lal :** (1) Are Government aware :

(a) that four batches of volunteers walked on the Mall on the evening of the 14th July, 1930 ;

(b) that the police on duty on the Mall on the 14th, among whom there were one Mr. Shahzada, Sub-Inspector of Police, and one European Sergeant, abused the volunteers who walked peacefully on the Mall, using very filthy language and even knocked the heads of the volunteers together ;

(c) that after being abused the volunteers were arrested or taken into custody by the police ;

(d) that after being arrested or being taken into custody the police officers asked the police constables there to beat the volunteers ;

(e) that the police constables so addressed hesitated to do so, because the volunteers were quite peaceful, sober, and within the bounds of law ;

(f) that as a result of this hesitation on the part of these constables to beat lawful and peaceful volunteers, the constables were abused in their turn by the police officers ;

(g) that as a result of this abuse meted out to constables there were murmurs of discontent and displeasure among these constables ;

(h) that the police officers seeing this discontent and displeasure among the constables took them off from their duty on the Mall ; and

(i) that at this stage the Treasury Officer arrived on the scene and said to the police that as section 144 did not apply to that place, they were not acting within the law when they prevented the volunteers from walking on the Mall, and that the said officer then caused the volunteers to be let off ?

(2) Will Government please state :

(a) under what and whose orders were the said volunteers stopped from walking on the Mall on the 14th instant and then arrested and taken into custody ; and

(b) under what legal procedure the volunteers were then let off ?

**The Honourable Mr. H. G. Haig :** (1) (a) I am informed that three parties of volunteers at different times on the evening of the 14th July attempted to make a demonstration on the Mall. The first party when asked to leave refused to do so and sat down on the ground. They were removed by the police. The second party were stopped at an entrance to the Mall and induced to return to the Middle Bazar. The third party, which was joined by members of the first party, were induced to leave by a Congress worker.

(b) The volunteers were not abused nor were their heads knocked together.

(c) They were not arrested or taken into custody.

(d), (e), (f), (g), (h). The suggestions are without foundation.

(i) The facts are as stated in (a) above. No question of the application of section 144, Criminal Procedure Code, arose.

2. (a) The volunteers were stopped from creating a demonstration on the Mall, because they collected a crowd and there was interference with traffic. The police acted in accordance with the duty imposed on them by the Police Act.

(b) Does not arise.

**Mr. Gaya Prasad Singh :** Are Government aware that Mr. K. V. Rangaswami Ayyangar, a Member of this House, actually saw the incident, I mean the heads of the two volunteers were knocked together ?

**The Honourable Mr. H. G. Haig :** No, Sir ; I am not aware of that.

**Mr. Gaya Prasad Singh :** Will Government kindly give the sources of information on which their reply to this question is based ?

**The Honourable Mr. H. G. Haig :** It has been received from the district authorities at short notice.

**Mr. Gaya Prasad Singh :** Will Government kindly state the sort of demonstrations which these volunteers are alleged to have been making on the Mall ?

**The Honourable Mr. H. G. Haig :** I understand that they were collecting a crowd there.

**Mr. Gaya Prasad Singh :** Do Government realise that the volunteers are not responsible for the crowd which might be walking up and down the Mall ?

**The Honourable Mr. H. G. Haig :** I do not suppose a crowd collects without any inducement.

**Mr. Gaya Prasad Singh :** May I know, Sir, what is the nature of the inducement offered ?

**Mr. K. C. Neogy :** The assaults committed on them.

**The Honourable Mr. H. G. Haig :** That I cannot say.

**Mr. K. C. Neogy :** Is the Honourable Member aware that he is bringing disgrace upon Government by giving such replies to serious questions ?

**The Honourable Mr. H. G. Haig :** No, Sir ; I am not aware. I do not know what the Honourable Member means.

**Mr. K. C. Neogy :** I mean what I say.

**Mr. Gaya Prasad Singh :** Are Government aware that, on the 14th instant, when four or five volunteers were going up the Mall, in the evening, they were prevented by the police from going further than the shop of Cotton, Morris and Company on the Mall, towards Chota Simla, and this was witnessed by many Members of the Assembly ?

**The Honourable Mr. H. G. Haig :** I have no information about that, Sir.

**Mr. Gaya Prasad Singh :** Is the Honourable Member prepared to take it from me that this incident was witnessed not only by myself but by my Honourable friends, Mr. Raju, Mr. S. P. Sahi, Mr. Reddi, and others ?

**Mr. President :** This is not a question. This is supplying information.

**Mr. Gaya Prasad Singh :** I am putting it in the form of a question, Sir.

**Mr. President :** It does not make a question.

**Mr. Gaya Prasad Singh :** Are Government aware that these incidents were witnessed by some Members of this House ?

**The Honourable Mr. H. G. Haig :** I am perfectly prepared to take it from the Honourable Member that he witnessed certain incidents.

**Mr. Abdul Haye :** Do Government really believe that the information supplied to them by the district officers is correct ?

**Mr. K. C. Neogy :** Gospel.

**The Honourable Mr. H. G. Haig :** Yes, Sir.

**Mr. K. C. Neogy :** I merely added that they consider it to be gospel.

**Mr. Gaya Prasad Singh :** May I know, Sir, under what law these volunteers were prevented from proceeding on the Mall ? I myself saw the incident.

**Mr. President :** This is not a question.

**Mr. Gaya Prasad Singh :** If you are going to be so strict in this manner, Sir, I do not want to proceed further.

**Mr. President :** Mr. Gaya Prasad Singh.

**Mr. Gaya Prasad Singh :** I asked my friend to tell me under what law these volunteers were prevented from proceeding on the Mall towards Chota Simla.

**The Honourable Mr. H. G. Haig :** The action taken by the police, I understand, was taken under the Police Act, which enjoins on the police the duty of keeping order on public roads and preventing obstruction to traffic.

**Mr. Gaya Prasad Singh :** Are Government aware that these volunteers were proceeding in a perfectly orderly manner and they were making no sort of demonstration or causing obstruction to traffic ?

**The Honourable Mr. H. G. Haig :** No, Sir ; I have no definite information about that. I understand that the Honourable Member is referring to some incident different to the one on which I am attempting to answer questions.

Is the Honourable Member referring to the same volunteers as are referred to in this question ?

**Mr. Gaya Prasad Singh :** I do not know whether they are the same, but that does not alter the nature of the question. I am asking about the policy of the Government.

**Mr. President :** The question is about particular volunteers, and Government cannot be expected to have information about all the volunteers that were on the Mall in Simla.

**Mr. Gaya Prasad Singh :** My question is whether the Government of India or the local authorities concerned have issued any instructions to the police with reference to the way in which traffic should be regulated and the way in which the volunteers should be dealt with on the Mall ?

**The Honourable Mr. H. G. Haig :** It is not a matter for the Government of India to regulate traffic in Simla.

**Mr. A. H. Ghuznavi :** Is the Honourable Member aware that there was a demonstration near the Assembly building the other day when the volunteers cried out, "*Assembly mên kon bolegâ ? Ullu bolegâ.*" ("Who will speak in the Assembly ? Fools will speak.") (Laughter.)

**Mr. Gaya Prasad Singh :** Is not that a correct description of many of the Members of this House ?

**Mr. President :** Order, order. The Honourable Member must withdraw his remarks.

**Mr. A. H. Ghuznavi :** I withdraw my remarks. (Laughter.)

**Mr. President :** (To Mr. Gaya Prasad Singh) The Honourable Member must withdraw his remarks.

(Cries of "Withdraw.")

**Mr. Gaya Prasad Singh :** All right, Sir. If you say that this description does not apply here, I am prepared to withdraw it.

**Mr. President :** That will not do. The Honourable Member must offer an unqualified withdrawal.

(Cries of "Withdraw.")

**Mr. Gaya Prasad Singh :** I will rather walk out of the House than make an unqualified withdrawal when I feel that the description is absolutely correct.

**Mr. President :** The Honourable Member is perfectly within his rights to take any action that he likes.

**Mr. Gaya Prasad Singh :** Thank you.

(The Honourable Member then walked out of the Chamber.)

**Sir Cowasji Jehangir :** Is it a fact that volunteers are not allowed to walk on the Mall ?

**The Honourable Mr. H. G. Haig :** No, Sir, as far as I know, provided they behave themselves in an ordinary and orderly manner.

**ACTION AGAINST CONGRESS VOLUNTEERS WALKING ON THE MALL, SIMLA.**

**Rai Bahadur Lala Panna Lal :** (a) Are Government aware that at about 6 o'clock in the evening on the 15th July, 1930, some volunteers again walked on the Mall, being accompanied by some Members of the Legislative Assembly ?

(b) Are Government aware that the volunteers shouted their slogans on the 15th and that they were not prevented from so doing, nor were they stopped or arrested by the police as on the previous day ?

(c) Will Government please state (i) under what legal action the peaceful volunteers were stopped from walking on the Mall on the 13th and the 14th ; and

(ii) under what legal authority the volunteers were allowed to walk on the Mall on the 15th, and even to shout their slogans ?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) No action was taken because no crowd collected and there was no obstruction to traffic.

(c) I would refer the Honourable Member to the answers given to the two previous questions, and to part (b) of this question.

**Mr. President :** I understand that Mr. Deputy President wants to put a short notice question and that the Honourable Member in charge has agreed to answer it. Loss of Revenue caused by the Civil Disobedience Movement.

**Sir Hari Singh Gour :** (1) Will Government be pleased to state the deficit in the Central revenue, particularly Customs, during the last quarter (1st April to the end of June, 1930) as compared with the corresponding receipts in the corresponding part of last year and the estimate of receipts during the quarter in question, and

(2) How much of the deficit can be fairly ascribed to the civil disobedience movement ?

**The Honourable Sir George Schuster :** (1) The figures of the Central Government's revenues under the various heads for the first quarter of the year will, I am afraid, not be available until a few days after the close of the Session. I am, however, in a position to give figures relating to the gross Customs revenue. These were 12 crores and 24 lakhs for the first quarter of 1929 and 12 crores and 26 lakhs for the first quarter of 1930, so that there is an apparent improvement of just about 2 lakhs. These figures, however, do not correctly reflect the true position. According to our budget anticipations, the recent changes in taxation should have resulted in an addition of about 1 crore and six lakhs to our Customs revenue in the first quarter of the current year. As against this, the receipts of the first quarter of 1929 were swollen by about 50 lakhs on account of throw forward from the previous year. Balancing these two factors, it may be said that there has been a deterioration in the gross Customs revenue to the extent of about half a crore.

(2) As the Honourable Member is aware, the course of trade does not necessarily follow any fixed arithmetical rule month by month, and it is difficult to hazard any opinion as to how much of the loss can be ascribed to the civil disobedience movement, although it seems not improbable that the entire loss can be so ascribed. I would point out that it cannot be taken that, up to the end of June, the full effects of the movement on trade had yet been felt. I would further point out that the most serious reactions of this movement are really the destruction of confidence and the paralysation of internal trade ; and that according to my general information, the effects on Indian business are likely to be considerably more disastrous than those on Government revenues.

#### STATEMENTS LAID ON THE TABLE.

APPEARANCE OF COUNSEL IN THE COURT OF THE REVENUE COMMISSIONER,  
NORTH WEST FRONTIER PROVINCE.

**Sir Frank Noyce** (Secretary, Department of Education, Health and Lands) : Sir, I lay on the table the information promised in reply to starred question No. 516, asked by the Honourable Maulvi Muhammad

Yakub on the 12th March, 1930, regarding the appearance of Counsel in the Court of the Revenue Commissioner, North West Frontier Province.

(a) Without a lengthy search through the records, it is impossible to say in how many instances parties have in the past been allowed to be represented by counsel in cases heard by the Revenue Commissioner on appeal or in revision. The answer to the last part of the question is in the negative.

(b) (i) Figures for the last three years are not readily available. But permission was last year accorded in 43 cases and refused in 18. Of the latter, four related to proceedings under the Land Alienation Act, section 20 of which expressly forbids the appearance of legal practitioners, two related to applications in which no appeal was found to lie, and three involved no point of law.

(ii) Permission was granted under section 18 of the Punjab Land Revenue Act.

(iii) There has been no such deviation of practice.

(c) In view of the answer to (b) (iii), this portion of the question does not arise.

#### CONVICTIONS UNDER THE SALT ACT.

The Honourable Mr. H. G. Haig (Home Member) : Sir, with reference to the information promised in my reply to starred question No. 12, asked by Mr. S. C. Mitra on the 14th instant, regarding convictions under the Salt Act, I lay a statement on the table.

The figures for the Province of Bengal are not yet available.

Statement showing the convictions under the Salt Act.

| Province.            | Total No. of convictions during last 6 months. | No. of convictions in which sentences of fine only imposed. | No. of convictions in which sentences of imprisonment up to 6 months passed. | No. of convictions in which sentences of imprisonment over 6 months passed. | Remarks.                                                                                                    |
|----------------------|------------------------------------------------|-------------------------------------------------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Madras .. ..         | *553                                           | 25                                                          | 289                                                                          | 203                                                                         | Balance 36 dealt with under section 562, Criminal Procedure Code, and on executing bond for good behaviour. |
| Bombay .. ..         | 417                                            | 55                                                          | 267                                                                          | 95                                                                          |                                                                                                             |
| Bengal .. ..         |                                                | (Figures not yet available).                                |                                                                              |                                                                             |                                                                                                             |
| United Provinces ..  | †437                                           | 1                                                           | 374                                                                          | 62                                                                          |                                                                                                             |
| Punjab .. ..         | 2                                              | ..                                                          | 2                                                                            | ..                                                                          |                                                                                                             |
| Burma†† .. ..        | 90                                             | 89                                                          | 2                                                                            | ..                                                                          | † No information is available regarding the balance of 8 cases.                                             |
| Bihar and Orissa ..  | ‡379                                           | 16                                                          | 300                                                                          | 63§                                                                         |                                                                                                             |
| Central Provinces .. | ..                                             | ..                                                          | ..                                                                           | ..                                                                          |                                                                                                             |
| Assam .. ..          | ..                                             | ..                                                          | ..                                                                           | ..                                                                          |                                                                                                             |
| Delhi .. ..          | 16                                             | ..                                                          | 16                                                                           | ..                                                                          |                                                                                                             |
| N. W. F. P. .. ..    | ..                                             | ..                                                          | ..                                                                           | ..                                                                          |                                                                                                             |
| Coorg .. ..          | ..                                             | ..                                                          | ..                                                                           | ..                                                                          |                                                                                                             |

\* 103 out of this were convictions under the Salt Act coupled with penal code.

† Includes convictions under 117 I. P. C. also.

‡ Excluding 14 granted pardon after conviction and including 14 under section 117.

§ Including 14 convicted under section 117 I. P. C.

#### RESOLUTION RE RAILWAY ACCIDENTS.

Mr. President : The House will now resume discussion on the Resolution moved by Mr. Ghuznavi last evening.

Mr. A. H. Ghuznavi (Dacca Division : Muhammadan Rural) : The Resolution that I moved last evening recommends to the Governor General in Council, (1) to institute a Coroner's enquiry, (2) to deliver the bodies of the deceased to the relatives concerned, and (3) to institute a judicial enquiry by a Committee to be composed of officials and non-officials.

Sir, I cannot conceive of any reason why, in cases of railway accidents entailing loss of lives, there should not be a Coroner's enquiry, and why the dead bodies should not be delivered to the relatives of the deceased and a judicial enquiry held, when this procedure has been adopted so far as Calcutta and Bombay are concerned. In these cities, as soon as an accident of this nature takes place, a Coroner's enquiry is held, and the body, after being viewed by the Coroner, is delivered to the relatives, and a judicial enquiry is held.

Sir, railway accidents entailing loss of human lives are now becoming almost a monthly occurrence. With all the precautions, with all the interlocking system, with all the modern discoveries to prevent them, hardly a month passes when we do not hear of some railway accident with an appalling death roll. Then, Sir, the canard that follows in the Press, the harrowing tales of the sufferings of the victims, the diverse versions of the casualties are all apt to make an impression on the public mind, which the communiqué of the railway authorities can hardly remove. It is only natural that the railways, being an interested party, inasmuch as they may be liable for damages for the dead and the wounded, should keep the number down, and, therefore, their version of the casualties is hardly believed by the public at large. Speaking from my personal experience, I can say that the version of the passengers travelling by these ill-fated trains is often at variance with that of the railway concerned. I refer to the collision of the Dacca mail train with the goods train that took place in the year 1924. Sir, my brother was a passenger by the Darjeeling Mail and when that train did not arrive and the news of a collision without any particulars as to the scene of occurrence leaked out, I naturally became very anxious. Several of my friends were also travelling from Dacca by that train. On arrival of the various relief trains we came to know all about the accident. It was discovered that the telegrams my brother and others had sent from a few stations on the line were withheld. It may be that the railway authorities withheld these communications lest they should create an alarm in the public mind. That, Sir, is no ground for withholding telegrams coming from passengers to their relatives informing them of their safety. The telegrams of such accidents are very important to the relatives, and it was surprising that not a single telegram was received by the relatives till the railway version was published in the newspapers. Sir, I spent that whole day at the station waiting to meet the passengers that the relief trains were carrying, and it was from them, Sir, that I had a lurid picture of the harrowing scenes and of the callous manner in which the victims were treated. I can quite realise that in the perturbed state of their mind, the eye witnesses and the victims might have magnified the events, but it is equally true that the railway concerned, in their anxiety to safeguard their interest, painted it with their own brush and colour as far as compatible with the circumstances.

Sir, the Belur train smash of 1928 is another instance in point—far graver and of far more disastrous consequences. The accounts published



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in the now defunct *Forward* and the sensation caused at the time must be fresh in the memory of many of us in Bengal. Sir, with your permission I will read a few passages from what *Forward* had published.

"*Forward* publishes several letters which reveal a ghastly state of things in connection with the Belur train smash from some passengers of the ill fated train including a pleader of Burdwan.

'A horrified spectator' writes to say 'that the train was going above 40 miles an hour..... In the dark night some people were running hither and thither, the dead were being thrown into a covered wagon one after another as quickly as possible. I could plainly hear weeping and cries of pain and agony. Accompanied with them, I could hear heavy thuds and blows being delivered and cries gradually diminishing'."

**An Honourable Member :** Was not that found to be incorrect after judicial inquiry ?

**Mr. A. H. Ghuznavi :** I am coming to that. That is why I want a judicial inquiry.

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : I did not catch the name of the place where the accident took place.

**Mr. A. H. Ghuznavi :** Belur. Then he says :

"I could hear the voice of an European '*Jaldi karo, maro osko*'. Somebody on my left at a distance of 15 feet cried '*hai jal, hai jal, marta Babu*'. A man came there and dealt heavy blows and the dying man spoke no more. I crawled into the tall grass and watched the tragic drama."

The reason why I am reading this is that, if there is a judicial inquiry, all these stories would not be told. There will be no opportunity to make these allegations in the Press. I will read only one more passage and then close. He says :

"I am ready to prove to the public that more than 300 are dead and 30 per cent. could have been saved if the relief train had not arrived and killed the dying'."

Then, Sir, he says :

"Immediately after the occurrence, we managed to escape to the field 20 cubits off the line. Then there commenced merciless belabouring by railway men and we fled to the level crossing a few cubits behind the place of occurrence where actually at 3 o'clock in the morning coolies proclaimed to our hearing with shovels in their hands, 'Let us finish with those still alive'."

Sir, only in January there was another accident on the Moradabad section of the East Indian Railway entailing loss of lives. It is within my knowledge that in this connection various reports had been sent to be published to the Indian news agency, but they rightly or wrongly suppressed them and did not publish them. Various complaints had been made in that connection, but no inquiry was made. This was again followed by another accident on the Bengal-Nagpur Railway which also resulted in loss of lives. No less than six railway accidents have occurred in quick succession since January, 1930, entailing loss of lives. Only the other day, on the 10th of January, there was another accident in Madras in which, as a result, four passengers were injured seriously. It will thus be seen that railway disasters are not a rare thing to be passed over as quite beyond human control, but, as I say, effective steps

to reduce accidents, as far as possible, and particularly to remove the suspicion that has struck root in the public mind that the railway authorities only whitewash the events, should be taken. Therefore, Sir, I think I have been able to bring home to this House the case for adopting the first portion of my Resolution, which recommends a Coroner's inquiry. It may be urged that Coroners are found only in Presidency towns like Calcutta and Bombay, and that they cannot always be available at or near the scene of railway accidents, but, Sir, the mischief done by exaggerated accounts of railway accidents is so great that means should be found to provide for a Coroner's inquiry in every district and every sub-division where there is a railway. The sinister effect on the public mind caused by the fulminations of the *Forward* with regard to the Belur accident was not easily removed, even after the High Court had held the letters of "A Horrified Spectator" to be false and fictitious. The institution, Sir, of a Coroner's inquiry will reassure the public mind and will allay public anxiety and public suspicion, which are generally aroused in every case of a railway accident, and will lessen the chance of railway authorities being charged with holding a perfunctory inquiry. So far, Sir, as I am aware, in almost every country a Coroner's inquiry is held in cases of railway accidents. In almost every country other than India, when a railway accident takes place entailing loss of lives, a Coroner's inquiry is held. The considerations therefore stated by me ought to outweigh all other considerations, and honorary and stipendiary Magistrates in every provincial town and sub-division should be empowered to discharge the duties and functions of Coroners. That will remove, Sir, the difficulties that the railway authorities find in their way to have a Coroner's inquiry if an accident takes place not near to any of the cities of Bombay or Calcutta.

Now, as to the second portion of my Resolution, I am sure no argument is necessary in support of my recommendation for the delivery of the bodies of the victims to their relatives, or, in the cases where they are unclaimed, for the delivery of the bodies to social service organisations. Even apart from the fact that it is calculated to remove suspicion from the public mind as to the number of deaths, which the railway authorities are generally accused of suppressing, it will give the relatives of the victims concerned an opportunity of giving them a proper funeral and of assuaging their feelings. Dictates of humanity have recommended this course to the jail authorities. The jail authorities, even in the case of criminals dying in the jails, deliver the dead bodies to the relatives concerned, and therefore, Sir, there is no reason why the unfortunate relatives of the victims of railway accidents should be deprived of the consolation of performing their last funeral rites.

Then, Sir, I have recommended a judicial inquiry by a committee to be composed of officials and non-officials. The House is aware that the public are not satisfied with the present practice of the railway officials holding an inquiry assisted by the Government Inspector only. It may be argued why should I ask for two inquiries of the same nature, as the Coroner's inquiry is a kind of judicial inquiry. I can see from the Coroner's Act that it is a judicial inquiry. But my reply to that is that the second judicial inquiry is necessary in order to bring conviction to the public mind that there can be no room for doubt that a fair and exhaustive inquiry had been made, and this inquiry is meant to

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replace the one I have just mentioned. Then, Sir, holding the judicial inquiry, the Magistrate should empanel a jury consisting of a certain number of railway men and other officials and also a few non-officials commanding the respect and confidence of the public. Such an inquiry has a very great value of its own, Sir, and cannot fail to impress the public as being fair and impartial. If there is any apprehension of the railway employees concerned in the accident being prejudiced in the event of their being sent up for trial, the inquiry may be held *in camera* and its proceedings need not be published.

Sir, with these words I commend my Resolution to the acceptance of the House.

**Dr. Nand Lal** (West Punjab : Non-Muhammadan) : Sir, I agree with my learned friend, the author of this Resolution, that a number of railway accidents, which have occurred, have given birth to a great deal of sensation in some quarters. My learned friend's criticism in regard to certain irregularities appears to be correct. But I must say that he has allowed himself to magnify his case to a certain extent. The Coroner's inquiry, as he himself has conceded, and has rightly conceded, is considered to be a judicial inquiry. But the difficulty in his way is this, as he himself has admitted it, that we find these officials only in the Presidency towns and not everywhere else. But these accidents cannot be controlled by human agency so that they may occur only in places which are within the jurisdiction of the Presidency towns. It is impossible for any human being to do that. Now, considering the weakness of his case, he suggests that the Coroners may be appointed in every district and in every important town. I hope I have correctly understood him in this.

**Mr. A. H. Ghuznavi** : I have suggested that stipendiary and honorary Magistrates may be permitted to hold such inquiries, not that the Coroners be appointed.

**Dr. Nand Lal** : The suggestion is, if I have rightly followed the Honourable Member, that Coroners may be appointed and the system which he has suggested in regard to their appointment is this, that the Honorary Magistrates who are working now as such, may be empowered to act as Coroners. This is his case. I must submit, there are a number of flaws in it. Supposing the accident takes place at a place which is far away from the district headquarters or from a big town and weather may be very hot, then there is a likelihood of the dead body getting rotten and some sort of obnoxious smell may begin to emanate from it by the time the Coroner may reach there.

**Mr. A. H. Ghuznavi** : Is my Honourable friend aware that, even in Calcutta, sometimes it so happens that the Coroner does not see the dead body before 24 hours have elapsed?

**Dr. Nand Lal** : My learned friend is entitled to put questions and cross-questions and interjections, but this is not the method of debate; this is not the method of argument. In fact, this shows the weakness of my learned friend's case. (Laughter.) If you have got some strength in your case, then have patience and hear me and try to challenge my

arguments. That is the proper method. Impatience sometimes betrays weakness.

My learned friend has very ably enlightened me that my argument is not sound on the ground of distance and that ground appears to him to be a fallacious one. When Inspectors or Sub-Inspectors or other police officers are requisitioned to be on the spot and hold an investigation or an inquiry, certainly they will be coming from some distant place. My learned friend's argument centres round this point. To meet this question, which unfortunately he has put to me in the shape of an interruption, I may tell him that if he is aware of the police administration and if he knows something about the executive management, then he will find that his question has no force. There are *thanas* in every Tahsil and in every small place. Those *thanas* are in charge of Sub-Inspectors. There are Circle Inspectors, who are also easily available, without any loss of time.

**Mr. A. H. Ghuznavi** : My Honourable friend must be aware that there are Honorary Magistrates practically in every village in India.

**Dr. Nand Lal** : I am sorry my learned friend's experience is quite different from that of mine.

**Dr. A. Suhrawardy** (Burdwan and Presidency Divisions : Muhammadan Rural) : His experience is confined to Bengal and yours is limited to the North West Frontier Province.

**Dr. Nand Lal** : I am not ignorant of the police arrangements in Bengal and of other places, because those arrangements are not in the air and they are not only in the head of my learned friend, but they are reduced to writing and there is a literature about them, and I can venture to say that I am aware of them. It is wrong, I may say, that Honorary Magistrates are to be found in every village. I think this is an untenable position which my learned friend has adopted. If he will go into the statistics, he will find that at some important places there are Honorary Magistrates. Apart from that question, the Honorary Magistrates have been located at places which are at a very great distance from the district headquarters or even sub-divisional headquarters. Now, I hope my learned friend will acknowledge that I know something about Bengal.

Now, Sir, coming to my point, that if the former part of the Resolution is accepted by this House, it will give rise to a number of difficulties and complications and the noble object, which is occupying the mind of my learned friend, will be frustrated. His object appears to be undoubtedly a noble one, but he has not given his attention to the surrounding circumstances which will really defeat his honest object. Consequently, so far as the former part of this Resolution is concerned, I am not in agreement with him, because it will give rise to considerable difficulties. Instead of achieving the object which he has at heart, my learned friend will be making the case worse for the poor injured man and the poor relations of those who are so injured, such as, his brothers, sisters or other remote relations.

So far as the second part of his Resolution is concerned, I have great sympathy with it. I fully endorse the learned arguments of my brother, but I am sorry to say that he had no time to draft this Resolution

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properly. When I read his Resolution, I was very much surprised that so learned a gentleman, as he is, had allowed himself not to take precautions which are absolutely essential in a case like this. The second part says : "to deliver the bodies of the deceased to the relatives concerned as far as practicable." No time is mentioned. If the dead body is delivered after three months, will my learned friend feel satisfied? (Laughter.) Then, again, he says, "as far as practicable".

**Mr. Muhammad Yamin Khan** (United Provinces : Nominated Non-Official) : Urgency has got no relevancy.

**Dr. Nand Lal** : I am reading my learned friend's Resolution. I am not imagining any thing. Had he given some time, his Resolution would have been of greater utility to the public. The public would have thanked him and so would have I. Even if this Resolution is passed, I do not think it will give to my learned friend's constituents that satisfaction for which he has taken up the cudgels. But instead of doing

great good to them, practically he is opening a door to some officials, against whom he was crying, so that they can do whatever they like, so far as the question of time is concerned.

**Mr. A. H. Ghuznavi** : My constituency in this matter is the whole of India and Burma.

**Dr. Nand Lal** : The Resolution, as it stands at present, is not of great use to the public, inclusive of the relations of the injured, wounded or dead persons. So far as the last part of the Resolution is concerned, it similarly savours of a number of difficulties and weaknesses. My Honourable friend, suggests that there should be a judicial inquiry composed of officials and non-officials. He is not in favour of having railway officials on the inquiry. The railway officials are very necessary, because so far as the technique is concerned, and so far as the circumstances relating to the working of the railway are concerned, the railway officials are the best judges. But my Honourable friend has got a serious complaint against them.

**Mr. A. H. Ghuznavi** : I want the railway officials also ; railway officials, other officials and non-officials.

**Dr. Nand Lal** : My Honourable friend has got ample opportunities to improve his statement and to improve his arguments. But my Honourable friend has not got the power to resist the temptation of interrupting me. I have great respect for his learning, but I am sorry to say that he is not doing the right thing, so far as his inability to resist the temptation of obstructing others is concerned.

Now, Sir, there is also a flaw in it, so far as the latter part of the Resolution is concerned. There is a flaw of serious character. So far as the railway officials are concerned, my Honourable friend has now enlightened us that he has no objection, that he has no complaint against them. There may be some railway officials, who according to his view are directly responsible, so far as the question of injuries, so far as the question of accidents is concerned. But he says some other persons, non-officials who have got no knowledge of technical matters ; who do not know what is called a level crossing ; who do not know what are the

rules and regulations ; who have got no experience whatsoever of the working of the Railway Department, such men may be asked to put their heads together with these clever railway experts and come to a decision. Now, Sir, I appeal to you to realise what will be the consequences. These non-officials, who are utterly, or to some extent, ignorant of all the rules and regulations and the working of the railways, will act as puppets, as dummies and as subservient to the opinion of the railway experts, who are equipped with experience and knowledge. Those non-officials, I submit—this is my belief—will be subservient and they will say, "Yes" in a very slavish manner to everything the railway officials say, not having the courage to contradict them, not having the courage to discuss with them, not having the courage to tell them, "Here you are wrong, here you are not right, here your station master erred or your pointsman erred". Simply they will sit there as figure-heads, calling themselves non-officials. This sort of constitution of a judicial tribunal, I am afraid, will not be of any avail to the public. Why do I argue like that ? I have got some reasons, but they may not be palatable to my Honourable friend, because they are against him. But I am sure Honourable Members of this House will appreciate them. It is only the railway officials that can understand the responsibility. The railway officials do realise that they shall have to stand before the bar of the public for any accidents that may happen.....

**Mr. President** : I am afraid the Honourable Member has exhausted his time.

**Dr. Nand Lal** : Thank you, Sir, I shall finish soon. Therefore my submission is that, though I have got great sympathy with a certain part of the arguments that railway accidents are deplorable and are terrible, and in some cases the railways do not give over charge of the dead bodies at once, and a number of other difficulties crop up, and that the Railway Department are in some cases open to criticism, I have got sympathy with my Honourable friend's Resolution only to that extent, namely, that there must be some arrangement, but the remedy which he suggests, I am afraid, will not cure the disease ; it will rather increase the complaints against the railways. Therefore, I do not find my way to support this Resolution as it is worded, though I am in sympathy with the spirit of it, so far as the public are concerned.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I rise to support the Resolution, but I support it, as my Honourable friend Dr. Nand Lal said, in substance, though not in words.

**Dr. Nand Lal** : Thank you.

**Dr. Ziauddin Ahmad** : If we accept the substance of the Resolution, then my distinguished and learned friend, Dr. Nand Lal, can suggest the necessary changes in the voluminous book which my Honourable friend Dr. Nand Lal has before him. We are not just now concerned with the technique of law and I hope Dr. Nand Lal will come forward to help us if we accept the principle underlying the Resolution. Here we have got hard facts and we ought to try to remedy the defects that may be found therein. I can tell you one more definite instance of an accident, that is the one which happened near Bareilly about six months ago. It was a very bad accident. All kinds of rumours were afloat and

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some responsible persons came and told me that the Civil Surgeon of Bareilly went about and collected the tickets, so that persons might not be identified and no proof could be given of travelling by the same train. The same responsible person continued to tell me that a large number of dead bodies were put in a train and those who were dying were killed actually and they were thrown into the river Ramganga, which was quite close. These were the rumours afloat and believed even by responsible persons. It is also a common belief among the people that enquiries made by the railway officials are partial ones. Now, with this state of affairs, is it not desirable that, in order to allay the suspicion of the public to pacify common opinion there should be some judicial enquiry? The only way in which it can be done is that we should have a judicial enquiry along with departmental enquiry that immediately follows the accident. I do not want to enter into the technicalities of law. I frankly admit that, not being a lawyer, I cannot understand the difference between a Coroner's enquiry and a Magisterial enquiry. I quite admit that we have not got Coroners in every town. We have got Magistrates at every place and a Magisterial enquiry will be quite as good as an enquiry by a Coroner. One thing was pointed out, that is, at some places there are no Coroners.

**Mr. A. H. Ghuznavi :** Appoint the Magistrates as Coroners.

**Dr. Ziauddin Ahmad :** That is a matter of law. I think it can be done if we admit the principle, that a Magisterial enquiry should be held. If we accept the principle, then the other technicalities can be looked into and all the legal points can be overcome. It was pointed out that it might take a long time to reach the exact place where the incident occurred. We know that from the headquarters, nearly all the railway stations of the district are not very far, and I think, within two or three hours, one could reach every place situated on the railway line from the headquarters. So, it is not very difficult from the headquarters for the District Magistrate to send a properly qualified Magistrate to make immediate local enquiries on the spot. This may be followed by judicial enquiry. To my mind, Sir, these practical difficulties can be overcome. The legal difficulties also can be overcome. The intention of the Resolution is that along with a departmental enquiry, there should be instituted in each case a Magisterial and a judicial enquiry whenever an accident occurs. I therefore submit that we ought to accept the Resolution.

**Mr. B. Das (Orissa Division : Non-Muhammadan) :** Sir, I have a good deal of sympathy with the object with which my Honourable friend, Mr. Ghuznavi, has brought forward this Resolution. I listened to him very carefully and I found that, like a doctor, he diagnosed the case very nicely, but his suggestion of the antidote is rather the wrong way. The correct thing which my Honourable friend should have done was to ask the Honourable the Railway Member to amend the Railway Act. Today the railways happen to be State concerns. The Railway Act was passed in 1880, and since then, except for one or two amendments, no proper amendment has been made in the Act, in spite of pressure from the non-official side. And as far as I understand the situation, various responsible special officers of the Railway Board are sitting over it and revising it still, and it may be that this House will have to wait till Doomsday

before that Act is revised. I do not know if my Honourable friend the Railway Member, in his pressure of work, read the last *Sundays'* edition of the *Statesman* of Calcutta. From the main leader there, I gather that the Railway Board circularised the different Chambers of Commerce to know certain views about the railway administration, and I was surprised to find that, on this occasion the *Statesman* acted as a real "Friend of India". I was very pleased at the comments which the *Statesman* made in reviewing the statement sent to Government by the South Indian Chamber of Commerce. I have not seen the original text of the statement of the South Indian Chamber of Commerce, but the *Statesman* opined that the Railway Board was getting very antiquated and should be abolished, and that a Rates Tribunal should come into existence to control all the functions of the Railway Board, and even of the Railway Member, and it did suggest that the Railway Act should be revised at once to bring the Railways to their proper function. The proper function of the Railways is that they are public carriers. Today unfortunately, the railways being State concerns and guarded by State police, the police and the railways at times adopt the sacrosanct attitude which the Civil Services in the districts adopt. If the Provincial Governments and the Central Government try to function properly in maintaining public justice, and do not lend their police services to the railways, then the incidents that were referred to by my Honourable friend, Mr. Ghuznavi, would not recur. I myself remember the incident that happened at Bhadrak in Orissa—the Bengal-Nagpur Railway accident in 1927. My Honourable friend Sir George Rainy was not at that time a Member of this House, but the Honourable Sir Charles Innes was then the Railway Member. Although, in reply to a short notice question, Sir Charles Innes gave out that only 14 persons had died, the popular belief was that nearly 200 persons were killed in that railway smash at Bhadrak. My Honourable friend Dr. Ziauddin Ahmad has voiced also the same feeling. There is a popular apprehension and I am sorry to say that I share in it—my Honourable friend Sir George Rainy may say that it is a misapprehension on the part of many of the public—the masses of the public believe that whenever there is a railway accident, the railway officials, with the help of the local Magistrates and the local police, form a cordon round the scene of the accident and they remove the dead or half-dead bodies, take them to their railway workshops and burn them in the furnaces, to save themselves from trial and discredit. How far it is true I cannot say, and unless a non-official Member from this side becomes the Railway Member and knows the truth, I will not, in spite of the assertion of the Honourable Sir George Rainy and the Honourable Mr. Parsons, believe that this sort of thing does not occur.

These things do not happen in India only. They happen also in England and on the Continent and also in America. But in England public opinion exercises much more control on the Government, and the police there are friends of the people and not machines to maintain law and order. So while I have full sympathy with the object of my Honourable friend, Mr. Ghuznavi, I think his suggestions will not result in any good either to those who will be dying or who are dead, or even to the general public. The best thing is that the railways should be declared to be public carriers. At present they are State concerns and controlled by the State police, who try to work in the interest of the railways.

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and save the honour of the Agent and higher officials of the railways, rather than save the interest and dignity of the public. I do suggest that, if Government are thinking of accepting Mr. Ghuznavi's recommendations, the proper attitude they should take up is something on the lines I have indicated.

**Mr. Amar Nath Dutt** (Burdwan Division : Non-Muhammadan Rural) : Sir, we are all thankful to the Honourable the Mover of this Resolution for bringing in a much needed Resolution. We know that the Honourable Member knows as much as some of us of what happened during the last accident on the East Indian Railway. I would like to refer to one aspect of the question, which brought about the extinction of one of the nationalist newspapers of the day. Indeed that paper had been a thorn in the side of Government. Sir, there was a damage suit with respect to that paper, and the result was that the paper was killed.

**Dr. A. Suhrawardy** : Was it ?

**Mr. Amar Nath Dutt** : Yes.

**Dr. A. Suhrawardy** : It was reborn as the *Liberty*.

**Mr. Amar Nath Dutt** : You may say that it was reborn as the *Liberty* only if you believe in the transmigration of souls. Be that as it may, we read in that paper several accounts of the accident which came to our knowledge within a day of the occurrence. I happen to live within a few miles of the place of the occurrence. Several fellow-members of the Bar were passengers in that train, and I have heard how they escaped. They gave out their story, and at one time some of them were also threatened with prosecution ; and I know that at least one of them, who happened to be related to a Government servant, had to retract what he said to a pressman. All these things do not speak well of the Government. They ought to invite all descriptions and accounts which may be available. Some of them may be incorrect or exaggerated and some of them may even be false. But you must face all these facts and make an inquiry, and then, if you think certain statements have been maliciously or falsely made, then of course you can have recourse to law ; but do not terrorise those who honestly state what they have seen. Certainly no good will come out of it and it will not redound to your credit.

Sir, the Resolution is a very modest one, and I think it ought to have, and I hope it will have, the approval of the Honourable the Railway Member, for it does not ask anything more than that there should be a Coroner's inquiry. It further asks that the dead bodies of persons should be handed over to their relatives. You do not require the dead bodies of those men, unless you want to secrete, or unless you want to withhold from the public, the number of the dead—you do not want those dead bodies....

**Mr. Arthur Moore** (Bengal : European) : On a point of personal explanation. May I ask the Honourable Member whether it is suggested that the stories published in the newspapers, suggesting that after the Belur accident the survivors were killed by the European members of the railway staff have any truth in them ?

**Mr. Amar Nath Dutt** : I am not aware of the allegation which is referred to by my Honourable friend, Mr. Arthur Moore. I only referred to such allegations as I had heard from some friends of my Bar and they

told me about some facts which appeared in the newspaper, *Forward*, because I had no occasion to inquire and I am not in a position to offer an opinion on the matters about which my friend asks. He may know better than ourselves ; and I hope and trust they did not act like that. I think that will satisfy my friend.

**Mr. Arthur Moore** : No, Sir ; it does not satisfy me.

**Mr. Amar Nath Dutt** : Now, Sir, you have heard from more than one Honourable Member that, while rumours are generally afloat after these accidents that dead bodies are carried away, as it was done nearly half a century ago in that well known Poradah accident. In the case of the recent accident, we had several wild rumours—I cannot vouch for the correctness or falsehood of those rumours, but I had it from a relation of a very high official in the land that he himself saw several dead bodies. I do not know whether he was giving me correct version. Be that as it may, if these dead bodies are given over to the relations and if a Coroner's inquiry is held, there will hardly be any room left for such wild rumours being circulated by mischievous people. It will be a distinct gain to the Government and to the railway administration. They ought to consider that ; otherwise credulous people are generally apt to believe the stories which are circulated. We know that human nature is everywhere the same ; we know that the mischievous stories spun out from here are believed by the die-hards in England. Sir, in the interests of the railway administration, we ought to try to find out how this state of affairs can be put a stop to, and my friend by his Resolution has asked the Government to devise means for that purpose.

Lastly, he asks for a judicial inquiry by a committee composed of non-officials and officials. In this matter, my Honourable friend, Dr. Ziauddin, was pleased to say that he was not a lawyer but still he asked for a Magisterial inquiry. Those of us who have some experience of the Magistrates appointed and serving—with due deference to those who are present here if they will allow me to say it—know that it is the public opinion that they are men with an executive frame of mind rather than a judicial frame of mind, and therefore a Magisterial inquiry will certainly serve no purpose. I know of another accident which occurred some years ago where a certain District Magistrate tried to minimise the loss as much as possible with the help of railway officials. That is the mentality of the executive officers everywhere, and human nature is not otherwise in India. More than that, Sir, my friend, if I heard him aright, was pleased to observe that the Magistrate, who often happens to be a member of the Indian Civil Service—though I am not much in love with that steel frame—will nominate some other subordinate Magistrate. We know, Sir, to what class the subordinate Magistrates belong. And here again I beg to apologise to all those members of the provincial services who may be present here ; I do not mean anything against them personally, but it is the impression that they are subservient to the District Magistrate and the Government, and always try to do things which would be pleasing to their superiors. This is the opinion not only of members of the Bar who practise before them, but also of the general public. That is the way in which His Excellency Lord Irwin is being misled by his own subordinate officials ; that is the way in which the advisers of His Excellency the Viceroy are being misled by their subordinates, and those subordinates also in their turn are misled by over-zealous subordinate officers under them. In those circumstances, I think the best



[Mr. Amar Nath Dutt.]

course would be not to have a Magisterial inquiry, which will be worthless ; but if you really want to have an inquiry, you must have an inquiry by people who have a judicial frame of mind and who are accustomed to sift evidence—I mean members of the Bar and members of the judicial service. I hope the Honourable the Railway Member will have no objection to accepting this Resolution, and I shall be sorry if, in his present place, he cannot shake the dust of that official life, which he had a quarter of a century ago, from his feet, but I think he has risen very high now and can wipe off that dust, and I hope he will view this question with the same judicial spirit and calm judgment with which his utterances in this House are generally associated. With these words, I beg to give my whole-hearted support to the Resolution of Mr. Ghuznavi.

**The Honourable Sir George Rainy :** Sir, I did not intervene earlier in this debate, because I was anxious to ascertain, as far as I could, from the tenour of the speeches made what the general opinion in the House might be. I may say at once that it is not possible for Government to accept the Resolution in the exact terms in which it has been drafted, but at the same time I have a good deal of sympathy with the underlying ideas, which I believe are in the mind of the Honourable the Mover and also in the minds of other Members of the House.

Let me, in the first instance, in order to clear the ground, explain in a few words why Government could not accept the recommendation that, in every case of an accident on a railway entailing the loss of human life, they should institute a Coroner's inquiry. The difficulty of course is obvious. You cannot have a Coroner's inquiry unless there are Coroners, nor can you get round the difficulty merely by providing that Honorary or stipendiary Magistrates should discharge the duties of Coroners, because the procedure in a Coroner's Court, as I understand it, is by no means identical with the procedure in a Magisterial inquiry. I do not think any Member of this House would seriously advocate that, purely for the purpose of inquiring into railway accidents, a system of Coroners should be established all over India. Clearly, the arrangements made for judicial inquiries into railway accidents must be harmonised with the judicial system of the country, whatever that may be. In the second place, I must refer to the third of the recommendations which the Resolution contains. The proposal there is to institute a judicial inquiry by a Committee composed of officials and non-officials. In the first place, I do not recollect any provision of law by which Committees are empowered to make judicial inquiries, although I daresay it might be possible to legislate to that effect. But railway accidents, as has been pointed out, occur all over the country and in the most remote and unfrequented spots; and it might be very difficult to constitute a Committee on an occasion of that kind. In the second place, is it intended that the Government should take compulsory powers to compel non-officials to serve on these Committees ? Supposing that no one came forward to serve on these Committees, how is the law to be complied with unless you have the same power of requiring non-officials to serve, as the law already gives power to compel members of the public to serve as jurors or as assessors ? That, I think, is a very real difficulty. But there is another difficulty which goes even nearer to the heart of the matter. Under the rules as they stand at present, every railway accident is inquired into from two sides. In the first place, the Railway Administration naturally wishes

to ascertain what has been the cause of the accident so that it may be in a position to prevent similar accidents in future. If the accident is a serious one, and in every case in which there has been a loss of life owing to an accident to a passenger train, the inquiry is held not by an officer of the Administration but by the Government Inspector. Now in these inquiries the question of personal responsibility of members of the railway staff naturally has to be looked into ; but the main and primary object of these inquiries is to ascertain whether there is any defect in the railway rules or in the railway arrangements generally which requires to be corrected in order to prevent similar occurrences in future. On the other side, in every case there is always a police investigation, and under rule 20 of the Accident Rules, the District Magistrate can in any case either make an inquiry himself, or depute another Magistrate to make an inquiry. That Magistrate's inquiry would, I take it, usually be directed to the point whether there were sufficient reasons for taking action under the criminal law against any one who might be responsible for the accident. The point I want to make is this. Whatever arrangements might be made for a judicial inquiry, or for an inquiry with which non-officials were associated, it is absolutely necessary that the Government of India, in the Railway Department, should receive from a railway expert a definite opinion as to the cause of the accident, and as to any measures that ought to be taken to prevent similar accidents. Whatever other inquiry there may be, we must at least have an inquiry by a railway expert, because in a number of cases it is only a person who has got a very intimate and close knowledge of railway conditions and of railway working who can give an opinion that is worth having. That is no reason why there should not be another inquiry, judicial and public; but I do not think that any advantage whatever can be gained from attempting to confuse the expert inquiry of the Government Inspector, which is largely made from a very technical point of view, with an inquiry of a much broader scope which might be held by a judicial authority with or without the assistance of non-officials.

So far, I have explained, Mr. President, why Government are not in a position to accept the Resolution in the terms in which it is drafted, but personally I am in sympathy with the demand made that, when in serious cases there has been considerable loss of life, there should be an inquiry in which members of the public might participate. The main reason why I have that feeling is that given by the Honourable the Mover that, if inquiries of that kind were held, it might do a good deal to prevent the dissemination of these wild and incredible rumours that frequently are repeated and believed in many parts of the country. I have no doubt that it was for that reason that my Honourable friend, the Mover, referred to the stories that appeared in the newspapers at the time of the Belur accident, and if they are used for that purpose, I have not the smallest objection. I think, however, it is a pity that my friend, Mr. Amar Nath Dutt, once or twice rather suggested that the stories, which were widely believed, might be sometimes true. I do not think that there is any advantage in repeating on hearsay stories which the Honourable Member has not himself investigated, because when charges of that kind are brought in the House, it is always on the understanding—and it is indeed, I think explicitly laid down in our Rules and Standing Orders—that the Honourable Member makes himself responsible for what is alleged.

Now, Sir, this question whether non-officials might not be associated with Magisterial inquiries into railway accidents was considered in 1926,



[Sir George Rainy.]

as a result of a debate in this House, and of a suggestion made by Diwan Bahadur Rangachariar in the course of the debate. It was referred to the Central Advisory Council for Railways, and that body, by a majority of, I think, 9 to 3 decided that it was not desirable or necessary to proceed with the matter further at that time. But in view of what a number of speakers have said in the House to-day, I have no objection to re-opening the question and seeing what can be done about it. My Honourable friend, Mr. B. Das, said that the remedy required was an amendment of the Railway Act. I do not think that the Railway Act could provide for the appointment of Coroners. Such a provision would more appropriately find a place in some judicial statute, and not in an Act which is confined to railway matters. The point really is this. From the strictly railway point of view, what is necessary is that we should have our own expert railway inquiry; but if anything more than that is required, if it is desirable that there should be an inquiry by an outside judicial authority, the railways would raise not the smallest objection. But it is not really for the Railway Department to decide that question; it falls very largely into the sphere of the Local Governments, because, after all, it is their officers who will have to make the enquiries. Therefore, we cannot proceed until we have ascertained from the Local Governments whether, on their part, they think that it would be a good thing that the rules should be tightened up about judicial enquiries into railway accidents and about the association of non-officials with these enquiries. The question would arise, supposing it were considered a good thing, whether the non-officials should sit as assessors with the Magistrate at an enquiry into a railway accident. It is possible that this might be arranged without legislation by utilising the services of Honorary Magistrates as assessors, but it is quite possible that legislation may be required. This is not certain and we must therefore ask Local Governments to tell us whether we ought to have compulsory powers to compel assessors to appear and sit, and what exactly their functions should be. So far as I know, there is no provision in the law for the association of assessors with Magistrates at purely preliminary judicial enquiries. We should have to find out also whether the Local Governments think that as at present a discretion should be left to the District Magistrate, in a case where a railway accident is attended with loss of life, to decide whether there was to be an enquiry or not, or whether it should be made obligatory on him to order an enquiry in every case. Obviously, Local Governments would have to take into account the possibility in particular areas of finding a Magistrate to make the enquiry at once, because usually, unless the enquiry is made pretty soon after the accident, it loses very much of its value. What the Government of India are prepared to do is to refer two questions to the Local Governments, namely, (1) whether they think that there ought to be a judicial enquiry by a Magistrate in every case in which a railway accident is attended with loss of life, and (2) whether it is practicable and desirable to associate with the Magistrate un-officials as assessors. The value of that to the Railway Administrations and to the Railway Department would be this, that it would do a good deal, if it is practical, to prevent the dissemination of quite untrue and most dangerous stories about railway accidents. We cannot proceed without the advice of Local Governments on these questions; but it ought not to take very long to get it, and when we have got it, I shall place the matter before the

Central Advisory Council for Railways in order to hear what they think about it.

Now, Sir, I have still to deal with clause (2) of the Resolution about the disposal of the dead bodies of persons killed in railway accidents. I might explain here that the railway officers themselves have no control over the disposal of these dead bodies. I understand that that is a matter which is looked after by the railway police, who act in accordance with the Police Rules made by Provincial Governments. I understand that, in every case, where it is possible, the bodies are, in fact, made over to the relatives. From the purely railway point of view, I see no objection at all, if the relatives cannot be found, to making the bodies over to charitable societies who are willing to undertake the task. Indeed, in an accident which occurred not very long ago at Clutterbuckganj in the United Provinces, the bodies were, in fact, made over to the local Hindu and Muhammadan societies, who offered to take charge of them and dispose of them by burial or by cremations as the case might be. But, here, again, it is for the Local Governments to issue orders, and what I propose to do is to draw their attention to the suggestion which has been made, and to say that, so far as the Railway Department are concerned, they have no objection at all to the procedure suggested in the Resolution.

I think that very nearly concludes what I had to say on the subject. I hope I have shown that Government are in complete sympathy with the ideas which underlie this Resolution, and although I cannot accept it in the precise form in which it appears in the paper, I am prepared to take action for a move forward in the direction in which the Honourable Member desires us to go. Possibly, after what I have said, he may see his way to withdraw his Resolution.

**Mr. A. H. Ghuznavi:** Having regard to what has fallen from my Honourable friend, I beg leave to withdraw the Resolution.

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

**Mr. President:** The next Resolution\* on the Agenda stands in the name of Mr. Neogy, but as it has already been debated yesterday, it is now barred. The House will take up the Resolution next after that, on the Agenda, standing in the name of Mr. M. K. Acharya.

#### RESOLUTION RE FORMULATION OF A SCHEME OF SELF-GOVERNMENT FOR INDIA AND RELEASE OF POLITICAL PRISONERS.

**Mr. M. K. Acharya** (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : I beg formally to move the Resolution that stands in my name and which runs as follows :

"This Assembly recommends to the Governor General in Council (a) that he do take steps to persuade His Majesty's Government in England to recognise India's Right to evolve, as an integral part of the British Empire, what form of Responsible Government will be adapted to her needs and ideals; and to invite Indian leaders to formulate constructive proposals for devising a Scheme which will be immediately acceptable to the chief interests concerned, and be capable of self-development; (b) that, with a view to create the necessary peaceful atmosphere, he be pleased to release Mahatma Gandhi, and other political prisoners not convicted of any acts of violence."

\*This Assembly recommends to the Governor General in Council to publish all correspondence that has passed between the Government of India and the Government of Bengal in connection with the recent outbreak of lawlessness in the city of Dacca and its neighbourhood.

[Mr. M. K. Acharya.]

I am prepared to admit at the outset that this Resolution was drafted some days, some long days, before the Session commenced ; and, therefore, the wording of the Resolution, technically speaking, I would myself consider as rather out of date. But the chief points that are raised in this Resolution, all except one, I believe, are as live to-day as they were before ; and on those points I would beg your leave to say a few words. The central idea underlying the Resolution is this, that it is necessary for India's leaders to press India's claims to full responsible government upon His Majesty's Government in England, and it is necessary to do this with as united a voice as we possibly can afford to bring about. The second point is this, that in order to do this, all of us must try to bring about a peaceful atmosphere, by all means in our power, including, I should certainly say, attempts to bring about the suspension of the civil disobedience movement. And lastly, we should get, in order to accomplish all these things, the release of Mahatma Gandhi and other political prisoners, not convicted of acts of violence. I would humbly urge that these three points are as pressing and as important to-day as they were at the time when this Resolution was sent. Only the invitation to leaders to formulate constructive proposals has become out of date, inasmuch as a general invitation has been extended by His Excellency the Governor General.

Some of us may not come back ; and on this last day or almost the last day of the last Session of this Assembly, I would make a very earnest appeal to all my colleagues, elected as well as nominated—for I verily do believe that all are deeply interested in the service of the Motherland—that we may, when we come to the end of our labours, place on record what I consider the most important Resolution on a problem on which we have been engaged not only in this Session but probably during the past ten years. I hope that this debate will be placed on record and will show how all of us, officials and non-officials alike, are anxious to bring about a peaceful atmosphere in the country, anxious to secure the co-operation of all parties and of all interests in order to press upon His Majesty's Government in England the rightful claims of India to what I call self-determination regarding full responsible government. Sir, I hope I may be permitted to make another appeal as an old Member. I hope to-day's thin attendance in this House is not indicative of any idea in the minds of Members that the subject matter of this Resolution is not very important. Possibly it is only an indication that the unfortunate person who is to move that Resolution to-day is not a *persona grata* with the majority. Perhaps it may be due, I do not know, to my uncouth beard, my uncouth accents and possibly to my uncouth manners. I would not mind if I draw the latter inference, but I hope it is not the former—that the subject matter of the Resolution is not considered important. That is what I am most concerned with. Sir, I am a little surprised at not finding the leaders here, who ought to be more anxious than I am to secure a peaceful atmosphere in the country, to get the civil disobedience movement suspended and to see our revered Mahatma Gandhi and our equally revered Pandit Motilal out from the place where they are now unfortunately kept, coming forward to lead the band that will go and plead the cause of mother India before the Parliament of Great Britain or the leaders of Great Britain. I am sorry, therefore, that to me, a humble Member of the House, has fallen this task. The subject matter is so important that it does not matter, even though the pleading comes out from the lips of babies. Even though it falls from my

humble lips, I hope the appeal will carry weight. The thing that we have to do is to bring together the leaders of all parties and all interests, and make a united demand upon the statesmen of England.

Sir, with due deference to all that has been said in various places and by various authorities about the scope of the Round Table Conference, I am not directly concerned with the Round Table Conference today. With due deference to all that has been declared, I think this House will be perfectly right in placing on record what it considers to be India's right, India's claim to responsible government. I may remind even the Government Members that we have a claim for responsible government. We are anxious to get Swaraj and I hope the Government Members will realise that we are not talking language which is altogether ridiculous or in any way objectionable. We had the greatest authority we can think of to send us a message in language which proves that we certainly have good reason to hope that we shall be getting Swaraj one day. I refer, Sir, to the historic message that was sent by His Most Gracious Majesty, the King Emperor, in 1921 through that great friend of India, His Royal Highness the Duke of Connaught. That message said :

"For years, it may be for generations, patriotic and loyal Indians have dreamed of Swaraj for their motherland. Today (that is, in 1921), you have the beginnings of Swaraj within my Empire and widest scope and ample opportunity for progress to the liberty that my other Dominions enjoy."

Therefore, the Royal Message itself admitted our right to Swaraj, and hoped that very soon we would be getting that Swaraj which our immediate predecessors had dreamt about, and which I hope our immediate successors will live to realise. Swaraj therefore is our birthright, India's birthright, and we have to acquire it. The Royal Message in 1921 did not say, "Today you have the beginnings of the Progressive Realisation of Responsible Government in my Empire". The very fact that His Majesty did not use that particular phrase but another phrase, more hopeful, more cheering, more gracious, namely, the first day of Swaraj, affords ample proof that full responsible government is a matter which we have every right to demand. (At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

Therefore, Sir, it appears to me that all these technicalities in which the Simon Commission's Report and other Reports have indulged—that we are bound by the Preamble of the Government of India Act and the Declaration of 1917, and that within the four corners of that Act alone it is possible for any immediate constitutional advance to be made—are pleas which, in the larger interests of the two countries, considered seriously by the larger minds of the two countries, should be brushed aside. Therefore, I beg to urge that the best sons of India will have to go, or will have to bring pressure to bear—whether they go or not I do not mind—upon His Majesty's Government in England to recognize what I shall briefly call our right to self-determination—or if that word is considered offensive, I want only the substance and not the language—to recognize India's right to evolve, as I have put in my Resolution, as an integral part of the British Empire, what form of responsible government will be adapted to her needs and ideals. The Reports of Committees and of Commissions might be of some use, but after all India has to evolve her own scheme of responsible government. I do not believe it possible that any one country, however good-intentioned or great, can evolve for another country any scheme of responsible government for that

[Mr. M. K. Acharya.]

latter country. All nations recognize this, and therefore it is for India in the long run—and I wish that this point was steadily kept in mind both by English as well as by Indian statesmen—that it is for India to evolve her own scheme of responsible government.

However, all that I am concerned with now is that our best men must go to the Round Table Conference. How are our best men to go? I know His Excellency the Viceroy has been gracious enough to extend a very very kind invitation to the leaders of all parties to review the present situation. All our best men, in a general way, have been invited I know; and that, Sir, is the reason why I bring up this Resolution today to find out ways and means by which we can pour oil on troubled waters and get our best men out. I am sure there is nobody in this House, official or non-official, that wants the present situation to be prolonged. I am of course not qualified to speak on behalf of the Government; but I hope on their behalf, my Honourable friend over there will come forward and reassure us once more. Of course His Excellency's words did already give that assurance, and I believe the Honourable Sir George Rainy's words also gave us that hope; but once more, because the matter is so important, I submit, that it should be restated, for the matter deserves repetition a hundred times. I hope my Honourable friend opposite will come forward with an assurance to us once more that Government are also anxious that a peaceful atmosphere should be restored in the country, that the civil disobedience movement should be brought to a termination as soon as possible, and that the best minds of India and England should find out how best to evolve a satisfactory scheme of responsible government for India at once. That, Sir, is my object in bringing forward this Resolution. I do not want to go into any matters which will exasperate the feelings of anybody here. After all, we are all human beings; I am willing to admit that we have made many mistakes on our side; but I venture to think the Government as well have made many mistakes on their side. We are not however here for reckoning the mistakes made by officials or non-officials. Let us forget the past, let us look to the immediate future and let us see how our trusted leaders can come out, how the civil disobedience movement can be suspended and how a peaceful atmosphere can be created. For all of us here can, and should, with our thoughts and words, unite in bringing pressure to bear upon the statesmen in England to recognize India's right to evolve what form of responsible government will be adapted to her needs and ideals. That is the simple object and scope of my Resolution.

I admit that my Resolution may appear badly worded at the present day after His Excellency's address to us and after the debate in this House on the Round Table Conference; and it appears to me that the amendment of my friend, Maulvi Mohammad Shafee Daoodi, brings out my point better. I hope therefore when this amendment is placed before the House, since the subject matter of that as well as of my Resolution is one and the same, I hope this House will see its way to support my Resolution in that amended wording. In any case, I am conscious that I should not waste the time of the House in any way by referring to things that might be considered objectionable. As I have already said, I am very anxious that, on this last day of the Session, I should get a certificate from my colleagues that I have behaved like a good boy and have not worn out their patience. Therefore, Sir, I wish only to make this very humble appeal to

my colleagues—not that they need it, but still in my anxiety and earnestness I am forced to say it—that we must all realize the seriousness of the situation. The points which are involved in my humble Resolution are not matters which can be taken lying down. They are very pressing matters from the national standpoint; and I hope my non-official friends will all have had it already in their minds that, when they go to their constituencies, naturally the one question that will be asked by everyone will be, “What have you done to bring Gandhiji out of jail, what have you done to find a solution for the present tense conflict between the Government and the country?” I wish that we should all be in a position to say that we have tried to prevail upon Government to see that steps are taken to end this unhappy state of things, this stalemate, that we have been pondering deeply over this matter, and that—and I hope I am speaking for all of us here—all of us feel that the civil disobedience movement has dragged on grievously and been carried on in a manner which is not very desirable, and that it must be ended at once on the national side. Simultaneously, I should urge—even before its full termination—that Government can well afford to be very liberal in this matter, that the Government should do their own part, even a little in anticipation if possible, in order to bring about an immediate improvement in the situation. I for one feel that the moment for terminating the civil disobedience movement has come. That great storm in the mind of everybody in the country should terminate, that made any body during the past three or four months say that Government were blocking the way to any satisfactory constitutional advance. There should be no more room for people continuing to think that there is no chance of any advance except by following Gandhiji's lead. I believe now the more thoughtful minds in the country will realize that, as His Excellency said, a peaceful way has been opened through which we ought to be able to press our case for full responsible government. For that we must have our best men out. I am placed in the very delicate situation of having to bring pressure to bear on Government to do their part in a statesmanly spirit and not to delay any longer. I hope very soon that the Congress leaders will realize that there has been a change in the environment, a change in the atmosphere during the past three months; and I am sure that when they come out and consider what was said by His Excellency to us the other day and what took place in this House during the debate on the Round Table Conference, and also consider the view which a good many leaders of the Moderate party and other groups have taken, which is very favourable to the pronouncements made by His Excellency; when they see all this, and also how much trouble, loss of property, even life have ensued to the country at large by their carrying on the civil disobedience movement, I hope that my great leader, Pandit Motilal Nehru, and my great countryman, Mahatma Gandhi, will realize at once that the goal of India may be joined by peaceful methods of constitutional pressure; and, at any rate, that we must make one more very serious attempt to reach the goal through the constitutional path which now lies before us. I have great expectations from them; and hope that when these leaders come out they will follow a different course from the one which they launched, rightly or wrongly, five months ago.

That is my hope and that is my prayer. I hope there will be a change in the atmosphere very soon. After all, why have all these patriots gone to jail? I humbly submit to the Government that they have the power to release them. Let me remind the Government of the very old adage: “It

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is good to have a giant's power and not so good to use it like a giant". I beg of the Government to be not merely policemen but statesmen; and so I want the Government to release all these people from the jail. I am quite ready to admit that in many cases Government had no option but to lock them up in jail. But that is the technical or the legal aspect of their course. What is the higher, psychological, moral aspect of the case? What is the psychology of the country? The case of every patriot who is sent to the jail, every case in which a non-violent Satyagrahi is convicted, goes deep into the hearts of the ordinary people in the streets. That is how this movement has grown and gained popular support. Every conviction has given weight and stress to the civil disobedience movement. That is the dilemma in which I find myself, and probably many others in this House. We cannot say that the Government are absolutely wrong if they send to jail those persons who openly defy the law. On the other hand, all these convictions do cause greater dissatisfaction and greater discontent in the country, and everybody feels in his mind, whether he is a Satyagrahi or not, permit me to state it frankly, every body feels, for the moment at least, that the sooner he gets rid of this "Satanic" Government the better. The ordinary man in the street says this: this Government has locked up in jail all the noblest patriots of the country; it has locked up in jail many ladies even; it has locked up in jail Mahatma Gandhi. He does not know the law nor does he care to know it. What he is concerned with, what he resents is that Pandit Motilal Nehru, Mrs. Naidu, Mahatma Gandhi and other leaders are in jail.

**Mr. B. Das** (Orissa Division : Non-Muhammadan) : It is a sacrilege to say that Mahatma Gandhi has done any thing to be locked in the jail.

**Mr. M. K. Acharya** : I did not hear my Honourable friend, but I would beg of him not to import any heat at all that might give rise to unpleasantness in this debate. I wonder if I said anything to provoke my friend's temper. I repeat, Sir, we must say nothing and do nothing which may make the position that is already bad, worse. Therefore, if necessary, when I go out of this House and out of Simla next week, I shall fall on my bended knees before every old Congress friend and tell him : "If you are angry with me personally, beat me; but for God's sake let us serve the best interests of the country to-day; let us find out the various means by which we can serve in the best constitutional manner possible the interests of our motherland. You may give me half a dozen slaps on my cheeks, but for God's sake let us direct our attention to the ideal before us, namely, how best to win freedom for mother India." The other day some girls abused me and told me : "Oh, you are traitor : why do you go to the Assembly? Your duty is to go back to your home and say your prayers." I had a lot of mixed feelings in my mind when I heard this. I admired them for their courage; I admired them for their frankness. But I pitied them for not being wiser. So I felt admiration for their courage, pity for their indiscretion, and even a little bit of anger because they obstructed me forcibly. All these things were in my mind. But I must take note of what people are saying. They ask what we legislators are doing? The popular idea is that we are indifferent to the woes of our compatriots, that we are only seeking to fill as many seats as possible on the Round Table Conference. I know this feeling is quite unjust in the minds of misguided youths. I do not mind what they say, but what is the temper of the country to-day?

I respectfully submit, Sir, that the business of the statesman is not simply to enforce the law, but to discern what the temper of the country is, to find out what are the feelings of the great masses of the people, and to see how best to assuage them if they are employed against the best interests of the country. That is my whole position. Educated India's mind is revolting, bursting with impatience. We must pacify it, and bring it into touch with the better mind of England. And that in order to achieve our purpose, it is necessary, very necessary, to bring as much pressure to bear on the British Government as possible to make them recognise that India has a right to full self-determination or, if that word sounds harsh, to full responsible government. That is our goal. In order to achieve this goal, all of us must unite; all the leaders of India representing various interests must unite. In order to do that again, a peaceful atmosphere, and the suspension of the civil disobedience movement and the release of Mahatma Gandhi and other political prisoners must be brought about. After all, Sir, these political prisoners have not been convicted of any acts of violence. On the other hand, they claim that they are working in the best interests of their country. Sir, history tells us that liberty is won only after great sacrifices. That is what I think the history of Great Britain itself teaches us. In the old days of British civil war people were shot down. In the days of Charles I, one or two leaders died in prison. I do not remember their names. There have been no martyrs of liberty in India, I hope; nobody has yet died in prison, I hope. But I know there are some three to four thousand people in jail to-day. They are in jails not because they have committed any robbery or theft or any other act involving moral turpitude, but because they feel they have not got that freedom for their country which they passionately desire to get. Therefore, their higher ideals and their higher aspirations have got to be recognised.

"Stone walls do not a prison make,  
Nor iron bars a cage."

As I remarked before, it is no use talking to them in a technical way and saying "You invited all the penalties of the law upon yourselves, and we have obliged you by inflicting those penalties. We have given you what you wanted. You wanted to be sent to jail; we have sent you there. You wanted to be fined, and we have fined you." These are, Sir, very very trivial technical words. Therefore I do beg of this House upon this motion at least to take what may be called the broad statesman-like view of the question.

**Mr. Deputy President** : Order, order. The Honourable Member has already exceeded his time limit.

**Mr. M. K. Acharya** : Sir, I now conclude my remarks. I hope that this House will give to this Resolution the attention which it deserves. I am not particular about the wording; the House may possibly prefer the amendment of my friend, Maulvi Mohammad Shafee Daoodi. I only want that Honourable Members should bring to bear on the solution of the problem that I have placed before the House, all the statesmanship and all the deep thinking and all the patriotism that they are capable of bestowing upon it.

\***Mr. P. Venkatakrishnayya Chowdry** (Guntur cum Nellore : Non-Muhammadan Rural) : Mr. President, in rising to speak upon this Resolution, I do not propose to go into the details of the subject. It has been admitted on all hands that the Simon Report has fallen short of

\*Speech not revised by the Honourable Member.

[Mr. P. Venkatakrishnayya Chowdry.]

India's legitimate expectations; every shade of political opinion, and every school of political thought has been seriously disappointed. The question for our consideration is not whether the Simon recommendations are to be accepted as final, but the question is whether we can make them acceptable to all parties by discussing the Report and redrafting it at the London Conference. I am anxious that India's case should not be allowed to go by default. The time is critical. This is a rare opportunity which should not be lost. As has been said by various distinguished speakers, the Simon Report is one of the materials to be discussed at the Round Table Conference. The claims of every community, the interests of every party, the views of all recognised and popular political organisations in the country ought to be pressed forward and recognised by the Round Table Conference. The Report as it is is highly disappointing. I am not grieved if reservation of seats for non-Brahmins in Madras has been taken away. But I strongly protest against things like indirect elections to the Assembly, the nature of the composition of the Ministries in the provinces, and the powers of the Provincial Governors under the new scheme. In the same way the powers of the Viceroy and the way in which he should form his Executive Council are matters which require a thorough scrutiny. The long cherished ideal of Dominion Status should be recognised and provisions made for its steady and gradual realisation.

I am glad that the country is slowly recognising the importance of the London Conference. The balance of opinion is largely in favour of settling India's claims before the Round Table Conference with the joint collaboration of the best statesmen of both the countries. Therefore, it is highly incumbent upon the Government to meet Indians half-way and take into their confidence leaders who can speak to the British statesmen with authority and with a great volume of public opinion behind them. I insist upon the representative nature of the London Conference. Let the impartiality, fair play and the broad vision of English statesmanship rise to the height of the occasion and meet India's case for an honourable settlement. India is anxious to be a proud partner on a footing of equality in the British Commonwealth of nations. The fervent appeal made by the Viceroy the other day to leaders will be appreciated by every thinking Indian, and with equal force and with equally noble sentiments we are appealing to the British Parliament, through him, to recognise our legitimate political ambitions and help us to realise the same under the aegis of the British Raj.

We have been inspired by the sublime political philosophy of a galaxy of political thinkers like Burke, Fox, Pitt and Montagu. It is therefore but just and proper that we should ask for the same institutions of which you are proud and which you have conferred upon others. In our concord lies our progress and happiness. Therefore I make a fervent appeal to the Government here and in England to create an atmosphere of perfect mutual trust, goodwill, sympathy and heart-to-heart understanding in order that we might achieve success at the Round Table Conference to the glory and dignity both of England and India. On these grounds, I have great pleasure in supporting this Resolution.

\*Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muhammadan Rural): Sir, to my mind, this Resolution as worded is

\*Speech not revised by the Honourable Member.

in very moderate terms. I am going to be very brief in my remarks on this Resolution. The whole question before us is whether it is necessary or whether it is not necessary to make the delegation to the Round Table Conference as fully representative as it is possible. Many a speaker on the floor of this House has already said, that unless the delegation is going to be made as fully representative as it is possible, the success of the delegation and the success of the Round Table Conference is likely to be jeopardised. Then, if that is the case, with whom does it lie to make it a success? It has been said by Honourable Members on the opposite side that it lies with the people who have started the non-co-operation movement. But I want to draw the attention of the Honourable Members and the Government to this, that in the Leaders' Memorandum it has been stated that both the Government of India, and the people who are carrying on the movement in this country, should act simultaneously. I do not want to deal with the first part of the Resolution in detail. That is an admitted fact.

Then, with regard to the latter part of the Resolution, what I beg to submit to the House is that the Government are not asked to do any great thing. We see so many cases in which persons sentenced for heinous offences have been released for certain reasons. We see such things being done, namely, persons being released on occasions like the Coronation day and His Majesty's birthday, and also the ordinary law of the country provides for the release of such offenders. Therefore, in my opinion, the Government will not be doing any very great thing. It is quite in the ordinary course of things and it will be done. They must take into consideration the unique situation that has arisen in the country. Then, Sir, as I said, the Resolution as worded, is in very modest terms. After all, what does the Resolution say? Persons who are convicted only for technical offences and on technical grounds in which no violence is involved, such persons should be released, including Mahatma Gandhi. Therefore, Sir, for the reasons that I have stated, it is of the utmost importance that the Government of India should pay the attention to it that the importance of the question deserves. The Government of India also is fed up with the repressive form of government. Looking to the importance of the time, I should like to submit they must be prepared to come down a little from the heights of Simla and pay attention to the persons now rotting in jails, to the persons in whose hands it lies to make the Round Table Conference a success. With these words, I heartily support this Resolution before the House.

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. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Sir, I am sorry that there was a slight misunderstanding this morning. I never meant to say anything which might be regarded as an affront to this House or to the Chair; and if anything has escaped my lips which might be construed as hurting the feelings of any Honourable Member or the Chair, I need hardly say that I owe it to myself and no less to the House to withdraw the same. (Cheers.)

LCPR(LA)



**Mr. President :** Nobody was more sorry than myself for this morning's incident. We have known Mr. Gaya Prasad Singh for a very long time and we know that he has got a very humorous temperament. I think that in the heat of the moment he probably did not realise the implication of his words. I am very glad that he has come back, expressed his regret, and withdrawn his words. The incident is now closed. (Cheers.)

**Mr. President :** There are certain amendments on this Resolution and I think it will be better if I allow all the amendments to be moved first and then the whole Resolution with the amendments will be in possession of the House and Honourable Members will be able to speak more thoroughly. The first amendment on the agenda stands in the name of Rao Bahadur D. R. Patil.

**Rao Bahadur D. R. Patil** (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to move the amendment which stands in my name :

"That for the original Resolution the following be substituted :

"This Assembly recommends to the Governor General in Council to persuade His Majesty's Government in England to invite an adequate number of persons representing various interests, with due prominence to rural interests, to formulate such a constitutional scheme as to protect the various interests and that he be pleased to release Mahatma Gandhi and other political prisoners not convicted of acts of violence."

**Mr. President,** it is a well known fact that our Viceroy, Lord Irwin, very sympathetically did his best to bring about the Round Table Conference only with the object of advancing the cause of India. So in this connection I am sure that his name will be written in golden letters in the pages of history. I would like to submit that it is the desire of all the sections of the people of India that the Indian constitution should be framed in such a way as will satisfy the various claims of the various interests, and so it is but natural that, for the purpose of formulating such a constitutional scheme, there ought to be an adequate representation of various interests with due prominence to rural interests, inasmuch as the agricultural classes form a bulk of this country and they contribute a large portion of revenue to the Indian Exchequer.

The Round Table Conference is really a golden opportunity that is afforded to us by the great efforts of our sympathetic Viceroy, and we must now avail ourselves of that opportunity and utilise it to the fullest extent. The duty that falls upon India now is to be united in her demands. England has afforded an unique opportunity to us to place the case of India before her. Is it not proper that all the various interests of India should now come to a common understanding and frame such a constitution as will be acceptable to all the sections of the people? Sir, if we fail to do that and are not united in our demands we shall have to thank ourselves. In order to avoid such a position, it is the bounden duty of all the sections of the people of India to follow a policy of co-operation and harmony and act in a spirit of goodwill, and frame a constitution that will satisfy all. Let us do our duty and after we have done it, if Britain fails to accept our united demands, we can then say that she has no desire to transfer her powers into the hands of Indians. Unless and until we do our duty, I do not think we shall be justified in blaming her in any way.

Sir, it has been stated in the Simon Report that there are various castes, creeds and religions in India. What is the significance of that? The significance is that we must compose our differences and come to a

common understanding in our political demands if we want to achieve our political advance. The Statutory Commission have made such recommendations as they thought proper; that is gone; now there is another opportunity afforded by the Round Table Conference to Indians to place their case before the British Parliament. If we lose this opportunity, and if we do not settle our differences, and if we are not united in our demands, I think the Round Table Conference will be a failure.

Now, Sir, I come to the last part of my amendment. I hope the question of releasing Mahatma Gandhi and other political prisoners who are not convicted of violence will be taken up by Government. I am sorry to observe that the movement of civil disobedience should have been started as it is a great handicap to the proper progress of the country and is sure to lead to chaos and disorder. But however that may be, our object is that all sections of the people of India should be united in their demands, and it is but natural that an important factor, namely, the Congress side ought to be represented at the Round Table Conference. How to achieve that object? We can achieve that object only when these political prisoners, especially Mahatma Gandhi and other great men are released; and unless and until they are released, how can they represent the cause of the Congress at the Round Table Conference? Sir, the time has come when there should be a compromise between the Government and the Congress leaders. Attempts, I believe, are being made to effect a compromise, so that the Government will be inclined to release political prisoners and afford them an opportunity to represent the case of the Congress at the Round Table Conference. May those attempts be successful. I hope the day will soon come when wiser counsels will prevail and the civil disobedience movement will be withdrawn and the Government will be pleased to release all these political prisoners just to ease the present political situation and thus in a way allow an opportunity to the Congress section to represent their case at the Round Table Conference. With these words, Sir, I move this amendment.

**Mr. President :** The next amendment on the agenda is in the name of Mr. N. G. Ranga.

**Mr. N. G. Ranga** (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : Mr. President, my amendment runs as follows :

"That for the original Resolution the following be substituted :

"This Assembly recommends to the Governor General in Council that he should take all necessary steps to secure the co-operation of and participation by Mahatma Gandhi and other representatives of the Congress in the Round Table Conference."

A doubt has been raised by a friend of mine who is an Honourable Member of this House, whether according to the terms of my amendment it is intended that members of other parties should be excluded from the Round Table Conference. Any one who reads the amendment carefully will be able to find out that it only means that, in addition to the representatives of other political parties, the representatives of the Congress Party also should be invited and should be given their proper place at the Round Table Conference.

Now, where is the necessity for taking so much trouble on the part of the Governor General in Council to try and invite and secure the co-operation and participation by Mahatma Gandhi and other representatives of the Congress at the Round Table Conference? The



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House is quite familiar by now, after the two days' debates, with the idea that even if the representatives of the Congress are not prepared to go to the Round Table Conference and even if the Government are not in a position to take the necessary steps to secure the co-operation and assistance of Mahatma Gandhi and other representatives of the Congress, the Round Table Conference is going to be held and some leaders of this House and outside are quite prepared to go to the Round Table Conference. Under these circumstances, where is the necessity, one might ask, for a member like me to raise this particular point, that Mahatma Gandhi and other representatives of the Congress should be representatives of the Congress should be represented and invited to the Round Table Conference? In order to give an answer to these questions, it is necessary for us to inquire into the origins and objects of this Round Table Conference. As my Honourable friend, Mr. M. K. Acharya, said the other day, the idea of a Round Table Conference is not a new one; it was mooted years ago on the floor of this House and also outside in the country by the political leaders. But luckily and happily India has had in His Excellency the Governor General, one of the best statesmen England has had the good fortune to send out to India and it was given to him to bring this particular idea of a Round Table Conference into the forefront of our national politics and also into the forefront of English politics. It was he who announced, in his now famous statement, that India's future constitution was going to be worked out in a Round Table Conference which was going to be held in London, at which he hoped all the different political parties in India would be properly represented. But why is it that it was not accepted by the Congressmen? I have not accepted a brief on behalf of the Congressmen, but at the same time it is necessary for me, as well as Honourable Members of this House, to face the fact squarely. The Congress was not prepared to accept this offer of His Excellency the Governor General just because it felt that, unless and until a clear assurance was given to the country that the Round Table Conference was to meet to discuss a Dominion Status constitution, there was no use at all for all these representatives and parties of India to go to the Round Table Conference and there begin to discuss political questions. The Governor General was probably right in doubting at that time whether it would be possible and advisable on his part to give this particular assurance to Mahatma Gandhi and Pandit Motilal Nehru and other leaders. He was probably right because it was not possible for him to gauge and assess the strength of political consciousness and the strength of feeling on the part of Indians on this demand of theirs—Dominion Status; and naturally the attitude that he took up was quite excusable even from the point of view of an ardent Congressman. Things, however, have changed now; there are clear and unmistakable signs to show that the people of this country are determined to achieve Dominion Status in order to work out a brilliant future for themselves. If any further evidence is wanted, all that the Government and Honourable Members have to do is just to see how the country is to-day giving its response to the official measures of repression. The Government was probably right in developing its repressive policy because no government which wants to govern over any people can keep quiet and silent when large numbers of people have taken to law-breaking and have thought it fit

to oppose the Government at the very foundations of Government for the time being. But at the same time, what is the answer that is being given by the country? A Hindu or Muhammadan householder, who has been accustomed traditionally to give hospitality to whosoever was in need of it, is to-day prevented from giving hospitality to the volunteers by a particular insidious section, a mischievous section of the Indian Penal Code. But are there not enough people in the country to give shelter and hospitality to volunteers? There are many.

Again, Sir, it is prohibited for a man to give subscriptions to Congress funds, but yet money is pouring in. It is prohibited for a man

to become a Congress volunteer, and yet larger and larger numbers of men are coming forward every day to enlist themselves as Congress volunteers. Again, it is prohibited in most of the towns for more than four men to assemble in a place or walk together or hold a meeting or go in a procession, and yet processions and meetings are being organized in every town where there is this demon, as I put it, of section 144. Sir, in spite of all these repressive measures, there are people in this country, and their number is luckily increasing every day, who are prepared to defy these repressive laws and to lend their moral support to the Congress and its adherents. Why should it be so, I ask? It is not because all these millions of people who are prepared to sacrifice and suffer for the cause of the country are not anxious that there should be a stable and strong Government to maintain law and order; it is not because they are not anxious that there should be peace, harmony and concord between the different communities that inhabit this vast country; it is not because these people are actuated by a sort of evil force of anarchism, but it is just because all these people have come to believe that the Government of this country are far from sincere in their intentions to grant any substantial measures of reforms; they have become dissatisfied and discontented against the policy followed by Government till now. All these people are extremely anxious to get Dominion Status as soon as possible. Now, when they are determined on the attainment of Dominion Status for India, they find that there are only two alternatives before them, either to support this Government, which has been notorious for breaking its promises, or to support a movement led by one of the greatest saints, avowedly one of the greatest men of the world, who is the embodiment of all that is good, all that is great and all that is noble in human nature. They are all fascinated with this great saint of Sabarmati, a man with great moral and spiritual strength, a man who stands up courageously for holding up the ideals and principles of this great country, and they are prepared to support him. All these people are extremely anxious that the Congress representatives should be invited to the Round Table Conference, because they see a possibility of attaining Dominion Status through this great saint of Sabarmati. But how is this Round Table Conference to be a success, how can it be useful, how can its recommendations be binding on the people of this country if Mahatma Gandhi does not find a place in it? That is why the people in the country to-day, with one voice, say that Mahatma Gandhi should be invited to the Conference. They are extremely anxious that Government should take the necessary steps, at whatever cost it may be, to secure the co-operation and participation of Mahatma Gandhi and his adherents.

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Secondly, Sir, supposing Mahatma Gandhi does not go to the Round Table Conference; supposing he does not bless the Round Table Conference, supposing he is opposed, as he is to-day, to the Round Table Conference, what happens? It is all right for some Honourable Members, who are leaders of parties in this House, and for some leaders outside in the country to say that they are going to the Round Table Conference with a free and open mind to fight the cause of this country. But suppose their demands are not granted, what happens then? Would it be possible for the very same gentlemen to come back to this country after having been disappointed at the Round Table Conference and give a satisfactory account of their own actions? Who will accept their recommendations? Who will accept their claim to represent the interests of this country? If on the other hand they are satisfied, if a constitution is framed and accepted, if a Bill is framed and placed before the British Parliament, who is to work these institutions? Sir, the Government is well aware that the country has gone through any amount of turmoil and trouble ever since 1921 just because the reforms granted then were not acceptable to the great majority of the people of this country, just because such unsatisfactory and disappointing reforms were thrust upon the people of this country. Sir, the next crisis is going to be very much more important; it is going to be very much more dangerous, because politically the country has made very great strides since 1921, and therefore to-day the people are not in a mood to suffer in their self-respect at the hands of their leaders, much less at the hands of Government. Under these circumstances, I ask who is going to work the constitution which has not the support of the country, when leaders have been warned not to go to the Round Table Conference without Mahatma Gandhi, and when leaders go to the Conference at the risk of flouting the public opinion of this country? Sir, there is a very great risk, and I warn Government, because the Government headed as it is to-day by one of the greatest statesmen of England, headed as it is to-day by one of the most sincere Viceroys India has ever had, has got to realise that it is its duty to see that it does not plunge this country into a political disturbance of such magnitude as cannot be imagined at present. Therefore, if the Government are really anxious that this country should progress, it is incumbent upon them to see that, somehow or other, the recommendations of the Round Table Conference, as accepted by the British Parliament, are made acceptable to this country. Now, how can those recommendations be made acceptable to this country unless and until Mahatma Gandhi and his adherents find a place in the Round Table Conference, unless their signatures are attached to the conclusions which may be arrived at by the Conference and in the Bill that may be passed by Parliament.

Again, Sir, it may be asked, what is it that we are going to gain in case Mahatma is invited to the Conference? Some gentleman this morning suggested that Mahatma Gandhi did not know law. Sir, let me tell him that Mahatma Gandhi knows as much law as any individual in this august Assembly can claim to know. There is an impression that Mahatma is an impractical idealist and that he is a *sanyasin*. Sir, may I tell this House that this country has always venerated *sanyasins* who go about from place to place. In England you call them loafers but here we call them saints or *sanyasins*. Sir, Mahatma Gandhi

is practical-minded, he is a statesman of the highest order; he is an experienced politician; and I assure you, Sir, every Honourable Member in this Assembly has got to take his hat off, if he has a hat, to this great saint of the world for his political wisdom, for his political acumen. Sir, if this man were to be at the Conference, it would be richer in its deliberations and its achievements. Not only that, Sir. I do not suggest that these people should be invited to the Round Table Conference only on the basis of Mahatmaji's statesmanship and political wisdom. I claim, Sir, that these Congress adherents should be invited to the Conference because of the great spiritual force of this great saint and his adherents. If he goes to that country, and if he tells the English people, as my Honourable friend, Sir George Rainy, was saying the other day, and makes an honest attempt to convince them of the anxiety, and the determination of Indians to win Swaraj, then I am perfectly sure, knowing as I do the English people, that most of the English people will come round and accept the dictates of political common sense with which they are blessed in abundance, and will be able to realise the necessity, the urgency of this particular question of the grant of Dominion Status to India, and will be quite willing to push through their Parliament a constitution which will grant Dominion Status to India in the nearest possible future. I am extremely anxious that the Government should take the necessary steps to obtain the co-operation of and participation by Mahatma Gandhi and his adherents, and I can tell the Government of India and through them the Viceroy that no price is too high to secure Mahatma Gandhi's participation. If they are really sincere that India should attain Dominion Status, if they are really sincere that the Round Table Conference should be a success, if they are really sincere that the promises of British statesmen should be implemented, and if they are really sincere that the Indian people should be satisfied, at least once in the history of their relationship with the English people, about the good faith of the English people, it is incumbent upon them, it is the duty of the Government of India and of His Excellency the Viceroy, and also of the British Government, to see that necessary steps are taken to obtain the participation of Mahatma Gandhi in this Conference.

Maulvi Mohammad Shafee Daoodi (Tirhut Division : Muhammadan) : Sir, I beg to move :

"That for the original resolution the following be substituted :

"In view of the fact that it is very desirable that all political parties and interests in India should unite in pressing upon His Majesty's Government in England India's claims for responsible Government, in view also of the fact that attempts are being made to secure a peaceful atmosphere and the suspension of the Civil Disobedience Movement, this Assembly recommends to the Governor General in Council that he be pleased to release Mahatma Gandhi and other political prisoners."

Sir, I fully realise the gravity of the situation. I know what is the state of things in the country. Those who happen to be in the country know very well what a great strain is felt by all, the people as well as the officials. The situation arose some time back, as we all know, in a very peculiar way, and now it is time for those who are sitting in this House to find out ways and means as to how this state of things should be put an end to. We suggest this amendment because it appears to us that this is the only way of solving the trouble. We say in this amendment that the Indians have got to utilise all the possible means

[Maulvi Mohammad Shafee Daoodi.]

of solving the constitutional problem of India. We have got to find out ways and means of how best it can be solved, and for that reason we have to look to the two forces which stand in our way at the present moment. One force is the force of the civil disobedience movement. It counts upon the numbers that it can mobilise and put into the field, and the other force is equally, or rather, more obdurate. The other force counts upon its armoured cars, its machine guns and other physical forces. The two are exercising their strength against each other, but poor India is going to suffer on that account. We, who are neither on this side nor on the other, feel it our duty to point out to both of them that they are doing something which is not in the interest of the country—neither in the interest of India nor in the interest of Great Britain. We had for that reason tried to persuade Mahatma Gandhi from the very beginning not to start this movement of civil disobedience, because we thought it was inexpedient and inopportune. But when the movement was started and we found that the Government was keeping quiet over it, we thought that there might very soon come a time which would relieve this tension. But as soon as the Government took to repressive measures, the difficulties enhanced, and at the present moment, it appears that the two parties are in a position from where neither of them wishes to recede. I should say, if there is goodwill and if there is the interest, that larger interest, of the country at heart, even now the trouble can be solved. (*An Honourable Member* : “How?”) The question is how really. It is for everybody to contribute his mite to the solution of this question. I do realise that my friend over there, the philosopher Dr. Ziauddin puts this question to me. I have tabled this amendment only for that purpose. As you know, we have not been keeping quiet. We have been all the while working in our own way. It might be in the recollection of Honourable Members in this House that at the very beginning, rather on the 12th March, when the great march of Mahatma Gandhi commenced from Sabarmati,—on that very day we took the first opportunity to apprise the Government that there should be no interference whatsoever with this movement. We have since then made overture after overture to both the parties. We have gone to Mahatma Gandhi with sincere emissaries of our own. We have gone to the Government through those who have access to the Government House, to tell them the mistake that they would commit by interfering with the movement. This is, I should think, by this time known to everybody. Even now, recently, while Maulana Muhammad Ali was on his sick bed in the Ripon Hospital, he could not restrain himself, and he issued a statement to the Press saying to what a difficult position we are all heading, both parties are heading. Even Dr. Ansari, who has been silent so long, has broken his silence now and told the whole truth. He has rightly pointed out the mistakes that were committed by the starting of the civil disobedience movement. At the same time he has very rightly pointed out the effect of the repressive policy that has been adopted by the Government. Lately, I find Mr. Jayakar, has also not lagged behind. He has been doing in his own way what he thought proper from the very beginning, i.e., to do all that he could to bring pressure to bear upon Mahatma Gandhi, Pandit Motilal Nehru and Vallabhbhai Patel to bring the movement to an end.

Now, I know that, on such serious and grave occasions, we should not make more speeches. It is really time for deeds and therefore we have taken to that. We are on the one hand advising our countrymen to look to the situation in a large-hearted way and look to the ultimate goal which we have to attain, and now here in this House we have to take this opportunity of telling the Government Members here that they should gauge the real situation in the country. They should not be led by false reports that might be reaching them. I know that the Government have got very few people to tell them the truth, and I should think that, whenever they happen to find the truth even though it comes from a humble man like myself, they should accept it and act up to it. In this amendment I have suggested that the Government on its part should be prepared to realise Mahatma Gandhi and all political prisoners, and at the same time we are trying to persuade our countrymen not to proceed with their movement, and I think this is the solution. Simultaneously if action is taken in the two directions I have indicated there will be no trouble. I realise the difficulty of the Government of India. It is really a subordinate body. It has not freedom to act in its own way. Again we find that the Labour Government is not in a majority in the House of Commons. It is only the biggest group in the House of Commons. It cannot have its own way. I realise those difficulties of the Government, but nevertheless I find that, if the two parties have got a will and a determination to do good both to India as well as to Great Britain, things might be brought to such a state in which the forces that are standing in our way may collapse and we may be able to bring about the desired end. It requires great courage no doubt, both on the part of the leaders of the civil disobedience movement as well as on the part of the Government, but without great courage, no big question can be solved, and I hope the two parties will rise to the occasion and see that India does not drift into anarchy. I am really afraid that, if things are allowed to drift in the manner in which they have been drifting, anarchy might result, which certainly everybody in India would deplore. I think the Englishmen themselves would deplore it. They have only to realise that that would be the result, and I think the idea of bringing about the desired end will force itself on our mind. With these few words, I move my amendment and commend it to the House.

**Rao Sahib B. Ramji** (Berar Representative) : Mr. President, I rise to support the Resolution moved by my Honourable friend, Mr. Acharya. It cannot be denied, Sir, that the present political situation in India is grave and serious and requires careful handling on the part of the Government. The atmosphere is full of political unrest and discontent. The whole world is watching this movement with keen interest and many persons of outstanding merit from various countries have showered their blessings on Mahatma Gandhi and his movement. This is a movement novel in the history of the world. History does not know such a movement. Mahatma Gandhi is considered as a political saint in India as well as outside India. Had such a man been born in a free country, he would have occupied the highest position. Had such a man been born in England, he would have taken the place of a MacDonald. Had such a man been born in America, perhaps he would have been the President of the United States ; but unfortunately he is now rotting

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in jail. Sir, the urgent need of the day is to bring about an atmosphere of peace and tranquillity. Government should recognise the growing national consciousness of the people in the country and should try to understand the origin of the present political national movement started by the Congress. Congressmen think that they have tried all constitutional means to obtain responsible government for the country, but failed, and as a last remedy they have started this movement of civil disobedience by non-violent means to secure the goal. In my opinion the movement would not have been started had the Viceroy given an assurance last December to the leaders of the Congress that Dominion Status would be the basis for discussion at the proposed Round Table Conference, with such safeguards as are necessary for the transitional period. Anyhow, Sir, today we are faced with possibilities fraught with danger. There is a regular fight between the Government and the people. Both are determined to fight the battle to a finish. Government are bent upon repressing the national movement by all the means at their command, while there appears to be a grim determination on the part of the nation to win freedom at any price. Government followed the policy of repression to kill the movement but with what result? The more the repression, the more the intensity of the national movement. Those who were against the movement in the beginning actually joined it because of the unjustifiable repressive policy of the Government. No Government, Sir, can rule any people in any country peacefully without their goodwill and co-operation. In spite of the repression, as we all know, Sir, the civil disobedience movement is gaining ground and gathering strength day by day. If the Government really want normal conditions to be restored in the country, it behoves them to look at things in a statesmanlike manner. This is the time, Sir, for the Government to respond to the public opinion and the national demand. The best course for Government is to cast aside the false notions of pride and prestige and follow the policy of conciliation in a generous spirit. The sooner, Sir, that is done, the better for both sides. In my opinion, the remedy lies with Government to allay the present distress and remove the political discontent. What is wanted is a real desire on the part of the Government to meet the political demands of the people. Sir, unless this is done, the consequences will be serious. Sir, the object of holding a Round Table Conference, as I understand, is to frame a constitution suitable and acceptable to all the different sections and communities in India. If that is so, then Government must take all steps necessary for the participation and co-operation of the representatives and leaders of all the different parties and interests at the Round Table Conference. But how can the Conference be a success when repression is in full swing? Who will participate in the Conference so long as the present reign of terror continues? Sir, no useful purpose would be served by discussing the constitutional problems in England while the most elementary rights of citizenship are being constantly denied in this country. Leader after leader is being sent to jail, ordinances are being promulgated, the Press is being gagged, and in some places martial law is being proclaimed! What do we read, Sir, every day? Hundreds and thousands of people are being arrested and sent to jail. What do we find in Bombay and other places? *Lathis* are being used on innocent volunteers—and not only on volunteers

but even on women and children peacefully joining the processions. Sir, Government must stop all this repression, all this merciless beating. If Government want to save the Round Table Conference from the fate of the Simon Commission, then they must release Mahatma Gandhi and other political prisoners, and thus secure the attendance of all leaders of the different political parties in the country at the Round Table Conference.

**Mr. Abdul Haye** (East Punjab : Muhammadan) : Sir, I rise to give my whole-hearted support to the Resolution moved by my Honourable friend, Mr. Acharya. Sir, I feel that one must speak with restraint on an occasion like this, for what is the situation with which we are confronted, and what is the remedy? We find to-day the forces of Congress pitted against the forces of the Government; and between these two belligerents stand the non-official Members of the Indian Legislature suing for peace. We, Sir, on our part desire, nay, we are anxious, that the white flag should be hoisted at once. (Hear, hear.) Sir, each party believes it is in the right. The Government say that the Congress is out to break the law, and "it is our first and primary duty to preserve law and order". The Congress on the other hand say that "all these ten years we have pleaded, we have tried to persuade the Government, and when we found that Government was not amenable to reason, we revolted, and we are justified". Sir, one thing is certain, that both the belligerents believe that, "all is fair in love and war". At this juncture I only want to ask the Government, "Are you really great? Are you really strong? Are you really honest? Where is your wisdom? Why don't you display all those qualities? You, representatives of Great Britain, do you really feel that you are great? Do you feel that you deserve to sit on those Benches and to govern this country? (Hear, hear.) Why don't you take stock of the situation?"

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : Sir, on a point of order, is the Honourable Member addressing his remarks to the Chair?

**Mr. President** : He is addressing his remarks through the Chair to the gentlemen who deserve them.

**Mr. Abdul Haye** : I hope, Sir, my Honourable friend will pay more attention to my appeal which is made through you. I say, "are you really great and strong?". If you are, I have to tell you one thing, that your greatness does not lie in sitting tight in your seats, in your chairs. The greatness of the Government, Sir, does not lie in belabouring and beating poor volunteers, the majority of whom are still in their teens. Your greatness does not lie in taking advantage of the Hindu-Muslim differences. (Hear, hear.) If you say that we are not fit for self-government because there are communal differences, if Sir John Simon says that the Hindus and the Mussalmans are unable to pull together, and that they do not make up their differences, and "therefore, it is incumbent upon us to remain here as their masters". I ask, have you solved the communal question yourself? You do not deserve to be here if you are unfit to help to solve the communal question.

**Mr. President** : The Honourable Member should try to address the Chair.

**Mr. Abdul Haye** : I submit, Sir, that the greatness of the Government lies in displaying a spirit of generosity at this juncture. If you are

[Mr. Abdul Haye.]

eally anxious to negotiate with the people of India, then I must tell you plainly that there is no one gentleman on this side of the House amongst the non-official Members who is in a position to speak with authority on behalf of the people of India. If you want one man alone—do not mind whether you want him here or at the Round Table Conference—you cannot ignore Mahatma Gandhi. But if you want dozens of representatives of India to sit at your table—I believe you have got a big round table there—you can have them. But, Sir, they will not be able to speak with authority on behalf of the people of this country, if you leave out Mahatma Gandhi. If there is one single individual, I say, Sir, who is in a position to-day to deliver the goods, it is Mahatma Gandhi. (Loud applause from the non-official Benches.) If you want to negotiate and come to an understanding so as to try and solve the problem of India, my submission is that the Government have got to negotiate with Mahatma Gandhi. It is with this view, Sir, that we urge before you that he should be released and others who have not committed offences of a violent nature should also be released. If you want to negotiate, you have got to negotiate with that thin, slender figure that sits half naked in jail and spins the fate of India. You can release him and take him to your Round Table Conference. But if you do not want to release him, I must tell you that you have got to negotiate with him. And for that purpose if you do not release him, you yourself will have to go to jail. And when that opportunity comes, when the representatives of Government go to jail, we shall call out their *Jai* and give them an ovation. After all, what is Mahatma Gandhi? Is he an ordinary criminal? Is he an offender? The day is not far off, if India is to remain within the British Empire, if the connection of Great Britain is to subsist, when statues shall be raised to Mahatma Gandhi, and it may be one of the representatives of Great Britain who will be called upon to unveil those statues.

**Mr. U. N. Sen** (Bengal : Nominated Non-Official) : Sir, Mr. Acharya, who moved the original Resolution, himself admitted that the first part of his motion was rather a bit obsolete, because reference to responsible government and the Round Table Conference, so far as this House is concerned, is to a certain extent a matter of past history. I will, therefore, with your permission, make one or two observations with regard to the last part of the Resolution, particularly where he urges Government to create a necessary atmosphere for the consideration of constitutional problems. Sir, the atmosphere is not only confined to India, but in the consideration of this question we have as much to depend on the atmosphere in England as we have to depend on the atmosphere in India. That the atmosphere across the seas is thickening with dark clouds is not difficult to judge. One, who is in close touch with what is happening every day inside the British House of Commons and outside it, is quite familiar to what extent there is a movement in certain quarters to jeopardise the efforts of those who are trying to solve the Indian constitutional problem. In order to make my position clear, I should, with your indulgence, read to the House one of the latest telegrams which has been received in this country. It runs thus :

“Negotiations between three parties on question whether Government should allow Opposition to be represented at Round Table Conference has reached a very delicate stage and Government's position is presenting difficult problems. Conservative insistence on representation is hardening. Conservative Committee on Indian affairs to-day pointed out that their Resolution yesterday laid down that Simon Commission's Report

should be the basis of discussion at Round Table Conference. If Government decide against Opposition representation, there is a danger of Conservative-Liberal censure.”

Of course, the House knows what it means. The Labour Government, which is in power, will not last for a moment if this threat is given effect to.

“Many Liberals express opinion that Irwin's speech invited Round Table Conference to shelve Report. It is understood that Liberal Party meeting last evening reaffirmed previous decision to do everything possible to bring Simon Commission's Report before Round Table Conference. While as MacDonald indicated in Commons yesterday, Government does not desire discussion in House at present, it seems likely that unless satisfactory arrangement is reached with Opposition, Burnham will initiate debate in House of Lords on 22nd July. This will immediately result in demand for discussion in Commons in which case Labourite Left Wing has intimated that if Opposition question Government's proposals, they too will object that Conference cannot succeed unless principle of self-Government and amnesty are accepted in advance.”

Well, Sir, the unkindest cut of all is that Lord Burnham should take up this position. What His Lordship seriously intends to do, is not difficult to understand.

**Mr. B. Das** : What does it matter ?

**Mr. U. N. Sen** : Of course, it does matter. My friend Mr. Das knows that Lord Burnham occupies a very unique position in English politics. Whatever may be your views about Lord Burnham, and other Members of the Simon Commission, you cannot very well ignore what these gentlemen say. If the position in England is unhappy, I cannot but say the same thing of India. Although, owing to a certain combination of circumstances, we are passing through stirring times, still I am one of those who believe that it is better to have sometimes a touch of optimism in one's nature. In my opinion there is absolutely no reason to be disheartened or to be depressed. My friend, Mr. Neogy, took the House yesterday through pathetic scenes of a melancholy drama which had been enacted at Dacca. Sir, it is not my purpose to ask the House to go over those incidents. That the civil disobedience movement has brought in its train untold miseries to people, who have not only participated in it, but also to those who have been silently watching it from outside, cannot be denied. Sir, I do not want to go over that ground again. It is not my intention to go into the psychology of this movement. What I want to say in all humility is this, that it is no use blaming the Government entirely. Government have got their responsibilities and are solely responsible for maintenance of law and order. It is their primary function to protect life and property and uphold the authority of law. Sir, apologists either for Government or for the people will appraise the situation later on. What I want to urge upon Government now is this. That if there is a serious effort and an earnest attempt made by any Member of this House or any responsible person outside it, to bring about a settlement, Government ought to encourage those people and do whatever is in their power to help them. The House is aware that only two or three days ago several Members of this House and of the other House, gave a mandate to the Leader of the Opposition to go and interview, if possible, Mahatma Gandhi, Pandit Motilal Nehru and other Congress leaders. Whether he will succeed or not, I cannot say ; no one can say. Opinion has been expressed in some parts of this House that it is futile to make any such attempt. Well, Sir, I do not share that view. I believe that if Mr. Jayakar or any of his friends in



[Mr. U. N. Sen.]

this House or even outside it decide to go and interview the Congress leaders, they will come to some sort of settlement. Even supposing for argument's sake, the negotiations fail, it is an attempt worth while making. I believe no one is more anxious than the Government that the present situation should end and an atmosphere should be created for the consideration of the constitutional problem, and Mr. President, because I believe that Government are as much anxious as anybody else that this civil disobedience movement should at once stop, that I joined the meeting of the Members of the Indian Legislature and gave whatever little support I could to Mr. Jayakar. I believe, Sir, that before the day is out, the Honourable the Home Member will make the position of Government absolutely clear, and we will hear that so far as the Government are concerned, they will not stand in the way of any negotiations with Mahatma Gandhi and other leaders. I do not for myself expect any declaration of policy on the part of Government in this matter, because if I understand aright, the Government position is, that they cannot surrender their responsibility with regard to the maintenance of law and order. Sir, I have every reason to believe that when Mr. Jayakar goes with his friends to see Mr. Gandhi, he will have the approval of the head of the administration, and I believe, Sir, the House will be in possession of some sort of document by tomorrow morning which will make clear, in unmistakable terms, the intentions of His Excellency the Viceroy, and that document will be a charter not only to Mr. Jayakar, but also to the whole of India. (Hear, hear.)

**Rao Bahadur P. T. Kumaraswami Chettiyar** (Madras City : Non-Muhammadan Urban) : I should like to give expression to my views on this Resolution and on the amendment proposed. I submit, Sir, that with a view to get an agreed settlement amongst all the parties and interests in the Round Table Conference, it is desirable that the Governor General in Council should take the necessary steps to get the co-operation of Mahatma Gandhi and his followers in the Conference. Otherwise, Sir, the country will take us to task and say that one section of India is out of the Conference and, as such, whatever deliberations or whatever conclusions are arrived at in the Conference itself are not acceptable. In order to avoid this, we should see that all parties, whatever their political creed may be, should unite and attend the Conference. By the way, Sir, I deprecate the existence of the civil disobedience movement which is not a constitutional one and which is upsetting the equilibrium of the country. Sir, the civil disobedience movement was first started as a non-violent movement, but when the masses are excited, it is difficult to say what will be the consequences of it. Sir, it is desirable also that the Government should take the necessary steps to put down the movement, which is unlawful. But what do the Government do? They have adopted the most extreme repressive measures possible. Indiscriminate infliction of *lathi* blows, the ban on *Swadeshi* enterprises, the ban on public meetings, the issuing of section 144 in every place in the country indiscriminately, all these which were unheard of in the annals of India are operating in this country. I should like to tell you, Sir, because of the fact that I had no occasion to speak on the one Resolution which I have given notice of, as regards the occurrences in Madras City on the 25th and 27th April, 1930. I have to mention it now. The Madras Government, residing in Ootacamund, had

abdicated their powers to the police and the police had run amok on the unprecedented assemblage gathered on the Marina beach on the 27th April. Though, Sir, the non-official Members of the city protested against the police excesses on the 25th and 27th April, though the premier Corporation of Madras tabled a resolution and submitted to the Government of Madras to enquire into the police excesses, though the Madras advocates deputation waited on His Excellency the Governor at Ootacamund and expressed their horror at the perpetration of these wicked acts by the police, yet the Government were adamant and refused to go into the case. I should like to mention at this moment, Sir, that when the Jallianwala Bagh incident occurred, the late Mr. Montagu expressed the view that when there was firing resorted to, there should be an enquiry gone into. So, the Hunter Commission was appointed to go into the question of the Punjab riots.

**Mr. President** : We have already discussed the general policy of repression for three days, and I think on this Resolution the Honourable Member should confine himself to the matter which is directly in issue in this Resolution.

**Rao Bahadur P. T. Kumaraswami Chettiyar** : If you consider that I am out of order, I shall not refer to it. If you do not permit me to speak any further on the incidents that occurred in the Madras City on the 25th and 27th April, 1930, I abide by your decision, Sir. If you want peace and tranquillity to reign in India, this kind of repressive measures should be put an end to. (Hear, hear.) Sir, the people of India are excited and they are conscious of their strength and they are desirous of getting as much as they can. Though these repressive measures are adopted, yet I do not think there will be any chance of the spirit of enthusiasm, that has been instilled into the minds of Indians, dwindling. On that ground, Sir, I should like the Government of India to take note of the situation and see what they can do with regard to the withdrawal of these repressive measures. At the same time, I should like that Mahatma Gandhi should see that he calls off the civil disobedience movement with a view to get salvation for India.

One word, I will have to mention with regard to the Report of the Simon Commission that has been published of late. We expected from the Simon Commission a millennium and everybody wanted bread, but we got stones. The Report is of a retrograde character and the reforms that are framed by the Commission fall short of the recommendations of the Madras Government.

**Mr. Arthur Moore** (Bengal : European) : Sir, has this got anything to do with the Resolution before the House?

**Mr. President** : The Honourable Member is making his maiden speech and therefore, I do not want to interrupt him too much.

**Rao Bahadur P. T. Kumaraswami Chettiyar** : Then, Sir, I should like to express a few points with regard to the Simon Report when that subject is taken up today. So with these few words I urge upon the Government of India to see that a calm atmosphere is created so that every party in the country, including Mahatma Gandhi and his party, is invited to be present at the Round Table Conference and make it a success.

4 P.M.



**The Honourable Sir George Rainy :** I rise at this stage of the debate, Mr. President, to explain as briefly as I can the attitude of Government on my Honourable friend Mr. Acharya's Resolution and on the various amendments which have been moved. Naturally the course of the debate has traversed again a good deal of the ground over which we progressed in the last three days of last week. That was inevitable, and I can very readily understand how Honourable Members on the other side should have wished that the Session should not end until they had exhausted every effort and used all means which lay in their power to bring to an end a situation which we all of us recognise as deplorable. I appreciate very much the spirit in which my Honourable friend, Mr. Acharya, and my Honourable friend, Mr. Shafee Daoodi, have spoken, and if I am not so well acquainted with the movers of the other amendments, or with some of the speakers who have recently come to this House, I do not doubt that each and all of them are animated by the same spirit, a desire, if they can, to do service to their country.

Now, Sir, although the original Resolution itself and the various amendments which have been moved vary a good deal in phraseology, I am not sure that there is very much difference in the underlying motives and the underlying ideas which have led Honourable Members to put them forward. I need not, I think, refer to the earlier part of the Honourable Mr. Acharya's Resolution, because he made it plain himself, in moving it, that he did not wish to press that part of it and indeed would be content to accept the amendment of the Honourable Mr. Shafee Daoodi. What, Sir, is the feeling and the thought that animates the Resolution and the various amendments? It appears to be this, that, a situation has arisen in which Government and the Congress are in conflict, that neither the Government nor the Congress will give way, and that meanwhile very great injury, both moral and material, is being inflicted upon the country. In these circumstances Mr. Shafee Daoodi has made it plain that he and his friends have done their best to exert their influence on the Congress leaders to induce them to bring the civil disobedience movement to an end. Similarly he desires to use any influence he may have with Government to induce Government on its part to join in bridging the gulf between the two parties. That, Sir, is a very natural attitude and I can very readily understand why my Honourable friends on the other side of the House have felt it necessary to impress their views and their wishes upon Government in order to see whether anything can be done on those lines. There can be no question, Sir, of the extent to which the country is suffering at the present moment as a result of the civil disobedience movement. I am not going to go into any sort of detail, for Honourable Members know quite as much about the facts as I do. It is obvious that the spirit of lawlessness is growing, and that the material injury is becoming very great. Already a number of workers in industrial establishments have been thrown out of employment, and it is likely that, in the near future, the number of such persons who have lost their work will increase. Want of confidence is absolutely paralysing the internal commerce of the country, and when all these facts are so, undoubtedly it must be the desire of everyone to see whether a solution can be found. But if that is so, and if the Government of India find themselves still unable to go the whole way with my Honourable friends opposite, surely then the difficulties must indeed be grave. Some of my Honourable

friends have spoken as if this were a case in which the blame fell as much on the one side as on the other and that the proper way of addressing both Government and the Congress was to say "a plague on both your houses". Sir, I cannot for a moment admit that that is a fair or an accurate description of the position, or of the origin of the present situation. After all, when we are asked to take all necessary steps to obtain the co-operation of Mr. Gandhi and the other Congress leaders at the Round Table Conference, may we not fairly ask whether we have not taken these steps already? Was not His Excellency the Governor General's declaration of the 1st November last a reasonable and fair offer, which any Indian could honourably accept? Was not the establishment of the Round Table Conference by His Majesty's Government a fair offer which, had it been accepted at the time in the generous spirit in which it was offered, would have altogether prevented the difficult and dangerous situation in which we are to-day? But the answer which these efforts received from the Congress was an absolute refusal to participate in the Conference except upon terms which neither His Majesty's Government nor the Government of India could contemplate; because in effect that would have reduced the function of the Conference to registering the decrees of the Congress itself. Then followed the initiation of the civil disobedience movement, although His Excellency the Viceroy, addressing the Legislature last Session, made an appeal which might well have influenced those in whose hands the decision lay. Then followed the melancholy history of the next three or four months.

Such being the situation, it seems to me that the one indispensable preliminary to any sort of agreed solution of these questions is that the civil disobedience movement should be discontinued. Unless that is done, I cannot myself see how it is possible for Government to bring about that better atmosphere which we all desire, or to secure co-operation from the Congress leaders in the work of the Conference. The initiative clearly lies with those who launched the movement and are still inspiring and encouraging it.

I was glad to notice, Sir, that, at a recent meeting in Simla of the representatives of the minority communities, that point was emphasised, for they said :

"We also take this opportunity of emphasising the supreme necessity of creating an atmosphere of peace and good will for the Round Table Conference, to secure which it is essential that all movements calculated to defy law and order should immediately be terminated and all attention should be concentrated on the success of the Round Table Conference."

That really expresses in a sentence the attitude of the Government of India also, for until that movement is discontinued, as I said on a former occasion, any efforts which Government may desire to make to restore normal condition are almost totally paralysed. That the door still stands open for the Congress leaders to attend the Round Table Conference His Excellency made clear in no less than three different passages in his speech when he addressed the Legislature a few days ago. He said :

"It is the belief of His Majesty's Government that by way of conference it should be possible to reach solutions that both countries and all parties interested in them can honourably accept."

[Sir George Rainy.]

And again—

"His Majesty's Government still hope that Indians of all schools of thought, whatever the attitude that some of them have hitherto taken, will be ready to share in this constructive work."

And again,

"I would hope that it might not yet be too late for wiser counsels to prevail by which all the political thought of India might be harnessed to the task of welding into unity the elements that compose her life and in conjunction with Great Britain devising the best means for giving constitutional expression to them."

That, Sir, is the attitude of the Government of India. But when Honourable Members speak of securing the co-operation of Mahatma Gandhi and all other Congress leaders, clearly, the question whether they shall attend the Conference and co-operate is not an issue which the Government can decide if they themselves are unwilling to attend or to co-operate; and if the only terms on which they are willing to attend are such as the Government of India, in the nature of the case, cannot accept, then I do not see that the blame rests upon the Government of India for the results which we all so deeply regret.

A good deal of stress has been laid, during the course of the debate, on the desirability of the Government of India, as a sign of their conciliatory spirit, releasing those who are classed as political prisoners. On Saturday last I dealt with the point, and in substance, said all that I had to say, although it was then comprised in a sentence or two. Does not the request mean that, while the civil disobedience movement is still in being and is being actively prosecuted, Government should disarm itself and say, "Well, conciliation is the first thing and we shall cease to resist the movement"? Honourable Members no doubt realise what a grave decision that would be if the Government of India took up that attitude. As I said on Saturday, I think, it would amount very nearly to the abdication of Government. But if Honourable Members say to me, "But if the movement were discontinued, and ceased to be a danger, what then would Government do?", my reply is that I do not think we can reach a more satisfactory state of affairs, a better spirit or more conciliatory atmosphere by discussing this question on a hypothetical basis. But I do not hesitate to say, as I said on Saturday, that if the movement were discontinued, a new situation would be created with which Government would have to deal, and it is quite obvious that the policy of the Government of India, being what it is, namely, that the Conference in London should be a success and should be carried on under the conditions best fitted to promote its success, it must be their desire to do what they reasonably can to restore normal conditions. That is the spirit in which the Government of India would approach the question, but I do not believe that it would be in any way promoting the cause of peace or be of advantage to the country, if I were to say more than that to-day.

Mr. President, I have occupied the time of the House for a rather longer period than I intended. The matters we are discussing are very important, but I do not believe that they are to be solved by much public speaking. I will only say this in conclusion,—and I believe I can speak for every one of my colleagues—we all of us feel the burden resting on us to do what we can to be conciliatory and to bring about a

happier state of feeling; but all of us also cannot but feel resting on our shoulders the responsibility that the King's Government must be carried on, and that, whatever else we do, we cannot renounce the trust imposed upon the Government because it is the Government.

**Mr. Raghbir Singh** (Agra Division : Non-Muhammadan Rural) : Sir, I rise to oppose the somewhat voluminous Resolution moved by my Honourable friend Mr. Acharya which, as he has himself admitted, is out of date and old like the Mover himself. His Resolution says that steps should be taken to persuade His Majesty's Government in England to recognise India's right to self-Government and to invite India's representatives at the Round Table Conference to discuss what form of Government this country should have. Well, Sir, the British Government are already taking steps to invite India's representatives to the Round Table Conference and thus give an opportunity to the representatives of India to frame a constitution which may best suit their needs. Then there is the amendment of Rao Bahadur D. R. Patil which I am inclined to support, because it lays great stress on the necessity of representation of rural interests in the Round Table Conference. Sir, India is a country the population of which is mostly rural, and it is incumbent upon Government to invite representatives from rural areas to the Conference, so that the results may be achieved according to the wishes of the masses.

Then, Sir, there is another amendment by the Honourable Mr. Ranga which says that steps should be taken to secure the co-operation of and participation by Mahatma Gandhi and other representatives of the Congress in the Round Table Conference. Well, with all respect to the Congress, I would say that though it may be the most important political institution in the country, still it is not the only institution which should count. Then there is another amendment which is in tune with that of Mr. Ranga, and therefore, Sir, I support.....

**Mr. N. G. Ranga** : I made myself quite clear in my speech that my Resolution does not mean that other parties should not be invited to the Round Table Conference.

**Mr. Raghbir Singh** : But the words of the amendment are that :

"This Assembly recommends to the Governor General in Council that he should take all necessary steps to secure the co-operation of and participation by Mahatma Gandhi and other representatives of the Congress",

and not of other institutions. This was the meaning conveyed by the amendment. However, Sir, I strongly support the amendment moved by Rao Bahadur D. R. Patil and oppose the original motion.

**Mr. T. N. Ramakrishna Reddi** (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, the original Resolution proposed by the Honourable Member has got three definite parts. I do not propose to read out the whole Resolution as it is already down on paper, but briefly put, the first part says that the Government should accept the principle of self-determination for India. The second part says that the leaders should bring about an agreed constitution which itself will have the inherent capacity for self-development, and the third part says that with a view to bring about a peaceful atmosphere, the Government should release Mahatma Gandhi and other political leaders.

[Mr. T. N. Ramakrishna Reddi.]

Now, Sir, with regard to the first part, I do not think there is any patriotic Indian in this House who will object to these sentiments. I do not think there is any Indian whose soul is so dead as not to see that the country gets self-government or that it should have self-determination. But my only objection is whether this is the proper time to raise that question. Sir, the whole country is now concentrated on getting self-government or Dominion Status, as it is called, and we have all to conserve our energies to achieve that aim, and not raise this apple of discord again by introducing this idea of self-determination. Sir, as we all know, His Excellency the Viceroy made a very momentous announcement the other day that the Simon Report would form only one of the materials to be discussed at the Round Table Conference, but that has given rise to a lot of angry sentiments in England. For instance, we have read in the English papers that Sir John Simon, Mr. Lloyd George and Lord Reading are trying to do their utmost to see that the Simon Report obtains the fullest measure of consideration at the Round Table Conference. Very recently we have also read in the papers that even Mr. Wedgwood Benn, the Secretary of State for India, is contemplating resignation of his high office because he is not in agreement with the proposal that the Simon Report should not form the chief document for consideration at the Round Table Conference. There are also responsible statesmen like Mr. Churchill, Lord Burnham and others who have been openly declaring that the announcement of H. E. The Viceroy is most inopportune. Sir, when the Viceroy has to meet such difficulties at Home, is this the time, I ask, for the Honourable Member to raise this question instead of concentrating ourselves on getting Dominion Status?

Then, Sir, with regard to the second part, that the Indian leaders should frame an agreed constitution, in my opinion, this is not the time when this point can be raised. There are already many constitutions, for instance all the parties have joined together and have produced a constitution, popularly called the Nehru Report, which has received the largest amount of support in the country. There are also several constitutions produced in this country ready-made if it is necessary to have constitutions at all. So I consider that it will be inopportune at this moment to call in the leaders and ask them to frame a constitution once again.

With regard to the third part, we are all in entire agreement. Now, Sir, at this time when the whole country is in a turmoil, when the leaders of the country are in jail, how can the Round Table Conference be a success? If it is to be successful, then it is incumbent upon Government to see that the leaders of the Congress, who are the leaders of the nation and who are now rotting in jail, are immediately released.

Sir, when the civil disobedience movement is in full swing, another unfortunate thing has been added, and that is the publication of the Simon Report. Sir, the country asked for bread and it was given a stone. The country asked to be masters in its own house, and it was given seven wise men from afar, seven stone-hearted men, to fashion a constitution for India. I need not dilate upon this point, because everybody knows that the Simon Report has been denounced from one end of the country to the other, by every party and by every shade of opinion, and it has been condemned thoroughly. The Government must already have taken a note of it, and they must have sent cables to

England in order to make the Home Government know what the opinion of this country is with regard to the Simon Report.

Now, Sir, at this juncture His Excellency the Viceroy has done the greatest service by coming out with a bold declaration only the other day that the Simon Report will only have the same value as any other Report and will not form the basis of discussion at the Round Table Conference. I say so, because the House has just listened to a recent telegram which my Honourable friend Mr. Sen has read out to the House. So, the first business, the first duty of the Government is to bring about a reconciliation with the Congress Party, which is the most important party in the country. Sir, I consider this a very opportune moment because the Round Table Conference was asked for by Pandit Motilal Nehru himself. It is not a new thing. It was asked for no doubt under different conditions and different circumstances but, however, we are given this Round Table Conference. Though we have got this Round Table Conference, the leaders wanted that Government should accept Dominion Status as the basis for further discussion at the Round Table Conference, that they should accept Dominion Status with certain necessary safeguards, but the Government have not gone so far. But in the last announcement of His Excellency the Viceroy, we find that the scope of the discussions at the Conference is not circumscribed. It means that at the Round Table Conference Dominion Status might be discussed and even Independence might be discussed, and that there is to be no restriction on the discussion. This pronouncement is an improvement upon the previous pronouncement of His Excellency the Viceroy. There is, after all, very little difference if correctly understood and sympathetically applied, between what the leaders ask for and what the Viceroy has promised. Sir, there is absolutely no question of prestige involved in Government trying to bring about a reconciliation with the Congress. The Congress men are not rebels. Its leaders have been actuated by the highest of motives and have sacrificed everything for the sake of the country. Further, if the Round Table Conference is to be a success, it cannot be so without these leaders taking part in it. I can understand negotiations going on between two belligerent parties, between two parties that are fighting with each other, but I cannot understand negotiations proceeding with one party left out. If the Congress is left out and the leaders of other parties are invited and if the British representatives at the Conference then ask them what their credentials are, and whether they would be able to deliver the goods on behalf of this country, what are those people to say? The Congress is the strongest party in the country, and if the leaders of the Congress are in jail, it will be impossible for those other leaders to say that they speak on behalf of the country. Whatever agreement they may come to, will not be acceptable to the whole of India, and so it is quite essential that the Congress ought to be invited.

Sir, what is the difference between the Congress and the Government? Very recently, as the Leader of the Opposition has stated, the Congress leader, Pandit Motilalji was prepared to agree to very moderate terms. The only difference is that the Congress leaders say that they want a declaration of Dominion Status, whereas Government say that Dominion Status is the ultimate goal but only a certain time is required to reach it. The principle is accepted and there is difference only with regard to time. With regard to time also, it has now been conceded because His Excellency the Viceroy the other day said that we can discuss even

[Mr. T. N. Ramakrishna Reddi.]

Dominion Status right away at the Conference; only we shall have to convince the British people. So far, His Excellency the Viceroy's announcement is a great advance. But there are certain defects in the announcement made by His Excellency the Viceroy. While he has announced the scope of the discussion at the Round Table Conference, he has not announced the personnel. The country and this House are entitled to know the personnel of the Round Table Conference whom the Government are going to invite, because, for aught we know, the persons whom the Government have got up their sleeve may not be acceptable to the country. So, there is no reason why the Government should keep back the names of the personnel of the Conference. If the Government want to take the country into their confidence, they must at the earliest moment announce the personnel of the Round Table Conference.

Then, there is another defect in His Excellency the Viceroy's pronouncement. His Excellency has said that His Majesty's Government will accept such agreements as are arrived at at the Conference of the British and Indian representatives. This is a step backward, a retrograde step, from the announcement which His Excellency the Viceroy made in November last. In that announcement His Excellency said that the Indian representatives would meet the representatives of His Majesty's Government, but now he has gone behind that, he has receded from that position, and he has stated that the Indian representatives will have to meet not His Majesty's Government's representatives alone but the representatives of the British people also. It means that the fight of the Indian representatives will not only be with the British Government which, fortunately, is a Labour Government and is favourably disposed towards us, but also with the Liberals and the Conservatives. With regard to these latter, they have clearly given expression to their opinion that the Simon Report must form the basis of discussion at the Round Table Conference. Therefore, when the Indian delegation have to meet the British representatives, including the Conservative and Liberal representatives, it will be a very hard job to tackle them. His Excellency the Viceroy's announcement does not, again, throw light on this point, namely, if there is no agreement what will happen. He only says that the agreed terms will form the basis for the future constitution of India to be framed by the Parliament. But if there is no agreement come to, what will be the position? Is it to be decided by a majority of votes, or what is going to be done? If anything is to be decided by a majority of votes, then Government must invite, must give a larger proportion of representation to the Indian representatives because it is their interests that are at stake. In regard to that also, the announcement is not very definite. So, Sir, Government are bound to clear these defects before they invite these members for the Round Table Conference.

I listened to the speech of the Honourable the Leader of the House to find out whether he would throw out any gesture of reconciliation. Except for reiterating the fact that the civil disobedience movement is harmful, which everybody knows, he has not stated anything definitely by way of gesture of reconciliation with the Congress people. The Honourable Member says that the leaders should call off the disobedience movement before any reconciliation can take place. Well, Sir, the country has waited for many long years, and it is only as a last resort that Mahatma Gandhi has resorted to the civil disobedience movement. It is only after

prolonged consideration that he has taken this step and the country and the people believe that it is a right step and they have absolutely no faith in the words of the Government. So it may not be possible to expect that the country will take up the suggestion of the Honourable the Leader of the House and call off the civil disobedience movement at once.

**Mr. President :** The Honourable Member has exceeded his time limit.

**Mr. T. N. Ramakrishna Reddi :** I shall now close. Government must come out with more definite proposals and promise that all these political prisoners will be released and that the Congress people will be invited, if they call off the civil disobedience movement. It is the duty of the Government, if they at all want to make the Round Table Conference a success, to come out with more definite proposals to conciliate the country.

The Assembly then adjourned till Eleven of the Clock on Friday, the 18th July, 1930.

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## LEGISLATIVE ASSEMBLY.

Friday, 18th July, 1939.

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

### QUESTIONS AND ANSWERS.

#### PAY OF PREVENTIVE OFFICERS OF THE MADRAS CUSTOMS DEPARTMENT.

291. \*Rao Bahadur P. T. Kumaraswami Chettiyar : (1) Will Government be pleased to state :

- (a) whether there is any difference between the nature of duties performed by the Preventive Officers on Rs. 120 and the Assistant Preventive Officers on Rs. 60 of the Madras Customs Department ;
- (b) whether the Preventive Officers are required to possess any qualifications in any way higher than the Assistant Preventive Officers ;
- (c) if the reply to part (b) be in the negative, what are the reasons for direct recruitment of Preventive Officers on Rs. 120 and Assistant Preventive Officers on Rs. 60 ;
- (d) whether Government have any special grounds for maintaining these two grades ; and
- (e) whether Government are prepared to inquire and consider the question of abolishing the system of direct appointment of Preventive Officers on Rs. 120 in future ?

(2) Is there any communal rotation or rule applied to the Madras Customs Service as adhered to by the Madras Government ? If not, why not ?

The Honourable Sir George Schuster : (1) (a), (b) and (d). Formerly there was only one grade of Preventive Officers in Madras. In 1920 the Madras Government drew attention to the facts that with the low rates of pay then in force, it was difficult to recruit men with the necessary qualifications for the more responsible posts and that there was a consequent temptation to dishonesty. It was therefore decided to follow the practice at Bombay and Karachi and to aim at recruiting a better class of men on higher pay for the more responsible work, while maintaining a reduced number of men on the lower grade for the less responsible work. It is understood that as a result the Collector is now able to recruit men for the higher grade who can be employed with more confidence in the more responsible duties.

(1) (c). Does not arise.

(1) (e). No.

(2) No definite rotation has been prescribed, but following the rule adopted by the Government of India the Collector is required to reserve one-third of the vacancies for the redress of communal inequalities. The strength of the Preventive Department on 1st October, 1929, was as follows :

|                       |    |
|-----------------------|----|
| Europeans .. .. .     | 6  |
| Anglo-Indians .. .. . | 9  |
| Mussalmans .. .. .    | 8  |
| Brahmans .. .. .      | 7  |
| Non-Brahmans .. .. .  | 18 |
| Total .. .. .         | 48 |

**Rao Bahadur P. T. Kumaraswami Chettiyar :** May I know what qualifications are required for Preventive Officers,—what higher qualifications are required for Preventive Officers, what academical qualifications are required for Preventive Officers ?

**The Honourable Sir George Schuster :** I am afraid I have not heard the Honourable Member's question.

**Rao Bahadur P. T. Kumaraswami Chettiyar :** May I know what are the academical qualifications required for a Preventive Officer ?

**Mr. President :** The Honourable Member wants to know what academical qualifications are required in a Preventive Officer.

**The Honourable Sir George Schuster :** I find it rather difficult to say exactly what the academical qualifications are. I presume they must include some knowledge of the general trades concerned, but chiefly, these officers must be men of good character—that is the chief requirement.

**Rao Bahadur P. T. Kumaraswami Chettiyar :** Then do you find, Sir, that among the Assistant Preventive Officers there are no proper men for promotion to Preventive Officers ?

**Mr. President :** That is not a question.

#### DEATH OF SERGEANT WILTSHIRE IN LANDING IN AN AEROPLANE AT RISALPUR.

292. \***Mr. E. F. Sykes :** (a) Will Government please state if it is a fact, as reported in the Press, that on May 23rd, Sergeant Wiltshire of the Royal Air Force, brought an aeroplane forty-five miles from the front to Risalpur, but was killed in the end for want of training in landing ?

(b) If not, will Government please say what the actual facts of the case were ?

**Mr. G. M. Young :** An aircraft, piloted by Flying Officer Stroud, was carrying out a reconnaissance over Mohmand territory, when the pilot was hit by a rifle shot from the ground and rendered unconscious. Aircraftman Wiltshire was the passenger in this machine, which is of a type fitted with duplicate controls in the passenger's cockpit. He navigated the aircraft back to Risalpur, and almost succeeded in effecting a safe landing. Only those officers and men of the Royal Air Force are trained

to fly whose duties require that they should be capable of piloting aircraft. Aircraftman Wiltshire was a fitter by trade, and airmen of this class are not required to pilot aircraft. He had, therefore, received no instruction in flying, and it was by his exceptional courage and initiative that he succeeded in getting the machine back to Risalpur at all. (Cheers.)

#### AMENDMENT OF THE CHILD MARRIAGE RESTRAINT ACT.

293. \***Mr. M. K. Acharya :** With reference to Government's reply to my starred question No. 656, dated 19th March, 1930, will Government be pleased to state :

(a) whether, in view of the considerable feeling against the Sarda Act all over the country, Government will bring in an amendment exempting the purely religious part of Indian marriages from the scope of that Act ; or

(b) what other relief, in the alternative, do Government propose to give to those who are forced to disobey the Act for the sake of their religion ?

**The Honourable Mr. H. G. Haig :** (a) and (b). As promised by Sir James Crerar in reply to the Honourable Member's question No. 656 on the 19th March, 1930, the Government of India have circulated to Local Governments for opinion certain Bills for the amendment of the Act which have been introduced, or of which notices have been given, by Members of this and the other House, including the Honourable Member himself. When the replies of Local Governments have been received and the actual operation of the Act for some months has been observed, Government will be in a position to define their attitude towards any proposals for amendment.

**Sir Hari Singh Gour :** What object do Government think would be served by circulating an Act of the Legislature which was only placed on the Statute-book on the 1st April last, and what experience has the public gained of the working of this Act during the last three months to entitle it to give any opinion on the point of the working of the Act ?

**The Honourable Mr. H. G. Haig :** It is not a question of circulating the Act for opinion, but circulating for opinion certain Bills which were introduced in this House or the other.

**Sir Hari Singh Gour :** Are they not Bills repealing an existing Statute, which only came into effect on the 1st April last ?

**The Honourable Mr. H. G. Haig :** No, Sir. They are Bills proposing certain amendments in particular provisions of the Act.

**Sir Hari Singh Gour :** Is it not a fact that the Bills that have been circulated by the Government are practically Bills which propose to repeal the so-called Sarda Act or the Child Marriage Restraint Act ?

**Mr. M. K. Acharya :** Is it not a fact, Sir, that the so-called Sarda Act is an Act which deserves to be repealed at once ?

#### REPORTED INSANITY OF A PRISONER UNDER SOLITARY CONFINEMENT.

294. \***Mr. Abdul Haye :** (a) Has the attention of Government been drawn to the Free Press message, published on page 9 of the *Tribune*,



dated the 6th July, 1930, under the heading "Solitary confinement turns Kamal Nath Tewari mad"?

(b) Is it a fact that Mr. Tewari became insane while suffering solitary confinement?

(c) Is it a fact that no medical relief was afforded to him in consequence of which he grew worse?

(d) What is the present state of his health?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) No. He has not been in solitary confinement.

(c) No.

(d) When last reported, his health was satisfactory. He is however, under close and constant medical observations.

#### REPORT OF THE PESHAWAR INQUIRY COMMITTEE.

295. **\*Mr. Abdul Haye :** (a) Will Government please state on what date the Report of the Peshawar Inquiry (Sulaiman) Committee was submitted to Government?

(b) Why has the said Report not been published so far?

(c) Will Government please lay on the table of the House the said Report?

(d) What action, if any, have Government taken on the said Report?

**The Honourable Mr. H. G. Haig :** (a) The Report was received by the Government of India on the 19th June.

(b), (c) and (d). It was published on the 7th July together with a Resolution of the Government of India thereon which states the action they have taken and propose to take.

#### ADMISSION OF CERTAIN RETRENCHED CLERKS TO THE CLERICAL EXAMINATION OF THE PUBLIC SERVICE COMMISSION.

296. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that an examination will be held this year by the Public Service Commission for the recruitment of candidates for the clerical grades of the Government of India?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether the examination will be for outsiders or for departmental candidates only?

(c) If the examination be for departmental candidates only, will Government be pleased to state whether they propose to allow those departmental candidates who are either age-barred or below the educational standard prescribed to sit for the examination?

(d) Is it a fact that the retrenched men of the Army Canteen Board were given the above concessions?

(e) Are Government aware that there are some retrenched candidates who have served the Government of India for a considerable period but were not permitted to sit at the last departmental examination? If the answer be in the affirmative, do Government propose to make some provision by which such men may be permitted to sit at the next examination?

(f) If the answer to part (e) be in the negative, do Government propose to inquire into the number of such candidates and give them the same concession as was given to the men of the Army Canteen Board last year? If not, why not?

**The Honourable Mr. H. G. Haig :** (a) Yes.

(b) The examination will be an open competitive one.

(c) Does not arise.

(e) and (f). Government are not aware of any such cases.

#### CLAIMS OF EXISTING QUALIFIED CANDIDATES TO VACANCIES IN THE SECRETARIAT AND ATTACHED OFFICES.

297. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government be pleased to state separately the number of candidates who qualified themselves for appointment in the Upper, Lower and Third divisions of the Government of India Secretariat and its Attached Offices in each of the years 1922, 1925 and 1926?

(b) How many of these candidates have not yet been provided with employment in the Secretariat or, if provided, are still holding temporary and officiating appointments?

(c) Do Government propose to take early steps to provide these men with permanent appointments in the appropriate divisions for which they are qualified? If not, why not?

**The Honourable Mr. H. G. Haig :** The information is being collected and will be supplied to the Honourable Member in due course.

#### CLAIMS OF EXISTING QUALIFIED CANDIDATES TO VACANCIES IN THE SECRETARIAT AND ATTACHED OFFICES.

298. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that Government have recently issued orders that the first vacancy occurring after the 1st April, 1930, in any of the three divisions of the ministerial establishment of the Secretariat and Attached Offices must be thrown open to an "external candidate" and must not therefore be permanently filled up until the result of the next Public Service Commission examination is known?

(b) Is it also a fact that the term "external candidate" as used in these orders means those candidates who will qualify in the forthcoming examination and excludes those candidates who qualified in previous examinations and still remain to be permanently provided for?

(c) If the answers to parts (a) and (b) are in the affirmative, will the Government be pleased to state why the claims of existing qualified candidates who have been serving in temporary and officiating capacities for so long have been ignored in favour of the persons who are yet to be recruited?

(d) Do Government propose to modify their orders to the extent that the existing qualified candidates who are working to the satisfaction of the Departments in which they are employed should be given preference and absorbed in permanent vacancies as soon as possible and should not be replaced by external candidates unless their work proves unsatisfactory? If not, why not?

**The Honourable Mr. H. G. Haig :** (a) Yes, unless strong reasons can be shown to the contrary by the Department concerned.

(b) Yes.

(c) and (d). The claims of the persons in question will not be ignored. As only a percentage of the vacancies will be recruited by competitive examination from external candidates, it is not necessary to modify the orders in the manner suggested.

#### CLAIMS OF EXISTING QUALIFIED CANDIDATES TO VACANCIES IN THE SECRETARIAT AND ATTACHED OFFICES.

299. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government be pleased to state the number of permanent and temporary vacancies likely to occur in each of the three divisions in the Government of India Secretariat and its Attached Offices during the 18 months commencing from the 1st April, 1930 ?

(b) Against these vacancies how many qualified candidates for the respective divisions are there who have not so far been provided with permanent appointments ?

(c) If the number of persons mentioned in (b) above is sufficiently large, do Government propose to postpone the holding of the next Ministerial Selection Branch examination until these candidates are absorbed in the vacancies which are likely to occur ? If not, why not ?

**The Honourable Mr. H. G. Haig :** (a) The information as regards permanent vacancies likely to occur within the period mentioned is being collected from the various Departments by the Public Service Commission. It is not possible to ascertain the number of temporary vacancies.

(b) Accurate figures are not obtainable at present, but these will be collected.

(c) No. The new recruitment rules provide that a certain proportion of appointments in the two Upper Divisions shall be filled by promotion of departmental candidates and the remainder by external candidates.

#### RECRUITMENT OF MUSLIMS TO THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

300. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government be pleased to state the total number of requisitions for assistants and clerks belonging to the Muslim community received by the Public Service Commission from the various Departments of the Government of India Secretariat and its Attached Offices during the last three years ? Of these requisitions, how many were complied with ?

(b) Is it a fact that in a majority of cases the Public Service Commission could not provide Muslim candidates for these vacancies with the

result that appointments reserved for the Muslim community had to be filled up by Non-Muslims ?

(c) If so, are Government prepared to ask the Public Service Commission to consider the possibility of declaring those Muslim candidates qualified for the various divisions for which they obtained a sufficiently high number of marks in the aggregate in the Ministerial Selection Branch examination, 1929, but failed to secure a fixed percentage in any particular subject ?

**The Honourable Mr. H. G. Haig :** (a) and (b). The information is being collected and will be supplied to the Honourable Member in due course.

(c) The question does not arise.

#### DIFFERENCE IN TREATMENT BETWEEN DEPARTMENTAL AND NON-DEPARTMENTAL CANDIDATES FOR APPOINTMENTS IN THE GOVERNMENT OF INDIA SECRETARIAT.

301. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government be pleased to state the percentage of qualifying marks fixed for the Upper Division in the late Staff Selection Board examination held in 1922 ?

(b) Was the percentage the same in the case of both departmental and non-departmental candidates ? If not, why not ?

(c) Is it a fact that some departmental candidates who did not qualify for the Upper Division in that examination and obtained an aggregate of less than 200 marks, were subsequently declared qualified for that Division, whereas the cases of non-departmental candidates who obtained 200 or even more marks were not considered ?

(d) Is it also a fact that most of these non-departmental candidates are now employed in the Lower Division in the Secretariat or Attached Offices ?

(e) If so, are Government prepared to ask the Public Service Commission to accord the same treatment in this respect to non-departmental candidates as has been meted out to departmental candidates ? If not, why not ?

(f) Will Government be pleased to state the number of Muslims and Non-Muslims affected by the suggestion at (e) above ?

**The Honourable Mr. H. G. Haig :** (a) and (b). The examination held in 1922 for the Upper Division in the Secretariat was confined to departmental candidates. It is not the practice to make public the number of marks required to qualify in examinations of this nature.

(c) No departmental candidate who obtained less than 200 marks at this examination was subsequently declared qualified for the Upper Division of the Secretariat. There were no non-departmental candidates.

(d), (e) and (f). Do not arise.

#### APPOINTMENTS IN THE OFFICE OF THE CHIEF CONTROLLER OF STORES, INDIAN STORES DEPARTMENT.

302. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government be pleased to state separately the total number of vacancies of clerks

and Assistants which occurred in the office of the Chief Controller of Stores, Indian Stores Department, during the period 1st April, 1929 upto date ?

(b) How many of these vacancies were filled up by

(i) qualified candidates,

(ii) unqualified candidates ?

(c) Of the unqualified candidates mentioned above, how many were Muslims and how many Non-Muslims ?

(d) What was the number of (i) Muslim and (ii) Non-Muslim unqualified candidates who applied for these vacancies and how many of them were selected for each category ?

**The Honourable Sir Joseph Bhore :** (a) Assistants—1.

Clerks—155.

(b) (i) Assistants—1.

Clerks—6.

(ii) Assistants—Nil.

Clerks—49.

(c) Muslims—14.

Non-Muslims—55.

(d) Recruitment for the clerical staff of the office of the Chief Controller of Stores is normally made through the Public Service Commission, and no register of applications received direct by the Chief Controller of Stores from unqualified candidates is maintained. It is therefore regretted that the information required under the first clause of this part is not available.

As regards the second clause the number of unqualified Muslims and Non-Muslims selected for each category is given in reply to part (c) of the question.

#### APPOINTMENT OF MUSLIMS IN THE OFFICE OF THE CHIEF CONTROLLER OF STORES, INDIAN STORES DEPARTMENT.

303. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Will Government be pleased to state the existing strength of Assistants and clerks employed in the office of the Chief Controller of Stores, Indian Stores Department ?

(b) What is the percentage of Muslims and Non-Muslims employed in each category ?

(c) Is it a fact that the percentage of Muslims has of late been decreasing in the Indian Stores Department ?

(d) If so, do Government propose to take necessary steps to bring the percentage of Muslims upto the mark as soon as possible ? If not, why not ?

**The Honourable Sir Joseph Bhore :** (a) Assistants—45.

Clerks—106.

(b) Muslims—Assistants—13.3 per cent.

Clerks—19.8 per cent.

Non-Muslims—Assistants—86.7 per cent.

Clerks—80.2 per cent.

(c) No.

(d) Does not arise.

#### FLOGGING OF PRISONERS IN PESHAWAR.

304. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that some volunteers of Peshawar who are undergoing imprisonment were flogged for having been on hunger-strike ?

(b) If so, will Government be pleased to state if being on hunger-strike is a crime ? If not, what punishment has been meted out to those who are responsible for the punishment ?

**The Honourable Mr. H. G. Haig :** (a) No.

(b) Does not arise.

#### REFORMS FOR THE NORTH WEST FRONTIER PROVINCE.

305. **\*Maulvi Sayyid Murtuza Saheb Bahadur :** (a) Is it a fact that the people of North West Frontier have been held out an assurance that they will get full-fledged reforms on the same lines as are being enjoyed in other parts of India ?

(b) If so, will Government be pleased to state what progress has been made between the Chief Commissioner and the Government of India in giving effect to the assurance ?

**Mr. E. B. Howell :** (a) It is not clear what the Honourable Member is referring to. In case he has in mind the reply given by His Excellency the Viceroy to the address presented to him on the 4th June, 1930, by the deputation of representatives of the Muslim zemindars of the Punjab, a copy of the reply is laid on the table. In case he is alluding to the reply given by the Honourable the Chief Commissioner, North West Frontier Province, to the address presented to him on the 3rd July, 1930, by certain prominent residents of the Province, a copy of the address and of the reply is laid on the table. Final decision rests of course with the British Parliament.

(b) As stated by His Excellency, a Committee presided over by Sir Fazl-i-Hussain has been actively engaged in re-examining the problem of reforms for the North West Frontier Province in all its bearings, and has formulated certain proposals which are now under the consideration of the Local Administration and the Government of India.

*His Excellency the Viceroy's reply to an address presented by a deputation of Muslim Zemindars of the Punjab, at Simla, on 4th June, 1930.*

Gentlemen,

I am very glad to have the opportunity of meeting so many of the leading Muslim Zemindars of the Punjab, and I can assure you that I consider it a pleasure, and in no way an addition to the labours of what, as you say, is a busy time for us all,

to welcome your deputation here this afternoon and to be put in possession of your views on matters of such great moment. I only wish that in your journey to Simla you had not been forced to travel through a Punjab June, which I fear must have caused many of you an uncomfortable journey.

The condemnation you have pronounced on the efforts which have recently been made to disturb the peace of India echoes what is being generally expressed by Muslims, both individually and through meetings and associations, in many different parts of the country. It is a great satisfaction to have the clear assurance of a body such as yours, which has, I know, a wide influence on public opinion both within and outside the Punjab, that you are determined to support Government in their task of upholding the authority of the law and to pursue the course of wise men towards the development of the country on peaceful and constitutional lines. I desire, on behalf of my Government, to acknowledge with the most cordial feelings the expression of continued loyalty which you have been good enough to make this afternoon.

You have asked in your address that I should urge upon His Majesty's Government the necessity of securing to Provinces a large degree of autonomy, and to India equality with the Dominions, in the new constitution about to be framed for India. At the moment my lips are sealed upon such constitutional problems will no doubt be fully dealt with in the report which Sir John Simon is on the point of submitting. They will also, I doubt not, be one of the main topics of discussion at the Conference to be held in London, at which I shall certainly hope—in accordance with your desire—to see the interests for which you speak adequately represented. I often look back to the occasion at which most of you, I think, were present, when I was privileged to hold a Durbar—my first in India—in Lahore, and to add my meed of homage to the sacrifices which the Punjab made on behalf of the British Empire in the stern days of the Great War. Those sacrifices are not likely to be forgotten, and so long as they are remembered I cannot believe that the Muslims of the Punjab need fear that their just claims will pass unrecognised. I repeat what I said not long ago in a statement which some of you may have read that no settlement of the problem which confronts us can be considered satisfactory that does not carry the consent of, and give a sense of security to, the important minority communities who will have to live under the new constitution.

The claim which you have made this afternoon for adequate representation of the Muslim community in the public services is one with which I fully sympathise and which I have done, and will continue to do, my best to advance. As I have said on more than one occasion recently to Muslim deputations, the general policy of the Government of India is to adjust any unreasonable preponderance of particular communities in the public services by taking special steps to admit duly qualified members of other communities. We do not propose to depart from that principle, and I may say that the Home Department are now engaged in examining the practical working of our present system to see whether it is yielding fair results. This examination, as you will realise, involves a good deal of statistical research, but the Home Department are proceeding with it as quickly as they can at a time when they are necessarily burdened with other and grave responsibilities. As soon as this material is available, representatives of Government would be very glad to discuss the situation with any representative body of Muslim opinion.

The particular question of the appointment of Muslims to the High Court of Lahore is also, as I appreciate, one of the greatest concern to you. The fixing of any definite proportion of Muslim Judges would, I fear, be a departure from accepted principles, but you may be sure that I recognise the force of the representation made in your memorial, and that in recommending names for permanent appointments and in filling appointments of Additional Judges, the considerations you have advanced will not be overlooked.

I have spoken earlier this afternoon of the great traditions of service to Government for which the Punjab Muslims are famous, and you may therefore feel assured that the question of the admission of Muslims to King's Commissions in the Army, to which you have referred, is one which will always have my sympathetic interest. I find on reference to the current Army List that out of 99 Indian King's Commissioned officers in the Indian Army 40 are now Muslims, and I trust that there is no reason to fear that the Muslim community will fail to maintain at least the same percentage of successes in future entrance examinations as it has in the past. I understand that there has been a high proportion of Muslims in the recent batches

of Indian cadets entering Sandhurst, and I trust that their careers will be a credit to the virile races from which they have sprung.

To turn to the other matters mentioned in your address, I have watched the course of recent events in Palestine with particular solicitude, for I am well aware that developments in that country are a subject of the closest concern to the Muslims of India. I have not failed at each stage to keep His Majesty's Government apprised of the sentiments of Indian Muslims regarding affairs in Palestine, and I shall be careful to communicate to them the views on the subject to which you have given expression today. As I have said on another occasion, the declared policy of His Majesty's Government is to secure to every section of the population in Palestine the due protection of their rights and interests—both religious and secular. That is, I think, as fair and explicit a declaration as it is possible to make, and I think you may have confidence that in Palestine, as elsewhere, His Majesty's Government will pursue their declared policy, whatever the difficulties which may appear to beset their course. As you have probably seen from recent Press reports, His Majesty's Government have called for a further detailed examination of the vitally important questions affecting land tenures and immigration.

I entirely share the feelings of regret expressed by you with regard to recent unfortunate events in the North West Frontier Province, and I trust that the tranquillity of the Province and confidence in Government will speedily be restored. Two High Court Judges are now conducting an enquiry into the disturbances of the 23rd of April at Peshawar and the measures taken to deal with them. Pending the results of that enquiry I would enter a word of caution against the acceptance in any quarter of unverified reports as to what actually took place, which may turn out to be untrue, and the expression of opinions which appear to prejudge the facts. With regard to the antecedent causes of those disturbances I can assure you that these are engaging active attention, and if they are not included in the terms of reference to the enquiry Committee, it is only because it is considered that other methods of arriving at an appreciation of those causes are more appropriate. You may also be assured that no time will be lost, as soon as the facts are known, in taking steps to redress any administrative grievances of the people of the North West Frontier Province which may be disclosed.

You express the view that one of the main causes underlying unrest in the North West Frontier Province is the sense of disappointment felt by the people that their legitimate political aspirations have not been satisfied, and you believe that their satisfaction will prove to be the foundation of stable and peaceful administration. I am fully convinced of the importance which the people of the Province attach to constitutional advance, and realise the desire of your community in general that a Province which is predominantly Muslim should not be denied the means of political self-expression.

You may be interested to know that on my return from my recent visit to the Province, and before these unfortunate disturbances had arisen, I requested Mian Sir Fazl-i-Husain to examine this question in order that no time might be lost by the Government of India after receiving the Report of the Statutory Commission, in reaching their own conclusions. I am glad to be able to inform you that he is now presiding over a committee which is actively engaged in re-examining the problem in all its bearings. You will of course understand that it is not possible to anticipate the solution which may ultimately be approved by Parliament. But I can assure you that so far as I and my Government are concerned, when making recommendations on this subject to His Majesty's Government, the natural claims of the Province in the constitutional field will be viewed with sympathy, and I am taking steps to see that the people of the Province may have an opportunity of making direct representation of their views at the forthcoming Conference in London.

I have, I think, touched on all the points which you have been good enough to bring to my notice, and it only remains for me to thank you again for coming here today and for your reassurance, which I most highly value, that the loyalty of the great community for which you speak remains unshaken. We are passing through anxious times, and have seen the damage wrought to India by a policy which is the negation of all progress and construction. It has been a source of deep gratification to me and to my Government to know that the Muslim community, with few exceptions have been wise and statesmanlike enough to appreciate the dangers of such activities and by keeping sternly aloof from them they have acted in the true interests of their own community and of India.

I have seen it suggested that in the face of the present troubles the Government have allowed their desire to find means of meeting Indian aspirations to be buried under a ruthless determination to secure victory over those who are responsible for the present Civil Disobedience movement. Nothing could be further from the truth, for it remains my fixed resolve to do all that is in my power to give effect to the words which I used on November 1st, last year.

But constitutional advance, in the true sense of a change which will be beneficial to India depends at this stage upon two conditions: first, on co-operation based upon mutual trust between the Indian and the British peoples; and secondly, the maintenance of the authority of constituted Government. It is because the present Civil Disobedience movement represents a negation of both these conditions that it must be the imperative duty of my Government to oppose it.

But while recognising this necessity it remains my earnest desire to promote generous constitutional advance, and if those Indians who, like yourselves, are prepared to join with my Government in this endeavour, can also find means of persuading your countrymen of whatever creed to join you in this co-operation, then your efforts will be of true service to your country.

I am not without hope that it may be possible to settle the future constitution of India, as I and my Government, and His Majesty's Government, have always hoped that it would be settled, by agreement between the various parties and interests in India on the one hand, and His Majesty's Government on the other. But if these hopes are to be realised, it will be necessary that those who have embarked on the Civil Disobedience movement should discard the ideas of force and coercion which underlie it and be prepared once again to adopt the methods of argument and reason. In such happier circumstances it would be possible for all those who wish India well to collaborate in finding a solution of her problems by which all communities might securely and freely give of their best in India's service.

*Address presented to the Chief Commissioner, North West Frontier Province, by certain Prominent Residents of the Province.*

TO THE HON'BLE MR. S. E. PEARS, C.S.I., C.I.E., I.C.S., ETC.,

*Chief Commissioner, North West Frontier Province.*

May it please Your Honour,

We the undersigned residents of the N. W. F. P. are here to accord you our hearty welcome on your taking over charge of this Province, and we express the hope that your long association with this Province and valuable experience of an advanced State in India like Mysore will prove beneficial to the interests of this Province. The unfortunate events of the last two months did not admit of the usual formal welcome function, they being such that the memory of the same will linger for some time to come in the memories of the present generation. This we believe has made your task more difficult than it would have been under normal circumstances. This, however, is not the occasion to go into these matters. Representations relating to this subject will be made separately.

Sir, 20 years ago, the Minto-Morley Reforms were introduced in the Punjab and parts of India, but not in this Province. Ever since then, this Province has been suffering from a feeling of very great disappointment. Our sense of despair has been growing more and more acute, and has now culminated in grave discontent, since the publication of the Simon Report. We realise that the matter of Reforms is one, the decision of which lies chiefly in the hands of His Majesty's Government at Home, subject to the approval of the British Parliament; but recommendations on the subject are in your hands and in those of the Government of India, and it is for this reason that the demand for putting this Province on a footing of equality with the rest of India has been made from time to time. We beg to assure you, Sir, that feeling on the subject is and has always been very strong.

There are, however, certain matters which, under the existing law, could have been taken up by the Local Government years ago, for the better administration of the Province. It is, therefore, requested that in order to restore confidence, immediate action relating to these matters be taken up without any further delay:

(a) Local Self-Government:

District Boards and Municipalities be reconstituted and substantial elected element be introduced in the same as it obtains at present in the Punjab.

(b) The Punjab Panchayat Act be applied to this Province.

(c) The scope of the activities of the beneficent departments—Education, Public Health, Medical, Co-operation, Agricultural, Veterinary, be enlarged; and, in general, uplift work—intellectual, moral and economic—be seriously taken up and raised to a standard as prevails in the neighbouring Province of the Punjab.

(d) We believe that Land Revenue, water rates, and Local rates are heavier here than those in the Punjab. It is necessary that a general assurance be given that the Punjab Standards will not be exceeded here in this respect.

(e) The recent land assessment of the Peshawar District is very harsh. It is desirable that the assessment recently made be revised in accordance with the spirit of the Land Revenue Amendment Act 29, of the Punjab as soon as possible. It is also requested that the enforcement of the Act to this Province at an early date be considered.

May we also take the opportunity to emphasise that the association of the people with the administration is highly desirable. There are wide-spread complaints as regards corruption, and efficiency of administration is not generally believed to be high, and it is submitted that suitable action be taken in this connection.

We beg to emphasise the need and importance of expediting action in the above-mentioned matters.

Constitutional agitation is the method on which we rely, and defiance of law is not the course which we pursue or approve of. We feel that our Province cannot flourish, or advance, unless it be through the co-operation of the Government and the people, both working in a spirit of mutual confidence.

In conclusion, we beg to express our gratitude to you for giving us this opportunity of laying our views before you, which we hope will receive your most sympathetic consideration and support.

We beg to subscribe, Sir,

Your most obedient servants.

*List of the members of the Deputation which waited on the Chief Commissioner, N. W. F. P. on the 3rd of July, 1930.*

1. Nawab Sir Sahibzada Abdul Qaiyum Khan of Topi.
2. Sardar Sahib Sent Singh.
3. S. Kirpal Singh, Municipal Commissioner, Peshawar.
4. Lieutenant Zakaria Khan of Nowshera.
5. Khan Abdul Latif Khan, Orakzai, Pleader, Peshawar.
6. Lieutenant Taj Md. Khan, M.B.E., Jagirdar of Dangarzai.
7. Pensioned Inspector Mohd. Akram Khan of Dangarzai.
8. Noor Illahi Khan, Pleader, Peshawar.
9. R. S. Lala Ram Nath, Lambha, Municipal Commissioner, Peshawar City.
10. Lala Wazir Chand of Messrs. Moolchand and Sons, Peshawar.
11. Pandit Bhagat Ram, B.A., Head Master, National High School, Peshawar.
12. Arbab Fateh Md. Khan, Khalil, Tehkalbal, Pleader, Peshawar.
13. S. S. Narinjan Singh, Landlord and house proprietor, Peshawar City.
14. S. Md. Aurangzeb, Reis, Kulachi, Vakil, Peshawar.
15. Khan Md. Ibrahim Khan, Reis, China, Charsadda, Vakil, Peshawar.
16. Syed Ali Naki Rizvi, Peshawar.
17. Lala Dheru Mal Kapoor, Municipal Commissioner, Peshawar City (Elected).
18. Khan Nassarullah Khan, Orakzai, Jagirdar Bhanamari.
19. Sheikh Abdul Ali, Reis, Sheikhan.
20. Khan E. Muquddar Khan, Pensioned, D.F.C. of Sheikhan.

21. K. B. Risaldar Md. Akram Khan, O.B.E., I.D.S.M., Mathra.
22. 2nd Lt. K. S. Md. Yakub Khan, Reis, Hoti.
23. K. S. Md. Aslam Khan, Bara Khankhel, Mardan.
24. Md. Aslam Khan, Reis, Hoti.
25. Khan Abdul Gaffur Khan, Bar-at-Law, Peshawar, Reis Parang.
26. Syed Ali Shah, Elected Municipal Commissioner, Peshawar City.
27. Sh. Abdullah Khan, Zemindar, Sheikhan.
28. M. Mahmud Jhan, Contractor, Peshawar City.
29. R. B. Karam Chand, O.B.E., Reis and Municipal Commissioner, Peshawar.
30. Mr. Hukam Chand, B.A., Bar-at-Law, Peshawar.
31. M. Abdul Aziz, Bar-at-Law.
32. Lieutenant Taj Md. Khan of Ismaila, Mardan.
33. Lieutenant Bahadur Sher Khan of Mullazai.
34. S. Aijaz Hussain, Municipal Commissioner, Peshawar City.
35. Nawab Sir Arbab Det. Md. Khan of Tahkalbala.
36. Nawab Hamidullah Khan of Toru.
37. K. B. Maulvi Ghulam Hasan Khan, V. President, Peshawar Municipal Committee.
38. K. B. Sarfaraz Khan of Chamkani.
39. Arbab Afridi Khan, Jagirdar of Tahkalbala.
40. L. Kishen Chand, Honorary Magistrate, Peshawar.
41. R. S. L. Shankar Das Khanna, Peshawar.
42. Arbab Tehnazkhan, Khalil, Reis, Tahkalbala.
43. Arbab Sher Afzal Khan, Reis, Tahkalbala.
44. Arbab Sher Akbar Khan, Reis, Tahkalbala.
45. Arbab Sher Hasan Khan, Reis, Tahkalbala.
46. Sardar Narinjan Singh Bedi, B.A., Head Master, Sanathan Dharma High School, Municipal Commissioner, Peshawar City.
47. Zaildar Md. Aslam Khan of Hariana.
48. Khan Abdul Rahman Khan of Taruab, Charsadda.
49. Capt. Nawab Md. Akbar Khan, Reis, Hoti.
50. Md. Yunus, B.A., LL.D., Elec. Municipal Commissioner, Peshawar City.
51. Mirza Attaullah Jan, B.A., LL.B., Elec. Municipal Commissioner, Peshawar.
52. K. B. Abdul Gaffoor Khan, Reis, Zaida.
53. W. Capt. Hisamuddin, Reis, Peshawar.
54. W. Abdul Raof Khan, Sadozai, Jagirdar, Peshawar.

*Reply by the Hon'ble the Chief Commissioner and Agent to the Governor General, North-West Frontier Province.*

(1) Gentlemen, I am very glad to meet you, and I thank you for your welcome and for your good wishes. I appreciate the self-restraint which you have displayed in dwelling upon certain unhappy incidents in the recent history of the Province, and as in duty bound I will inquire into any complaints which may be brought to my notice. Such complaints will form the subject of full and impartial investigation at the hands of Government.

(2) In the matter of Reforms, I can assure you of my sympathy and you can count upon my giving the matter very careful consideration before I formulate my

views on the subject in the near future. You may be sure that I will try to do all I can for the Province as a whole.

(3) I have considered very carefully the matters which you have mentioned in connection with which you ask for action under the existing constitution, and I have arrived at the following conclusions :

- (a) *Local Self-Government.*—I am prepared to reconstitute the District Boards and Municipalities and to introduce an elected element in both. Details of this scheme will be worked out and early steps taken to give effect to this decision. As regards Panchayats, a Committee will be constituted to examine the matter and make a report.
- (b) *Activities of the Beneficent Departments.*—I am glad to be in a position, after consulting the Government of India, to announce that it will be my object to secure to the Province as regards these Departments the same standards of administration as obtain in the frontier Districts of the Punjab, and our proposals for next year will be framed on that basis.
- (c) As to financial burdens, I have no hesitation in giving you the assurance that Land-Revenue, water rates and local rates in the Frontier Province will not be, on the whole, higher than those obtaining in the Punjab, and that the re-assessment proposals of the Peshawar District will be re-examined in the light of the new Punjab Land-Revenue Amendment Act.
- (d) I welcome your desire to be associated with the administration by way of Advisory Committees, and your desire that corruption be stamped out or substantially reduced. Inquiries into these suggestions will be duly made and suitable action taken.
- (e) It is a matter of satisfaction to me to have your assurance that you do not approve of defiance of law and that you pin your faith to constitutional methods only. For my part, I assure you that I look with sympathy on the natural aspirations of the people to advance intellectually, economically and politically; that all representations on the subject will receive my careful consideration, and all reasonable requests may count upon my sympathy and support.
- (f) The task before us, the Government as well as the people, is a great and noble one. It is my earnest desire to see the Province prosperous, contented and progressive, and with your co-operation I am confident that much can be done to secure the best results.

#### UNQUALIFIED CLERKS IN THE ARMY DEPARTMENT.

306. \*Mr. Abdul Qadir Siddiqi : (a) Will Government please state the number of the non-permanent clerks in the offices under the Establishment Officer of the Army Department, who do not possess the educational standard required by the Public Service Commission, i.e., have not passed the Matriculation or any similar examination ?

(b) Is it a fact that these clerks were employed by the Establishment Officer in preference to those possessing the necessary qualifications and have not been replaced ? Is it possible to make them permanent ?

(c) Is it a fact that qualified candidates were available at the time these clerks were selected and that such candidates are still available on the list retained by the Establishment Officer ?

(d) Have Government considered the question of the advisability of replacing the non-qualified men by those who can ultimately take the competitive examination of the Public Service Commission and have a reasonable chance of permanency ?

Mr. G. M. Young : (a) 23.

(b), (c) and (d). None of these 23 are eligible for permanent posts. They are only employed until such time as persons who have duly passed



the Public Service Commission examination are available for permanent appointments. Some candidates possessing the educational qualifications required by the Public Service Commission no doubt were, and are still, available : but, for these temporary appointments, special qualifications, such as typewriting, are often of more value than a Matriculation certificate. Out of a total of 119 persons holding temporary clerical posts at Army Headquarters, 96 are already qualified to take the competitive examination, and only the 23 already mentioned are unqualified.

**TRANSFER TO DIVISIONAL OFFICES OF CLERKS AND ACCOUNTANTS IN MILITARY ACCOUNTANT GENERAL'S OFFICE!**

307. \*Mr. Amar Nath Dutt : (a) Is it a fact that of late the Military Accountant General has introduced the system of transferring the ministerial staff of his office to far off Divisional Offices subordinate to him and that under this system no clerk or accountant is to be entertained in the head office at Simla or Delhi for more than five years ? Is it also a fact that, since the creation of the Military Accountant General's office many years ago, no clerk or accountant has been transferred elsewhere except on promotion and that the men passed the whole tenure of their appointments in one and the same office wherefrom they ultimately retired ?

(b) What is the amount spent so far in connection with the travelling and other allowances that have been paid to clerks and accountants transferred and men recruited in their places from the Divisional Offices ? Do Government propose to inquire of the Military Accountant General if any such expenditure was ever incurred in any of his predecessors' times and, if the reply to the query is in the negative, what is the justification for incurring this new expenditure ?

(c) Is it a fact that there is no such system of transfer of the ministerial staff in existence in the Auditor General's office ? If so, why are the clerks and accountants of the Military Accountant General's office transferred to subordinate offices after the men concerned have put in five years' service ?

**The Honourable Sir George Schuster :** (a) The information on which the Honourable Member has evidently based his question is not quite correct. The facts are briefly as follows : The Accountants and clerks of the Military Accounts Department are borne on a general roster for all India and are liable to serve in any Military Accounts Office and also to be sent on field service. Even in the past men transferred to the Office of the Military Accountant General could be, and on occasions were, retransferred to other offices. There was, however, a tendency for men transferred to the Headquarters Office to remain there more or less permanently. In 1926 the then Military Accountant General represented that this practice was not conducive either to the efficiency of the Department or to the general contentment of the personnel. The Government of India, accepting his views, issued orders in September of that year that in the interests of the efficiency of the office Accountants and clerks who had been serving there for five years or more or who might do so in future should, at the discretion of the Military Accountant General, be gradually transferred to the District Controllers' Offices, the men so transferred being replaced in the Headquarters Office by specially selected individuals from the Controllers' Offices. As a result of the carrying out of these orders by the Military

Accountant General and his successors transfers in recent years have naturally been more frequent than in the past.

(b) The expenditure since 1st April, 1929, on travelling and other allowances in connection with these transfers is estimated at approximately Rs. 15,000. As I have already stated, transfers were possible, and were occasionally made, even before the orders of 1926. The more frequent transfers in recent years have naturally resulted in increased expenditure on travelling allowances ; but these will fall below the present level when the preliminary moves of the old incumbents have been completed. As regards the final suggestion in this part of the question, I would merely point out that this expenditure has been incurred by the Military Accountant General in carrying out the orders of Government.

(c) The answer to the first question in this part is in the affirmative. The two cases, however, are not parallel. Unlike the ministerial staff of the Auditor General's Office, the Accountants and clerks of the Military Accounts Department are, as I have already stated, borne on a general roster for all India and are liable to serve in any Military Accounts Office. As regards the second question, a regular inter-change of personnel is considered desirable in the interests of efficiency, as it was found that as a result of long employment in the Headquarters Office there was a tendency for Accountants and clerks to lose touch with the practical work of an audit office. In view of the changes that occur in the rules, regulations and accounting procedure it is considered essential in the interests of efficiency that transfers should be effected so that the staff of the Headquarters Office may consist of men who have an up-to-date and practical knowledge of the work in the subordinate offices. A further point is that the posts in the Headquarters Office are the prize posts of the Department and from the point of view of general contentment it is not desirable that these posts should be the perquisites of a few individuals throughout their service.

**MEMORIAL FROM THE CLERICAL STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.**

308. \*Mr. Amar Nath Dutt : (a) Is it a fact that the clerical staff of the office of the Director General, Posts and Telegraphs, submitted an identical memorial to the Secretary of State for India praying for the improvement in their pay and prospects during recent years ?

(b) If so, will Government be pleased to say what action has been taken on the same ?

**The Honourable Sir Joseph Bore :** (a) Yes, in 1928.

(b) The memorials were withheld by the Government of India under the Rules regarding the submission of memorials to the Secretary of State for India, on the ground that they were an appeal against an order of the Government of India refusing to grant a concession not claimable under any law or rule. I may, however, add that the pay of the clerical staff of the Director General's Office has recently been improved.

**Dr. Nand Lal :** May I venture to ask, Sir, whether it is not a fact that the salary of the establishment alluded to in question No. 308 is really

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less when compared with the salary of the clerks in other offices who are of a similar status ?

**The Honourable Sir Joseph Bhore :** I must have notice of that question, Sir.

#### REDUCTION OF STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

309. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that as a result of the subordinate staff of the office of the Director General, Posts and Telegraphs, having submitted an identical petition to the Secretary of State for India, it was considered necessary to have the method of working of that office examined by Mr. J. P. Ganguli with a view to effect reduction of the subordinate staff of that office ?

(b) Was it proposed by Mr. Ganguli to effect reduction after reducing the work of that office ?

(c) Will Government be pleased to lay on the table a statement showing item by item the reduction of the work in the Director General's office effected ?

(d) Was a proportionate reduction made in the gazetted staff of officers of that office ? If not, why not ?

**Mr. H. A. Sams :** (a) The fact is not as stated by the Honourable Member.

(b) No.

(c) and (d). Do not arise in view of the reply to (b) above.

#### PAY OF THE SUBORDINATE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

310. **\*Mr. Amar Nath Dutt :** (a) Are Government aware that the revision in the scales of pay sanctioned by Government for the subordinate staff of the office of the Director General, Posts and Telegraphs, during the current year has the effect of raising the minimum and maximum of the two scales for the benefit of the future incumbents only ?

(b) Are Government aware that none of the subordinate staff of that office who have already rendered services ranging from twenty to thirty years can expect any monetary benefit by the revision or expect to get the facility of reaching the maximum of his scale even at the time of his retirement ?

(c) Is it a fact that the usual incremental rates of the clerks have been reduced in the revision recently sanctioned ?

**The Honourable Sir Joseph Bhore :** (a) and (b). The reply is in the negative.

(c) Yes, in the case of the second division clerks.

#### PAY OF THE SUBORDINATE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

311. **\*Mr. Amar Nath Dutt :** (a) Is it a fact that a lump sum amount of saving has been effected by a recent reduction in the subordinate staff of the office of the Director General, Posts and Telegraphs ?

(b) Is it a fact that out of that saving an improvement of pay and prospects for the Postmasters General and officers of similar status has been made with effect from March, 1930, i.e., before the modification of Fundamental Rule 22 ?

(c) Is it a fact that as a result of having the new scales of pay for the subordinate staff of that office sanctioned with effect from the 1st April, 1930, the staff will be deprived of the benefit of that rule before the modification made with effect from that date ? If so, will Government be pleased to say :

(i) what is the justification for their making this distinction by giving the benefit of the Fundamental Rule 22 to the officers on higher salaries and depriving the subordinate staff of the Director General's office of the same benefit ; and

(ii) whether the subordinate staff of the Director General's office have recently submitted petitions to the Honourable Member in charge of the Department praying for the grant of the benefit of the old Fundamental Rule 22 ? If so, what orders have been passed on their petitions ?

**The Honourable Sir Joseph Bhore :** (a) The reductions that it has recently been decided to make in the strength of the subordinate staff of the Office of the Director General of Posts and Telegraphs are being effected gradually and the full saving will only be realised after a period of a year or two.

(b) It is a fact that an improvement of the pay and prospects of the Postmaster-General and officers of similar status has been given effect to from the 1st March, 1930. There is no connexion, however, between this measure and the saving referred to in part (a) of the question.

(c) (i) As the modifications of Fundamental Rule 22 were sanctioned from the 18th of March, 1930, the introduction of the new scales of pay for the subordinate staff of the Director-General's Office which came into force from the 1st of April, 1930, will be governed by the new rule. It may be explained that the date of revision of Fundamental Rule 22 was fixed by the Secretary of State for India without reference to the Government of India and some time after the decision to introduce the revised scales of pay for these subordinates, with effect from the 1st of April, 1930, was arrived at. No question, therefore, of any distinction arises in this matter.

(ii) Government understand that petitions have been received by the Director-General from the subordinate staff of his office praying for the grant of the benefit of the old Fundamental Rule 22 in respect of their transfer to the new scales of pay. On receipt of the petitions from that officer with his remarks they will be duly considered by Government.

#### PAY OF THE SUBORDINATE STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

312. **\*Mr. Amar Nath Dutt :** (a) Are Government aware of the fact that the subordinate staff of the office of the Director General, Posts and Telegraphs, whose annual increment of pay is Rs. 6 at present and who were granted personal pay of Rs. 40 on being transferred to Delhi, will still be getting the fixed amount of emolument they are now drawing for

at least three years more whether there is revision or no revision in their scales of pay ?

(b) Is it a fact that they have to pay as house rent, etc., in Delhi of an approximate amount of Rs. 25 to 30 per month for occupying Government quarters ?

(c) What amount of net pay, after this deduction, are those officials on a total emolument of Rs. 158 drawing per month for their expenses to live upon with their families ?

(d) What net amount will such officials draw if they are in the 23rd year of their service or less, at the time of their retirement at this rate at 55 years of age ?

(e) What steps have been taken by Government to allow such officials to reach the maximum of the revised scale of their pay at the time of their retirement ?

(f) What steps have been proposed to be taken by Government to enable such officials to draw a pension of Rs. 150 per month after retirement ? If nothing has been done, do Government propose to take steps now when giving effect to the revised scales of pay which has not been given effect to as yet ?

**The Honourable Sir Joseph Bhore :** (a) and (b). If by "subordinate staff" the Honourable Member is referring to the clerical staff, the facts as stated by him are substantially correct.

(c) The net pay will vary according to the actual deductions made, but generally speaking will be about Rs. 130 per month.

(d) The information is not readily available and Government do not consider that the time and labour involved in working out the figures would be justified by the value of the result.

(e) None.

(f) None, nor in revising the scale of pay of a cadre is it the practice to take any special steps to insure that the existing staff shall all reach the maximum of the revised scale before retirement.

#### UNSTARRED QUESTIONS AND ANSWERS.

##### APPOINTMENT OF SIKHS IN THE POSTS AND TELEGRAPHS ACCOUNTS OFFICES.

138. **Sardar Gulab Singh :** (a) Are Government aware that the Sikhs are not represented in sufficient numbers in the Posts and Telegraphs Accounts offices ?

(b) Will Government please state the number of Sikhs employed in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, in the "A", "B" and "C" classes, respectively ?

(c) Will Government please state how many Sikhs have been promoted from "C" class to "B" and from "B" to "A" class during the period from 1926 to 1930 ? If a sufficient number of Sikhs have not been given promotions, are Government prepared to take steps to give the promotions to Sikhs proportionately, and thus remove the grievances

(d) Are Government prepared to recruit some more Sikhs in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, and other Posts and Telegraphs Accounts Offices if the existing number of Sikhs employed is insufficient ?

(e) Is it a fact that orders were passed by an Accountant General, Posts and Telegraphs, once that no local man should be appointed as Supervisor of Records in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi ? If so, is the present incumbent a local man ? If so, why has he been appointed superseding other senior men, as Supervisor of Records in contravention of the above orders ?

**The Honourable Sir George Schuster :** Enquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

##### SHOOTING ACCIDENT IN PESHAWAR.

139. **Sardar Gulab Singh :** (a) Is it a fact that the Chief Commissioner, North West Frontier Province, Peshawar, had after the shooting tragedy (resulting in the death of the son and daughter of Sardar Ganga Singh and severe injuries sustained by his wife) previous to the formal inquiry, declared the shooting as accidental, and if so, why did he do so, when it was also announced by him that a formal inquiry was to take place in this connection ?

(b) Is it a fact that the Chief Commissioner had announced that Sardar Ganga Singh was to be compensated, and if so, was he offered anything in cash or kind, and if so, how much ? Did Sardar Ganga Singh accept or refuse the offer, and what were the reasons for his so doing ?

**The Honourable Mr. H. G. Haig :** (a) and (b). The Honourable Member is referred to the reply given to Mr. S. C. Mitra's question No. 94 on the 15th July, 1930, from which it will be seen that this most regrettable incident was the result of a pure accident.

The Chief Commissioner on receiving the first report that the children had been killed accidentally did not consider it necessary to await the results of a formal enquiry before expressing his deep concern at the tragedy and his heart-felt sympathy with the father of the children.

(c) The Chief Commissioner promised that everything possible would be done to make amends for the accident. No compensation was specified.

##### DEMOLITION OF A TEMPLE IN HISSAR.

140. **Rai Bahadur Lala Panna Lal :** (1) Will Government please state if it is a fact that a mound known as Agroha Theh in District Hissar, Tehsil Fatehabad, was declared as a monument under Monuments Act VII of 1904 ?

(2) Is it a fact that there existed on the mound a number of *saties* and four temples ?

(3) Is it a fact that one of the temples was repaired with the permission of the Deputy Commissioner, Hissar, granted to Pandit Brahma Nandan on 2nd October, 1927 ?

(4) Is it a fact that subsequently the permission was withdrawn by the Deputy Commissioner and the temple was removed without giving any reason for that ?

(5) Are Government aware that *saties* and temples are sacred relics of *Aggarwal* and religious rites are being performed twice a year on the mound ?

(6) If so, will Government please state the reasons for demolishing the temple and are they prepared to take necessary action to restore it ? If not, why not ?

Mr. G. S. Bajpai : (1) Yes.

(2) Prior to the declaration of the mound as a protected monument under the Ancient Monuments Preservation Act, 1904, only one *Marhi* was in existence.

(3) and (4). Permission to repair a temple was granted by the Deputy Commissioner, Hissar, to Pandit Brahma Nand, but as it was discovered that the Pandit was building new structures under the pretext of repairing the temple, he was ordered not to do so ; but the temple, which was only an enclosure about four feet high, was not removed.

(5) Yes.

(6) Does not arise, as no temple or other structure has been demolished.

#### MOTION FOR ADJOURNMENT.

##### DACOITY IN AKBARPURA TOWN.

Mr. President : At 10-50 this morning I received a notice of a motion\* for adjournment from the Honourable Dr. Nand Lal. This notice of adjournment motion refers to a dacoity in Akbarpura town at 5-30 P.M., on the 22nd of June, 1930. The motion covers three pages and there was hardly any time for me to have it typed and send a copy of it to the Honourable the Home Member. I have no hesitation in saying that the manner in which this motion for adjournment has been handed to me is tantamount to an abuse of the power and right of moving motions for adjournment. I have also no hesitation in saying that the matter to which this motion refers is neither a matter of public importance, nor a matter of urgency, nor does it refer to any matter of recent occurrence. The dacoity, which is the subject of the motion for adjournment, was committed on the 22nd of June, 1930, according to the statement of the Honourable Member himself, and the Assembly had been sitting since the 7th of July, 1930. The Honourable Member, therefore, had ample opportunity of moving this motion much earlier than this.

Dr. Nand Lal (West Punjab : Non-Muhammadan) : On a point of order, may I.....

Mr. President : Order, order. There is no point of order when the President is addressing the House.

Dr. Nand Lal : Very good, Sir.

Mr. President : I have already fully and clearly stated the principles about the moving of the motions for adjournment in my two

\*Printed as an Appendix to these Debates (*vide* page 695).

previous rulings on motions for adjournment and I need not repeat the same arguments again. I declare this motion out of order.

Dr. Nand Lal : May I approach you, Sir, with my explanation ? Can I approach you with my submission ?

Mr. President : Order, order. No.

Mr. Muhammad Yamin Khan (United Provinces : Nominated Non-Official) : Can there be any suggestion after the President has given his ruling ?

#### MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, the following message has been received from the Secretary of the Council of State :

"I am directed to inform you that the Council of State has, at its meeting held on the 17th July, 1930, agreed without any amendments to the following Bills which were passed by the Legislative Assembly at its meeting held on the 14th July, 1930, namely :

1. A Bill to provide for the creation of a fund for the improvement and development of the cultivation, manufacture and marketing of Indian lac ;
2. A Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose ;
3. A Bill to amend the Indian Forest Act, 1927, for a certain purpose ;
4. A Bill further to amend the Indian Telegraph Act, 1885, for a certain purpose ;
5. A Bill further to amend the Bombay Civil Courts Act, 1863, for a certain purpose ; and
6. A Bill further to amend the Benares Hindu University Act, 1915, for certain purposes."

#### RESOLUTION RE TERMINATION OF THE CONTRACT OF THE ASSAM-BENGAL RAILWAY.

Mr. President : The House will now resume further discussion of the following Resolution moved by the Honourable Sir George Rainy on the 14th July, 1930 :

"This Assembly recommends to the Governor General in Council that, in view, firstly, of the requirements for new construction and open line works on railways which will have to be met in the course of the next ten years, and of the demands which the provision of adequate funds to meet the capital expenditure required for these projects will make on the resources of Government, and secondly of the fact that the purchase of the Assam-Bengal Railway Company's interest in the Assam-Bengal Railway will not at the present time be financially profitable, and that another opportunity for acquiring that interest will occur in 1941, notice should not be given to the Company on the present occasion of intention to terminate their contract unless it should prove possible to devise some expedient by which the purchase money can be found on terms which will neither involve the Government in substantial financial loss nor necessitate any serious curtailment in the programme of new capital expenditure required for the proper development of the railway system in accordance with the economic needs of the country."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, the other day, I was suggesting to the Honourable the Finance Member and the Government of India how money could be found to purchase this particular Railway and also the Bengal and North Western Railway when he

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comes to budget next year. Sir, the very fact that the Honourable the Member for Commerce and Railways had brought the proposition before the House shows that they are meeting with financial difficulties. When we were discussing the Railway Budget last session, I was one of those who suggested that a Retrenchment Committee should be appointed to look into the railway administration, but the Government of India thought it fit to appoint Mr. Jukes to go into the revenue and expenditure of the Central revenues. But the Government of India did not refer the Railway Department to be looked into by Mr. Jukes. I again submit, Sir, that the time has come when the railway administration should be thoroughly gone into and the retrenchment axe be applied to the railway administration. But whether Mr. Jukes would be the proper person to investigate regarding retrenchment in the railway administration or a separate committee should be appointed, that I leave to the Government of India. Knowing that my life in this House is finished with this Session, I leave it to the Government of India to find a proper way to solve the difficulty. I have received a preliminary report from Mr. Jukes in which I find that the officer has done admirable work. He gauged the situation as regards extravagance in the civil departments, but the civil departments have little money to spend and there can be hardly any real retrenchment there. We have to go into the Army and the Railways if the Government of India anticipate any saving under these heads. Sir, I suggested the methods how money could be found. I again suggest that the paltry sum of £17,000 which the Honourable the Railway Member anticipates as the loss if the Assam Bengal Railway should be purchased by the Government of India, could be really met from the surplus revenue that will come to the Government of India next year when the Bengal and North Western Railway will be purchased, because the money that will be paid, that is, £10 million and the interest that will be derived therefrom, is more than 16 per cent. and if we lose one or two per cent. on £1½ million, the 16 per cent. that will accrue on the £10 million that will be paid to purchase the Bengal and North Western Railway would amply recoup the loss. Sir, since we separated the other evening, I find there has been some agreement between this side of the House and the Government's side. Therefore I need not prolong the debate. I leave it to the good sense of the Government to understand and appreciate the feeling on this side of the House regarding the State management of Indian railways.

\*Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division : Muhammadan Rural) : Sir, I beg to move :

"That for the original Resolution the following be substituted :

"This Assembly recommends to the Governor General in Council that negotiations should be undertaken with the Assam Bengal Railway Company to obtain for Government one year's extension of their existing option to terminate the company's contract on the 31st December, 1931."

Sir, this Resolution which I have placed before the House for their consideration is entirely due to the feeling which was expressed by no less than three Members of this House regarding the principle of taking over

Speech not revised by the Honourable Member.

the English Company-managed Railways as soon as their contracts terminated. I think my Honourable friend, Mr. Chetty, raised a protest on behalf of this House for two reasons, one was regarding the first paragraph of the Resolution moved by the Honourable the Leader of the House, and secondly, to the scant treatment meted out to the Central Advisory Council for Railways, of which I happen to be a Member. Sir, I was the first to make enquiries as to why the meeting was called on Sunday and why the meeting was called after the Government of India had tabled a motion for discussion at the meeting of the Legislative Assembly. That motion, Sir, was not placed before the meeting of the Central Advisory Council for Railways for their consideration. What we got was a memorandum submitted by the Railway Board, in which the financial aspect of the Assam Bengal Railway was described. Having regard to the financial aspect of the Railway, I do not think any business man would agree to ask the Government of India to terminate their contract immediately and give notice in December, 1930. Therefore, after full consideration of the subject, the Central Advisory Council for Railways came to the conclusion that Government should try and get an option of five years instead of ten years. The first question about the Company-managed Railways, or rather the Assam Bengal Railway, which was discussed, was regarding its relation to the Acworth Committee's Report. On page 64, paragraph 208, the position of the Assam Bengal Railway is fully described and in that Report it was said that the position of the Assam Bengal Railway was exceptional. Therefore, whilst they agreed that, for the foregoing reasons :

"We unanimously recommend that the English domiciled guaranteed companies should cease to exist at the termination of their present contracts."

They have themselves pointed out :

"The position of the Assam Bengal Company is exceptional. All the other guaranteed companies earn, in the shape of their share of surplus profits, a substantial dividend above the guaranteed minimum, and their shares, even under the exceptional market conditions of the present moment, stand in the neighbourhood of par. The Assam Bengal net receipts do not even meet the 3 per cent. guarantee. The shares are consequently quoted at present at about 45. We should hesitate to advise that the Secretary of State should pay off at par in 1931 shares now standing at 45. But the company is not important, and there is ample time for consideration of this exceptional case between now and 1931. In any case, the amount at issue is not large."

Even in 1922, when this Report was signed, the Acworth Committee hesitated to recommend to the Government of India that they should immediately go in for the Assam Bengal Railway on the termination of their contract in 1931, having regard to the share price which was at 45. Today, Sir, according to the memorandum which was presented to us, the price of a share is £78. I think, Sir, it would be a great mistake, apart from the financial condition of the Government of India, that on the merits of this question this House could possibly recommend the termination of the contract. But the feeling here in this House is very strong (hear, hear) and the House, even according to my Honourable friend, Mr. Das, is prepared to recommend to the Government of India that they should incur, the paltry sum as he calls it, that they should incur a loss of £17,000 a year and take over the Assam Bengal Railway. I, for my part, am not prepared to agree with that statement, but I do realise the feeling in this House and the result of this is that I have been able to move the amendment which I have moved with the consent



[Mr. Fazal Ibrahim Rahimtulla.]

of most of the Members who have felt strongly on this subject. I think this House ought also to feel grateful to my Honourable friend, Mr. Chetty, for having advised the deletion of the first part of this Resolution. My friend, Mr. Chetty, does not wish that this Company should be taken up if its financial position is bad; but if there is any other consideration, he is not prepared to agree to the postponement, of the taking over of the Assam Bengal Railway. I think he is quite right and I am sure Government also will realise that it is an important point to be taken into consideration, and that they will agree to the amendment which I have moved.

There is one more point to which I might refer, and it is this. What is going to happen if the Assam Bengal Railway Company is not going to allow the Government of India to agree to the termination of the contract after a period of one year, that is, the 31st December, 1932? I do not think I would be prepared to recommend to the Government of India to give notice this year on the 31st December, 1930. But I would really like the Government of India to consider that, if the financial position improves, then they might, in the event of the Company refusing to allow us to exercise the option after a period of one year, as contemplated in my motion, take it over by giving notice on the 31st December, 1930. That is the feeling in the House, but personally, as a member of the Central Advisory Council, I would be prepared to request Government and I would be satisfied if they were to take the option of five years instead of ten years.

There is another reason also. According to the Acworth Committee's Report, we find that the contract with the Bombay, Baroda and Central India Railway terminates in 1941, and I do not think the Government of India would be in a position to take up two Railways in that year; and if there was a choice given, I do not think this House would hesitate for a moment to recommend the taking over of the Bombay, Baroda and Central India Railway. I therefore say that, if the Company were to be taken over in 1936, that would be a reasonable period, and by that time I think the Government of India would be in a position to take over the Railways. I hope in future such an occasion will not arise when the non-officials will have to protest against not carrying out a policy which they have laid down with the concurrence of this House, namely, the taking over of the English Companies as soon as their contracts terminate. With these words, I move my Resolution.

\*Mr. P. Venkatakrishnayya Chowdry (Guntur cum Nellore : Non-Muhammadan Rural) : Sir, in rising to speak upon this Resolution, I propose to confine myself to some of the essential points involved therein. It is a fundamental principle, accepted and recognised by every country and every national Government, that the railways should be managed by the State. (Voices : "No, no.") Mostly that is so. All these years India has been steadily pursuing that policy and the recommendations of the Acworth Committee cannot be departed from at this time. This is a matter that requires a thorough examination by the Central Advisory Council for Railways, to examine at length a proposal of this kind, so that the House

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may be in possession of more details to give its considered opinion. The Honourable Member advanced two reasons in his Resolution for not exercising the option to terminate the contract in December, 1931. In the first place, it has been said that the available money should be spent on new construction and open line works. India affords scope always for the extension and development of railways. Always money is to be found for the construction of new railways when such is the case. There is no justification why Government should not immediately purchase the Assam Bengal Railway when the contract terminates. We have to pay 1½ million pounds; the net income of the Company is only £73,000. According to the Honourable the Commerce Member the profit is only Rs. 3½ lakhs. My Honourable friend, Mr. Matin Chaudhury, says it will be about 4 lakhs. My Honourable friend, Mr. Das, has asked a pertinent question as to why money cannot be raised in India. I am sure the Honourable the Finance Member will not find it impossible to raise this loan in India, even at less than 6 per cent. In view of the prospective gains accruing by purchasing this Company, and in view of the fact that a large amount can be saved by the abolition of the Board of Directors in London, Indianising the services and stopping for a time the construction of feeder lines, it is but wise and proper that Government should risk the small loss anticipated by it in purchasing the Assam Bengal Railway. It is not every commercial undertaking that is paying Government. There are a thousand ways in which the poor tax-payers' money is wasted by the sins of omission and commission on the part of Government. Where then is the objection to purchasing the Railway, which in course of time will become a paying concern, and even if it does not pay, it would not very much matter, as it is a line intended for purely strategic purposes. Both on the capital and profit side it is necessary that the contract should be terminated and the principle of Indianising the railways adopted. Viewed from every point, it is not very unwise to invest 1½ million pounds in purchasing this Railway. Supposing the Company is running the Railway at a loss, why is it anxious to have another lease of life for ten years? The Honourable the Finance Member and the Commerce Member will see their way to appreciate the position advanced on this side of the House and exercise the option of terminating the contract in December, 1931. In this connection I venture to suggest that there are several lakhs of rupees in the hands of the local bodies in this country invested in Co-operative Societies at 4½ per cent. in the shape of railway cess. Why should not the Government of India borrow that available money, which is intended for the opening of new railways? They may get it even for 5 or 5½ per cent. In this case the investment will be a sound one and the purpose for which these funds are intended will have been largely realised.

The essence of this amendment is this, namely, that if it is not possible to purchase this Railway in December, 1931, the conditions of the contract may also be altered so as to exercise the option in 1932. An extension for one year may bring into existence favourable conditions when the option to terminate the contract may be exercised. Therefore when people are already disgusted with the most un-national aspect of several undertakings of the Government, and when they sincerely believe that the Imperialistic ambition of England has been the chief factor in contributing to the economic serfdom, agricultural indebtedness, and above all, to the present political unrest in this country, it is but just and proper on the part of Government to take immediate steps to purchase the Assam Bengal Railway.



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Lastly, let me make a fervent appeal to the Honourable the Commerce and Finance Members to view this question from the broad nationalist point of view, ignoring for the present the profit side of the question, and yield to the rational demands of the people. In doing so Government will be avoiding the further alienation of the sympathies of the people. On these grounds, Sir, I support the amendment of Mr. Fazal Ibrahim Rahimtulla, which is identical with the motion of which I myself gave notice.

**Dr. Ziauddin Ahmad** (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I would have very much liked to oppose this Resolution, but I know that in the Assembly as it is now constituted, it is impossible to carry a motion against the wishes of Government. So I accept what is the second best and support the amendment as it now stands. This question of the relative importance of the Company and the State-managed Railways was discussed at the Delhi Session of the Assembly. I admit that the Company management in England is working very efficiently, but there are special circumstances in India on account of which it is essential that we should have State-managed Railways. Among the arguments I advanced at the last Session, with your permission, I would like to repeat three important ones. The first was that the central administration in India is not located in the country but it is situated five thousand miles away, and therefore is not in direct touch with the management. Secondly, there is no competition in India, such as exists between various lines in England ; and the third is that the Company does not care so much for the comforts of the people as it cares for obtaining maximum profit at minimum expenditure, regardless of the comforts of the people. Besides these, there are other arguments on account of which I supported State management in preference to Company management. These facts were thoroughly discussed by the Acworth Committee, and they recommended as follows in paragraph 207 of their Report :

“ For the foregoing reasons we unanimously recommend that the English domiciled guaranteed companies should cease to exist at the termination of their present contracts.”

This was the unanimous recommendation of the Acworth Committee, and I think it is very desirable that their recommendations should be followed.

The argument brought forward by the Honourable Member is that the Assam Bengal Railway is not running profitably. Of course, when we have determined to follow a particular policy, the question of profit ought not to come in. May I ask the Honourable Member whether the railway line between Peshawar and Lundi Kotal is a profitable line ? It was certainly not built for commercial reasons, but in pursuance of a certain policy.

**An Honourable Member** : That is a strategic line.

**Dr. Ziauddin Ahmad** : Still it is not a profitable line ; it was built in pursuance of a certain policy. We have adopted a definite policy that the railways should all be State-managed, and it does not matter whether a certain railway shows a profit or loss.

Now, the Acworth Committee recommended what the Honourable the Mover of this amendment has quoted : they say that, “ There is ample time for consideration of this exceptional case between now and 1931 ”. I

should like to know what the Government have been doing during the last nine years. They now come forward—not at the eleventh hour, but at the eleventh hour and 59.9th minute—because this is the very last day of the life of this Assembly, to discuss this very important question, which as a matter of fact they ought to have discussed during the last nine years. At the time the Acworth Committee wrote their Report, the shares of this particular Company stood at 45. Was it not possible for the Government to purchase, during this interval, these shares at this lower rate ? Even to-day the price, as pointed out by the Honourable Member, is 78. May I ask the gentlemen who are accustomed to stock exchange, is it possible for the shares of any Company to stand at 78 if there is a reasonable chance of their being purchased at par a year later ? From this I conclude that there must have been some kind of understanding between the Directors of the Company and the Government to the effect that this Company management would be allowed to go on for some time longer : otherwise it is impossible that the shares of the Company would have stood at 78 just a year before the Government was to purchase them at par. ....

**Mr. A. A. L. Parsons** (Financial Commissioner, Railways) : On a point of explanation, Sir, may I say that no communications have passed between the Government and the Home Board of the Assam Bengal Railway Company on this question at all ?—no communications of any sort, verbal or written.

**Dr. Ziauddin Ahmad** : I take it from the Honourable Member that there was no official correspondence between the Railway Board and the Company ; but at the same time this is a thing to be taken note of by persons who are accustomed to the stock exchange business—as to how a share can stand at 78 if it is going to be purchased at par the following year : I leave it at that.

I should like to know whether the Government, during the last 8 or 9 years, ever considered this problem of the purchase of the Assam Bengal Railway, which the Acworth Committee so strongly advocated. Have Government appointed any committee ? They never considered the question, and at the last minute they come to the Assembly and advocate that the time should be extended for another period of ten years. Now, the chief reason that has been brought forward in support of this Resolution is that the Government have got no money, and whatever money there is should be spent on more useful purposes. May I draw the attention of the Honourable the Finance Member to another recommendation of the Acworth Committee. They say :

“ Direct Government loans bearing a fixed rate of interest appeal to a certain section of investors, but apart from these, there are other, and we believe more important, class of investors who are attracted by a lower rate of guaranteed interest coupled with the prospect of a share in the surplus profits of the railways ; the shares in companies such as we recommend should be formed in 1924 and 1925 will offer attractive investments to such lenders.”

Now, may I ask whether any action was taken by the Government on this recommendation of the Acworth Committee ? Have Government ever proposed to raise a loan guaranteeing 3 per cent. interest, which they are guaranteeing to the Assam Bengal Railway, and participation in the profits ? Had the Government taken action in 1924 and 1925 according to the recommendations of the Acworth Committee and exhausted their resources

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of raising funds, then it would have been reasonable for the Honourable Member to come to the Assembly and say "We tried our best to raise a loan and to carry out the recommendations of the Acworth Committee, but we failed, and therefore we now recommend that this period should be extended by another ten years." No such attempt was ever made. Instead, at the last moment they now come forward and ask the Assembly to sanction the extension for another period of ten years—which is now reduced to one year and which is also very doubtful because it is left to the sweet will of the Directors of the present Company.

Sir, the plea of want of funds is a plea which I can never believe as far as the Railway Department is concerned. They have got money to bury one crore of rupees in the railway station at Cawnpore; they have got funds to bury 87 lakhs of rupees in the railway station at Lucknow; they have got funds to bury Rs. 3½ crores in the Kalyan Power House; and they have got funds to the extent of Rs. 30 crores—not a very small amount—invested in something which they cannot explain. Last time when I asked a question about the manner of investment of Rs. 30 crores, which is now in the Reserve Fund and Depreciation Fund, I was given a very poor reply. I asked whether the permission of the Auditor General was obtained; and the Honourable Member could only tell me that the Auditor General was informed. This did not satisfy me. We want definitely that his permission should here been obtained and he ought to have certified that that was really the best way of investing the money. The very fact that he was merely informed shows that the Government are not working with a clear conscience; otherwise they would certainly have got the whole of that amount properly audited and the Auditor General's Report ought to have been laid before this Assembly.

Sir, I am not merely referring to the details of the administration, but I am discussing the policy of capital expenditure. In this case I think the Railway Board are exceedingly weak; they do not have any sound principles of expenditure so far as capital expenditure is concerned, and it is very important to have some kind of system by means of which their capital expenditure may be controlled. I admit that the Members of the Railway Board are great experts in the details of the administration of the railways, but it very often happens that a person who has got a very detailed knowledge of a thing is most incompetent to consider fundamental changes in the Department, and therefore it is desirable that we should get some financial experts, either from other Departments of the Government of India, or possibly from Home, who might advise the Government to lay down a sound policy for the Railway Board to follow about capital expenditure. They ought to invest their Reserve Fund as also their Depreciation Fund in a proper manner. They ought to float loans whenever they find it necessary to raise money, and control their capital expenditure in a proper manner, and they should not invest large sums of money at their own sweet will and pleasure in unremunerative undertakings and then give up one of the most important questions of policies on the ground of expenditure.

Sir, finally I would like to emphasise the fact that any loans which the Government may float in this country for the purpose of railway development will receive every possible support in this country, and any sum

which they may be in want of will be oversubscribed even in this country. With these few words, Sir, I support the amendment.

**Sir Cowasji Jehangir** (Bombay City : Non-Muhammadan Urban) : May I suggest, Sir, to the Honourable the Leader of the House to make a statement whether he will accept this amendment, because I think it will curtail the debate considerably?

**The Honourable Sir George Rainy** (Member for Commerce and Railways) : I think my Honourable friend the Finance Member proposes to speak, and it might be to the convenience of the House, Sir, if he were allowed to speak.

**Dr. Nand Lal** (West Punjab : Non-Muhammadan) : If other Members desire to take part in the debate, are they to be prevented from speaking, Sir? Is there any rule or is there any order to that effect?

**Mr. President** : No. The Honourable Sir George Schuster.

**The Honourable Sir George Schuster** (Finance Member) : Sir, as you have called upon me, I take the opportunity of intervening in the debate at this stage. Possibly when this House has heard what I have got to say, they may desire to give expression to a general opinion that the debate should be closed.

I may say at the outset, to make the position of Government clear, that the Government are prepared to accept the amendment which has now been moved, but a good deal has been said on financial policy in the course of this debate, and I should have thought it necessary in any case to intervene and make quite clear the position of Government on those points that have been put forward. It becomes all the more necessary that I should make Government's position clear on these points, now that Government are going to accept this amendment which has been moved.

Sir, I find myself in some difficulty in dealing with all the various points that have been raised, for I do not wish to take a very great deal of the time of the House, and if I were to deal fully with all those points, I should have to enter into long explanations of the whole financial position. I will try, Sir, to be as brief as possible.

I must, at the outset, express my view that it is both natural and right that in debating a question of this kind the financial position of Government should be brought up, for personally I have always held that, in spite of the so-called separation of railway finance, railway matters and particularly the question of capital expenditure on the construction of new lines or on the purchase of existing lines, railway policy on these matters has such an intimate connection with the general financial position of Government that railway policy and financial policy cannot be discussed or kept in water-tight compartments. They must be discussed together and both must be kept in view if sound decisions are to be reached. That, Sir, is a doctrine which I know is held by many of my Honourable friends opposite, who have taken part in this debate, and if there has been any suggestion in their speeches that they desire Government to take every opportunity to purchase Company-managed

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lines regardless of the effects on the general financial position of Government, I do not really believe that they wish to push the argument to any unreasonable or unconditional conclusion, but rather that they were actuated by a desire to leave Government under no misapprehension as to the strong feeling of the House on these matters. If they wished to go further than that, I should be tempted to presume to offer them a word of advice, or perhaps rather to sound a note of warning, to the effect that when perhaps in the course of time they come to change the role of irresponsible critics for the responsibilities of Government which they are so anxious to assume, and of which I personally should be so willing to divest myself (Hear, hear.) they will find that attractive principles cannot always be applied regardless of facts. Sir, we have got to face facts in these matters, and unfortunately many of these facts are beyond our own control. My friend, Mr. B. Das, with his accustomed ingenuity, has suggested various means for evading the facts which my Honourable colleague has quoted as affording obstacles in the way of an immediate purchase. He suggested, in the first place, that we might utilise our share of German reparation receipts to finance this purchase, but as this House knows full well, as a result of the clause which was inserted in the Finance Bill of this year, those German reparation receipts now go into our current revenue and are necessary for the balancing of our Budget. We rely on them already for other purposes.

Another speaker, I think, suggested that we might use the Railway Reserve Fund, but that fund is also ear-marked for a special purpose. It is a reserve for the existing undertakings, and even theoretically, it ought not to be regarded as available for the purchase of additional Railways. From a practical point of view of course the suggestion has even less value, because, as all Honourable Members know, the Railway Reserve Fund is merged in the ordinary balances of the Government, and therefore Government themselves would have to find the money and there would be no solution of the practical difficulty. In fact as regards both suggestions, we are face to face with the inexorable facts that if we use any of our existing resources for this purpose, those resources will not be available for other purposes for which they are already pledged.

Then, again, my friend Mr. B. Das says, and the question has been repeated this morning, why need you borrow money in England at 6 per cent. when you can obtain it in India at a very much lower rate? I am afraid again that it is a suggestion which is of little practical value. There are two points. In the first place, if Honourable Members will refer to the existing quotations for rupee securities, they will find the rates prevailing are not so very much lower than on our sterling securities in London, and the amount of saving to be effected by borrowing money in India would not be very great. But, Sir, there is another difficulty of a more practical nature. We have to find this money in sterling. If we borrow in India we have to borrow in rupees. Therefore, if the proceeds of an Indian loan are to be of any use, I have to convert those rupees into sterling. The question is, can I do it? That, again, brings me face to face with another of these inexorable facts. To answer that question fully would take me into the whole controversial field of currency policy and

the question of sterling borrowing. I do not wish to enter into that field to-day, but I may explain the position quite simply. The amount of rupees that we can convert into sterling depends primarily on the balance of trade. If there is a favourable balance of trade, if India's exports exceed India's imports by Rs. 60 crores in any year, then, if no other factors intervene, India can convert the Rs. 60 crores into some form of foreign currency. But there are other demands on that surplus balance. In the first place, as all Honourable Members know, a very large amount of gold and silver is imported by India every year. I have always said that if the Indian public would change their habits and would start the habit of investing their savings not in precious metals but in productive undertakings, India could raise by internal loans all the capital that she requires, both to buy up these foreign companies and to buy locomotives and rails and other materials which so far have to be purchased abroad. But we have not reached that stage yet, and at the moment, as every one knows, there are special factors which have intervened to make difficult the exchange position,—forces, which are perhaps directed by a desire to embarrass the Government, but which I think have resulted in starting a process which threatens rapidly to ruin those who have set those forces at work.

I do not wish to dwell on this point now, but as regards my Honourable friend Mr. Das's suggestion, I will only say this, that, as things are now, it would be an extremely unsound financial policy for the Government to commit themselves to find sterling funds for capital expenditure without providing themselves with external capital to meet them. For our current requirements our position is secure and sound and I anticipate no difficulty; but when capital expenditure is concerned, we should only be weakening our position if we undertook to make payments in foreign currency without borrowing foreign currency to meet them. That, Sir, is a sufficient summary, I think, of the present situation.

I would turn now to the arguments advanced by my Honourable friend, Mr. Chetty. His points, I think, were briefly as follows. He said, "You ought not to force the Assembly to take a decision now. We have not had time to consider the matter". He then went on to develop a very practical line of argument. He admitted, I think, that the special financial difficulties which exist at present were great and that for that reason it might be very disadvantageous to attempt to raise money now. But he said, "You only have to find money by the 31st December 1931, and by that time things might be better. Therefore you ought not to lose that opportunity". I think, if I remember his words correctly, he said, "If good sense prevails, conditions may be better by the end of 1931". Sir, I echo those words, "If good sense prevails". That is the great need of the country to-day, and I venture to agree with my Honourable friend that, if good sense would really prevail and if all the forces which are now opposing Government would work with us for the common good, then, with that joint effort Indian credit could be restored to its former level and even above it. And, if, on top of this, again, as part of that joint effort, Indians would, for patriotic purposes, join in taking special courses—if, for instance, Indians were prepared to release a part of their own gold holdings in subscriptions to a railway loan, all the exchange difficulties would disappear, foreign borrowing

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would be unnecessary, and the country could indeed carry out that policy which Honourable Members have so much at heart.

Sir, I do not wish, as I have said, to enter upon a controversial field, but, as I contemplate the difficulty and the distress into which the country is now plunged, I cannot refrain from some comment on how things might have been. My Honourable friend Mr. Chetty has asked us to take into account the hope that they may be better in the future. I am oppressed by the certainty that they could have been infinitely better at present if these disturbances had not been started. I venture to say that Bombay at least would have been enjoying a boom this Summer; the cotton mills with the new protective duties would have been prosperous, Government's reduced borrowing programme would have encouraged confidence in Government securities, and we should have seen a rise of at least five points all round. The banks then would have recovered the losses which they have been suffering on capital depreciation in their holdings of Government securities during the last few years, and a general feeling of confidence and cheerfulness would have prevailed. With confidence restored in the good sense of the country, I should not have been forced to borrow in London at the rates which have recently been necessary, and we could have undertaken a purchase of this kind without any disturbance at all in the Government's financial position. Sir, let Honourable Members look upon that picture and upon this which is before us now.

Sir, I do not wish to say any more on the general position. I have informed the House that the Government are prepared to accept this amendment, but as I said at the beginning, I wish to make perfectly clear what the Government's position is in the matter. It may be, indeed I pray that it will be, as my Honourable friend has suggested, that things will be better next year. But I would remind the House that we shall then be face to face with the need for a decision on the purchase of the Bengal and North Western Railway. This purchase, on which Government have to give notice by the end of December, 1931, will involve a sum of about £12 millions, and the two propositions will then have to be considered together with all the other needs of the Government. Now, if we can succeed in obtaining this period of delay for a decision as regards the purchase of the Assam Bengal Railway, I think that it will be a very fortunate result, for I think it is entirely proper that these two propositions should be considered together. I can give this undertaking to the House—that we on our side will do our utmost to find ways and means of giving effect to the desire which I know is felt so widely for the purchase of the Railways. But we are not in control of those inexorable facts to which I have referred. We must now face the fact that our financial position next year will not be as good as I hoped it would be when I brought forward my budget proposals at the last Delhi Session. We must face the possibility of a deficit as a result of the present subversive campaign, and we cannot look with great confidence now to the Government's possession of surplus funds next year. Then we have other needs to consider. We cannot devote all the capital resources of the Government to railways. We have to consider irrigation projects, projects to which we are already committed and which we have to find money to finance. I would venture to remind

Honourable Members that the Government of India carry this very responsible position of acting as a banker to all the provinces. As their banker I cannot refuse, for example, to find funds next year for completing such a scheme as the Sukker Barrage Scheme. Or, to take another example, I cannot refuse to find funds for helping the province and State concerned—the Bahawalpur State—to finance the Sutlej Irrigation Scheme. My hands are tied in these matters. These are the facts which I have to face, and, all these propositions must be considered together. At the same time, for that very reason, and for the reason that there is still hope that things will improve, I personally welcome this appeal which has been made, and, as I have already said, we will do our best to meet the wishes of Honourable Members and we will not abandon hope.

I might indeed sum up the position by saying that this Resolution has been brought forward in a spirit of hope and this induces me to remind the House of the old legend from Greek mythology of Pandora's box;—how Zeus, desirous of punishing the world for the theft of fire by Prometheus,—(might I perhaps compare this to the seeds of self-government now sown in India), gave Pandora a box, with the warning that it should not be opened, as it contained all sorts of evils. But the box was opened; and famine, war, pestilence and evils of all kinds were let loose on the world. But one, looking into the box afterwards found that the lid had been closed before all its contents had escaped and there still remained crouching in a corner a single small figure—the figure of Hope. Sir, let us accept this Resolution in a spirit of Hope and feel that, even in these material matters, spiritual influences can help us and spiritual interests are involved.

**Dr. Ziauddin Ahmad :** Will the Honourable the Finance Member reply to the points I raised for not giving effect to the recommendation of the Acworth Committee to raise money at lower guaranteed interest and participation in profit?

**Rai Bahadur S. C. Dutta** (Surma Valley *cum* Shillong : Non-Muhammadian) : Sir, whatever may be the policy adopted on the basis of the Resolution before the House, I wish to bring to the notice of Government some problems connected with the purchase of the Assam Bengal Railway and the interests of the people of the localities served by the Railway. I am not going to enter into a discussion of pounds, shillings and pence and I am speaking as one who has seen the working of these Railways since the time they were started. Although in the memorandum which Government have circulated, they describe this Railway as very economically managed, I cannot describe it as very efficient. The railway management might be considered very economical in so far as the pay of the Indian staff is concerned, which is very low. The usual facilities for passenger traffic are absent, such as, accommodation in waiting rooms. There is no platform in any of the stations, and the railway compartments are in a bad condition. Since the pay of the staff is so very low, from the very nature of the case, the management cannot be efficient, and therefore cannot be economical also.

**Mr. President :** Order, order. I think the Honourable Member is not confining his remarks to the point at issue. The questions which he has raised are not relevant to the subject at issue. We have got nothing to do with the management of the Railway here.

**Rai Bahadur S. C. Dutta :** The point is this—whether the Railway should be nationalised or not. It is not right that we should look at the question from the financial point of view only. We must also consider the efficiency of the services rendered by the Railway. That is the point I am emphasising. I say that, although it may be said that the Railway is working at a loss, it cannot be said that the same loss will continue after the Railway is taken up by the Government. I shall give a few reasons. This is a railway passing through hill sections and touching the borders of certain tea plantations that are within the hills, so that in many places the main line avoids the thickly populated tracts. The result is that the income of the Railway cannot be good, unless it is fed by branch lines. The opening of branches has been begun only very recently and the income is coming in and the prospects are improving.

**Mr. President :** Order, order. The discussion on a Resolution must be confined to the subject of the Resolution and I cannot allow the Honourable Member to wander about discussing questions which are not strictly relevant to this motion.

**Rai Bahadur S. C. Dutta :** What I am pointing out is that as soon as the Railway is acquired, it will become profitable.

**Mr. President :** You are saying that in a very round about way.

**Rai Bahadur S. C. Dutta :** I am pointing out that the income is low because the staff is ill-paid and the management is not efficient. Apart from the question whether the Railway is run at a profit or not, the efficiency of the services has also got to be considered from the point of view whether the Railway should be nationalised or not. Efficiency in the services rendered is also an object of nationalisation. Now I have already said that the various facilities enjoyed by persons who are in the service of the State Railways are not enjoyed by the employees of this Railway, and what I complain of is these short-term contracts with railways, as they stand in the way of improvements being effected on the railways concerned. Here is a contract. It will be renewable after ten years only and it is now proposed to shorten it to five years. Well, for these five years no improvements can be effected since the Railway Board on that account will be unable to insist the Railway Company undertaking these improvements. But the important point is that, if there are more improvements effected, more income will be earned thereby if the Railway is taken over. I will finish now by referring to one important problem connected with this Railway. There is a crying need for improvement which cannot be satisfied unless the management of the Railway is taken over by Government forthwith. Some Honourable Members may know that the main line in some places and some of the branches pass across valleys as dams.

**Mr. Arthur Moore (Bengal : European) :** On a point of order, is the Honourable Member, Sir, supporting or opposing the Resolution before the House?

**Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) :** Mr. Dutta, you close your remarks. Don't take any notice of the interruption.

**Rai Bahadur S. C. Dutta :** Yes, I am closing my remarks. Now these railways act as a dam across the valleys and thereby cause abnormal floods, and there was a disaster in the districts of Sylhet and Cachar in the last rains. In the railway embankment there was a difference of several feet of water from one side to the other. The houses of people living on the other side went under, there was a loss of several lives; there was great destruction of cattle and of crops, and there was a great disaster and widespread suffering and distress in connection with which charitable people throughout India made contributions for which the people of this valley are deeply grateful. And an attempt was made for instituting an inquiry to ascertain whether the railway embankments in their present state caused and intensified the effects of floods causing loss of life and cattle and whether there should not be more bridges and the spans of the existing bridges should not be widened. Well, a board of inquiry was constituted.....

**Sir Hari Singh Gour :** All these details you can bring out in your speech at the time of the Railway Budget.

**Rai Bahadur S. C. Dutta :** Well, I am just finishing. Well, that Committee visited that place and made a preliminary investigation, but at that time the water was already greatly subsiding. On that Committee was also an Engineer of the Assam Bengal Railway. That Committee met the members of the non-official Flood Relief Committee, of which I was the Vice-President. (Applause.) Well, we found from the discussions that although the railway embankment was high enough for the purpose of protecting the line from abnormal floods, the Railway could not undertake to provide for the passage of water in such abnormal floods.

**Mr. President :** The Honourable Member should now close his remarks.

**Rai Bahadur S. C. Dutta :** I will just now conclude my remarks. The position of the Railway Company was stated to be that they could not undertake so to widen the span of the bridges and to open new bridges, as suggested by our Committee, because it was not their business to allow for water in times of abnormal floods but only for normal floods, and what they allowed for were simply certain bridges over the rivers and certain channels, forgetting altogether that these were not the only channels for the passing of water in times of flood, but there are waters surging round and round for miles and miles when the whole country is under water. So I submit to this Assembly that these are problems connected with this Railway that cannot be satisfactorily solved as long as the Railway is under company management, and it is for this reason imperatively necessary that the Railway should be taken over by Government at once. With these remarks, Sir, I sit down.

**Mr. Arthur Moore :** I move that the question be put.

**Several Honourable Members :** The question may be now put.

**Mr. President :** The question is that the question be now put.

The motion was adopted.



Mr. President : The original question was :

"That this Assembly recommends to the Governor General in Council that, in view, firstly, of the requirements for new construction and open line works on railways which will have to be met in the course of the next ten years, and of the demands which the provision of adequate funds to meet the capital expenditure required for these projects will make on the resources of Government, and secondly of the fact that the purchase of the Assam Bengal Railway Company's interest in the Assam Bengal Railway will not at the present time be financially profitable, and that another opportunity for acquiring that interest will occur in 1941, notice should not be given to the Company on the present occasion of intention to terminate their contract unless it should prove possible to devise some expedient by which the purchase money can be found on terms which will neither involve the Government in substantial financial loss nor necessitate any serious curtailment in the programme of new capital expenditure required for the proper development of the railway system in accordance with the economic needs of the country."

An Honourable Member : The Honourable Sir George Rainy, Sir, has not replied.

The Honourable Sir George Rainy : I do not wish to exercise my right of reply, Sir.

Mr. President : Since which the following amendment has been moved by Mr. Fazal Ibrahim Rahimtulla :

"That for the original Resolution the following be substituted :

"This Assembly recommends to the Governor General in Council that negotiations should be undertaken with the Assam Bengal Railway Company to obtain for Government one year's extension of their existing option to terminate the company's contract on the 31st December, 1931."

The question I have to put is :

"That for the original Resolution the following Resolution be substituted :

"This Assembly recommends to the Governor General in Council that negotiations should be undertaken with the Assam Bengal Railway Company to obtain for Government one year's extension of their existing option to terminate the company's contract on the 31st December, 1931."

The motion was adopted.

Mr. President : Gentlemen, we are now at the end of our labours. This is not only the last day of this brief but crowded and important Session, but also the last day of the sittings of this Assembly. Before I announce the adjournment of the Assembly *sine die*, I would request the Honourable Members to do me the honour of coming and shaking hands with me after the Assembly is adjourned. The life of the Assembly will come to a close at the end of this month and we do not know how many of the Honourable Members present in this House to-day will again come to the Assembly. I wish them all good luck in their election campaign.

(Mr. President then shook hands with the Members present.)

The Assembly then adjourned *sine die*.

## APPENDIX.\*

Notice of a motion for Adjournment given by Dr. Nand Lal for the meeting of the Legislative Assembly on the 18th July, 1930, regarding a Dacoity in Akbarpura Town.

"To

The Secretary,

Legislative Assembly.

The undersigned begs to ask for leave to make a motion, under section 45 of the Manual of Business and Procedure, for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance and, consequently, he hereby, leaves under section 46 of the aforesaid Manual, with the Secretary the following written statement of the definite matter of urgent public importance as described and mentioned below :

1. That some forty dacoits entered Akbarpura town at 5-30 P.M. on 22nd June, 1930.
2. That they, namely, the dacoits or raiders, were in full military uniform and armed with small short rifles. Their officers had axes and hammers also, which they used in breaking open the ironsafes and doors.
3. That after entering the town they shut up the gates and *morchas* (picketing) were set up there (namely, at the gates).
4. That rest of the raiders, namely, other than those who were posted as *morchas*, entered in the Bazar. Thereupon the shop-keepers commenced shutting up their shops. The robbers then satisfied the people that the former were of the Border Police and had come for the protection of the town and that the latter need not fear.
5. That since the robbers were in the Border Police uniform, the people believed them and, consequently, there was an exchange of compliments.
6. That a short time after the aforesaid courtesies the robbers began to fire in the air and loudly said that they had, in fact, come to loot the Hindus only.
7. That the Hindus, in the circumstances, were taken by surprise and felt utterly helpless.
8. That thereupon the robbers caught hold of Lalas Kanshi Ram and Ganesh Das and forcibly compelled them to point out shops. Both of these Hindus were beaten by the robbers.
9. That therefore some of the Hindus entered their houses and began firing in their self-defence. Thereupon the robbers openly threatened the Hindus that if any of the raiders were wounded, then all of the Hindus would be murdered and the village burnt.
10. That at this critical moment, Lalas Kanshi Ram and Ganesh Das, who were in the custody and control of the raiders, in order to save the lives of the Hindus, advised them to discontinue firing. The Hindus, in the circumstances, felt compelled to stop it.
11. That the raiders, thus, began to loot, the ironsafes were broken and cash taken away. In addition to cash the raiders took away clothing from the shops of the piece-goods merchants. They took away valuable ornaments and clothing from the houses of four Hindus.
12. That there is a Punitive Police Chowkey about half a mile from the town but none turned up on the occasion of loot, though they came subsequently.
13. That on the morning of 23rd June, 1930, when the police came, the injured and aggrieved Hindus stated the sad tale of their woes and details of their losses, which approximately amounted to Rs. 36,262.
14. That the Hindus, on the arrival of the Senior Superintendent of Police on the spot and after having given details of the dacoity, prayed for protection, but the aforesaid officer said that they might go to Karimpur and Andarsher, Peshawar City. This taunt added insult to their injury.

\*Vide p. 678 of these Debates.



15. That this daring dacoity, as described above, goes to show lawlessness in the place, namely, Akbarpura, which is only about 9 miles from Peshawar and 18 miles from Nowshera.
16. That a report about the raid was given by telephone before 7 P.M. and the dacoits remained there up to 8-30 P.M. but no one turned up to help in time. The dacoits went scot-free. Had they been pursued they or some of them would have been caught red-handed.
17. That it is the first instance that the dacoits looted in broad day-light and reached back their destination (ex-border territory 26 miles from Akbarpura or other place), namely, their homes safely even without being pursued. It is thus a definite matter of public importance.
18. That there is no Provincial Council in the North West Frontier Province in which the scene of dacoity is situate. The local authorities concerned and the Local Government have not, as yet, taken any effective measure to redress the grievances of the Hindus. They have not, up to now, taken any suitable and satisfactory step to extend the desired protection to them, namely, the Hindus. They waited up to now for such measure and such steps.

The Hindus of Akbarpura, being thus disappointed and being in danger, and there being fear of recurrence of such like raids, the matter deserved to be brought to the notice of this Honourable House.

The circumstances and the incident, mentioned and described above in paragraphs 1 to 18, constitute a definite matter of urgent public importance which is also recent, the undersigned thus begs to give notice that he begs for leave to make a motion for an adjournment of the House of the Assembly for the purpose of discussing it, namely, the aforesaid recent and definite matter of urgent public importance and is primarily concerned now with the Government of India, today.

Sd. NAND LAL, M.L.A.,

18th July, 1930.

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